

**ORDINANCE NO. 2022-03-16**

**AN ORDINANCE REPEALING CHAPTERS 12.12, CHAPTER 12.16, AND SECTIONS 12.17.060, 17.8.412, 17.17.560 AND ADOPTING CHAPTERS 12.12 AND 12.16 OF THE AMERICAN FORK CITY, UTAH, MUNICIPAL CODE RELATING TO THE USE OF STREETS AND SIDEWALKS AND PARK STRIPS AND TREES, AND PROVIDING FOR THE ADOPTION AND ENFORCEMENT OF THE AMENDMENT.**

WHEREAS, the existing Chapter 12.12, Chapter 12.16, and Sections 12.17.060, 17.8.412, 17.17.560 regulate the use and maintenance of streets, sidewalks, and park strips;

WHEREAS, City Council desires to repeal the current regulations governing the use and maintenance of streets, sidewalks, and park strips and adopt new regulations;

WHEREAS, said changes are in the best interest and general welfare of residents of American Fork;

NOW THEREFORE, be it ordained by the City Council of American Fork, Utah, that:

**PART I**

**TEXT OF ORDINANCE**

**SECTION 1.** Chapter 12.12, Chapter 12.16, and Sections 12.17.060, 17.8.412, 17.17.560 of the American Fork City Code are hereby repealed.

**SECTION 2.** Chapters 12.12 and 12.16 of the American Fork Municipal Code shall read as follows:

**CHAPTER 12.12 USE OF STREETS AND SIDEWALKS**

**Sec 12.12.010 Streets - Obstructions And Littering Prohibited**

It is unlawful for any person to cast, place or deposit upon any street, sidewalk, gutter or public place the following, without a permit from the city:

1. Any broken ware, glass, rubbish, refuse matter, ice, water, mud, garbage, ashes, tin cans, or other like substances;
2. Any vehicles, lumber, wood, boxes, fences or fencing, building materials, dead trees, tree stumps, merchandise, or any article or thing which would obstruct such street or any part thereof, or the free use and enjoyment thereof, or the free passage over or upon the same, or any part thereof;
3. Any stones, gravel, sand, coal, dirt, manure, garbage, leaves, lawn or hedge clippings or rubbish of any kind, or any other substance which shall render such street unsafe or unsightly, or shall interfere with travel thereon.

#### **Sec 12.12.020 Obstruction of Free Travel**

It is unlawful for any person or persons in this city, to congregate about or upon any public sidewalk, stairway, doorway, window, or in front of any business or dwelling house, theater, lecture room, church or elsewhere and by so doing obstruct or interfere with the free passage of persons traveling on such right-of-way or entering, leaving or occupying any such building or premises.

#### **Sec 12.12.030 Sidewalks - Cleaning By Property Owner**

It is unlawful for any occupant, or the owner of any property abutting on any street within the platted portion of the city, to neglect or fail to clean and keep clean of all weeds, ice, snow, or rubbish, the sidewalks in front of his premises.

#### **Sec 12.12.040 Sidewalks - Cleaning By Business Owners**

It is unlawful for the owners or occupants of places of business within the city to fail to cause the sidewalk abutting thereon to be swept or cleaned each morning before the hour of eight a.m.

#### **Sec. 12.12.050 Placing Snow On Street**

It is illegal to blow or push snow into any city street by any means, including using a snowblower, shovel, ATV, plow, etc.

#### **Sec 12.12.060 Discharging Water Onto Sidewalks**

It is unlawful for any person owning, occupying or having control of any premises to suffer or permit water from the roof or eaves of any such house, building or other structure, or from any other source under the control of such person, to be discharged and spread upon the surface of any street or sidewalk.

#### **Sec 12.12.070 Flooding Streets And Sidewalks**

No person shall willfully, carelessly or negligently obstruct, injure or flood any street or sidewalk by the flow or seepage of water, or willfully, carelessly or negligently permit water under his or

her control to escape in any manner so as to obstruct, injure or flood any street or sidewalk within the city.

**Sec 12.12.080 Conveying Water Across Sidewalks**

It is unlawful for any person to convey water across any sidewalk within the city, except in a covered culvert or box extending the whole width of such sidewalk. It is unlawful for any person to use or maintain any such culvert or box without keeping the same in good repair.

**Sec 12.12.090 Driving Or Riding On Sidewalks Prohibited**

It is unlawful for any person to drive a vehicle, self-propelled or otherwise, or lead, drive or ride any animal upon any sidewalk.

**Sec 12.12.100 Violation - Penalty**

Violation of any of the provisions of this chapter shall be a class C misdemeanor, punishable by a fine not to exceed \$500 or imprisonment for a period of not more than six months, or by both such fine and imprisonment.

**CHAPTER 12.16 PARK STRIP AND TREES**

**Sec 12.16.010 Definitions**

For the purposes of this section, the following words shall have the following meanings:

1. Heritage tree. A tree characterized by one or more of the following: having historical significance, being part of a historical site, or being of a rare or unusual species. The tree advisory board may advise the city forester in determining whether a tree should be designated as a heritage tree.
2. Hazard tree. A tree which has been deemed by the city forester as having the potential to cause physical damage or harm to human life, existing structures or improvements, or utilities; including (but not limited to) any tree that is host to a communicable disease or destructive disease or other pestilence, a tree whose roots cause the surface of a public street, curb, gutter, or sidewalk to be up-heaved or otherwise disturbed, or any tree whose condition or location constitutes a danger to the health, safety, or well-being of the public.
3. Park strip. The landscape area within a public way located between the back of street curb and the sidewalk, or in the absence of a sidewalk, the right-of-way line.
4. Protective measures. Any steps taken to safeguard the appearance, health, condition, or continued viability of a protected tree. Typical examples are: physical structures limiting access to a protected tree, pruning to allow access to a site, supplemental watering or fertilization, washing of canopy to remove dust or other residues, berms or grading to

prevent erosion or silting in a protected root zone, signage indicating protected status of trees, or other methods deemed necessary at the time of authorization.

5. Public property. Any right-of-way, park, street, sidewalk, easement, or other ground owned by American Fork City.
6. Public tree. Any tree located on public property within American Fork City.
7. Street tree. Any tree planted within any right-of-way or easement adjacent to a public roadway.
8. Tree topping. The severe cutting back within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree.
9. Tree maintenance. Measures performed to promote the desirable growth and health of a tree, such as (but not limited to) watering, fertilization, mulching, weeding, pest management, pruning, and physical protection.

#### **Sec. 12.16.020 Park Strip Landscape and Maintenance**

1. All park strips shall be landscaped by the abutting property owner, in conformance with the provisions of this code.
2. All park strip landscaping shall be maintained in a safe and well-kept condition by the abutting property owner. Trash, debris, and noxious weeds shall not be allowed to collect or grown in these areas.

#### **Sec 12.16.030 Creation And Establishment Of The City Tree Advisory Board**

1. The beautification and shade tree committee, as established by Resolution 95-04-15R, shall be the tree advisory board for American Fork City. This committee shall act in an advisory capacity to the city forester and shall focus its activities on those purposes specified in its charter.
2. The city administrator shall designate an employee to act as the city forester.

#### **Sec 12.16.040 Tree Planting, Maintenance, Protection, And Removal**

1. The city of American Fork shall have the right to plant, prune, maintain, and remove trees, plants, and shrubs within the lines of all streets, alleys, avenues, lanes, squares, public grounds, public utilities or elsewhere, as may be necessary to insure public safety.
2. When locating trees beneath power lines, trees should be placed far enough from the power lines that branching will not reach power lines at maturity.
3. Debris resulting from tree maintenance or removal shall be removed from any street, sidewalk, right-of-way, or other public area by sunset of the same day, unless specifically authorized to do otherwise by the city forester.

4. No person shall willfully injure or destroy any public tree, including (but not limited to) piling or storing building materials or equipment on or near a public tree so as to cause injury, posting signs on public trees, pouring injurious matter on or around public trees including that which would shut off air, water, and light to public trees, or otherwise permitting animals to damage public trees.
5. Public trees may not overhang (lower than eight feet) or encroach upon sidewalks, streets, or public right-of-ways, nor shall they obstruct the view of traffic signs or street intersections. Public trees under which pedestrians may walk shall be trimmed clear of all branches between the ground and a height of eight feet.
6. The city may establish a fund to remove trees that are in conflict with sidewalks or power lines and may at the discretion of the city replace them with trees compatible to the situation. The city may cooperate with utility companies and others to mitigate such conflicts. This program shall be administered by the city forester.

#### **Sec 12.16.050 Hazard Trees**

1. It shall be unlawful to keep or maintain a tree which causes physical damage or harm to human life, existing structures, existing infrastructure (including street, curb, gutter, and sidewalk) or utilities. The city forester shall determine if the tree presents a danger or hazard. Where a hazard tree exists upon private property, the owner, landlord, tenant, or other person in control of the property on which such hazard exists, shall be deemed to be the cause thereof, and shall be liable therefore.
2. The city may serve notice in writing upon the owner of property upon which a hazard tree is found, or other person who may be the cause thereof, and require the person or owner to abate the hazard tree within fifteen calendar days.
3. If an owner or responsible party refuses to abate a hazard tree after written notice and the time specified therein, the city may abate or procure the abatement of the tree at the expense of the person or entity failing to remove the tree.

#### **Sec. 12.16.060 Nuisance Trees**

All dead trees, and all trees that have been or may be partially uprooted or blown over so as to be in danger of falling, or by reason thereof have become unsightly, or which in any manner obstruct the street or sidewalk, within this city, are declared to be a nuisance and the owner of the premises in front of which such trees are situated is required to remove the same, and any person who fails or refuses to move such trees within ten (10) days after notified so to do by the code enforcement officer, or by some other person authorized to do so, is guilty of a class C misdemeanor, and the city is then authorized to take whatever remedial action is necessary.

#### **Sec 12.16.070 Trimming Of Trees, Plants, and Bushes Required**

Every person who is the owner, or is the agent having the care of any premises situated within the city and abutting any public street or highway, is required, and it is made his/her duty, to trim and keep trimmed all trees, plants, and bushes growing on the premises and in front thereof, where branches overhang any portion of such street or highway, or are overhanging any part of the pavement or sidewalk. Such trees, plants, or bushes shall be trimmed and kept trimmed so that the lowest branches overhanging the pavement, sidewalk, or street shall be at least eight feet (8') above the level of the pavement, sidewalk or street.

#### **Sec 12.16.080 Trimming Of Trees – Third Party**

A utility company, or its agents, shall have the authority to trim trees within city owned park strips, in accordance with all applicable utility restrictions and ordinance and easement restrictions, upon and hanging over right-of-way so as to prevent the branches of such trees from coming in contact with its wireless communication system.

#### **Sec 12.16.090 Heritage Trees**

1. Private property owners may recommend or nominate heritage trees on their personal property on a voluntary basis. The tree advisory board shall inventory such trees and make its recommendation to the city forester as to whether such tree should be classified as a heritage tree. In no case shall the city nominate and inventory a heritage tree on private property without voluntary consent of the owner of the tree. The designation of a tree as a heritage tree that is owned by private landowner shall only apply to the landowner who consents to such designation.
2. The tree advisory board may recommend and nominate public trees as heritage trees to the city forester.
3. Those trees that have been classified as heritage trees by the city forester are protected. As such, heritage trees may not be removed or damaged without the authorization of the city forester.

#### **Sec 12.16.100 Enforcement**

1. Criminal. Any person found in willful violation of any provision of this chapter shall be guilty of a class C misdemeanor.
2. The city may pursue both criminal and civil actions against any person or entity that violates this chapter.
3. Each tree on which a violation occurs shall constitute a separate offense.

### **PART II**

**SECTION 1 – Conflicting Provisions.** Whenever the provisions of this Ordinance conflict with the provisions of any other ordinance, resolution or part thereof, the more stringent shall prevail.

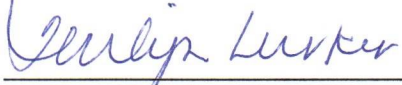
**SECTION 2 – Provisions Severable.** This Ordinance and the various sections, clauses and paragraphs are hereby declared to be severable. If any part, sentence, clause or phrase is adjudged to be unconstitutional or invalid it is hereby declared that the remainder of the ordinance shall not be affected thereby.

**SECTION 3 – Effective Date.** This Ordinance shall take effect upon its passage and publication as required by law.

**PASSED,** by the American Fork City Council this 29<sup>th</sup> day of March, 2022.

  
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KEVIN BARNES, COUNCIL MEMBER

**ATTEST:**

  
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TERILYN LURKER, CITY RECORDER

