

SECTION 1: AMENDMENT “11.04.020 Sidewalks” of the Payson Municode Code is hereby *amended* as follows:

AMENDMENT

11.04.020 Sidewalks

- A. **Approval Of City Public Works Director.** All sidewalks shall be constructed in accordance with the plans and specifications of the City Public Works Director's office, which work shall be inspected and approved by the City Public Works Director or appointee.
- B. **Private Construction Compliance.** It shall be unlawful for any person, either as owner, agent, servant, contractor or employee to construct any sidewalk in Payson unless that person is a licensed contractor with an E100, S310, or S410 license issued from the State of Utah~~such.~~ Sidewalks shall be constructed to lines and grades as given and established by the City Public Works Director or appointee~~unless special permission to deviate from such lines and grades is first obtained from the City Council.~~
- C. **Permit Agreement To Comply.** It shall be unlawful for any person, as either owner, agent, servant, contractor or employee, to construct any permanent sidewalk in Payson without first having obtained a permit from the City Public Works Director's office. The acceptance of such permit shall be deemed an agreement upon the part of such person to construct said sidewalk in accordance with the specifications and grades agreed upon by the City Public Works Director or appointee as to the character and quality of the work. ~~When a sidewalk is constructed adjacent to the back of the curb, there shall be placed between the back of the curb and walk an expansion joint designated by the City Public Works Director's office.~~ It shall be unlawful to construct any such sidewalk in violation of the specifications given by the City Public Works Director's office.
- D. **Inspection Costs.** Where the property owner's licensed contractor constructs sidewalks, driveways, and curb and gutter at ~~their~~ owner's expense in compliance with the provisions of this Section and the approval of the City Public Works Director's office, the cost of indicating grades and lines and inspection shall be paid for by the property owner before issuance of the permit required. The City Council shall adopt and establish fee schedules related to sidewalks and streets inspections, plan reviews, etc.

SECTION 2: AMENDMENT “11.04.030 Streets” of the Payson Municode Code is hereby *amended* as follows:

AMENDMENT

11.04.030 Streets

- A. **Roadway Design Standards.** All roadways, sidewalks, trails, and transportation infrastructure shall be planned and designed according to the most up to date version of the Payson Development Standards or APWA Standards where Payson Development Standards are not established. Payson Development Standards are to be used in all cases except where Payson Development Standards are not established or defined.
- B. **Defects To Be Reported And Repaired.** All defects in public streets, coming to the knowledge of any officer or person in the employ of the City, shall be communicated to the Public Works Director immediately.
- C. **City Public Works Director To Authorize.** No City employee may perform any work, including the removal of gravel or other materials, on City streets without first receiving authorization by the City Public Works Director's office who shall specify the time and place such work may be performed.
- D. **Permit And Bond Required For Street Work.** It shall be unlawful for any person to make any excavation in any street, lane, private road or alley, or remove any pavement or other materials forming any street or improvement thereon without a permit from the City Public Works Director's office. Depending on the extent of the work being performed, an excavation permit and a street closure permit may be required. Street closure permits will only be issued for the minimum amount of time required to complete the required work, thereby reducing the impacts to the traveling public. Street closure fees will be assessed by the amount contained in the latest Payson City fee schedule. Street closure fees will double if street is not reopened on the date indicated on the street closure permit.

Permits may only be issued in response to written applications signed by the party or by an authorized representative of said party before work begins. The signed party on the permit shall be liable for ensuring appropriate safety measures during work, which may include guards, fencing, signals, cones, barricades, or lighting and shall hold the City harmless from any and all claims, liabilities, demands or damages that result from the permitted work.

A bond shall be paid by the signed party to the city to be held for the duration of the permitted work or placed on file with the City against any work performed by the party for up to one (1) year. The sum of the bond and the price of the permit shall be set by the City.

The signed party shall be held responsible for immediately restoring the street to the same condition it was in prior to the start of the permitted work including backfill, compaction, grading, and the removal of any rocks, dirt, rubbish, or debris from the street. An asphalt or concrete "T" patch shall be the standard for restoration unless otherwise specified by the City Public Works Director's office at the time of issue of the permit.

After all work and restoration is complete, the person performing the work shall immediately notify the City Public Works Director's office of its completion at which time the City Public Works Director, or appointee shall inspect the work to ensure it has been completed in compliance with city requirements~~organize and supervise the resurfacing of sidewalk or street where the work has been performed. Payment for resurfacing shall be paid using the fees collected in issuing the permit for work.~~

It shall be unlawful for any person to fail or refuse to restore a road within ten days of completion of work or excavation subject to forfeiture of bond money up to and equal to fees and costs associated with restoring the roadway by the City. If the cost of restoration exceeds the amount collected in bond money or permit fees, the person or party who performed the excavation shall be held responsible for these costs.

~~E. **Building Material On Street Permit Bond.** It shall be unlawful for any person to occupy or use any portion of a public street for the erection or repair of any building abutting thereon without first making application to and receiving from the City Public Works Director's office a permit for the occupation or use, for building purposes, of such portions of streets and for such periods of time and under such limitations and restrictions as may be required by ordinance or by the public convenience; provided, that no permit shall be granted to occupy more than fifteen (15) feet from the curb line. Any such permit may be revoked by the City Public Works Director, at any time, when the holder thereof fails to comply with any rule or regulation under which it is granted, or when, in the opinion of the City Public Works Director, the public good required such revocation. No such permit shall be granted until the applicant therefore shall have given a bond in the sum specified in the City fee schedule. Such bond shall be paid to Payson City and to any person injured by reason of the failure of the principal therein to provide adequate safety measures in association with permitted work. No part of a street other than that so allotted shall be used for depositing materials for work to be done or for receiving rubbish arising from such work. All such rubbish shall be carried away by the person to whom the permit is granted, at such times as the City Public Works Director may direct, and in case of the neglect or refusal of such persons as to remove such rubbish, it shall be removed at his expense by the City.~~

F. **No Cut Policy On New Pavement.** All new or reconstructed streets shall have a one (1) year warranty from any contractor for the construction of said street. Except for in emergencies where lives or resources are in danger, a five (5) year no cut policy on the cutting of new pavement applies to all new, reconstructed, and overlaid roads where hot mix asphalt or concrete of any thickness has been applied. Any City department or private party who has need to cut into City streets for the management of utilities may request a variance for an exception to be approved by the City Public Works Director.

G. **Snow Removal From Streets.** In order to facilitate the speedy and safe removal of snow from City streets, it is unlawful for the owner or driver of any vehicle to park, cause to be parked, or allowed to be parked, said vehicle upon any City street or right-of-way of a City street between the hours of 10:30 p.m. and 7:00 a.m. each year from December 1st, through March 1st, of the following year.

“Vehicle” shall be defined to include, but not limited to, automobiles, trucks, trailers, mobile homes, travel trailers, boats, motorcycles, buses, snowmobiles, and other transportation vehicles, whether for the transportation for humans, animals, or freight of any kind.

It shall be unlawful for any person to remove any snow or ice from any private property and place the same on any public street, sidewalk, driveway, or right-of-way, or any part thereof. ~~Except as provided in paragraphs G,1 and G,2,~~

~~i~~It shall be unlawful for any person, except employees of the City or other highway maintenance authority in their official capacity, to move or pile any snow or ice on any public street, sidewalk, driveway, or any part thereof. This shall not apply to removal of snow from sidewalks fronting private property that the owner or occupant has the duty to clean as provided in PCC 13.44.140.2 nor to cleaning of access driveways from a public street to private property.

~~1. The City Public Works Director, or appointee, may issue a written permit to any person to move or pile snow or ice on a public street or right-of-way if the City Public Works Director determines it to be in the best interest of the City and residents of the area to do so. In issuing any such permit, the City Public Works Director shall require a bond and insurance certificate to be furnished. It shall be unlawful for any person holding such a permit to move or pile any snow or ice on any public street, sidewalk, driveway, or right-of-way except in strict compliance with the terms of the permit.~~

~~2. This subsection shall not apply to removal of snow from sidewalks fronting private property that the owner or occupant has the duty to clean as provided in PCC 13.44.140.2 nor to cleaning of access driveways from a public street to private property.~~

~~“Vehicle” shall be defined to include, but not limited to, automobiles, trucks, trailers, mobile homes, travel trailers, boats, motoreycles, buses, snowmobiles, and other transportation vehicles, whether for the transportation for humans, animals, or freight of any kind.~~

Violation of this ordinance is an infraction. Each day said violation continues will be considered a separate offense.

H. Obstructions.

1. It is unlawful to put or place, or cause to be put or placed, anywhere upon a public street, sidewalk, or right-of-way, and it is unlawful for any such person, after reasonable notice by an official charged with enforcing the law, to suffer to be or remain within a public street, sidewalk, or right of way:

- a. Any broken ware, glass, filth, rubbish or refuse matter;
- b. Any vehicle, lumber, wood, boxes, fencing, building material, merchandise, or any other thing which obstructs any public street, sidewalk, right-of-way, or any part thereof, or the free use and

enjoyment thereof, or the free passage over and upon the same, or any part thereof, without the permission of the governing body.

2. No person receiving or delivering goods, wares or merchandise in the City shall place or keep upon, or cause to be placed or kept upon, any sidewalk in the city any goods, wares or merchandise which he may be receiving or delivering, for a longer period than two hours. It is unlawful for any merchant, auctioneer or other individual to sell or exhibit for sale any kind of property on or near to any street so as to cause people to gather in crowds on the sidewalk or to obstruct free passage thereon, provided that the governing body may authorize, after proper application, a merchant or group of merchants to conduct a "sidewalk sale".

I. Roadway Design Standards

1. All new public or private roads shall comply with the Payson City Transportation Master Plan and the Payson City Design Guidelines, latest amendment.

J. Private Roads and Alleys

1. All new private road and alleys shall comply with the Payson City Design Guidelines, latest amendment.

K. Street Trees

1. Certain trees declared nuisance; removal required: 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 is situated is required to remove the same, and any person who fails or refuses to move such trees within five (5) 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.
2. Trimming Trees: 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 duty, to trim and keep trimmed all trees growing on the premises and in front thereof, where branches of trees overhang any portion of such street or highway, or are overhanging any part of the pavement or sidewalk. Such trees shall be trimmed and kept trimmed so that the lowest branches thereof shall be at least fourteen feet (14') above the level of the pavement and eight (8') above the sidewalk or trail so overhung by such branches. Any trees or limbs that obstruct a traffic or regulatory sign must be trimmed or removed immediately.
3. Allowing tree to fall across street or sidewalk: It is unlawful for any person to allow, permit or cause, any tree to be cut down or felled upon, over or across any street, thoroughfare, sidewalk or alley within the corporate limits of this city without first obtaining permission from the Streets Department.
4. Prohibited Trees: The following species are NOT to be planted in any park strip in the city.

Ash - Fraxinus sp.
Birch - Betulus sp.
Black Locust - Robinia pseudoacacia
Boxelder - Acer negundo sp.
Cottonwoods/Aspens/Poplars - Populus sp.
Elm Siberian - Ulmus pumila
Evergreens
Flowering Pear - Pyrus calleryana sp.
Fruit Bearing Trees
Fruitless Mulberry - Morus alba
<u>Honeylocust - Gledesia sp. (acceptable in strips 10' or larger</u>
<u>Maple, Freeman - Acer x freemanii sp.</u>
<u>Maple, Red - Acer rubrum sp.</u>
<u>Maple, Silver - Acer Saccharinum</u>
<u>Maple, Sugar - Acer Saccharum sp.</u>
<u>Multi-stemmed trees (all clump forms)</u>
<u>Russian Olive - Elaeagnus angustifolia</u>
<u>Saltcedars - Tamarix</u>
<u>Tree of Heaven - Alianthus altissima</u>
<u>Umbrella Catalpa - Catalpa bignonioides 'Nana'</u>
<u>Weeping Formed Trees - Numerous Secies</u>
<u>Willows - Salix sp. 6+</u>

SECTION 3: AMENDMENT “11.04.040 Plans And Guidelines” of the Payson Municode Code is hereby *amended* as follows:

A M E N D M E N T

11.04.040 Plans And Guidelines

- A. **Transportation Master Plan.** The Mayor and City Council shall develop and maintain a Payson Transportation Master Plan that identifies major visions and goals for transportation development within the City. The Mayor and City Council shall update (or have updated) the Payson Transportation Master Plan as needed when the plan becomes irrelevant or out-of-date. Public rights-of-way including streets, private roads or alleys, trails, paths and other transportation facilities owned by the City shall be identified and described in the Payson Transportation Master Plan. The Payson Transportation Master Plan shall be made available to the public either by request or through the City website. Future developers shall work to complement plans and visions established in the Payson Transportation Master Plan.
- B. **Access Management Guidelines.** All new development shall conform to the Access Management Guidelines made available in the Payson Development Guidelines. These guidelines shall inform design of new development especially in respect to access of public right-of way. Property owners shall have a right to reasonable access to the public rights-of-way. When access is desired that does not conform to the Access Management Guidelines a variance may be requested for an exception to be approved by the City Public Works Director.
- C. **Traffic Calming Guidelines.** Construction of new streets to be incorporated into City rights-of-way and requests for modifications shall follow plans and guidelines set forth in the Payson ~~Traffic Calming~~ Development Guidelines.
- D. **Signal And Street Sign Standards.** Signals, street signs, and pavement markings of any kind shall conform to guidelines and standards established in the most recent version of the Utah Manual for Uniform Traffic Control Devices (MUTCD). Any deviation from these standards must be justified by an engineering study and approved by the City Public Works Director.