

**TITLE 25. STREETS, SIDEWALKS AND RIGHTS-OF-WAY**

<b>Chapter 1.</b>	<b>Repealed</b>
<b>Chapter 2.</b>	<b>Repealed</b>
<b>Chapter 3.</b>	<b>Repealed</b>
<b>Chapter 4.</b>	<b>Repealed</b>
<b>Chapter 5.</b>	<b>Repealed</b>
<b>Chapter 6.</b>	<b>General Provisions</b>
<b>Chapter 7.</b>	<b>Definitions</b>
<b>Chapter 8.</b>	<b>Administration</b>
<b>Chapter 9.</b>	<b>Permit</b>
<b>Chapter 10.</b>	<b>Excavation</b>
<b>Chapter 11.</b>	<b>Obstructing Streets and Sidewalks</b>
<b>Chapter 12.</b>	<b>Depositing of Water</b>
<b>Chapter 13.</b>	<b>Driveway Construction</b>
<b>Chapter 14.</b>	<b>Street and Address Numbering</b>
<b>Chapter 15.</b>	<b>Street Trees</b>
<b>Chapter 16.</b>	<b>Park Strip</b>
<b>Chapter 17.</b>	<b>Newsracks (Moved to Title 15, Chapter 18)</b>
<b>Chapter 18.</b>	<b>Skateboards and Roller Skates</b>
<b>Chapter 19.</b>	<b>Crosswalks</b>
<b>Chapter 20.</b>	<b>Special Events</b>
<b>Chapter 21.</b>	<b>Miscellaneous Provisions</b>

**Chapter 1. Repealed**

**Chapter 2. Repealed**

**Chapter 3. Repealed**

**Chapter 4. Repealed**

**Chapter 5. Repealed**

**Chapter 6. General Provisions**

25-6-1	Statement of Purpose
25-6-2	Application
25-6-3	Adoption
25-6-4	Fees
25-6-5	Escrows
25-6-6	Warrantees
25-6-7	Penalty for Violations

**25-6-1 Statement of Purpose.** The purpose of this Title is to protect the health, safety and welfare of the Clinton City residents by establishing, and controlling the systems outlined in this Title as well as setting up procedures related to management, and outside influences upon the systems. The objectives of this Title are:

- (1) To protect human life, health and the aesthetics of the City;
- (2) In the interest of public convenience, safety, and welfare;
- (3) To prohibit illicit damage and construction within the established rights-of-ways of the City;
- (4) To manage and control construction within the established rights-of-ways of the City;
- (5) To protect the environment;
- (6) To effectively utilize public money for costly public works and infrastructure projects;
- (7) To successfully monitor new construction thus minimizing the need for repair and maintenance work associated with poor construction techniques;
- (8) To minimize prolonged business interruptions;
- (9) To minimize damage to public facilities within and around public easements, rights-of-ways, streets and trails, water, sewer, storm and utilities, water, gas mains, electric, telephone and cable lines, as well as bridges located in and servicing the City;
- (10) To insure the directed development of infrastructure within the central business area of the City thus promoting a stable environment for commercial growth and revenue;
- (11) To guide, regulate and control the design, construction, use, and maintenance of any development or other activity that results in excavation within the City;
- (12) To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this Title; and,
- (13) To establish guidelines that will assist in developing a plan for capital improvements that is proportional to the impacts created by growth and development.

**25-6-2 Application.** This Title shall apply to all easements, rights-of-way, streets, bridges, trails, and improvements associated with the systems established in this Title generated on any developed and undeveloped lands unless explicitly exempted by an authorized enforcement agency.

**25-6-3 Adoption.** All rules established in this Streets and Sidewalks Ordinance and regulations related to easements, rights-of-ways, streets, sidewalks, trails, and related items hereinafter set forth are enacted and adopted and made a part of the City Code. Rules, regulations, and schedules adopted in connection therewith may be cited and designated

as the “Streets Code” by reference to the respective Sections thereof.

**25-6-4 Fees.** The Clinton City Council shall set the amount of fees required to facilitate the actions outlined in this Title, from time to time, by resolution and published in the Clinton City Consolidated Fee Schedule. Consideration of fees shall include but not be limited to those needed to cover the cost of administration, inspections, reviews, publications, and related issues.

**25-6-5 Escrows.** Escrows to cover the cost of restoring streets, curb, sidewalk or other public property to its original condition or to cover the cost of improvements shall be as established in Chapter 4

of Title 26, together with the incidental expenses in connection therewith.

**25-6-6 Warrantees.** The Clinton City Council shall set the length of time and funds amount of any warrantee required to facilitate the actions outlined in this Title following the procedures outlined in § 25-6-4.

**25-6-7 Penalty for Violations.** Any person violating any of the provisions of the City streets code is guilty of a Class "C" misdemeanor, unless designated otherwise.

*History; 3/82,9/84, 5/09, 03/10*

## Chapter 7. Definitions

### 25-7-1 Definitions

**25-7-1 Definitions.** Following are definitions as they apply to this Title.

**“City”** means Clinton City.

**“Community Development”** means the Clinton City Community Development Department.

**“Community Development Director”** means the Director of the Clinton City Community Development Department or his appointed representative.

**“Excavation”** means any man-made change in improved and unimproved real estate, including but not limited to digging, boring, mining, dredging, filling, grading, paving, or drilling operations.

**“Inspector”** means the Public Facilities Inspector appointed by the Public Works Director or other authorized representative of the City.

**“Land Use Permit” or “Permit”** means any Permit issued by the City that authorizes the applicant/recipient to conduct excavations, construction or other activities within an easement, right-of-way or street or in any area or development that has improvements that are intended to be accepted by the City or that will tie into a City system.

**“Manager”** means the Clinton City Manager.

**“Notice”** means proper notification either in person or mailed, if mailed the date of notice is three days after the notice is mailed unless otherwise stated in this Title.

**“Officer”** means the Code Enforcement Officer.

**“Park Strip” or “Parkstrip”** means that area between the sidewalks and the curb of any street; where there is no sidewalk, that area between the edge of the roadway and the property line adjacent thereto; land within the right-of-way for street and utility related purposes; that portion of a street right-

of-way which is available for landscaping, and not for curb, gutter, sidewalk or pavement. Park strip also includes any area within a roadway which is not open to vehicular travel.

**“Person”** means any individual, public or private corporation, partnership, association, firm, trust, estate, the state or any department, institution, bureau, or agency thereof, any municipal corporation, county, city, or other political subdivision of the state, or any other legal entity whatsoever which is recognized by the law as being subject to rights and duties..

**“Public Works”** means the Clinton City Public Works Department.

**“Public Works Director”** means the Director of the Clinton City Public Works Department or his appointed representative.

**“Restoration Deposit”** means a deposit paid to the City in an amount calculated to restore the area where a permit is issued to the condition or better condition than before any work was accomplished.

**“Right-of-Way”** is any sidewalk, park strip, median and street.

**“Right-of-Way - Collector”** the established right-of-way for collector streets, as identified in the Clinton City Transportation Master Plan, is four (4) rods wide (66 feet), based upon records of the County Court June 4, 1877, and reaffirmed by the County Records, Book D, May 21, 1894.

**“Roadway”** means that portion of a street improved, designed and ordinarily used for vehicular travel.

**“Sidewalk”** means any surface within a public right-of-way provided for the exclusive use of pedestrians.

**“Street”** means that area dedicated to public use for Public Street purposes and shall include, but not be limited to, roadways, park strips and sidewalks.

**“Working Hours”** means normal work schedule and working hours for the Clinton City Public Works Department.

*History: 3/82, 9/84, 5/09, 03/10*

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**Chapter 8. Administration**

- 25-8-1 Regulations
- 25-8-2 Responsibility of Administration
- 25-8-3 Office of Primary Responsibility
- 25-8-4 The Public Works Director
- 25-8-5 Duties of the Street Supervisor
- 25-8-6 Policies

**25-8-1 Regulations.** The City Council shall have power and retains the right to adopt regulations controlling the manner and circumstances under which the systems established by this Title may be used, in addition to the regulatory provisions set forth expressly in this Title. These regulations may include, but are not limited to, the manner in which excavations shall be made, connections or repairs to service lines which may necessitate excavations on or near and under sidewalks and the public ways, the manner in which excavations shall be backfilled and the type of materials that may be used.

**25-8-2 Responsibility of Administration.** The Manager shall administer, implement, and enforce the provisions of this Title. Any powers granted or duties imposed upon the City may be delegated by

the Manager to persons acting in the beneficial interest of or in the employ of the City.

**25-8-3 Office of Primary Responsibility.** The Clinton City Public Works Department is the Office of Primary Responsibility for review and proposing changes to this Title. The Public Works Director may call on other departments for assistance in reviewing this Chapter.

**25-8-4 The Public Works Director.** The Public Works Director shall appoint a person to act as the Streets Supervisor over the systems outlined in this Title.

**25-8-5 Duties of the Street Supervisor.** The Public Works Director shall prescribe the Supervisor's duties, and direct the manner and frequency of reporting on the City's systems outlined in this Title.

**25-8-6 Policies.** The Public Works and Community Development Directors may adopt policies, consistent with this Title and any resolutions passed by the City Council, to assist in the application, administration and interpretation of this Title and systems established in this Title.

*History; 03/10*

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## Chapter 9. Permit

25-9-1	Permit Required
25-9-2	Permit – Cost – Deposit
25-9-3	Disposition of Permit Cost – Deposit
25-9-4	Permit – Application – Contents
25-9-5	Permit – Application - Drawings Required When
25-9-6	As Built Drawings
25-9-7	Minimum Depth of Improvements
25-9-8	Permit – Engineer and Engineering Required
25-9-9	Permit – Application - Legal Authority for Excavation
25-9-10	Permit – Application -Work to Conform to Application Description
25-9-11	Permit – Application - Approval
25-9-12	Permit - Issuance or Denial
25-9-13	Permit – Contents
25-9-14	Permit – Activation – Documentation On-site
25-9-15	Permit – Expiration – Extension
25-9-16	Failure to Complete Work - City Authority
25-9-17	Stop Work or Revocation of Permit

**25-9-1 Permit Required.** A Land Use Permit is required for all of the following:

- (1) Any excavation in or under the surface of any public street, sidewalk, curb, gutter, or other public place for the installation, repair or removal of any pipe, conduit, duct, wire, cable, or tunnel, or for any other purpose;
- (2) Any alteration, cut, removal, replacement or modification to the curb, gutter, or sidewalk within any easement, street, or right-of-way; or,
- (3) Any construction or modification of any driveway entrance or exit connecting a street with private property whether or not curb and sidewalk are maintained. A building permit issued in conjunction with an approved site plan indicating a driveway fills this requirement.
- (4) Any construction, modification, or repair, to the City infrastructure within an easement, right-of-way or street, or development that may be accepted by the City, or any connection to a City system even though it may be in compliance with Title 9, “Engineering and Standard Specifications and Standard Drawings,” as may be amended, or a set of “Approved for Construction Drawings” issued by Community Development.

(5) Any planting of Street, Park Strip or City Required Trees unless the action is required as part of a development approval process.

(6) Any removal of Street or City Required Trees unless the action is required as part of a development approval process.

**25-9-2 Permit - Cost - Deposit.** Applicants for the Permit required by § 25-9-1 shall pay in conjunction with any required permit fees, as established in § 25-6-4, the following:

- (1) A fee to cover administrative costs;
- (2) A fee to cover inspection costs;
- (3) A fee to cover any applicable seal coat costs; and,
- (4) A restoration deposit based upon the impact that a permit is anticipated to have upon City improvements.

**25-9-3 Disposition of Permit Cost – Deposit.**

(1) If all required inspections have been called for and accomplished and repairs and improvements are accomplished, to the satisfaction of the Inspector, the restoration deposit will be returned to the person designated on the application within twenty (20) days of passing final inspection.

(2) If inspections have not been performed or restoration and improvements are not accomplished as set by the permit requirements and this Title, to the satisfaction of the Inspector, the Inspector shall take one or more of the following actions:

(a) Require the applicant to take actions to have the required inspections accomplished and/or repair/replace the deficient improvements.

(b) If the applicant fails to comply with the Inspector’s direction the restoration deposit shall be seized as set in § 25-9-16 below. Applicant is responsible for the cost of all reparations.

(3) Escrows for development shall be managed as established in Chapter 4 of Title 26.

(4) Funds paid for permits that become void as set in § 25-9-15(1) due to lack of activation shall be refunded less administrative costs and costs to cover any inspections conducted by Public Works.

**25-9-4 Permit - Application - Contents.**

(1) The Permit to work within an easement, right-of-way or street may be issued in conjunction with a Permit dealing with other specific applications (i.e. subdivision or site plan approval) or as a specific Permit under this Chapter.

(2) Public Works, before issuing a Permit required by § 25-9-1, shall require a written application, on forms to be provided by the City, to be made and filed with Public Works. In addition to other items that may be required on the application the applicant may be required to provide:

- (a) The name and address of the person making the application;
- (b) The name, license number, and contact information of the contractor doing the work;
- (c) The location and area of the excavation intended to be made;
- (d) The purpose for which the excavation is to be made and used;
- (e) A traffic control plan describing traffic control devices as required by the Manual of Uniform Traffic Control Devices, as well as alternative pedestrian routes when it is anticipated that sidewalks or trails may be closed;
- (f) A detour plan if required by Public Works Director, approval of street closure is solely based upon the needs of the City; and,
- (g) Drawings, when required, as set forth by the City.

(3) Street tree permits shall have the information indicated upon the permit as well as the width of the park strip where the tree(s) are to be planted, the species of trees being planted, and the distance from street corners if applicable.

**25-9-5 Permit - Application - Drawings Required When.**

- (1) The application required by § 25-9-4 shall be accompanied by a drawing(s) showing the location of each proposed excavation and the dimensions thereof and all other details as Public Works may require to be shown upon the drawing.
- (2) The filing of drawings may not be required for repairs to existing sidewalk, curb, and gutter or curb cuts, or where the City Standard Drawings will provide adequate guidance.
- (3) The filing of drawings shall not be required when excavations are made for service connections or for the location of trouble in conduits or pipes or making repairs thereto.
- (4) The Director will determine the number of copies of drawings required. The number will depend upon the operation requested and may require that the application include an electronic set compatible with the City computers.

**25-9-6 As Built Drawings.** As built drawings shall be provided to the City by:

- (1) Any person to have, lay, use or maintain any pipelines in any street or other public place in the City unless the person files, with Public Works, a map showing the location of the pipelines in the street or other public place. Maps shall contain a legend showing the size, character and material used in the construction of the pipelines.
- (2) Any utility to lay, use or maintain any pipelines, lines, poles, boxes, transformers or other accessory for the use of the utility without obtaining a franchise in accordance with Title 12, of this code, as may be amended.

**25-9-7 Minimum Depth of Improvements.** It is unlawful for any person or utility to install, or to cause or allow to be installed, any service pipe or main pipe, conduit, duct, wire, tunnel or other structure, except manholes, water valve lids, culverts and catch basins, in any public street or other public place at a distance of less than thirty (30) inches below the established grade of the gutter of the public street, or less than thirty (30) inches below the surface of any other public place unless otherwise approved by the Public Works Director in writing.

**25-9-8 Permit - Engineer and Engineering Required.** Engineering and engineered drawings, produced by an engineer licensed in the State of Utah, shall be required for all extensions, additions, modifications, or work associated with a development connecting to any City infrastructure.

**25-9-9 Permit - Application - Legal Authority for Excavation.** The applicant for a Permit to make an excavation shall show legal authority to occupy and use, for the purposes mentioned in the application, the streets, sidewalks or other public places wherein excavations are proposed to be made.

**25-9-10 Permit - Application - Work to Conform to Application Description.** It is unlawful for any person to make, or to cause or allow to be made, any excavation, or to install or maintain or to cause or allow to be installed or maintained any tank, pipe, conduit, duct or tunnel in or under the surface of any public street, sidewalk or other public place at any location other than that described in the application and shown on the approved drawings filed by the person as required by the provisions of this chapter.

**25-9-11 Permit - Application - Approval.**

- (1) Permits will be submitted to and, if approved, issued by Public Works.

(2) When a Permit application, as required in § 25-9-1 and meeting the requirements of this chapter, the Permit shall be issued by Public Works.

(3) An issued Permit shall include an “Approved for Construction” set of drawings, when applicable.

(4) Copies of an issued Permit will be filed in the Public Works office as a public record while the permit is active and for one year after the permit is closed.

#### **25-9-12 Permit - Issuance or Denial.**

(1) Upon receiving an application, engineering and drawings as required by § 25-9-4, the Public Works Office will conduct an evaluation of the proposal and forward copies to the City Engineer, and any other departments or services that the Director feels are required for additional evaluation and comment.

(2) The Streets Supervisor shall not approve any Permit as required by § 25-9-1 for an area where a Permit is still in force and effect, except Permits for house connections.

(3) If there are any comments from the review of the complete application they will be returned to the applicant for incorporation into a revised application.

(4) Once the revised application is returned to the City, by the applicant, and all corrections have been made to the application and drawings and all fees and deposits required by § 25-6-4 and this Chapter have been paid or established, Public Works shall issue a Permit to make the excavation and shall open and keep an account thereof. However, Public Works shall not issue the Permit unless the applicant has legal authority to occupy and use, for the purposes mentioned in the application, the streets, sidewalks or other public places covered by the application.

**25-9-13 Permit - Contents.** The Permit issued under the provisions of § 25-9-12 shall state fees and deposits collected as set in § 25-9-2, the amount of fees and bond and shall be a receipt of payment. It shall also specify the information outlined in § 25-9-4, the particular portion of the street or public place to be excavated, the extent of the excavations, and to whom any bond being held by the City is to be returned. No Permit is transferable.

#### **25-9-14 Permit – Activation – Documentation On-site.**

(1) The Permit holder shall call to activate a Permit a minimum of forty-eight (48) hours prior to any work being accomplished.

(2) A copy of the issued Permit shall be maintained at the work site.

#### **25-9-15 Permit - Expiration - Extension.**

(1) Every Permit, unless otherwise stated in this § 25-9-15, shall become void sixty (60) days from the date of issuance of the Permit.

(2) Every Permit for installing laterals to single family dwellings or for making repairs to laterals shall become void thirty (30) days after the date of the Permit.

(3) Permits issued in conjunction with subdivisions and developments where an escrow is established per Chapter 4, Title 26, Subdivisions, shall be governed by that Title.

(4) The Inspector may grant an extension of time for a period not exceeding thirty (30) days for the performance of the work and the refilling of the excavation whenever the Inspector determines that there is good cause for an extension.

(5) The excavator shall restore roads to a safe and passable condition within sixteen (16) hours unless special permission is granted by the Inspector.

(6) All remaining repairs and restoration shall take place within seven (7) calendar days from the date of the activation of the permit.

(7) The excavator shall notify the City at least four (4) hours prior to back-filling of any portion of the excavation. All back-filling is to be compacted by mechanical means in one (1) foot layers. Failure to notify the City will result in contractor re-excavation of the work to provide for proper inspection.

(8) The Permit shall become void and any security forfeit unless all the work is done and the excavation is refilled in the manner required by this chapter within seven (7) days from the date of the start of excavation.

(9) Nothing herein contained shall be deemed or construed to allow a longer period of time unless authorized as outlined in § 25-9-16.

(10) The Inspector may grant, in writing, extensions to the time periods set in this section based upon weather or unforeseen conditions within the construction area.

#### **25-9-16 Failure to Complete Work - City Authority.**

(1) If any person fails, refuses or neglects to complete the requirements of any permit or direction of the Inspector to refill and restore any excavation or work required by a permit within the time required by § 25-9-15, or within the period of any extension of time if any extension is granted, then the Inspector shall cause the completion of the restoration in the manner

required by this chapter and the City shall retain the restoration fees paid with the permit.

(2) In order to claim a restoration fee the Inspector shall notify the applicant, in writing and require corrective action be taken within the time period set by the Inspector.

(3) When setting a time period for restoration of a site the Inspector shall take into account the amount of work that is needed to be accomplished and the time periods set in § 25-9-15.

**25-9-17 Stop Work or Revocation of Permit.**

(1) Work undertaken by the permittee or their agents may be stopped immediately and the permittee's Permit may be revoked by oral or written order of the

Inspector when the Inspector determines that the program of work or conditions outlined in the Permit are not being complied with.

(2) Any Permits issued under the provisions of this Title may be suspended or revoked by the Inspector at any time it may become necessary to construct or repair any sewer, water main or pipeline or conduit or other public work of any kind along, in or through the excavation constructed or maintained under the authority of the Permit, and the City shall have the right to use any portion of the excavation for the construction and maintenance of any sewer, water main, pipeline, conduit, or other public work or improvement.

*History; 03/10*

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## Chapter 10. Excavation

- 25-10-1 Prior to Excavation
- 25-10-2 Methods of Filling Excavations
- 25-10-3 Replacement of Street Surface
- 25-10-4 Vehicular and Pedestrian Crossings
- 25-10-5 Storage of Excavated Materials
- 25-10-6 Access to Fire Hydrants, Valves, Manholes and Headgates
- 25-10-7 Gutter and Inlet Maintenance
- 25-10-8 Barriers and Lights Required
- 25-10-9 Notice to Complete Work
- 25-10-10 Work Performed by City - Statement of Amount Due to City
- 25-10-11 Work Performed by City - Street Superintendent Authority
- 25-10-12 Refund of Moneys
- 25-10-13 Unlawful Activities
- 25-10-14 Excavation Shoring
- 25-10-15 Applicability of Chapter Provisions - Work Done under State Law or City Contract
- 25-10-16 Applicability of Chapter Provisions - Work Done by City
- 25-10-17 Emergency Excavations
- 25-10-18 Rights of City Reserved

**25-10-1 Prior to Excavation.** Prior to any excavation the Permit holder shall;

- (1) Activate the permit as set in § 25-9-14.
- (2) Notify the Clinton City Police and Fire Departments as well as UTA and the School District, when applicable, of any approved street closures and detours and how long they will remain in effect.
- (3) Notify each utility company, which may have underground facilities in the area of the proposed excavation. Minimum notice is to use the “Blue Stakes” program. To contact flood irrigation companies contact Davis and Weber County Canal Company for contact information.
- (4) Excavator shall erect and maintain sufficient guards, signals, barricades, and lights in accordance with the “Manual on Uniform Traffic Control Devices” and the plan provided with the Permit application.
- (5) The excavator shall make a daily check of the excavation and area to ensure the proper placement of warning devices. If notified by a representative of Clinton City that a problem or hazard exists, the applicant will take immediate action to remedy the problem.

**25-10-2 Methods of Filling Excavations.** Excavations shall be filled and finished as set in Title

9, Chapter 21, Street Excavations/Road Cuts, as amended.

**25-10-3 Replacement of Street Surface.** The street surface excavated or damaged shall be replaced to the satisfaction of the Inspector and as set in Title 9, Chapter 21, Street Excavations/Road Cuts, as amended, prior to the release of any bond as provided in § 25-9-2.

**25-10-4 Vehicular and Pedestrian Crossings.** It shall be the duty of every person making any excavation in any public street or other public place to maintain safe crossings for vehicular traffic at all street intersections and safe crossings for pedestrians at intervals of not more than three hundred (300) feet. If any excavation is made across any public street at least one safe crossing shall be maintained at all times for vehicles and pedestrians.

**25-10-5 Storage of Excavated Materials.**

- (1) All materials excavated shall be laid compactly along the side of the trench and kept trimmed up so as to cause as little inconvenience as possible to public travel.
- (2) If the park strip is used for storage of materials or equipment it shall be repaired to as good or better condition prior to release of any bond or escrow.
- (3) The sidewalk shall not be used for storage of materials or equipment.

**25-10-6 Access to Fire Hydrants, Valves, Manholes and Headgates.** During the course of making excavations, free access must be provided to all fire hydrants, water and secondary valves, manholes and irrigation headgates unless permission is obtained from the owners for temporary inaccessibility. The Clinton City Fire Department is classified the owner of all hydrants, Public Works for all water valves, sewer and storm drain manholes and all inlet boxes, Davis & Weber County Canal Co. for secondary valves and specific irrigation companies for headgates. Community Development can assist with contact information for irrigation companies.

**25-10-7 Gutter and Inlet Maintenance.**

- (1) All gutters shall be maintained free and unobstructed for the full depth of the adjacent curb and at least one (1) foot in width from the face of the curb at the gutter line. Wherever a gutter crosses an intersecting street, an adequate waterway shall be provided and at all times maintained.
- (2) All inlets down flow from the excavation shall be free and unobstructed for the full depth of the inlet and protected from infiltration of excavated material.

(3) All Storm Water Pollution Prevention Plan requirements shall apply where applicable.

**25-10-8 Barriers and Lights Required.** It shall be the duty of every person making any excavation in any easement, right-of-way, street or other public place to place and maintain barriers and lights as required in the “Uniform Manual of Traffic Control Devices” and the approved drawings submitted as established in § 25-9-4. It is unlawful for any person to fail, refuse or neglect to comply with any requirement contained in this Section.

**25-10-9 Notice to Complete Work.** After an excavation is commenced, the work shall be prosecuted with due diligence so as not to obstruct the street, other public place or travel more than is actually necessary and within the guidelines established in § 25-9-15. If the work is not expedited or if the work does not, in the judgment of the Inspector, comply with the terms of this chapter the Inspector shall notify the person named in the Permit in writing that the work is not being prosecuted in accordance with this Title. The Notice shall require the person, within three (3) days after the service of the Notice, to proceed with the diligent prosecution of, or properly complete the work as the case may be. The Notice shall be written or printed, and shall be served personally or by leaving the same at the residence or place of business of the person. If the person cannot be found and the place of business or residence is unknown or is outside of the City, the Notice may be served by certified mail addressed to the person at the place of business or residence. If the Notice is not complied with the Inspector shall do the work as may be necessary to refill the excavation and restore the street, or other public place, or part thereof excavated, to as good a condition as the same was in before the excavation was made.

**25-10-10 Work Performed by City - Statement of Amount Due to City.** The Inspector shall invoice, showing the amount due the City, every person for any work performed by the City pursuant to the provisions of this chapter. The invoice is to be mailed to every person or to his agent for any and all work performed. The amount due the City as shown by any statement shall be paid on or before the due date as indicated on the statement. The City shall deduct the cost of any work done or repairs made by the Inspector from any and all deposits then on hand belonging to any person under the provisions of this chapter. Administrative costs and reasonable legal costs, as established in § 25-6-4 shall be in addition to the cost of the work performed and are to be included in the invoice or deduction from the bond.

**25-10-11 Work Performed by City - Street Superintendent Authority.** The decision of the Inspector as to the cost of any work done or repairs made by him under his direction pursuant to the provisions of this chapter shall be final and conclusive as to the cost thereof.

**25-10-12 Refund of Moneys.** All moneys refunded pursuant to the provisions of this chapter shall be subject to payment upon demands, once the work associated with the Permit is complete, audited and paid in the same manner as other demands against the City are audited and paid.

**25-10-13 Unlawful Activities.** It is unlawful for any person:

(1) To make, or to cause or allow to be made, any excavation in any unimproved public street or other public place for the purpose of removing soil or gravel, or to remove or to cause or allow to be removed any soil or gravel, without first obtaining a Permit in writing from Public Works.

(2) For any person to make, or cause or allow to be made any fill in any unimproved public street or other public place, for the purpose of placing, or causing or allowing to be placed thereon, any soil or gravel, without first obtaining a Permit in writing from Public Works.

(3) For any person to make, or to cause or allow to be made, any excavation under, or to remove, or to cause or allow to be removed, dirt or other formation from under that portion of any sidewalk lying between the outer curbline and any point in the sidewalk within the public right-of-way, or to construct or cause or allow to be constructed any wall or other structure within one (1) foot of any sidewalk.

**25-10-14 Excavation Shoring.** Any excavation shall be so constructed and maintained as to afford lateral, sub-lateral, adjacent and overhead support of the surrounding embankments and structures satisfactory to the Inspector. Before any Permit is issued a detailed plan of the excavation showing the proposed location thereof, and all appurtenances thereto, shall be filed in Public Works. Drawings may be required to be engineered at the discretion of the Public Works Director.

**25-10-15 Applicability of Chapter Provisions - Work Done under State Law or City Contract.** Applicability of the provisions of this chapter to any work done or to be done in, along or upon any public street or other public place pursuant to any contract authorized by the City Council shall be as established in the contract. However, the provisions contained in § 25-10-4 through § 25-10-8 and § 25-10-2 and § 25-

10-3 shall apply to all work and excavations to be made in any public right-of-way or easement even if not stipulated in a contract.

**25-10-16 Applicability of Chapter Provisions - Work Done by City.** The provisions of this chapter shall not apply to excavations made by any department, board or officer of the City in the discharge of its or his official duties. This is not intended to imply that City projects are not required to comply with adopted standards or inspection procedures.

**25-10-17 Emergency Excavations.** Nothing contained in this chapter shall be construed to prevent any person maintaining any pipe or conduit in any public street or other public place by virtue of any law, ordinance or Permit from making the excavation as may be necessary for the preservation of life or

property when the necessity arises during hours the offices of the City are closed; provided, that the person making the excavation shall obtain a Permit from Public Works within four (4) hours after the offices of the City are first opened subsequent to the making of the excavation.

**25-10-18 Rights of City Reserved.** Every Permit for an excavation in or under the surface of any public street or other public place shall be granted subject to the right of the City or of any person entitled thereto, to use that part of the street or other public place for any purpose for which the street or other public place may lawfully be used.

*History; 03/10*

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## Chapter 11. Obstructing Streets and Sidewalks

25-11-1	Obstructions - Prohibited - Exception
25-11-2	Obstructions - Building Materials - Permit Required
25-11-3	Obstructions - Building Materials - Rapid Removal Required
25-11-4	Obstructions - Building Materials - Lighting Required
25-11-5	Obstructions - Building Materials - Removal after Completion of Building
25-11-6	Duties of Private Property Owners/Occupants
25-11-7	City Participation in Repairs
25-11-8	Improper Use of Handicap Ramps in Sidewalks

### **25-11-1 Obstructions - Prohibited - Exception.**

(1) A person shall not obstruct or allow to be obstructed any sidewalk, gutter, street or public place in the City by placing, allowing to be placed or maintaining thereon any rock, dirt, rubbish or other substance, material or obstruction of any kind or description, except as otherwise provided in this Title and other ordinances of the City.

(2) A person shall not willfully and maliciously loiter or stand in or upon any alley, highway, sidewalk, crosswalk, off-street parking area, private or public, or other private or public ways open for pedestrian or automobile traffic or otherwise occupy any portion thereof in such a manner as to obstruct or unreasonably interfere with the free passage of pedestrians or motorists.

(3) A person shall not interfere, obstruct, or willfully and maliciously hinder a City authorized project for which a permit is issued or other project being conducted by the City.

### **25-11-2 Obstructions - Building Materials - Permit Required.**

(1) It is unlawful for any person to:

(a) Track mud or sediment onto public streets by any vehicles or other means. Provisions shall be made at all construction sites to either clean the streets or clean the vehicles or both before vehicles leave the site.

(b) Washout concrete trucks at any sites other than preapproved designated areas. Dumping of excess concrete shall not be allowed anywhere within the City.

(c) Stockpile construction or yard improvement materials or debris in the street or in the gutter unless a permit has been issued by Public Works with the advice and consent of the Clinton Police Department. This includes but is not limited to ramps being constructed for temporary access across the existing curb and gutter; stockpiling of topsoil or other fill material; stockpiling of sand, gravel, landscape rock, bark, mulch or any other material that may be considered a source of pollution in the storm water system.

(2) All materials excavated shall be stored as established in § 25-10-5.

(3) During winter months (November 15, through March 15) it is unlawful for any person to obstruct any street of the City by placing building materials of any kind therein unless a Permit shall have been obtained from Public Works. If a Permit is issued the person obtaining the Permit shall be responsible for removing all snow from the street side of any materials, shall not obstruct any portion of the sidewalk, and shall remove all snow from the sidewalk fronting the buildings for which the materials are intended.

### **25-11-3 Obstructions - Building Materials - Rapid Removal Required.**

Any person placing materials for building in the streets as provided by § 25-11-2 must proceed with the construction of the building or site for which the material is intended as established in the permit. If in the opinion of the Inspector there is sufficient space on the construction site for the materials being stored in the street the Inspector may require some or all of the materials to be removed from the street and placed on the site. The Inspector shall set the timetable for relocation of the materials.

### **25-11-4 Obstructions - Building Materials - Lighting Required.**

Any person placing or causing to be placed any building materials or other obstructions in City streets shall place two (2) Type II Flashing Barricades adjacent to the material, one on each end thereof, two (2) feet from the material and arranged so as to keep lit from one-half an hour after sunset until one-half an hour before sunrise of each day. Barricades and warning devices shall be placed as required in the Manual of Uniform Traffic Control Devices.

### **25-11-5 Obstructions - Building Materials - Removal after Completion of Building.**

Every portion of the building material and the debris thereof must be removed within three (3) days after the completion of the building and the street placed and left in as good condition as it was before the material was placed therein. The Inspector shall have the final

say in determining the condition of the street upon cleaning. Any Building Bonds established as part of a Building Permit shall not be released until the Inspector has signed off on the clean-up.

*History; 03/10*

**25-11-6 Duties of Private Property**

**Owners/Occupants.** The duties of any owner/occupant of property abutting and fronting any street or public right-of-way within the City are:

- (1) To keep the public sidewalks immediately abutting their property clear of snow for the full width and length of the sidewalk. Snow is to be removed within forty-eight (48) hours of a storm.
- (2) To keep the curb and gutter clear of foreign matter, to include but not to be limited to debris, clippings, trash, and vegetation.
- (3) Responsible for all sidewalk, park strip, curb, and gutter areas of multiple fronting lots, lots located on corners and property rearing on a street.
- (4) Not to throw, pile, or place snow from the sidewalk, driveways, or park strips into the street or gutter.
- (5) To keep an adequate sized area, in front of their mail box, clear of snow to allow for mail delivery.

(6) To keep the public sidewalks immediately abutting their property in good order and repair from breaks, cracks, sunken or raised areas that could be trip hazards.

*History: 6/96, 12/08, 09/15*

**25-11-7 City Participation in Repairs.** The City may assist property owners with damaged sidewalks, by sharing the costs of repair (50/50) on a first come basis, as it is convenient for the City and as funds are available for repairs. Written application for this City cost participation must be made with the City Public Works Department at least 10 days prior to the date of work commencement.

*History; 09/15*

**25-11-8 Improper use of Handicap Ramps in Sidewalks.** Handicap Ramps at intersections or elsewhere specifically designed for access to sidewalks and trails in accordance with the Americans with Disability Act shall not be used as vehicle access to a property, storage areas for construction material, or other use that will render these access points inaccessible or ineffective for their intended use.

*History; 03/10*

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**Chapter 12. Depositing of Water**

- 25-12-1 Overflow of Water on Streets and Sidewalks
- 25-12-2 Control of Runoff from Property

control run-off from roofs, downspouts, concrete slabs, and other impervious surfaces or excess water from landscape maintenance from flowing directly onto neighboring properties.

*History: 6/96*

**25-12-1 Overflowing of Water on Streets and Sidewalks.** No person shall allow water to overflow from any ditch or canal or from a well or as the result of improper irrigation or other watering of property upon the streets or sidewalks of the City.

*History: 8/72*

**25-12-2 Control of Runoff from Property.** All owners with property within the City are required to

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**Chapter 13. Driveway Construction**

- 25-13-1 Permit - Required
- 25-13-2 Permit - Approval or Denial
- 25-13-3 Permit - Temporary Driveway
- 25-13-4 Specifications and Requirements
- 25-13-5 Violations
- 25-13-6 Abatement of Nuisance

**25-13-1 Permit - Required.**

- (1) A permit is required as outlined in § 25-9-1.
- (2) Any person applying for a driveway permit shall have a site plan approved by the Community Development Department and submitted with the permit application.
- (3) All driveway construction will comply with the requirements of Title 28, Chapter 4, as amended.
- (4) For the purpose of this Chapter a building permit with an approved site plan fills the requirement for a permit.

**25-13-2 Permit - Approval or Denial.** If the application complies with the requirements of Title 28, Chapter 4, as amended, and the requirements of this chapter Public Works may issue the Permit.

**25-13-3 Permit – Temporary Driveway.** Any Permit issued, under the provisions of this chapter, to construct any driveway, entrance or exit, shall provide that within ninety (90) days after the termination of any use for which the Permit was issued, the permittee, owner or lessee shall, at his own expense, remove the driveway, entrance or exit and restore to their original condition all sidewalks, curbs and streets so damaged or displaced. If the

permittee, owner or lessee fails to comply with this Section within ninety (90) days after the termination of the use of the driveway entrance or exit, the Public Works Director shall so report to the Manager and the Manager may instruct the Public Works Director to abate the nuisance as a hazardous or inconvenient condition in the manner provided by law.

**25-13-4 Specifications and Requirements.**

Specifications and requirements for construction and development are outlined in Title 9, Engineering and Standard Specifications and Standard Drawings.

**25-13-5 Violations.** No person shall construct or establish or cause or allow to be constructed or established any driveway, entrance or exit connecting a street with private property where curb and sidewalks are maintained by the City without first having obtained a Permit as required by this chapter.

**25-13-6 Abatement of Nuisance.** Any driveway that is constructed without a Permit or not in compliance with the requirements set forth here or in the Engineering and Standard Specifications and Standard Drawings the permittee, owner or lessee shall, at his own expense, remove the driveway, entrance or exit and restore to their original condition all sidewalks, curbs and streets so damaged or displaced. If the permittee, owner or lessee fails to comply with this Section within ninety (90) days after notice from the Inspector, the Public Works Director shall so report to the Manager and the Manager may instruct the Public Works Director to abate the nuisance as a hazardous or inconvenient condition in the manner provided by law.

*History; 03/10*

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## Chapter 14. Street and Address Numbering

- 25-14-1 Structure Numbering System
- 25-14-2 Street Numbering System
- 25-14-3 Structure Numbering Requirement
- 25-14-4 Figures Used for Numbers
- 25-14-5 Failure to Number a Building
- 25-14-6 Change of Address
- 25-14-7 Amount of Numbers in Blocks
- 25-14-8 Odd and Even Numbers Designated
- 25-14-9 Multiple Buildings on a Campus
- 25-14-10 Building with Multiple Tenants
- 25-14-11 Building Inspector Authority - Certificate of Occupancy Issuance
- 25-14-12 Applicability of Chapter Provisions

**25-14-1 Structure Numbering System.** It shall be the responsibility of the Community Development Director, to assign structure addresses.

*History; 03/10*

**25-14-2 Street Numbering System.**

(1) Street numbers shall be designated by the Community Development Director during the subdivision or site plan approval process.

(2) Streets shall be numbered based upon the existing North/West grid system and only given a name when numbering is impractical due to multiple directions of one street. However, even though a street may have a proper name a street number shall be assigned at intersections.

*History; 03/10*

**25-14-3 Structure Numbering Requirement.**

(1) It shall be unlawful for any person to erect an occupiable structure or other structure, as defined by the International Building Code, within the City without numbering the structure with a number designated by the Community Development Director.

(2) Designated structures shall have the approved address numbers placed in an unobstructed, conspicuous position that is plainly visible from the street or road fronting the property. These numbers shall contrast with their background and be visible from a distance of 50-feet.

*History; 7/79,9/84, 12/07, 03/10*

**25-14-4 Figures Used for Numbers.**

(1) Address numbers shall be Arabic numbers or capital alphabet letters.

(2) Numbers or letters shall be permanent, stationary, durable and legible.

(3) Numbers shall be 4-inches high with a minimum stroke width of 0.5-inches. Numbers or letters placed on other than single family residential homes, higher than 14 feet above grade, shall be a minimum of 6-inches in height with a minimum stroke width of 0.75-inches or other dimensions as determined by the Fire Marshal.

*History; 7/79,9/84, 12/07, 03/10*

**25-14-5 Failure to Number a Building.**

(1) It shall be unlawful for any person having authority over a designated structure to fail, for a period longer than ten (10) days after notice, from the City to do so, to number the building with the number designated.

(2) If any person fails to comply with this Section within the time indicated in § (1) above or § 25-14-6 below, the Manager may instruct the Code Enforcement Officer to abate the nuisance as a hazardous or inconvenient condition in the manner provided by law.

*History; 03/10*

**25-14-6 Change of Address.**

(1) Requests for a change of address from building owners shall be made in writing explaining the reason for the desired change and filed with Community Development. Changes will be approved based upon the need and processed through the Davis County Recorder. It is the applicant's responsibility to change the characters on the building within ten (10) days of notice of the change being recorded at the County Recorders Office. Applicant is responsible for notifying the Post Office and other interested parties

(2) Changes required by the City shall be processed by Community Development. Property owners shall be notified, in writing, explaining the need and shall be provided with a copy of the recorded document changing the address. The City shall notify the Post Office and emergency services of the change. The property owner shall change the characters on the building within ten (10) days of notice of the change.

*History: 7/79, 9/84, 12/07*

**25-14-7 Amount of Numbers in Blocks.** 500 numbers, or the necessary part thereof, shall be allotted to each one-half ( ½ ) mile block.

*History: 7/79, 9/84, 12/07*

**25-14-8 Odd And Even Numbers Designated.**

(1) One (1) number shall be assigned consecutively and alternatively as to odd and even.

(2) Even numbers shall be assigned to the north and east sides of the street.

(3) Odd numbers shall be assigned to the south and west of the streets.

(4) Structure addresses shall not end in a zero (0) or five (5).

*History: 7/79, 9/84, 12/07, 03/10*

**25-14-9 Multiple Buildings on a Campus.**

(1) Commercial or similar developments with multiple buildings on a site may be addressed individually or by adding a alphabetic designator for each building after the address number.

(2) Alphabetical designations will be established during site plan review processing.

(3) Buildings will be marked as outlined in § 25-14-3 and §25-14-4

*History; 03/10*

**25-14-10 Building with Multiple Tenants.**

(1) Building with multiple tenants will be addressed numerically or alphabetically following the pattern outlined in § 25-14-8 and 25-14-9 in a way that numbers or letters do not follow one another. Tenant

spaces will be addressed from left to right. Each tenant bay will have a designation.

(2) Tenants occupying more than one bay in a multiple tenant building will use the lowest alphanumeric designation for the space being occupied.

(3) Alphabetical designations will be established during site plan review processing.

*History: 7/79, 9/84, 12/08*

**25-14-11 Building Inspector Authority - Certificate of Occupancy Issuance.** The building inspector is authorized to withhold a final inspection or certificate of occupancy, for any type of Building Permit issued, for any structure that does not have the address properly displayed as established in this statute.

*History; 03/10*

**25-14-12 Applicability of Chapter Provisions.**

The provisions of this chapter shall apply to all buildings in the City, including those constructed prior to the adoption of this statute.

*History; 03/10*

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## Chapter 15. Street Trees

25-15-1	Definitions
25-15-2	Duties of Community Development Director
25-15-3	Duties of Public Works Director
25-15-4	Duties of Private Property Owners/Occupants
25-15-5	Park Strip Trees
25-15-6	Tree Planting in Subdivisions
25-15-7	Protection of Trees
25-15-8	Interference with Community Development or Public Works Director
25-15-9	Enforcement - Violation – Penalty – Collection

**25-15-1 Definitions.** The following definitions shall apply to this chapter.

**“City Tree”** means any tree which is located within any public park or on any other City-owned property with the exception of park strip trees that do not fall under the definition of Street Tree or City Required Tree.

**“Compaction”** means the compression of the soil, structure or texture by any means that creates an upper layer that is impermeable.

**“Designated Street Tree List”** means a list of specific tree species which have been designated by Community Development for City streets as the species of trees to be planted within the City easement of that street.

**“Drip Line Area”** means the suggested minimum area within X distance from the trunk of a tree in a typical location, measured from the perimeter of the trunk of the tree at 54 inches above natural grade, where X equals a distance ten (10) time the diameter of the trunk at 54 inches above natural grade, or the distance to the outermost edge of the tree canopy, whichever is the lesser distance.

**“Maintain” or “Maintenance”** means and includes root pruning, trimming, spraying, watering, fertilizing, mulching, treating for disease or injury, or any other similar act, which promotes growth, health, beauty and life of any tree.

**“Pruning”, “Trimming” or “Thinning”** means to reduce the size of a tree using professionally accepted standards, as established by the International Society of Arboriculture (ISA), Tree Care Industry Association (TCIA) or American National Standards Institute (ANSI) Section A300, to control the height and spread of a tree, lessen the wind resistance, preserve its health and natural appearance, produce fuller branching and shaping, aid in disease

prevention by allowing more light and air passage within the branches, or make adjustments which will increase its longevity in an urban environment.

**“Street Tree” or “City Required Tree”** means any tree which is located within any park strip or landscape area that was required as part of a subdivision or development site plan, design, or landscape approval.

**“Topping,” “Heading Back,” “Stubbing” or “Pollarding”** means a severe type of pruning which usually produces less desirable results than more moderate pruning with respect to the tree's natural form and which is generally hazardous to the overall health and stability of the tree.

**“Tree Policy Manual”** means a document prepared by Community Development which states policies (approved by the City Council), procedures and other relevant information regarding the selection, planting, maintenance and removal of trees.

**25-15-2 Duties of Community Development Director.** The Community Development Director serves as the City Council’s tree advisor. The Community Development Director shall:

(1) Study the problems and determine the needs of the City in connection with its tree planting and maintenance programs and hold discussions of tree-related issues at public meetings.

(2) Hear and determine appeals from staff decisions regarding street tree removal. The Community Development Director may grant an appeal if he finds that the staff decision would result in a burden on the property owner that substantially outweighs the benefit to the public. The Community Development Director’s decision may be appealed to the City Council if a written appeal, setting forth the grounds, is filed with the City Recorder within ten (10) days of the Community Development Director’s decision. If no timely appeal is filed, the decision shall be final.

(3) To draft a tree policy manual that states policies and procedures concerning the selection, planting, maintenance and removal of trees in public places to promote a viable urban forest.

**25-15-3 Duties of Public Works Director.** The Public Works Director or his designee shall:

(1) Establish and revise the designated street tree list.

(2) Designate a particular place within the City easement or on any City-owned property where a City Tree will be planted.

(3) To grant or deny the issuance of Permits in accordance with the terms of this chapter.

(4) Maintain an inventory of City Trees.

**25-15-4 Duties of Private Property**

**Owners/Occupants.** The duties of any owner/occupant of private property whose property has a Street Tree or City Required Tree on the property or in the park strip fronting its property are as follows:

(1) To accept, protect and provide adequate water to any Street Tree or City Required Tree planted in the park strip or on their property;

(2) To remove any vines from Street Trees planted in the park strip;

(3) To remove all fallen leaves and other deadfall from any tree planted in their property or adjacent park strip, and to properly dispose of the leaves in an appropriate waste receptacle. Deadfall will be taken to Public Works for chipping and recycling.

**25-15-5 Park Strip Trees.** No tree shall be planted within a park strip other than the species outlined in the approved list. No tree shall be planted in a park strip, except by the City, until a tree Permit has been issued for it as provided in § 25-9-1(5) of this chapter.

**25-15-6 Tree Planting in Subdivisions.** Any developer of land shall install trees in accordance with the requirements of the development approval process and the provisions of this chapter and any related resolutions.

**25-15-7 Protection of Trees.**

(1) It is unlawful for any person to injure, damage, carve, transplant, root prune or remove any City Tree, Street Tree or City Required Tree without a Permit as established in § 25-9-1(5).

(2) It is unlawful for any person to attach, cause to be attached or keep attached to any City Tree, Street Tree or City Required Tree, or to the guard or stake of a City Tree, Street Tree or City Required Tree, any rope, wire nails, tacks, staples, advertising posters, decorations, ornaments, flags, toys, swings, lights or any other contrivance whatsoever without first obtaining a Permit as established in § 25-9-1(5).

(3) It is unlawful for any person to cause or allow any poison or other substance harmful to tree life to lie, leak, pour, flow or drip upon or into the soil within the drip line of any City Tree, Street Tree or City Required Tree; or set fire or allow any fire to burn when the fire or heat thereof will injure any portion of any City Tree, Street Tree or City Required Tree;

or to operate any equipment, or mechanical weeding devices, in a manner as to cause damage to a City Tree, Street Tree or City Required Tree in any way.

(4) No person shall injure any City Tree, Street Tree or City Required Tree located within a park strip or public right-of-way adjoining their private property by neglecting to provide the necessary amount of water, as determined by the Tree Policy Manual and the terms of this chapter, required for a tree's continued good health and viability.

(5) During the construction, repair, alteration, moving or removal of any building, structure of any other type of construction in the City, no person in control of the work shall leave any City Tree, Street Tree, City Required Tree, shrub or plant in the vicinity of the activity without sufficient guards or protectors as identified in the tree policy manual to prevent injury to the tree, shrub or plant in connection with the construction, repair, alteration, moving or removal. The costs of any protection shall be borne by the person responsible for the improvement.

**25-15-8 Interference with Community**

**Development or Public Works Director.** No person shall hinder, prevent, delay or interfere with a Department Director or any of his or her agents while engaged in carrying out the execution or enforcement of this chapter. Provided, however, that nothing in this Section shall be construed as an attempt to inhibit the pursuit of any remedy, legal or equitable, in any court of competent jurisdiction for the protection of property rights by the owner of any property within the City.

**25-15-9 Enforcement - Violation – Penalty - Collection.**

(1) Enforcement of this chapter shall be in accordance with Title 18, Chapter 18-1.

(2) Any violation of this chapter shall be a Class C misdemeanor.

(3) For violation of this chapter the cited person shall face criminal prosecution and shall be required to appear before the Justice Court of Clinton.

(4) In the event that the violation listed on the citation is not corrected within the appropriate time period, whether it be the normal or immediate correction time period, the Manager may:

(a) Order the Public Works Director to abate the violation; or,

(b) Order the Enforcement Officer to contract with an independent agent to abate the violation.

(5) Should the City abate the violation, the actual expenses and the appointed administrative fee for the City abating the violation shall be collected from the person by the Justice Court of Clinton and be added to any fine and penalties set by that court.

(6) The City may elect to refer the matter of payment to the County Treasurer for inclusion in the tax notice of the property owner as established in Utah State Code §10-11-3.

*History; 03/10*

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## Chapter 16. Park Strip

- 25-16-1 Placement of Concrete
- 25-16-2 Permission Required for Excavation
- 25-16-3 Criteria for Denial of Permits
- 25-16-4 Structures in Park Strip
- 25-16-5 Height Limitations on Park Strip Vegetation
- 25-16-6 Vegetation not to Obscure Water Meter
- 25-16-7 Shrubberty Obstructing Intersection Visibility - Removal Required
- 25-16-8 Duties of Private Property Owners/Occupants

**25-16-1 Placement of Concrete.** Placement of concrete in parking strips shall only be allowed in accordance with the Clinton City Zoning Ordinance for landscaping requirements.

**25-16-2 Permission Required for Excavation.** No person shall excavate within the public right-of-way any ditches, tunnels, trenches or irrigation lines without first obtaining a Permit.

**25-16-3 Criteria for Denial of Permits.** Permits shall not be granted if it is determined that the activity would compromise the health of a City Tree, would interfere with utilities, (sewer, water or land drain laterals) or the access to utilities, or would impede safe pedestrian or vehicular access.

**25-16-4 Structures in Park Strip.**

- (1) Persons shall place no structure, other than a mailbox, within the right-of-way. Exception: Items associated with public utilities as set in franchise agreement.
- (2) No basketball standards, recreation structures or other similar items that may entice children or others to play or gather within the right-of-way or cause balls or other items to be thrown into the right-of-way shall be constructed or placed within or adjacent to the right-of-way.

**25-16-5 Height Limitations on Park Strip Vegetation.** It is unlawful for any person to have in any public park strip of any right-of-way any plant material that is more than twenty-four (24) inches

above the sidewalk level, and no growth shall be allowed to obstruct any portion of an adjoining sidewalk or curb; provided, however, that the limitations contained in this Section shall not apply to street trees which may exceed the height limitation of twenty-four (24) inches, and which may branch over the sidewalk at a minimum height of eight (8) feet and street at a minimum height of twelve (12) feet, both measured from the top back of curb.

**25-16-6 Vegetation not to Obscure Water Meter.**

It is unlawful for any person to allow vegetation to grow over or obscure the water meter lid or box. Additionally, it is their responsibility to insure that water meter lids and boxes are accessible for maintenance and inspection by Public Works.

**25-16-7 Shrubberty Obstructing Intersection Visibility - Removal Required.**

Whenever a City Officer finds that any hedge, shrubberty or tree growing within the public right-of-way obstructs the view of any intersection, traffic upon the streets approaching the intersection, or traffic signs he or she may cause the hedge, shrubberty or tree to be removed or reduced in size.

**25-16-8 Duties of Private Property**

**Owners/Occupants.** Except in those specific areas where the City has formally accepted maintenance through a development agreement or another instrument, the duties of any owner/occupant of private property whose property has a park strip on its street and related purposes are as follows:

- (1) To maintain and water vegetation planted in the park strip area to no more than 24-inches; provided however, this Section shall not apply to Street Trees or City Required Trees; and,
- (2) To maintain and replace any trees, that were installed as part of a subdivision approval, design or City project, that may die; and,
- (3) To remove all vegetation, garbage, and debris from any sidewalk, or trail in the right-of-way.

*History; 03/10*

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**Chapter 17. Newsracks**

Moved to Title 15, Chapter 18

*History: 10/10***Chapter 18. Skateboards and Roller Skates**

- 25-18-1 Definitions
- 25-18-2 Skateboards and Roller Skates Prohibited in Places Where Posted
- 25-18-3 Posting Procedure
- 25-18-4 Designated Areas
- 25-18-5 Skateboarding or Roller Skating as Nuisance
- 25-18-6 Violation as Infraction

**25-18-1 Definitions.** For purposes of this chapter only, the following definitions shall apply:

**"Roller Skates"** means any footwear or device which may be attached to the foot or footwear to which wheels are attached and the wheels may be used by the wearer in moving, including in-line skates known as roller blades. The definition of these terms shall include a single roller skate, or parts thereof, used by the wearer in moving.

**"Skateboard" or "Skateboards"** includes any board of any material which has wheels attached to it where the wheels may be used for movement or propulsion.

**"Official Sign"** means a sign which meets the specifications set by the Clinton City Police Department and which prohibits operating skateboards or roller skates on the property.

**25-18-2 Skateboards and Roller Skates Prohibited in Places Where Posted.** It is unlawful for any person upon roller skates or skateboards, to go upon and/or ride upon any public or private property, public or private parking lot or shopping center parking lot, or any applicable portion thereof, provided official signs prohibiting the acts are erected in accordance with § 25-18-3.

**25-18-3 Posting Procedure.** Persons, who own, lease, rent or otherwise have control over real property, and who wish to post signs prohibiting the use of roller skates or skateboards on the property, must post signs prohibiting the use of skateboards and roller skates on the property. Signs must be posted in plain view at all entrances to the property, or at all entrances to that portion of the property for which the use of skateboards and roller skates is prohibited. Signs must reference Clinton City Code of Ordinances Title 25 Chapter 17. Public property shall be posted using the same procedure.

**25-18-4 Designated Areas.**

(1) The City Council may, from time to time, designate certain areas for the use of skates and/or skateboards. Areas shall be designated by resolution of the City Council and posted with signs which are consistent with the standards for signs adopted by Clinton City.

(2) All persons using a skateboard in an area designated for the use of roller skates and/or skateboards are required to wear protective equipment and comply with the requirements and regulations of Title 19, Parks, as amended.

**25-18-5 Skateboarding or Roller Skating as Nuisance.** No person shall use a skateboard or roller skates in a manner which creates a nuisance. For purposes of this Section, "nuisance" is defined as an activity which:

- (1) Threatens injury to person or property;
- (2) Creates an obstruction or presents a hazard to the free use of public or private property by pedestrians or motorists; or
- (3) Generates loud or unreasonable noise.

**25-18-6 Violation as Infraction.** A violation of any Section in this chapter is deemed to be an infraction and is punishable according to the provisions of this code and state law.

*History: 03/10*

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**Chapter 19. Crosswalks**

25-19-1	Definitions
25-19-2	Intersection Crosswalks
25-19-3	Uncontrolled Crosswalks
25-19-4	Crosswalk Installation
25-19-5	Decision to Install a Crosswalk
25-19-6	Appeal of a Decision not to Install a Crosswalk

**25-19-1 Definitions.****“Crosswalk”**

(1) That part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the street measured from the curbs, or in the absence of curbs, from the edges of the traversable roadway; and in the absence of a sidewalk on one side of the roadway, the part of a roadway included within the extension of the lateral lines of the existing sidewalk at right angles to the centerline.

(2) Any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface. (1992 Uniform Vehicle Code Section 1-112)

**“Uncontrolled Crosswalks”** Unmarked crosswalk at an intersection.

**25-19-2 Intersection Crosswalks.** Crosswalks exist at all public street intersections whether they are marked or unmarked. Crosswalks will typically be marked at signalized intersections, school crossing locations, and areas of considerable pedestrian activity.

**25-19-3 Uncontrolled Crosswalks.** Before installing a new marked crosswalk at uncontrolled street crossings, a staff evaluation is required to determine if the location is suitable for a marked crosswalk. The evaluation will be a Council approved rating system, “Guidelines and Standards for Pedestrian Crossings” based on guidelines established by Federal Highways Administration (FHA) and the Manual on Uniform Traffic Control Devices (MUTCD) guidelines. It is recommended that a minimum of 20 pedestrian crossings per peak hour (or 15 or more elderly and/or child pedestrians) be confirmed at a location before being considered for installation of marked crosswalk.

**25-19-4 Crosswalk Installation.** The need for pedestrian crossing enhancements will be reviewed as part of the staff evaluation. Where it is determined to install a crosswalk, the crosswalk shall be constructed per the MUTCD guidelines.

**25-19-5 Decision to Install a Crosswalk.** Findings of the staff review will be evaluated and the results presented to the Manager with a recommendation to either install or not install the crosswalk. Recommendation will include the cost of necessary right-of-way and safety enhancements. If the crosswalk is to be installed, based upon the recommendation, the Manager will establish a priority within the constraints of the budget.

**25-19-6 Appeal of a Decision not to Install a Crosswalk.** If the decision of staff is that the crosswalk should not be installed, an appeal by interested parties may be made to the City Council. The decision of the Council will be final.

*History: 11/08, 03/10*

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## Chapter 20. Special Events

25-20-1	Intent
25-20-2	Definitions
25-20-3	Film/Filming Requirements and Procedures
25-20-4	General Requirements
25-20-5	Application
25-20-6	Review Process
25-20-7	Contents of Permit
25-20-8	Appeal Procedure
25-20-9	Alternative Route – Time - Date
25-20-10	Notice to City and Other Officials
25-20-11	Public Conduct During Event
25-20-12	Revocation of Permit
25-20-13	Permit Exemptions

**25-20-1 Intent.** It is the intent of the City to encourage special events; parades, races, runs, walks, on or in a part of the right-of-way, as they express pride in the City and support for community organizations. The City supports the events to the degree they create and maintain a safe, clean and maneuverable environment for participants and the citizens of the City. However, it is the City's desire that the events do not detract from normal City operations and services provided to the citizens-at-large. These special events need to pay for their impacts on City services in order not to hinder or cause a drain on the City's limited resources.

**25-20-2 Definitions.** The following words and phrases are defined for use in this chapter:

**"Block Party"** means a one-day social gathering of neighbors in which the associated residential street is temporarily closed.

**"Special Event"** means any parade, march, race, walk, procession, or gathering of any kind or similar display that necessitates the exclusive temporary use and/or closure of a public right-of-way, publicly-owned parking lot, or other public place in the City, excluding parks and parking lots adjacent to parks.

**25-20-3 Film/Filming Requirements and Procedures.** Refer to Title 16, Chapter 16, for requirements related to Film/Filming Requirements and Procedures.

### 25-20-4 General Requirements.

(1) A Special Event Permit shall be obtained from the City prior to the start of any special event. City sponsored special events shall be subject to the requirements of this chapter.

(2) A street closure Permit may be required as a condition of approval. If this is necessary, then the

event sponsor shall coordinate with Community Development for its issuance.

(3) Police Services: Required or requested police services may be provided by the Clinton City Police Department and will be processed through the Clinton City Police Chief. Applicant is to provide adequate information so that any need for police services is clearly explained, to include dates, times, specific reason for officers (traffic control, security, etc.), and number of officers.

(a) Once the Permit has been approved the applicant may make arrangements with off duty police officers for scheduling.

(b) Certified officers from other jurisdictions may be utilized when Clinton officers are not available.

(c) Use of any officers, Clinton City or otherwise, is to be approved by the Clinton City Chief of Police.

(d) Cancellation of police services will be as established with the individual officers; however applicant is to inform the Clinton City Chief of Police of any changes in the schedule.

(e) Fees for police services shall be established as set forth in § 25-6-4. Charges for off-duty officers or officers from other jurisdictions shall be resolved with the individual officers and not processed through the City.

(4) Fire and Ambulance Services. Required or requested fire and ambulance services can be provided by the Clinton City Fire Department and will be processed through the Clinton City Fire Chief. Applicant is to provide adequate information so that any need for these services is clearly explained, to include dates, times, specific reason (fire standby, ambulance standby, hazmat, extinguish burn, etc.) and number and type of vehicles required.

(a) All activities related to the event must meet the existing Fire Code adopted by the State of Utah (International Fire Code).

(i) An inspection of the site/route will be required.

(ii) Obtain appropriate Permits; pyrotechnics, flame effects (NFPA 160).

(b) Fees for fire services shall be established as set forth in § 25-6-4.

(5) Events that require closure or access to SR-37 (1800 North) or SR-108 (2000 West) shall be required to obtain UDOT Permits and file copies of Permits with applications. An approved UDOT Permit does not obligate the City to grant a Permit for a special event.

(6) The applicant shall defend the City, its agents, officers, officials and employees against any legal proceeding in law or equity, and further shall indemnify and hold harmless the City and its agents, officers, officials and employees from any costs, awards, fees, including attorney fees, or judgments which arise from any act or omission, whether intentional or negligent, or from strict liability arising from the conduct of any participant, invitee, attendee, sponsor or any third person who is or is not an invitee, attendee, participant, or sponsor of the event.

(7) A Permit holder shall comply with all Permit directions and conditions and with all applicable laws and ordinances. The event chairman or other person heading or leading the activity shall carry the event Permit upon their person during the course of the event.

#### **25-20-5 Application.**

(1) Submittal Requirements. A person seeking a Special Event Permit shall file ten (10) copies of the complete application on City forms with Community Development not less than forty-five (45) calendar days nor more than one hundred eighty (180) calendar days prior to the date of the proposed event. The application shall contain the information below. Additional information may be required depending on the size and scope of the event. Each Permit application must contain the following:

(a) The name, address and phone number of the event sponsor and/or individual(s) responsible for its conduct;

(b) A written description of the event and its purpose;

(c) The date, the place of assembly, start and finish times of the event;

(d) A written narration of the route to be traveled, including the assembly and parking areas, and the start and termination points;

(e) Parking Plan:

(i) A parking plan for all vehicles associated with the event, including equipment vans, trailers, etc. must be submitted with the Permit application.

(ii) Parking in "no parking" areas will only be allowed with prior clearance from the Clinton City Police Department.

(f) A detailed map of the route to be traveled delineating which part of the right-of-way to be traveled, how street crossings are to be accomplished (i.e. use of barricades, police traffic control, etc.), assembly and parking areas;

(g) The approximate number of persons (participants and spectators), and the number and type of vehicles (if any) which will constitute the special event;

(h) The number and location of any rest stop/aid stations and the facilities to be provided (i.e. restrooms, refreshments, first aid, etc.);

(i) If the event is to be conducted for or by an organization, the name, address and telephone number of the headquarters of the organization and of the authorized and responsible heads of the organization;

(j) An indication of any route marshals to be provided by the event sponsor. If so, the map shall indicate their location along the route.

(2) Application Fee. The applicant shall pay a fee as established in § 25-6-4.

(3) Waiver of Fees and/or Deposits. The City Council may waive a part or all of the fees if it can be shown that the City will benefit in some tangible way and the action will not cause a drain on public resources.

(4) Proof of Insurance. The applicant shall submit proof of insurance in the amount determined by the Community Development Director naming the City as an insured party.

(5) Security Deposit.

(a) Depending on the size, scale and location of the event, the Community Development Director may require a deposit to cover the costs of clean-up. The amount of the deposit will be commensurate with the size of the event and determined by Public Works. If the sponsor cleans up the route/course to the satisfaction of Public Works, then the deposit will be refunded. If the clean-up is not to the Public Works Director's satisfaction, then the City will clean or have cleaned the route and the cost to the City will be billed against the sponsor's deposit one and one-half (1 ½) times the pay rate of the City crews plus an appropriate administrative fee. Any balance of deposit will be returned to the sponsor after the City charges are deducted.

(6) If a department finds that the special event will detract from normal City operations to an extent that additional personnel or equipment is needed, that department shall so notify the Manager, indicating the estimated costs created by the special event, and the Manager shall direct the Community Development Director to require a security deposit to cover the costs in an amount equal to one and one-half (1 ½) times the applicable pay rate. Upon completion of the special event, the applicant shall be

refunded any unused funds or billed for the services provided in excess of the deposit.

(7) **Property Owner's Permission:** For events that take place on property not owned or controlled by the City, applicants must obtain written permission from the property owner(s) and tenant(s) and/or enter into a lease agreement for the use of the property. Copies of the permission or agreement must be provided to the City prior to the issuance of an event Permit.

(8) **Notice Requirements.** At the time of submittal, a public notice shall be placed in the local paper specifying the date and time of the special event along with the map of the route. The notice shall also state the time frames of the review period. In addition, notice to residents and/or merchants adjacent to route/course may be required by the Community Development Director depending on the size, location and time of event.

#### **25-20-6 Review Process.**

(1) The Community Development Director shall review all applications within seven (7) calendar days from the time of submittal. If the application is deficient, then the sponsor shall be informed and the processing will cease until the application is complete. Upon reapplication the review time starts over.

(2) Once the application is deemed complete, the Community Development Director shall forward copies of the application with the map to the following City Departments for review and comment. Each department shall evaluate the event's impact on its respective area of responsibility and respond accordingly.

- (a) Manager;
- (b) Police;
- (c) Fire;
- (d) Recreation;
- (e) Public Works;
- (f) Any other affected department;

(3) Responses shall be returned to the Community Development Director within fourteen (14) calendar days.

(4) The Community Development Director shall act upon an application for a Special Event Permit within twenty-one (21) calendar days after the application is deemed complete. A letter specifying the action and the appeal period shall be sent to the event sponsor and any concerned citizen.

(5) If the event is of a size and type that warrants special consideration, staff may refer the item to a meeting of the City Staff. If this were to occur, the twenty-one (21) day time frame will not apply.

(6) A Special Event Permit shall be issued when it can be found that:

(a) The conduct of the special event will not substantially interrupt the safe and orderly movement of traffic in the City or damage public property;

(b) The special event is scheduled to move from its place of beginning to its place of termination without unreasonable delays in route;

(c) The special event is not held for the sole purpose of advertising any product, good or event for private profit;

(d) The special event provides a specific benefit to the City or to the business community, or to a recognized community organization;

(e) The conduct of the special event will not require the diversion of so many police officers of the City to properly police the line of movement as to prevent normal police protection to the City;

(f) The concentration of persons, animals and vehicles in and about the special event will not unduly interfere with proper fire and police protection in the area.

**25-20-7 Contents of Permit.** Each Special Event Permit shall state the conditions of approval, the starting and ending time of the event, the portions of the streets to be traversed that may be occupied by the event, the maximum length of the event, and all other information as the Community Development Director shall find necessary to the enforcement of this chapter.

**25-20-8 Appeal Procedure.** Any person aggrieved shall have the right to appeal the Community Development Director's decision on a Special Event Permit (approval, denial, alternative route) to the City Council by filing a notice of appeal with the City recorder within five (5) calendar days after the Community Development Director's action established in § 25-20-6(4) above. The appeal shall be placed on the next regular City Council meeting after the appeal is filed the City Council's determination shall be final.

**25-20-9 Alternative Route – Time - Date.** The Community Development Director, in denying an application for a Special Event Permit, may authorize the conduct of the event on a date, at a time, or over a route different from that named by the applicant. An applicant wishing to accept an alternate Permit shall

file a written notice of acceptance with the Community Development Director within five (5) calendar days after notice of the action. An alternate Special Event Permit shall have the effect of a Special Event Permit under this chapter.

**25-20-10 Notice to City and Other Officials.**

Immediately upon the issuance of a Special Event Permit, the Community Development Director shall send a copy of the Permit to the Manager, Chief of Police, Fire Chief, and the Community Development Director, each public transportation system whose vehicles will be affected by the route of the proposed special event, and any other public officials the Community Development Director wishes to notify.

**25-20-11 Public Conduct During Event.** No person shall tamper, obstruct, or interfere with any special event or assembly or with any person, vehicle or animal participating or used in the special event. No driver of a vehicle shall drive between the

vehicles or persons comprising the special event when the vehicles or persons are in motion and are conspicuously designated as a special event. If Public Works has posted temporary signs restricting the parking, operation, or standing of vehicles in the area pursuant to Title 16 of this code, it shall be unlawful for any person to operate, park, or leave standing any vehicle in violation of the posted signs.

**25-20-12 Revocation of Permit.** The Community Development Director shall have the authority to revoke a Special Event Permit if the event and/or participants are not complying with the conditions of the Permit.

**25-20-13 Permit Exemptions.** No Permit shall be required for funeral processions, school field trips or block parties.

*History; 03/10*

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**Chapter 21. Miscellaneous Provisions**

- 25-21-1 Injuring Curbs and Gutters
- 25-21-2 Injuring Sidewalks and Trails

**25-21-1 Injuring Curbs and Gutters.** It is unlawful for any person to obstruct, break down or otherwise injure, paint or destroy curb or gutter by

driving over, plowing, cultivating or otherwise within the City.

**25-21-2 Injuring Sidewalks and Trails.** It is unlawful for any person to obstruct, break down or otherwise injure or destroy any dirt, wood, rock or cement sidewalk or trail by driving over, plowing, cultivating or otherwise within the City.

*History: 03/10*

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