

ORDINANCE NO. 11-98

ROLL CALL

VOTING	YES	NO
MAYOR DALE R. BARNEY <i>(votes only in case of tie)</i>		
SHERMAN E. HUFF <i>Councilmember</i>	X	
LILLIAN J. SHEPHERD <i>Councilmember</i>	X	
THORA L. SHAW <i>Councilmember</i>	X	
CLYDE A. SWENSON <i>Councilmember</i>	X	
EVERETT KELEPOLO <i>Councilmember</i>	X	

I MOVE this ordinance be adopted: Councilmember Swenson

I SECOND the foregoing motion: Councilmember Kelepolo

ORDINANCE 11-98

AN ORDINANCE AUTHORIZING THE PUBLIC WORKS DIRECTOR TO ENFORCE THE PROVISIONS AS OF THE SPANISH FORK CITY MUNICIPAL CODE DEALING WITH STREETS AND SIDEWALKS AND GENERAL CONSTRUCTION

WHEREAS, Spanish Fork City has enacted various ordinances dealing with construction activities in order to maintain safe and useable streets and sidewalks, and

WHEREAS, the City Public Works Department Personnel are the individuals usually observing any violations and working with the responsible parties to correct the violations; and

WHEREAS, various of the responsible parties have remained noncompliant after being requested to correct the violations; and

WHEREAS, the Public Works Department has heretofore lacked enforcement ability to

correct the violations; and

WHEREAS, in order to maintain safe streets and sidewalks, immediate enforcement authority needs to be granted to the Public Works Department;

NOW THEREFORE be it ordained and enacted by the Spanish Fork City Council as follows:

I.

Section 12.04.030 is hereby amended to read as follows:

12.04.030 Obstruction of Sidewalks or Streets.

A. Every person who obstructs any sidewalk or street within the limits of this City, in any manner, so as to obstruct the free travel thereon is guilty of a Class C Misdemeanor. Any person or organization desirous of barricading or otherwise obstructing a street or sidewalk for such purposes as sidewalk sales, celebrations, carnivals, and such other activities as may be approved by City Council, may obtain a permit from the chief of police to so obstruct the sidewalk and/or street for a specified period of time in order to engage in the specified activity. Any such person or organization so obtaining a permit shall be liable to the City for any injury to person or property which may occur as a result of the obstruction and shall hold the city harmless from any such liability. The permit required by this section shall be in addition to any permit required by the State of Utah or any other governmental entity.

B. A person is guilty of a Class C Misdemeanor if he or she excavates or digs in or constructs any object or structure, places or causes to be placed any sign, billboard, or display, or any object of any kind or character whatever in, over, or across any property belonging to the city including but not limited to the following; rights-of-way, utility poles, sidewalks, streets, roads, sewers, ditches, culverts, gutters, pipelines, and conduit; provided that any such conduct shall not

be unlawful if such a person obtains prior written permission for his or her acts from the City Council.

C. Any sign, billboard, display, or other object prohibited in paragraph B which has been placed without prior written permission from the City Council, may be removed by the City, under the direction of the public works director or designee, without prior notice. Any cost incurred by the City may be assessed against the person, corporation, or other entity responsible for the improper placement. Any legal action required to collect those costs will also obligate the responsible party for attorney's fees.

II.

Section 12.04.040 (C) is hereby amended to read as follows:

Section 12.04.040 Depositing Material on Streets and Sidewalks Prohibited.

C. For any new construction, the contractor shall be responsible for the acts of his/her subcontractors, suppliers, independent contractors, employees, or other person on the site or near the premises at the bidding or invitation of the contractor who violates any provision of subparagraph (A). Such contractor shall not be criminally liable, but shall be civilly liable and shall be subject to a work stoppage imposed by the Spanish Fork City building inspector until such conditions are rectified. In the event of an immediate safety concern, the city may proceed to clean up the debris or other items without notice, and bill the same to the contractor. The cost may be deducted from any bond or deposit posted by the contractor.

III.

Section 12.04.060 is hereby amended to read as follows:

12.04.060. Violation-Penalty.

A. A person is guilty of a Class C Misdemeanor if, by act of commission or omission, he or she violates any provision of this chapter. Each day of a continuing violation shall be considered a separate violation.

B. A person violating any provision of this chapter shall receive a minimum mandatory fine of not less than \$250.00 per violation.

C. In addition to any police officer, the City Public Works Director or, up to five of his/her designees are authorized to issue citations for any violation of this chapter, but not for violation of any other chapter.

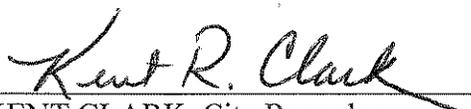
IV.

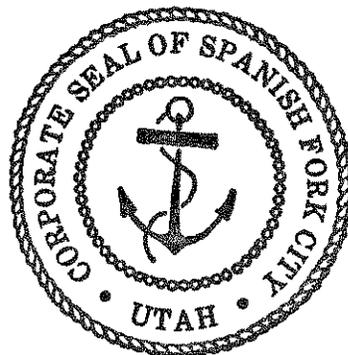
In order to protect the health safety and welfare of the residents of the City, this ordinance shall become effective immediately upon passage.

PASSED AND ORDERED PUBLISHED BY THE SPANISH FORK CITY COUNCIL OF SPANISH FORK, UTAH, this 21st day of July, 1998.


DALE R. BARNEY, Mayor

ATTEST:


KENT CLARK, City Recorder



ORDINANCE 11-98

AN ORDINANCE AUTHORIZING THE PUBLIC WORKS DIRECTOR TO ENFORCE THE PROVISIONS AS OF THE SPANISH FORK CITY MUNICIPAL CODE DEALING WITH STREETS AND SIDEWALKS AND GENERAL CONSTRUCTION

J. Lane Henderson, Publisher of THE Spanish Fork, Utah City attached, was

Proof of Publication

I am hereby sworn according to law, disposes and says that he is the Publisher of THE SPANISH FORK PRESS, a weekly newspaper printed and published at Spanish Fork, Utah, in general circulation therein; that the Notice, a copy of which is heretofore attached, is published in said paper.

for consecutive One weeks, the first publication on the 30 day of July 1998 and the last on the 30 day of July 1998. J. Lane Henderson

Section 12.04.030 is hereby amended to read as follows:

12.04.030 Obstruction of Sidewalks or Streets.

Section 12.04.030 was amended to make the offense a Class C misdemeanor.

Section 12.04.040 Depositing Material on Streets and Sidewalks Prohibited.

Section 12.04.040 was amended to allow the City to immediately clean-up debris which creates a safety hazard, and to deduct the cost from the contractor's bond.

12.04.060. Violation-Penalty.

Section 12.04.060 was amended to make a minimum mandatory fine of \$250 per day and to authorize the Public Works Director, or up to five of his/her designees to issue citations for violation of this chapter

In order to protect the health safety and welfare of the residents of the City, this ordinance shall become effective immediately upon passage.

PASSED AND ORDERED PUBLISHED BY THE SPANISH FORK CITY COUNCIL OF SPANISH FORK, UTAH, this 21st day of July, 1998.

The full text of these ordinances are available for inspection at the City office, 40 South Main Street, Spanish Fork.

Published in the Spanish Fork Press July 30, 1998.

Subscribed and sworn to before me this 30 day of July 1998

Sara Worthington



Notary Public

Residing at Spanish Fork, Utah - My Commission expires 3-14-99