

TITLE 7
PUBLIC WAYS AND PROPERTY

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CHAPTER 1

STREETS, SIDEWALKS AND PUBLIC WAYS

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7-1-1: **BRIDGE AND CULVERT SIZE:**

- A. Standard: It shall be the policy of the city that all future repairs and new construction of waterway openings on bridges and culverts (60 inch diameter or greater) meet the standard that they are capable of passing a once in 25-year flood on the average.
- B. Conformance: The city engineer is directed to conform all future repairs and new construction of bridges and culverts to the above described standard and conform his specifications accordingly using the most appropriate method based on the size, shape and slope of the drainage area. (Ord. 2007-11, 2-7-2008)

7-1-2: **ACCESS FOR STREET MAINTENANCE EQUIPMENT:**

- A. Tree And Vegetation Trimming: All property owners and/or occupants shall trim all trees and vegetation within the parkways and sidewalks abutting their property, or between the street and the front of their property. Trees shall be trimmed to a height of ten feet (10') above the curb, on the curbside, or twelve feet (12') above the street, on the street side. Other vegetation shall be trimmed back behind the curb on the street side or behind the sidewalk on the park strip and house sides. Trimming will allow snow removal equipment to pass

without damage to the snow removal equipment, and to also allow for proper clearing of snow, sleet and/or ice from curb to curb or the full width of the street.

- B. **Obstructions; Mailboxes:** All property owners and/or occupants shall keep all curbs and gutters abutting their property and streets in front of their property free from obstructions including trees and other types of vegetation that will hinder the removal of snow, sleet and ice from the street. Any obstruction that will hinder the removal of snow, sleet and ice from the curb or street shall be deemed unlawful. In order to minimize the possibility of being struck by snow removal vehicles, the front most part of the mailbox shall not extend into the street farther than the heel of the innermost part of the curb. Where no curb exists, the front most part of the mailbox shall be set at least two feet (2') from the edge of the pavement. The city shall not be responsible for damage to mailboxes which are improperly located or which are damaged by the force or weight of snow thrown by snowplows.
- C. **Parking Prohibited:** In order to reduce the number of obstructions which hinder the efforts of city snow removal crews, it shall be unlawful to park a vehicle, recreational vehicle, or any equipment on a public street within city boundaries at any time whenever snow is accumulating, or at any time between the hours of twelve o'clock (12:00) midnight and eight o'clock (8:00) A.M. from November 1 to April 1, unless by special permission from city management. (Ord. 2007-11, 2-7-2008)
- D. **Sidewalks:** It shall be the responsibility of the owner and/or occupant of any property abutting any sidewalk to remove, or cause to be removed, from such sidewalk all snow, sleet or ice falling thereon within a twenty four (24) hour period after the snow, sleet or ice has ceased falling.
- It is unlawful to leave snow removed from private property, sidewalks, driveways, drive approaches or other public places into a street or any other public right of way. Violation of this subsection constitutes a class B misdemeanor. (Ord. 2008-01, 2-7-2008)
- E. **City Refusal To Plow:** It shall be the policy of the city that snow removal crews will be instructed to avoid plowing those areas of the city streets where obstructions (vehicles, trailers, other objects, etc.) exist which have the potential of damaging snow removal equipment, or being damaged by snow removal equipment. (Ord. 2007-11, 2-7-2008)

7-1-3: **INSPECTIONS:** The city may from time to time inspect tree height and vegetation growth on or over streets and sidewalks of real property for violations of this chapter. (Ord. 2007-11, 2-7-2008)

7-1-4: **NOTICE OF VIOLATION:**

A. Owners of property on which a violation of this chapter exists shall be served a notice of violation in substantially the following form:

Please take notice that upon real property owned by you a condition exists that is in violation of Title 7 Chapter 1 of the Fruit Heights City Code. This condition is

(Here described the violation and its location.)

*This condition must be eradicated, destroyed, or removed within _____ days after the date this notice is served; otherwise, you will be guilty of a misdemeanor and the City may remedy this condition at your expense. Questions may be directed to:
at _____*

Telephone _____ Served this ___ day of ___, 20___

B. A reasonable time shall be given for the owner to bring the violation into compliance with this chapter, which shall not be less than ten (10) days after notice of violation is served, but may be longer, at the inspector's discretion.

C. A notice of violation shall be served by the city either personally, by leaving the notice with the owner or a person at his residence of suitable age and discretion, or by mailing, postage prepaid, to the owner, addressed to his last known post office address as disclosed by the records of the county assessor, and proof of service shall be made under oath by the city employee serving a notice of violation and filed in the office of the county treasurer. Service made by mailing shall be registered mail, and shall be deemed complete on the date on which a notice thus served is deposited in the United States postal service system.

- D. The notice of violation shall list the person or office from which the owner may obtain further information, and the address and telephone number of such person or office.
- E. The notice of violation shall be signed by the city employee issuing it. (Ord. 2007-11, 2-7-2008)

7-1-5: **MISDEMEANOR:** The failure to control trees and vegetation that overhang the streets and sidewalks in the manner prescribed in this chapter and within the time set for compliance in a notice of violation shall be a class B misdemeanor, punishable by fine, imprisonment or both, as permitted by the applicable laws of the state of Utah and Fruit Heights City. (Ord. 2007-11, 2-7-2008)

7-1-6: **CITATIONS, INJUNCTIONS AND OTHER RELIEF:**

- A. The city may enforce the provisions of this chapter by issuing a citation as provided by section 77-7-18, Utah Code Annotated.
- B. In addition to the misdemeanor penalty described above, the city may seek and be awarded an injunction or any other remedy available at law or in equity. (Ord. 2007-11, 2-7-2008)

7-1-7: **REMOVAL BY CITY:** If any owner to whom notice of violation has been served does not eradicate, destroy or remove the trees and vegetation causing the violation within the time specified in the notice of violation, the city may, at its discretion, cause such trees and vegetation to be removed and destroyed. If the city elects to cause such trees and vegetation to be removed and destroyed, it shall prepare an itemized statement of all expenses incurred in its removal and destruction and send a copy thereof by registered mail to the owner's last known address. If the owner fails to make full payment of the amount set forth in said statement within twenty (20) days of the date of mailing the statement, the city may refer the matter to the county treasurer for collection as taxes, as provided in Utah Code Annotated, title 10, chapter 11. If the city elects not to refer the matter to the treasurer, the city may bring suit in an appropriate court of law to recover judgment for all costs incurred by the city under this section, together with attorney fees and court costs. (Ord. 2007-11, 2-7-2008)