

**TITLE 12                   STREETS AND SIDEWALKS****Chapter 12.04           Excavation, Improvements and Alterations****Chapter 12.08           Shade Trees****Chapter 12.12           Public Parades and Other Special Events****Chapter 12.04           Excavation, Improvements and Alterations****12.04.010           Permit Required****12.04.020           Barricades and Lights Required****12.04.030           Obstruction of Sidewalks or Streets****12.04.040           Depositing Material on Streets and Sidewalks Prohibited****12.04.050           Sidewalk Obstruction****12.04.055           Prohibited Activities on Sidewalks****12.04.060           Violation - Penalty****12.04.010           Permit Required**

- A. No person, firm, partnership, corporation, or entity of any kind shall open up, break, dig, excavate, construct, reconstruct, repair, alter a grade in or upon any public street, sidewalk, curb, curbcut, driveway, or gutter for any purpose or in any manner commence any construction in or upon any public street or sidewalk without first procuring from the city engineer a permit for the specific construction or other work to be undertaken.
- B. Any person, firm, partnership, corporation, or entity of any kind desiring to obtain a permit to construction, reconstruct, repair, alter, or grade any sidewalk, curb, curb cut, driveway, gutter, or street on the public streets of this city shall meet the following requirements in order to obtain said permit, provided, however, that city crews, engaged in any of the above activities while employed by the city, shall be exempt from the permit required herein.
1. Provide the name and address of the party obtaining the permit;
  2. Provide the name and address of the party doing the work;
  3. Provide the location of the work area;
  4. Attach a plan showing the details of the proposed alteration;
  5. Provide the estimated cost of the alteration;
  6. Provide a bond in an amount to be set by the city engineer based upon the extensiveness of the project and the estimated cost of the project;
  7. Have the party performing the work prequalify, using the forms provided by the city engineer as they may from time to time be changed;
  8. Pay a filing fee for the permit to cover the actual expenses incurred by the city

- in inspecting the work and insuring compliance with the permit, the plans, and any applicable laws, such as the building code, fire code, etc, including compliance with standards to be established by the city engineer in order to insure safe and quality construction.
9. To provide proof of insurance satisfactory to the City consistent with coverages and amounts required by the City Construction and Development Standards. Said insurance shall also include a certificate which names the City as an additional insured.

C. It is unlawful for any person having made an excavation in any street or sidewalk, whether by permit or otherwise, to fail, neglect or refuse for a period of five days after notice, to restore or replace said street or sidewalk to its normal condition. The replacement of any street or sidewalk must be made to the specification of the city as determined by the city engineer or other authorized person.

(Ord. No. 17-96, Amended, 12/04/1996)

#### **12.04.020 Barricades and Lights Required**

It is unlawful for any person, by or for whom any excavation, construction, reconstruction, repair, or alteration made in a public street or sidewalk, to fail to cause a barricade, rail or other sufficient fence to be placed so as to enclose such excavation, construction, reconstruction, repair, or alteration made in a public street or sidewalk, together with the dirt, gravel or other material thrown therefrom, and to maintain such barricade during the whole time for which such excavation, construction, reconstruction, repair, or alteration is made in a public street or sidewalk, continues; and it is unlawful for any person to fail to have lighted lanterns or some other proper and sufficient lights fixed to parts of such barricade, or in some other proper manner over or near the excavation, construction, reconstruction, repair, or alteration is made in a public street or sidewalk, and over and near the dirt, gravel or other material taken therefrom, and so kept from the beginning of twilight through the whole of every night during all time such excavation, construction, reconstruction, repair, or alteration is made in a public street or sidewalk, exists. It is unlawful for any person maliciously or wantonly and without legal cause, to extinguish, remove or diminish said lights or to tear down or remove any rail, fence or barricade fixed in accordance with the provisions of this section.

#### **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 subparagraph (B) which has been placed without prior written permission from the City, may be removed by the City, under the direction of the public works director, City planner, or their designee(s), 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. Any person, company, or other entity owning a sign billboard, display, or other object removed by the City may have it returned by paying a civil fee in the amount of up to \$25.00 per sign, based upon the value of the sign, at the discretion of the enforcement officer. If no request for return is made within fourteen (14) days of removal, the City may forfeit or otherwise dispose of the sign(s).

(Ord. No. 08-06, Enacted, 07/18/06)

#### **12.04.040 Depositing Material on Streets and Sidewalks Prohibited**

- A. It is unlawful for any person to throw, cast, put into, drop, leave, or track in or onto any street, gutter, sidewalk, storm drain, or public place any construction materials, stones, gravel, sand, coal, dirt, mud, manure, garbage, debris, leaves, lawn or hedge clippings, or rubbish of any kind.
- B. Any persons violating subsection (A) shall be civilly liable for the cost of cleaning the subject street, gutter, sidewalk, storm drain, or public place. Criminal proceedings under subsection (A) shall not be a condition precedent to a civil claim under this subsection (B). Spanish Fork City may bring a claim under this subsection for reimbursement of any and all costs incurred in cleaning the subject property.
- 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.

- D. A person who violates this Section is subject to receiving an administrative notice of violation and handling the matter administratively, if they so desire. If an alleged violator wants to challenge the violation or otherwise does not want to resolve the matter administratively they shall receive a citation to court. Violations referred to court are infractions.

(Ord. No. 11-95, Enacted, 06/07/1995); (Ord. No. 11-98, Amended (C), 07/21/1998)  
(Ord. No. 12-16, Created (D), 08/16/2016)

#### **12.04.050 Sidewalk Obstruction**

- A. It shall be unlawful for any person to place or deposit any construction equipment, construction materials, or other type of stone, gravel, coal, dirt, mud, manure, garbage, debris, leaves, lawn or hedge clippings, or rubbish of any kind or of a similar nature upon the sidewalks within the city.
- B. During construction, the Spanish Fork City building inspector may authorize the bridging of sidewalk and curb and gutter with dirt, sand, or other material for a period not to exceed twenty-one (21) days in order to transport heavy materials onto the construction site without breaking or cracking the sidewalk or curb and gutter. The building inspector shall have the absolute discretion to make such authorization and to establish the time periods therefore, not to exceed twenty-one (21) days.

(Ord. No. 11-95, Enacted, 06/07/1995)

#### **12.04.055 Prohibited Activities on Sidewalks**

It is unlawful to use roller blades, skates, skateboards, or similar devices on the public sidewalks in, and adjacent to, abutting, or in front of public parks, public facilities, recreational facilities, the C-2 zone fronting Main Street between 100 South and 400 North, and any SC-1 zone.

(Ord. No. 02-96, Enacted, 02/07/1996)

#### **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.

(Ord. No. 11-95, Renumbered, 12.04.030, 06/07/1995); (Ord No. 11-98, Amended, 07/21/1998)

## Chapter 12.08 Shade Trees

### 12.08.010 Permitted Trees in Parkstrips

### 12.08.020 Distance Restrictions

### 12.08.030 Shade Tree Commission

### 12.08.040 Violations

### 12.08.010 Permitted Trees in Parkstrips

The following trees are permitted in the parkstrips:

- A. Columnar Norway Maple (*Acer Platanoides* >Columnare=), Japanese Zelkova (*Zelkova Serrata*), Norway Maple (*Acer Platanoides*), Red Maple (*Acer Rubrum*), Bur Oak (*Quercus Macrocarpa*), Columnar English Oak (*Celtis Occidentalis*), Kentucky Coffee Tree (*Cymnocladus Diocius*), Red Oak (*Quercus Rubra*), Sycamore Maple (*Acer Pseudoplatanus*), Thornless Honey Locust (*Glenditsia Triacanthos Inermis*), Crimson King Maple (*Acer Platanoides* >Crimson King=), Hedge Maple (*Acer Campestre*), Little Leaf Linden (*Tilia Cordata*), Redmond Linden (*Tila Euchlora* >Redmond=), Bradford Pear (*Pyrus Callyerana* >Bradford=), Golden Rain Tree (*Koelreuteria Paniculata*), Japanese Pagoda Tree (*Sophora Japonica*), Marshall Seedless Ash (*Fraxinus Pennsylvanica Lanceolata* >Marshall Seddless=), Bechtel Crabapple (*Malus loensis* >Klehms Improved=), Eastern Redbud (*Cercis Canadensis*), Flowering Plum (*Prunus Cerasifera*), Kwansan Cherry (*Prunus Serrulata*), Washington Hawthorn (*Crataegus Phaenopyrum*).
- B. All other trees, except those identified in paragraph A, are prohibited in the parkstrip.

(Ord. No. 16-98, Enacted, 12/01/1998)

### 12.08.020 Distance Restrictions

- A. No tree may be planted within thirty feet of intersecting sidewalk corners.
- B. No tree may be planted within ten feet of any water meter, electric meter, junction box, transformer, other electrical facility, or utility pole.
- C. Smaller trees should be planted in any area where the potential exists that limbs may grow into power or phone lines. Trees which interfere with public utilities will be trimmed at the owner=s expense.

(Ord. No. 16-98, Enacted, 12/01/1998)

### 12.08.030 Shade Tree Commission

(Ord. No. 16-98, Enacted, 12/01/1998)

(Ord. 05-07, Repealed 12.08.030, February 20, 2007)

**12.08.040 Violations**

Any person violating ' 12.08.010 or 12.08.020 of this chapter shall be guilty of a Class C Misdemeanor. Removal of the offending tree shall be grounds for dismissal of any charges.

(Ord. No. 16-98, Enacted, 12/01/1998)

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**Chapter 12.12      Public Parades and Other Special Events****12.12.010      Parade and Special Event Regulations****12.12.020      Parking on Parade or Special Event Route****12.12.030      Exceptions****12.12.040      Violations****12.12.010      Parade and Special Event Regulations**

It shall be unlawful to for any person to claim, reserve, or occupy, or attempt to claim, reserve, or occupy, either in person or by the placement of ropes, tents, chairs, sleeping bags, blankets, or other devices or barriers, any public property as position for observing a public parade before 6:00 p.m. on the day prior to the Fiesta Days Mammoth Parade.

This section shall not allow any person to occupy a position on a public street or right-of-way, to obstruct a public sidewalk or to occupy any unsafe position or any position which may cause damage to public or private property.

(Ord. No. 03-00, Enacted, 05/02/2000)

**12.12.020      Parking on Parade or Special Event Route**

After 11:00 p.m. on the day preceding the Fiesta Days Mammoth Parade and continuing until the conclusion of the parade, it shall be unlawful to park a motor vehicle or trailer on the public streets which will be used as the parade route. Motor vehicles or trailers parked in violation of this section shall be considered a public nuisance and may be immediately towed from the public street.

(Ord. No. 03-00, Enacted, 05/02/2000)

**12.12.030      Exceptions**

Nothing in this chapter shall prevent Spanish Fork City, Parade or Special Event Committees or Organizations, or persons otherwise authorized from reserving places on public property for observation of said parade, or from erecting and controlling seating on public property for the observation of said parade. Any such special seating may be authorized only by a permit issued by the City.

(Ord. No. 03-00, Enacted, 05/02/2000)

**12.12.040      Violations**

Any person who violates any provision of this chapter is guilty of a Class C Misdemeanor.

(Ord. No. 03-00, Enacted, 05/02/2000)

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