



WORK SESSION AGENDA

NOTICE IS HEREBY GIVEN THAT THE CENTERVILLE CITY COUNCIL WILL HOLD ITS WORK SESSION MEETING AT 6:00 PM ON SEPTEMBER 3, 2024 AT CENTERVILLE CITY HALL, 250 NORTH MAIN STREET, CENTERVILLE, UTAH.

Centerville City Council meetings are open to the public, unless otherwise closed for reasons allowed by law. Centerville City Council meetings may be conducted via electronic means pursuant to Utah Code § 52-4-207. In compliance with the Americans with Disabilities Act, individuals needing special accommodations due to a disability may contact the City Recorder at (801) 295-3477, at least 24 hours in advance of the meeting. The Mayor and Council reserve the right to modify the sequence of agenda items in order to facilitate special needs or provide greater efficiency.

The full agenda packet and backup materials can be found on the Centerville City website at:

<https://centervilleutah.gov/129/Agendas-Minutes>

A. ROLL CALL

B. BUSINESS ITEMS

Business action or discussion items to be considered.

1. Discussion - Trees in the Parkstrips

Discuss comprehensive Ordinance amendments regarding trees in parkstrips and new sidewalk replacement program amending provisions of CMC 11.02 (Parkstrips) and enacting CMC 11.05 (Sidewalk Replacement Program) and CMC 11.06 (Public Utility Easements) - TABLED FROM AUGUST 20, 2024

C. CLOSED SESSION

The City Council may vote to discuss matters in a closed session for reasons allowed by law, including, but not limited to, the provisions of Utah Code § 52-4-205 of the Open and Public Meetings Act, and for attorney-client matters that are privileged pursuant to Utah Code § 78B-1-137.

D. ADJOURNMENT

CERTIFICATE OF POSTING

I hereby certify that this notice and agenda was posted at Centerville City Hall, published on the Utah Public Notice Website, and provided to a newspaper or media correspondent in accordance with the requirements of the Utah Open and Public Meetings Act, including, but not limited to, provisions of Utah Code § 52-4-202.

**Jennifer Robison
Centerville City Recorder**

CITY COUNCIL
Staff Report
9/3/2024

Item No. 1.

Title: Discussion - Trees in the Parkstrips

Initiated By: Marc Marchant, Streets Supervisor, Lisa Romney, City Attorney

Staff Representative: Marc Marchant, Streets Supervisor, Lisa Romney, City Attorney

SUBJECT:

Discuss comprehensive Ordinance amendments regarding trees in parkstrips and new sidewalk replacement program amending provisions of CMC 11.02 (Parkstrips) and enacting CMC 11.05 (Sidewalk Replacement Program) and CMC 11.06 (Public Utility Easements) - TABLED FROM AUGUST 20, 2024

RECOMMENDATION:

Continue discussion of trees in the parkstrips and proposed Ordinance amendments prohibiting trees in the parkstrips. Direct Staff regarding further Ordinance amendments or revisions.

BACKGROUND:

At the last City Council meeting on August 20, 2024, the City Council tabled action on the proposed Ordinance amendments prohibiting trees in the parkstrips. In response to public comments and Council discussion, the City Council directed Staff to work up some options and ideas for more flexibility in saving trees in the parkstrip that are not causing damage. The motion addressed the following:

1. Create a proactive tree voucher program
2. Allow distribution of unused tree vouchers to other residents or the City
3. Go back and offer tree vouchers for residents impacted by prior streets projects (back to 2022)
4. Implement a waiver and liability release program to allow residents to keep trees in the parkstrip that are not causing damage
5. Prohibit new trees in the parkstrips moving forward
6. Allow existing trees to remain in parkstrips if they are not causing damage
7. Other ideas recommended by Staff

As directed, Staff has prepared the attached bullet point outline of some ideas for regulating trees in the parkstrips. This proposal allows trees that are not causing damage to remain in the parkstrips. Trees that are causing damage or are otherwise unhealthy will be required to be removed. Determination of damage and health of the tree is within the sole discretion of the Streets Supervisor but shall be based on internal guidelines to be prepared setting forth standards and criteria for the Streets Supervisor to consider. The proposal also includes some options for "training roots" and "relocating sidewalks" if determined feasible by the City. Staff still recommends no trees in the parkstrips, but both options are outlined and should be discussed by the Council. The last section is an attempt to outline criteria and protocols for the tree voucher program.

Prior Background:

The City has been researching and analyzing whether to allow trees in the parkstrips for many years. Most of the City's parkstrips are only four feet wide and are crowded with utilities. Trees within these narrow parkstrips cause significant damage to public infrastructure and utilities. Street and sidewalk replacement projects over the years have revealed significant damage from trees within the parkstrips to culinary waterlines, irrigation laterals, meters, and other utilities. In addition, trees within the parkstrip cause damage to adjacent City sidewalks, curbs, gutters, and other infrastructure.

In 2016, the City conducted a study of the condition of existing sidewalks. The study identified damaged sections of sidewalk as well as vertical faults in sidewalks and categorized such vertical faults based on the inches of displacement. The study also identified areas where the sidewalk damage was likely due to existing trees in the parkstrip or on private property. The study indicated a high correlation between sidewalk damage and displacement and trees in the parkstrip or in proximity on private property. Since the sidewalk study in 2016, the City has been implementing a sidewalk replacement program to repair and replace damaged sidewalks throughout the City. This program has included removing trees from the parkstrip prior to replacing damaged sections of sidewalk. Overall, property owners have been cooperative in working with the City to take out trees that are damaging public infrastructure. The City has also used a tree voucher program as recommended by the Tree Board to pay for replacement trees to be planted on private property. The tree voucher program has also been well received.

Staff has been working on ordinance amendments to implement and codify the parkstrip tree removal program the Public Works Department has been using for the past few years. These ordinance amendments include amendments to Chapter 11.02 (Parkstrips) as well as a new Chapter 11.05 (Sidewalk Replacement Program) and a new Chapter 11.06 (Public Utility Easements).

Staff reviewed the proposed ordinance amendments with the Tree Board at their meetings held on May 15, 2024 and June 19, 2024. Based on the discussion and review of the ordinance amendments by the Tree Board, the Tree Board passed a motion (3-1) recommending the ordinance amendments with the following suggested changes:

1. Prohibit trees in parkstrips that are less than six feet (6') wide;
2. Allow trees in parkstrips that are six feet (6') wide or greater (like Parrish Lane Gateway);
3. Allow trees in public utility easements (PUEs), but recommend planting them five feet (5') back of sidewalk;
4. Offer residents of 1825 North tree vouchers that were not available at the time the old trees were removed;
5. Make sure new developments do not plant trees in the parkstrip (like Summerhill Lane Subdivision);
6. Search and correct use of right-of-way vs. rights-of-way; and
7. Encourage the replanting of trees on private property with tree voucher program and public outreach.

The Tree Board and City Council met in a Joint Work Session to discuss the proposed amendments on July 16, 2024. The proposed ordinance amendments are attached. The suggestions from the Tree Board have been added in green redline and strikeout.

ATTACHMENTS:

1. Proposed Alternatives for Trees in the Parkstrips
2. Ordinance No. 2024-12 - Parkstrip Ordinances
3. CMC 11.02.010 (Parkstrips)
4. CMC 11.05.010-(Sidewalk Replacement Program)
5. CMC 11.06.010 (Public Utility Easements)
6. Parkstrip Trees Damaging Sidewalk - Pictures
7. Sidewalk and Trees Discussion Outline (2018)
8. 09-18-2018 CC Staff Report-Street Tree Parkstrip Discussion
9. 03-19-2019 CC Staff Report-Sidewalk Replacement Program

10. Tree PowerPoint Presentation 2024
11. Sidewalk Fault Statistics (2024)
12. 6 foot tree 2" base - photo
13. Sidewalk and Street Tree Discussion History

Proposed Alternatives for Trees in the Parkstrips

August 29, 2024

- Determine Trees Required to be Removed: In conjunction with upcoming major streets projects or other public improvements projects (such as sidewalk removal program, ADA compliance project, or public safety projects), City Staff will assess existing trees in the parkstrip for the project area to determine which trees should be required to be removed
 - Trees will be assessed for any damage they are causing to public infrastructure and the health and stability of the trees
 - Assessment may include consulting with outside third-party arborist to determine the health and stability of the trees
 - Assessment may be based on internal policy guidelines setting forth standards and criteria
 - The estimated number of trees recommended for removal may be included in the bid for streets project or handled internally with existing funds and/or City Staff
- Trees Causing Damage: Any trees causing damage to public infrastructure will be required to be removed as part of or prior to the anticipated streets project or other public improvements project
 - Whether a tree is causing damage (or more than de minimus damage) to public infrastructure or utilities shall be determined at the sole discretion of the Streets Supervisor, but shall be based on internal policy guidelines setting forth standards and criteria
 - Damage to public infrastructure may include any damage to adjacent sidewalk, curb and gutter, utilities, water meters, asphalt, and any other similar public infrastructure or utilities
 - City Staff will send out letter to residents with trees that are required to be removed notifying them of the required action and informing them of the tree voucher program (tree for a tree)
- Trees Not Causing Damage: Any trees that are not causing damage to public infrastructure (or only causing de minimus damage) as determined by the Streets Supervisor may be allowed to remain
 - The City will offer to remove any trees in the parkstrip even though they are not causing damage at the City's cost in conjunction with any streets project or other public improvements project
 - If the property owner does not want the tree removed, the tree will be allowed to remain
 - City Staff will send out letters to residents with trees that are not required to be removed notifying them of the option to have the City remove the tree at the City's cost or to allow the tree to remain (subject to future removal)
 - If the tree remains in the parkstrip, the City reserves the right at any time to remove the tree as determined necessary
 - Future Tree Removal Alternative: If the tree remains in the parkstrip, the City may require the property owner to remove the tree at property owner's expense if and when it causes damage to public infrastructure or utilities
 - Future Damages Alternative: If the tree remains in the parkstrip, the City may seek reimbursement from the property owner for any future damage to public infrastructure or utilities (in addition to requiring the tree to be removed)
 - Waiver Alternative: If the tree remains in the parkstrip, the City may require the property owner to sign a waiver and release and contractual obligation to pay for future removal and/or damages to run with the land

- Training Roots Alternative: If determined feasible and the tree is a good candidate, the property owner may be offered the option of having the City cut the surface roots of the tree down in key locations to prevent further damage to public infrastructure
 - Feasibility shall be determined at the sole discretion of the Streets Supervisor, but shall be determined based on internal policy guidelines setting forth standards and criteria and consultation with an outside third-party arborist
 - This option shall be subject to all conditions and requirements for allowing a tree to remain in parkstrip when it is not causing damage including, but not limited to, removal of tree if and when it causes damage to public infrastructure and utilities, paying for future damages to public infrastructure and utilities, and the property owner signing a waiver and release
 - Cost Option: The property owner shall be required to pay for the cost of the root cutting work
 - Caution: This option should only be used then cutting the roots will not be detrimental to the tree and will not cause a dangerous condition due to stability of the tree
 - Any tree root cutting paid for by the City shall be subject to budget approval and annual funding

- Sidewalk Relocation Alternative: If determined feasible, the property owner may be offered as an alternative to removal, the ability to pay for the sidewalk to be removed and relocated to go around the area of tree trunk or root disturbance
 - Feasibility shall be determined at the sole discretion of the Streets Supervisor, but shall be determined based on internal policy guidelines setting forth standards and criteria and consultation with an outside third-party arborist
 - This alternative shall only be allowed if the tree is not causing damage to public infrastructure, is deemed to be healthy and stable by a certified arborist, and is not deemed to be a public health and safety risk
 - This option shall be subject to all conditions and requirements for allowing a tree to remain in parkstrip when it is not causing damage including, but not limited to, removal of tree if and when it causes damage to public infrastructure, paying for future damages to public infrastructure, and the property owner signing a waiver and release
 - The property owner shall be required to provide the City with an additional pedestrian easement over and across the portion of private property needed for the relocation of the sidewalk
 - Cost Option: The property owner shall be required to pay for the removal and relocation of the sidewalk and the cost to prepare a legal description for the pedestrian easement
 - Any sidewalk relocation paid for by the City shall be subject to budget approval and annual funding

- No New Trees in Parkstrips: Adopt code provisions to prevent future trees in parkstrips
 - Prohibit new trees from being planted in parkstrips that are less than 6' wide
 - Allow new trees to be planted in parkstrips that are 6' wide or greater based on approved Tree List as recommended by the Tree Board

- Trees Allowed in Parkstrips Alternative: Adopt code provisions to allow certain new trees to be planted in parkstrips based on approved Tree List as recommended by the Tree Board

- Proactive Tree Voucher Program: Implement a proactive Tree Voucher Program to plant a new tree for every tree that is removed by the City.
- Allow a tree voucher to be distributed to the effected property owner, resident, business, or City department, whenever the City removes a tree within the City (regardless of whether the tree was in the parkstrip)
 - When a tree is removed by the City, offer a tree voucher in the following order of priority:
 - To the property owner where the tree was removed
 - If the property owner does not use the tree voucher within 6 months, the tree voucher can be offered to other property owners in the vicinity on a first-come basis
 - If the property owner in the vicinity do not use the tree voucher within 6 months, the tree voucher can be provided to the Parks and Recreation or Cemetery Department to plant a tree in a City park or other public property as determined acceptable by the Parks and Recreation Director
 - Tree voucher cannot be used to plant a tree in a parkstrip less than 6' wide
 - The tree voucher must be used to plant a tree on the Tree List approved by the Tree Board
 - The proactive Tree Voucher Program shall be retroactive to January 2022
 - Staff shall research eligible property owners and notify them of the right to obtain a tree voucher for any tree removed from their parkstrip by the City
 - Tree Voucher Program is subject to budget approval and annual funding

ORDINANCE NO. 2024-12

AN ORDINANCE AMENDING CHAPTER 11.02 OF THE CENTERVILLE MUNICIPAL CODE REGARDING PARKSTRIPS, ENACTING CHAPTER 11.05 OF THE SAME REGARDING SIDEWALK REPLACEMENT PROGRAM, AND ENACTING CHAPTER 11.06 OF THE SAME REGARDING PUBLIC UTILITY EASEMENTS

WHEREAS, the City has previously adopted Chapter 11.02 of the Centerville Municipal Code regarding Parkstrips and Parkstrip Trees; and

WHEREAS, the City Council desires to amend certain provisions of Chapter 11.02 of the Centerville Municipal Code regarding the use of parkstrips and, unless otherwise provided, prohibiting trees in parkstrips less than six feet wide as more particularly set forth herein; and

WHEREAS, the City Council desires to adopt a new Chapter 11.05 of the Centerville Municipal Code regarding the City sidewalk replacement program as more particularly set forth herein; and

WHEREAS, the City Council desires to adopt a new Chapter 11.06 of the Centerville Municipal Code regarding public utility easements as more particularly set forth herein; and

WHEREAS, the City Council finds the amendments to Chapter 11.02 of the Centerville Municipal Code and the enactment of Chapter 11.05 and Chapter 11.06 of the same as provided herein are in the best interest of the public health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF CENTERVILLE CITY, STATE OF UTAH:

Section 1. **Amendment.** Chapter 11.02 of the Centerville City Municipal Code regarding Parkstrips is hereby amended to read in its entirety as set forth in **Exhibit A**, attached hereto and incorporated herein by this reference.

Section 2. **Enactment.** Chapter 11.05 of the Centerville City Municipal Code regarding the Sidewalk Replacement Program is hereby enacted to read in its entirety as set forth in **Exhibit B**, attached hereto and incorporated herein by this reference.

Section 3. **Enactment.** Chapter 11.06 of the Centerville City Municipal Code regarding Public Utility Easements is hereby enacted to read in its entirety as set forth in **Exhibit C**, attached hereto and incorporated herein by this reference.

Section 4. **Severability Clause.** If any section, part, or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance, and all provisions, clauses, and words of this Ordinance shall be severable.

Section 5. **Effective Date.** This Ordinance shall become effective immediately upon publication and posting, or thirty days after passage, whichever occurs first.

PASSED AND ADOPTED BY THE CITY COUNCIL OF CENTERVILLE, STATE OF UTAH, ON THIS 6th DAY OF AUGUST, 2024

ATTEST: CENTERVILLE CITY

Jennifer Robison, City Recorder

By: _____

Mayor Clark A. Wilkinson

Voting by the City Council:

	“AYE”	“NAY”	“ABSENT”
Councilmember Hayman	_____	_____	_____
Councilmember Hirst	_____	_____	_____
Councilmember Plummer	_____	_____	_____
Councilmember Mecham	_____	_____	_____
Councilmember Summerhays	_____	_____	_____

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

According to the provisions of the U.C.A. § 10-3-713, as amended, I, the municipal recorder of Centerville City, hereby certify that foregoing ordinance was duly passed by the City Council and published, or posted at: (1) 250 North Main; (2) 655 North 1250 West; and (3) RB’s Gas Station, on the foregoing referenced dates.

JENNIFER ROBISON, City Recorder

DATE: _____

RECORDED this ____ day of _____, 2024.

PUBLISHED OR POSTED this ____ of _____, 2024.

EXHIBIT A

CMC 11.02 (Parkstrips)

EXHIBIT B

CMC 11.05 (Sidewalk Replacement Program)

EXHIBIT C

CMC 11.06 (Public Utility Easements)

Proposed Amendments to Centerville Municipal Code 11.02 (Parkstrips)

Draft Date: July 10, 2024

11.02 Parkstrips ~~And Parkstrip Trees~~

11.02.010 Parkstrip Definition

11.02.020 Parkstrip Landscaping Or Hardscaping

11.02.022 Limited Concrete Walkway in Parkstrip

11.02.030 Parkstrip Maintenance

~~11.02.040 Parkstrip Visual Obstructions~~

~~11.02.042 Driveway Visual Obstructions~~

~~11.02.044 Intersection Visual Obstructions~~

~~11.02.046 Mailboxes in Parkstrips~~

~~11.02.050 Trees Prohibited in Parkstrips~~

~~11.02.060 Existing Trees in Parkstrips~~

~~11.02.070 Trees on Private Property~~

~~11.02.050 Parkstrip Trees -- Permit Required~~

~~11.02.060 Parkstrip Trees -- Location Restrictions~~

~~11.02.080070 Parkstrip Trees -- Maintenance Requirements~~

~~11.02.080 Parkstrip Trees -- Approved Tree List~~

~~11.02.090032 Public Utility Easements In Parkstrips~~

~~11.02.100034 Damage To Underground Utilities In Parkstrips~~

~~11.02.110090 Violations Enforcement~~

11.02.010 Parkstrip Definition

For purposes of this Chapter, parkstrip shall have the same meaning as defined in CMC 15.01.040 (Definitions). As provided in CMC 15.01.040, parkstrip means mean the area located between the top back of the curb line to the front face, street side of the sidewalk or to the right-of-way when no sidewalk is present, but not including driveways, sidewalks, or trails. the area of land located within the public right-of-way between the curb and gutter and the sidewalk as measured from the top back of curb to the front face of the sidewalk. When no sidewalk is present, the parkstrip means the area of land within the public right-of-way between the curb and gutter and the private property line as measured from the top back of curb to the private property line.

HISTORY

Adopted by Ord. 2017-03 on 4/4/2017

11.02.020 Parkstrip Landscaping Or Hardscaping

Except as otherwise provided, all parkstrips within the City shall be landscaped ~~with grass and plantings~~ or hardsurfaced with acceptable materials as more particularly provided herein. Installation of parkstrip landscaping or hardscaping in accordance with this Chapter shall be the responsibility of the abutting property owner to the parkstrip. Parkstrip landscaping or

~~hardscaping. If the parkstrip, or any portion of the parkstrip, is landscaped with grass or plantings, such landscaping~~ shall comply with applicable provisions of this Chapter and CMC 12 (Zoning). Except as otherwise provided in CMC 11.02.022, if the parkstrip, or any portion of the parkstrip, is improved with hardscaping, such hardscaping shall be limited to the following acceptable materials: 1.5" to 6" diameter decorative rocks and/or loosely laid bricks, pavers, and/or or flagstones. Except as otherwise provided in CMC 11.02.022, the use of concrete, asphalt, course wood or synthetic products (such as bark, mulch, and wood chips), or any other materials or hardscaping is prohibited within parkstrips. The provisions of this Section shall not apply to parkstrips and properties located in the Parrish Lane Gateway Area which are Parkstrips and properties located in the Parrish Lane Gateway Area shall be subject to the streetscape design standards set forth in CZC 12.63 (Parrish Lane Gateway Design Standards) or the Florentine Villas Special District Zone which are subject to the development standards set forth in CZC 12.46 (Florentine Villas Special District Zone).

HISTORY

Adopted by Ord. 2017-03 on 4/4/2017

Amended by Ord. 2021-12 on 5/4/2021

Amended by Ord. 2022-15 on 7/19/2022

11.02.022 Limited Concrete Walkway In Parkstrip

A limited concrete walkway may be allowed within the parkstrip for certain residential lots as more particularly provided in this Ssection. Each ~~single family~~single-family residential lot in a residential zone or a ~~single family~~single-family dwelling constructed in any other zone may install one concrete walkway within the parkstrip connecting the sidewalk to the curb and gutter. Such concrete walkway shall comply with the following standards:

- (a) The concrete walkway shall only be allowed for ~~single family~~single-family residential lots or for a ~~single family~~single-family dwelling constructed in any other zone;
- (b) The concrete walkway shall be no wider than five feet (5') wide (as measured horizontally with the sidewalk);
- (c) The concrete walkway shall extend perpendicular from the sidewalk to the curb and gutter;
- (d) The concrete walkway may only be installed if there is a connecting walkway from the parkstrip and sidewalk to the front or side door of the ~~single family~~single-family dwelling or such connecting walkway is installed simultaneously with the parkstrip pathway as a condition of any required permit;
- (e) The concrete walkway shall be located a minimum distance of at least six feet (6') from the closest portion of any drive approach apron;
- (f) The concrete walkway shall meet all distance and location requirements of CMC 9.02.240 (Water Meters);
- (g) No colored concrete shall be used for the concrete walkway;
- (h) No concrete walkway shall be used for vehicular access or use and shall not be used in any way to access vehicular storage or parking areas (such as side yard access for RV pad);

- (i) The concrete walkway shall be maintained by the abutting property owner in accordance with CMC 11.02.030 (Parkstrip Maintenance) and for snow removal as provided CMC 11.01.120 (Removal of Snow from Sidewalks);
- (j) If the concrete walkway is required to be removed or altered in any way by utility providers, the abutting property owner shall be responsible for repairing and/or replacing the concrete and related improvements installed by the abutting property owner; and
- (k) Property owner shall obtain any required permit for installation of improvements within the public right-of-way prior to any work in the parkstrip for the concrete walkway.

HISTORY

Adopted by Ord. 2022-15 on 7/19/2022

11.02.030 Parkstrip Maintenance

Maintenance of all parkstrip areas shall be the responsibility of the abutting property owner to the parkstrip. Property owners shall be required to maintain parkstrip areas in a safe and well-kept condition compliant with all applicable City ordinances. ~~Such m~~Maintenance of the parkstrip by the abutting property owner shall include:

- (a) Maintenance of all landscaping and hardscaping within the parkstrip;
- (b) Removal of all noxious weeds in the parkstrip and adjacent sidewalks in accordance with CMC 7.04 (Weed Control and Cleaning of Real Property);
- (c) Removal of leaves and overhanging branches within the parkstrip, sidewalk, or adjacent right-of-way in accordance with CMC 11.02.070;
- (d) Maintenance and compliance with all visual obstruction and site triangle requirements set forth in this Title and CZC 12 (Zoning);
- (e) Maintenance and compliance with all height restrictions within the parkstrip;
- (f) Maintenance and compliance with distance protections for water meters in the parkstrip in accordance with CMC 9.02.240;
- (d)(g) Maintenance of all landscaping and hardscaping rocks, materials, and debris within the parkstrip and away from and/or out of the adjacent sidewalks, rights-of-way, and drainage facilities; and
- (e)(h) Compliance with all other parkstrip maintenance obligations set forth in CZC 12 (Zoning).

HISTORY

Adopted by Ord. 2017-03 on 4/4/2017

Amended by Ord. 2021-12 on 5/4/2021

11.02.040 Parkstrip Visual Obstructions

~~The following regulations shall apply to all structures, improvements, landscaping, and hardscaping within parkstrips:~~

- (a) ~~Height Restriction. In all zones, nNo fence, wall, sign, or similar structure, or landscaping which exceeds two feet (2') in height shall be placed within the parkstrip, except for trees approved by permit, and standard mailboxes installed in accordance with applicable regulations set forth in CMC 11.02.046.~~

~~(b) Enclosed mailboxes. Except for cluster-box structures, all enclosed mailboxes within the parkstrip, shall meet the USPS standard height of 41 inches to 45 inches and all other applicable USPS standards. Mailboxes, poles, stands, and other similar devices shall not exceed 18 inches by 18 inches measured at the base. Street side mail boxes shall be reviewed at the time of building permit review for all new residential development.~~

HISTORY

Adopted by Ord. 2017-03 on 4/4/2017

Amended by Ord. 2021-12 on 5/4/2021

11.02.042 Driveway Visual Obstructions

~~Driveway. No sight obscuring fence, wall, sign, or other similar structure or landscaping, which exceeds two feet (2') in height shall be placed within a triangular area formed by a driveway line, the street/curb line, and a line connecting them at points 12 feet (12') along the driveway line and 12 feet (12') along the street/curb line, measured at the joint of the asphalt and gutter line, as more particularly provided in CZC 12.55.230.~~

11.02.044 Intersection Visual Obstructions

~~(d) Clear View of Intersection Street. In all zones, nNo fence, wall, sign, or similar structure, or landscaping which exceeds two feet in height shall be placed on any corner lot within a triangular area formed by the street/curb lines measured at the joint of the asphalt and gutter line and a line connecting them at points 50 feet from the intersection of the street/curb lines, except for public safety signs and equipment, as more particularly provided in CZC 12.55.230. Deciduous trees within the 50-foot triangle shall be allowed by permit approved by the Public Works Director. Evergreen trees are not allowed within the 50-foot triangle. Trees planted without a permit shall be subject to removal by the Public Works Department. Trees existing as of the date of adoption of this Ordinance with trunks located within the clear view area defined herein may remain at the discretion of the City based upon safety and visibility standards, but may not be replaced once removed.~~

HISTORY

Adopted by Ord. 2017-03 on 4/4/2017

Amended by Ord. 2021-12 on 5/4/2021

11.02.046 Mailboxes in Parkstrips

Except for cluster-box structures, all enclosed mailboxes within the parkstrip, shall meet the USPS standard height of 41" to 45" and all other applicable USPS standards. Mailboxes, poles, stands, and other similar devices shall not exceed 18" by 18" measured at the base. Street side mail-boxes shall be reviewed at the time of building permit review for all ~~new residential~~ development. Cluster-box structures shall meet USPS standards. The City shall not be responsible for damage to mailboxes in parkstrips that do not meet the provisions of this Section or other applicable USPS regulations, including, but not limited to any damage caused by snowplowing activities or the placement or throwing of snow by snow plowing activities.

11.02.050 Trees Prohibited in Parkstrips

Due to historic, continuing, and costly conflict between tree roots and public utility facilities and public infrastructure such as curbs, gutters, and sidewalks, trees are prohibited in any parkstrip that is less than six feet (6') in width located in the public right-of-way within the City. Trees are allowed in parkstrips that are six feet (6') in width or greater and in the following specifically designated areas: the Parrish Lane Gateway Area; the Florentine Villas Special District; and City developed or owned property.

11.02.060 Existing Trees in Parkstrips

Any existing tree located within any parkstrip or public right-of-way shall be subject to enforcement action and/or removal in accordance with the City's sidewalk replacement program as set forth in CMC 11.05 (Sidewalk Replacement Program). Such tree removal may be conducted by the City or required of the property owner at the property owner's expense. The City does not intend to take out or require the removal of all trees in the parkstrip at once but may shall do so in a phased approach in conjunction with on-going street projects and/or on a case-by-case basis as deemed necessary in accordance with the City's sidewalk replacement program. Such program may take into consideration various criteria for removal, such as, the damage the tree is causing to public utilities or public infrastructure, the health or diseased nature of the tree, whether the tree location violates visual distancing or water meter regulations or is otherwise a safety hazard. Such removal program shall also take into consideration a tree replacement incentive program to encourage ensure that additional trees are planted in appropriate locations to offset trees removed from the parkstrips. The property owner of any tree located within the parkstrip or public right-of-way that causes damage to public property may be shall be responsible and liable for such damage.

11.02.070 Trees on Private Property

Trees are prohibited within any, parkstrip, public right-of-way, or public utility easement. Any property owner desiring to plant a tree or trees on private property is encouraged to review the tree planting guidelines as prepared by the City Tree Board and set forth on the City website. Before planting any tree, the property owner should contact Blue Stakes for location of underground utilities in accordance with applicable State law. The property owner of any tree located on property owner's private property that causes damage to public property may be shall be responsible and liable for such damage.

11.02.050 Parkstrip Trees – Permit Required

All property owners who desire to plant a tree, or trees, within the parkstrip, or any portion of the public right-of-way if a parkstrip is not established, shall submit a complete street tree permit application for review and approval by the Public Works Director or designee. The application shall include at least the following information:

1. Name and address of applicant;
2. Site plan indicating the location of the desired tree(s) and distance from curb, sidewalk, street corner, driveway, signage, fire hydrant, cross walk, utility meter and power lines;
3. The species and number of tree(s) to be planted; and
4. Evidence establishing compliance with the provisions of this Chapter.

HISTORY

Adopted by Ord. 2017-03 on 4/4/2017

11.02.060 Parkstrip Trees -- Location Restrictions

All parkstrip trees shall comply with the following location restrictions:

- ~~1. Trees shall only be allowed within parkstrips that have a minimum of four feet in width, measured between the top back of the curb line to the front face of the sidewalk line.~~
- ~~2. A tree planted within the parkstrip shall be planted in the center of the parkstrip at least two feet from the curb and two feet from the sidewalk.~~
- ~~3. Each tree within the parkstrip shall be planted no less than 20 feet from another parkstrip tree.~~
- ~~4. Parkstrip trees shall not be allowed within 30 feet of a public safety sign. Additional length for a specific area may be required as the City deems appropriate such as: distance from culinary and secondary water valves, distance from telecommunication fixtures, distance from power utility boxes, and distance from fire hydrants.~~
- ~~5. All trees planted within the park strip shall meet the visual obstructions criteria found within CZC 12.55.230.~~
- ~~6. Before choosing the planting location or installing any tree, the applicant shall contact Blue Stakes for location of underground utilities.~~
- ~~7. Trees within the right of way where no parkstrip exists shall be at least 12 feet from the street/curb line, as measured from the top back of curb, and planted no less than 20 feet from another street tree.~~
- ~~8. The guidelines for visual obstructions shall apply to all street trees.~~

HISTORY

Adopted by Ord. 2017-03 on 4/4/2017

11.02.080070 Parkstrip Trees -- Maintenance Requirements

The following maintenance requirements shall apply to ~~all any trees~~ legally or illegally located within the parkstrip or public right-of-way or within or affecting any portion of the parkstrip or public right-of-way regardless of location:

- a) All property owners shall be responsible for the cleanup of ~~shed~~ leaves, fruits, nuts, pods, branches, and ~~all~~ other items produced by trees and the vegetation ~~found within or adjacent to~~ the parkstrip, or ~~within the~~ public right-of-way.
- b) Trees shall be pruned by the property owner to provide a minimum of ~~as to have~~ eight feet (8') of clearance over the sidewalk and 13 feet (13') of clearance over the street.
- c) All ~~newly planted~~ trees under power lines shall not exceed 25 feet (25') at the tree's full mature height. Trees that ~~may~~ exceed this mature height limit may require removal at the homeowner's expense. All ~~existing~~ trees planted under power lines shall be pruned by the property owner and/or at the discretion of the ~~electric~~ utility provider.
- d) The City shall have the right to prune, maintain, or remove trees, at the owner's expense, within the parkstrip and within the City right-of-way. Any trees removed by the City shall be conducted in accordance with applicable provisions of CMC 11.02.060 (Existing Trees). ~~, that are deemed a hazard by the Centerville City Streets Department Supervisor. A tree may be considered hazardous due to, but not limited to the following:~~

size, age, condition, disease, or obstructing the clear view of streets, signs, signals, or intersections.

~~e) Trees existing as of the date of adoption of this Section that do not meet the City standard for park strip or street side trees may remain at the discretion of the City based upon safety and visibility standards, but may not be replaced once removed.~~

~~f)e) The City shall have the right to require the a property owner to remove any tree, at the owner's expense, that is deemed a safety hazard to pedestrians or vehicular traffic, ~~or~~ is damaging public infrastructure, or at any time in accordance with CMC 11.02.060, regardless of when the tree was planted.~~

HISTORY

Adopted by Ord. 2017-03 on 4/4/2017

11.02.080 Parkstrip Trees - Approved Tree List

The following is a list of acceptable trees that may be planted in the parkstrip. Other trees may be approved in writing by the City:

1. Amur Maple Height: 15'
Spread: 15'
Growth Rate: Medium
2. Eastern Redbud
Height: 25'
Spread: 25'
Growth Rate: Medium
3. English Hawthorn
Height: 15'
Spread: 15'
Growth Rate: Slow
4. Rose of Sharon Tree Form
Height: 12'
Spread: 6'
Growth Rate: Slow-Medium
5. Spring Snow Flowering Crabapple
Height: 20'
Spread: 20'
Growth Rate: Fast
6. Flowering Pear
Height: 25'
Spread: 16'
Growth Rate: Fast
7. Lavalie Hawthorn
Height: 20'
Spread: 20'
Growth Rate: Medium
8. Red Buckeye
Height: 20'
Spread: 25'
Growth Rate: Medium

9. Bigtooth	Maple
-Height:	25'
-Spread:	15'
-Growth Rate:	Slow
10. Washington	Hawthorn
-Height:	25'
-Spread:	25'
-Growth Rate:	Medium

HISTORY

Adopted by Ord. 2017-03 on 4/4/2017

11.02.090032 Public Utility Easements In Parkstrips

Most parkstrips within the City are located within the public right-of-way and are burdened by and subject to public utility easements for purposes of installing and maintaining public utilities. In addition, most private properties in the City are subject to a 10' wide front yard public utility easement measured from the right-of-way property line. Such public utility easements ~~are shall~~ be-governed by and subject to CMC 11.06 (Public Utility Easements) and applicable Utah law regarding rights of utilities with facilities within the easement, including, but not limited to Utah Code § 54-3-27. Property owners shall be subject to all rights and obligations of any applicable public utility easements and utility facilities within the parkstrips. ~~Property owners, their agents, contractors, or assigns may be liable or responsible for any damage to or interference with public utilities within the parkstrip caused by any use of or improvements within the parkstrips.~~

HISTORY

Adopted by Ord. 2021-12 on 5/4/2021

11.02.100034 Damage To Underground Utilities In Parkstrips

Any property owner, or the property owner's agent, contractor, or assign, making improvements to or maintaining the parkstrip or other areas of private property shall be subject to CMC 11.06 (Public Utility Easements) and the Damage to Underground Utility Facilities Act as set forth in Utah Code §§ 54-8a-101, et seq. As provided therein, Utah law requires any excavator to notify each operator of underground facilities ~~in the parkstrip~~ at least 48 hours before excavating. Property owners, their agents, contractors, or assigns may be liable or responsible for any damage to or interference with public utilities within the parkstrip caused by any use of or improvements within the parkstrips.

HISTORY

Adopted by Ord. 2021-12 on 5/4/2021

11.02.110090 Violations Enforcement

Unless otherwise specified by State law, a violation of any provision of this Chapter, or failure to comply with an order of suspension, revocation, or stop work, shall be a Class B misdemeanor, subject to fines and penalties provided by law, or enforced through the civil enforcement procedures set forth in CMC 1.06 (Civil Penalties). Enforcement action may also include removal of any non-approved trees, materials, or facilities located within the parkstrip, public right-of-way, and/or public utility easement. Notwithstanding the foregoing, the City does not intend to take out or require the removal of all trees in the parkstrip at once but shall do so

in a phased approach in conjunction with on-going street projects and/or on a case-by-case basis as deemed necessary in accordance with the City's sidewalk replacement program in accordance with CMC 11.02.060.

- ~~1. Trees existing as of the date of adoption of this Chapter that do not meet the City standard for parkstrip or street side trees may remain at the discretion of the City based upon safety and visibility standards, but may not be replaced once removed. Owners of existing parkstrip/street side trees shall still be required to follow all maintenance standards required herein.~~
- ~~2. Those who do not comply with the parkstrip standards found herein shall be subject to enforcement action, which may include the removal of any such non-approved item planted, constructed or placed within the parkstrip and/or City right-of-way.~~

HISTORY

Adopted by Ord. 2017-03 on 4/4/2017

Proposed Enactment of Centerville Municipal Code 11.05 (Sidewalk Replacement Program)

Draft Date: July 10, 2024

11.05 Sidewalk Replacement Program

11.05.010 Purpose

11.05.020 Authority

11.05.030 Administration

11.05.040 Sidewalk Study

11.05.050 Sidewalk Replacement Program

11.05.060 Sidewalk Replacement Budget Appropriation

11.05.070 Priority for Sidewalk Replacement Funds

11.05.080 Warning Paint for Vertical Faults

11.05.090 Closing Sidewalk for Dangerous Condition

11.05.100 Trees Prohibited in Parkstrips and Utility Easements

11.02.110 Existing Trees in Parkstrips and Utility Easements

11.02.120 Trees on Private Property

11.05.130 Criteria for Tree Removal

11.05.140 Tree Voucher for Replacement Tree

11.05.010 Purpose

The purpose of this Chapter is to set forth guidelines and objectives regarding the repair and replacement of City sidewalks (“Sidewalk Replacement Program”).

11.05.020 Authority

This Chapter is adopted pursuant to and in accordance with applicable provisions of State law regarding a municipality’s right to regulate its rights-of-way and under the City’s police power to establish procedures and standards for the safe use and regulation of its rights-of-way, including, but not limited to, the provisions set forth in Utah Code §§ 10-8-11, § 10-8-13, § 10-8-23, and § 10-8-84, and provisions of the Protection of Highways Act, as set forth in Utah Code §§ 72-7-101, et seq.

11.05.030 Administration

This Chapter shall be administered and enforced by the Public Works Director or his or her authorized designees.

11.05.040 Sidewalk Study

In 2016, the City conducted a study of the condition of existing sidewalk in the City. The study identified existing vertical faults in sidewalks and categorized such vertical faults based on inches of displacement. The study also identified areas where the sidewalk damage was likely due to existing trees in the parkstrips or on private property. The policies and guidelines of this Chapter and the Sidewalk Replacement Program are largely based on the Sidewalk Study and conclusions that trees in the parkstrip and near public sidewalks cause continuing and costly damage to public infrastructure.

11.05.050 Sidewalk Replacement Program

The City maintains over 94 miles of sidewalks. The number of sidewalks in the City increases every year with new development and redevelopment. Many of the City's sidewalks are deteriorating and/or damaged and in need of repair or replacement. The City does not have the funding to repair and replace all deteriorating or damaged sidewalks all at once but is committed to repairing and replacing sidewalks on a scheduled basis subject to annual budgetary appropriation.

11.05.060 Sidewalk Replacement Budget Appropriation

The City Council shall appropriate funds on an annual basis to be used for the Sidewalk Replacement Program. The purpose of the annual appropriation is to provide sufficient funds to manage and maintain over time deteriorating or damaged sidewalks throughout the City. It is acknowledged the City does not have funds or resources to repair or replace all deteriorating or damaged sidewalks in a single fiscal year. An annual appropriation to the Sidewalk Replacement Program will assist in making such repairs and replacements over time.

11.05.070 Priority of Funds for Sidewalk Replacement

Annual funds for the Sidewalk Replacement Program will be limited and use of such funds shall be prioritized as provided herein.

11.05.080 Warning Paint for Vertical Faults

The Public Works Department shall review and inspect City sidewalks on a reasonably set schedule to determine if there are any dangerous conditions or areas of sidewalk that need repair or replacement. If any sidewalk seam is displaced by more than one-quarter of an inch (1/4"), the Public Works Department shall spray paint the displacement with a brightly colored spray paint or implement any other reasonable method to notify users of the sidewalk of the the displacement.

11.05.090 Closing Sidewalk for Dangerous Condition

The Public Works Department may close any portion of sidewalk deemed unsafe or implement any other reasonable method to notify users of the sidewalk of the dangerous condition.

11.05.100 Trees Prohibited in Parkstrips and Utility Easements

Due to historic, continuing, and costly conflict between tree roots and public utility facilities and infrastructure including sidewalks, curbs, gutters, and, right-of-way improvements, trees are prohibited in any parkstrip that is less than six feet (6') in width or utility easement in accordance with CMC 11.02.050 and CMC 11.06.040.

11.05.110 Existing Trees in Parkstrips and Utility Easements

Any existing tree located within any parkstrip or public right-of-way, or utility easement may be removed, trimmed, or otherwise regulated by the City under the provisions of this Chapter or by the affected utility in accordance with applicable State law. The property owner of any tree located within the parkstrip or public right-of-way or a utility easement may be required, at the property owner's expense, to remove or relocate the tree to an appropriate location outside the parkstrip or public right-of-way utility easement area. The property owner of any tree located within the parkstrip or public right-of-way that causes damage to public property may be shall be responsible and liable for such damage.

11.05.120 Trees on Private Property

Due to potential for damage to public infrastructure, any property owner desiring to plant a tree or trees on private property is encouraged to review the tree planting guidelines prepared by the City Tree Board and set forth on the City website. Before planting or installing any tree, the property owner should contact Blue Stakes for location of underground utilities in accordance with applicable State law. The property owner of any tree located on property owner's private property that causes damage to public utilities, infrastructure, or property may be shall be responsible and liable for such damage.

11.05.130 Criteria for Tree Removal

The Public Works Department shall be responsible for determining a reasonably set schedule for removal of trees from the parkstrip and/or trees that are deemed dangerous or damaging to public sidewalks, public infrastructure, or the public rights-of-way. Such tree removal schedule shall be based on and subject to an annual budgetary appropriation for the Sidewalk Replacement Program. Tree removal priority shall be based on the following considerations:

- (a) The extent of damage the tree is causing to adjacent public sidewalks, infrastructure, utilities, or rights-of-way;
- (b) The extent the tree creates a visual obstruction or is in violation of City ordinances regarding sight distance triangles for driveways and intersections;

- (c) The extent the tree creates a safety hazard or dangerous condition to adjacent property or infrastructure;
- (d) The extent the tree is in violation of City ordinances regarding water meter location regulations;
- (e) The health or diseased condition of the tree;
- (f) The size of the tree;
- (g) The cost of removal for the tree; and
- (h) The location of the tree in a public works project area.

11.05.140 Tree Voucher for Replacement Tree

The Public Works Department shall implement a tree voucher program as an incentive to property owners to plant additional trees in appropriate locations on private property to offset trees required to be removed in accordance with the provisions of this Chapter.

Proposed Enactment of Centerville Municipal Code 11.06 (Public Utility Easements)

Draft Date: July 10, 2024

11.06 Public Utility Easements

11.06.010 Public Utility Definitions

11.06.020 Utility Easement Regulations

11.06.030 Damage To Underground Facilities Act

11.06.040 Trees Prohibited in Utility Easements

11.06.050 Existing Trees in Utility Easements

11.06.060 Trees on Private Property

11.06.070 Vacation of Public Utility Easement

11.06.080 Amendment to Public Utility Easement

11.06.090 Vacation or Amendment of Protected Public Utility Easement

11.06.100 Vacation or Amendment of Single-Ownership Utility Easement

11.06.110 Specified Public Utility

11.06.120 Violations

11.06.010 Public Utility Definitions

For purposes of this Chapter, the following terms shall have the meaning set forth herein.

- (a) "Municipal Public Utility Easement" means an easement that is created or depicted on a subdivision plat recorded in the Davis County Recorder's Office and described as a municipal utility easement granted for public use as defined in Utah Code § 10-9a-103. A municipal public utility easement is distinct and separate from a protected public utility easement and a public utility easement as such terms are more particularly defined herein.
- (b) "Protected Public Utility Easement" means a recorded easement for the use and installation of utility facilities owned by a gas corporation, electric corporation, or telephone corporation as more particularly defined in Utah Code § 54-3-27.
- (c) "Public Utility" shall have the same meaning as defined in Utah Code § 54-2-1. As provided in Utah Code § 54-2-1, public utility includes every railroad corporation, gas corporation, electrical corporation, distribution electrical cooperative, wholesale electrical cooperative, telephone corporation, telegraph corporation, water corporation, sewerage corporation, heat corporation, and independent energy producer not described in Section 54-2-201 where the service is performed for, or the commodity delivered to, the public generally, or in the case of a gas corporation or electrical corporation where the gas or electricity is sold or furnished to any member or consumers within the state for domestic, commercial, or industrial use. Numerous additional provisions and exclusions apply as set forth in Utah Code § 54-2-1.
- (d) "Public Utility Easement" means the area on a recorded subdivision plat or other recorded document that is dedicated to the use and installation of public utility facilities as more particularly defined in Utah Code § 54-3-27.

- (e) “Specified Public Utility” means an electrical corporation, gas corporation, or telephone corporation, as those terms are defined in Utah Code 54-2-1.
- (f) “Underground Facility” shall have the same meaning as defined in Utah Code § 54-8a-2. As provided in Utah Code § 54-8a-2, underground facility means personal property that is buried or placed below ground level for use in the storage or conveyance of any of the following: (a) water; (b) sewage, including sewer laterals; (c) communications, including electronic, photonic, telephonic, or telegraphic communications; (d) television, cable television, or other telecommunication signals, including transmission to subscribers of video or other programming; (e) electric power; (f) oil, gas, or other fluid and gaseous substances; (g) steam; (h) slurry; or (i) dangerous materials or products.
- (g) “Utility Easement” shall mean any and/or all of the utility easements described herein, including a municipal utility easement, public utility easement, and protected public utility easement.

11.06.020 Public Utility Easement Regulations

Most parkstrips within the City are located within the public right-of-way and are burdened by and subject to utility easements for purposes of installing and maintaining municipal and public utilities. In addition, most private properties in the City are subject to a 10' wide front yard public utility easement and at least two 7' wide side or rear yard public utility easements. Such utility easements are governed by and subject to applicable Utah law regarding rights of utilities with facilities within the easement, including, but not limited to Utah Code § 54-3-27. Property owners shall be subject to all rights and obligations of any applicable utility easements and utility facilities within such easements. Property owners, their agents, contractors, or assigns may be liable or responsible for any damage to or interference with public utilities and facilities within utility easements caused by any use of or improvements within such easement areas.

11.06.030 Damage To Underground Facilities Act

Any property owner, or the property owner's agent, contractor, or assign, making improvements to or maintaining public or private property encumbered by a utility easement shall be subject to the Damage to Underground Utility Facilities Act as set forth in Utah Code §§ 54-8a-101, et seq. As provided therein, Utah law requires any excavator to notify each operator of underground facilities at least 48 hours before excavating. Certain exceptions apply for hand-digging.

11.06.040 — Trees Prohibited in Utility Easements

~~Due to historic, continuing, and costly conflict between tree roots and public utility facilities and infrastructure, no trees shall be planted within any recorded utility easement.~~

11.06.050 Existing Trees in Utility Easements

Any ~~existing~~ tree located within a recorded utility easement may be removed, trimmed, or otherwise regulated by the City under the provisions of this Chapter or by the affected utility in accordance with applicable State law. The property owner of any tree located within a utility easement may be required, at the property owner's expense, to remove or relocate the tree to an appropriate location outside the utility easement area.

11.06.060 Trees on Private Property

~~Trees are prohibited within any public utility easement.~~ Any property owner desiring to plant a tree or trees on private property is encouraged to review the tree planting guidelines prepared by the City Tree Board and set forth on the City website. Before planting or installing any tree, the property owner should contact Blue Stakes for location of underground utilities in accordance with applicable State law. The property owner of any tree located on property owner's private property that causes damage to public utilities, infrastructure, or property may be shall be responsible and liable for such damage.

11.06.070 Vacation of Public Utility Easement

Any property owner desiring to vacate a public utility easement as shown on a recorded subdivision plat or as set forth in a separately recorded public utility easement shall file a petition to vacate the public utility easement with the Public Works Department. Such petition shall include the name and address of each owner of record of land that is: (1) adjacent to the property subject to the public utility easement to be vacated; and (2) within 300 feet of the property subject to the public utility easement to be vacated. The petition shall also include the signature of each of the above owners who consent to the public utility easement vacation. The petition to vacate shall include proof of written notice to the operators of utilities, culinary water facilities, and sewer facilities located within the public utility easement sought to be vacated. The petition to vacate a public utility easement shall be processed, noticed, and considered by the City Council in accordance with Utah Code § 10-9a-609.5.

11.06.080 Amendment to Public Utility Easement

Any property owner desiring to amend a public utility easement as shown on a recorded subdivision plat or as set forth in a separately record public utility easement shall file a petition for amendment in accordance with CMC 11.06.070 using the same procedures and requirements for a petition to vacate a utility easement.

11.06.090 Vacation or Amendment of Protected Public Utility Easement

Any protected public utility easement shall be required to be vacated or amended by the subject utility. The City does not have the authority to vacate or amend such utility easement without approval of the utility that is the owner of record of the easement. For instance, if a protected public utility easement is owned solely by an electric corporation, the easement must be vacated or amended by the electric corporation.

11.06.100 Vacation or Amendment of Single-Ownership Utility Easement

Any utility easement held in single-ownership by a utility shall be required to be vacated or amended by the subject utility. The City does not have the authority to vacate or amend such utility easement without approval of the utility that is the owner of record of the easement. For instance, if the sewer district owns a sewer easement solely in its name and ownership, the easement must be vacated or amended by the sewer district.

11.06.110 Specified Public Utility

A specified public utility may exercise the powers of a public utility under Utah Code § 54-3-27 if the specified public utility uses a municipal utility easement with consent of the City in accordance with Utah Code § 10-9a-529.

11.06.120 Violations

Unless otherwise specified by State law, a violation of any provision of this Chapter, or failure to comply with an order of suspension, revocation, or stop work, shall be a Class B misdemeanor, subject to fines and penalties provided by law, or enforced through the civil enforcement procedures set forth in CMC 1.06 (Civil Penalties). Enforcement action may also include removal of any trees, materials, or facilities located within a recorded utility easement.

PARKSTRIP STREET TREE DISCUSSION DAMAGE TO INFRASTRUCTURE AND UTILITIES

MAY 7, 2024























Sidewalks and Trees

Inventory of sidewalks, gutters, ADA ramps, and street trees conducted in 2016.

- 8,049 vertical faults inventoried
 - 8 faults above 3 inches,
 - 419 faults 1 to 3 inches in height
- Park strip defined as top back of curb to the front face of sidewalk
- 4,630 trees inventoried, 1,746 trees in the park strip
- 2,665 park strip tree obstructions (blocking pedestrians, traffic clearance, and traffic visibility)
- Analysis of vertical faults within a 15-foot tree buffer. Fifteen feet determined based on average spread of tree roots for common tree types.
 - 2,037 vertical faults within the 15-foot tree buffer (25% of faults)
- 22% of faults 3/8"-1/2" within tree buffer
- 32% of 1/2"-1" faults within tree buffer
- 51% of 1"-3" faults within tree buffer
- 100% of >3" faults within tree buffer
- Five most common park strip trees near faults:
 - Fruit
 - Maple
 - Linden
 - Honey locust
 - Ornamental pear.
- Not all faults caused by trees. Many faults are without the 15-foot tree buffer
 - However, major faults occur 3.4 times more often within a 15-foot buffer of a park strip tree
 - Total faults occur 1.15 times more when within 15 feet of a park strip tree
- See Maps 4 and 10. As a tree ages and grows, it causes more problems.



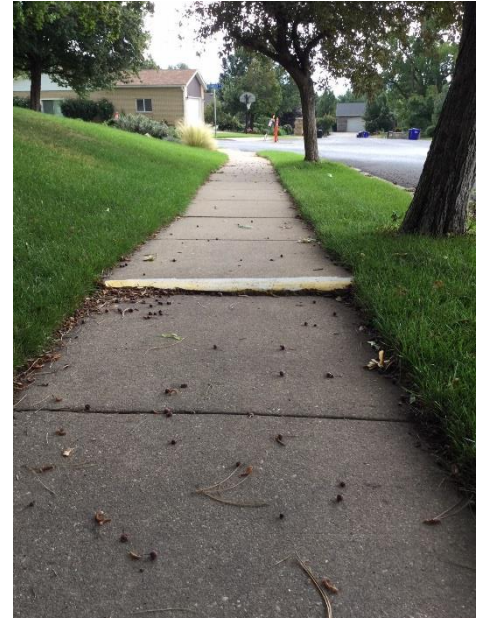
Updates since the 2016 Inventory

- Review of 405 1"-3" faults, July and August 2018
 - 202 faults within tree buffer
 - 203 faults outside tree buffer
- At least 37 1"-3" faults increased in height since 2016
 - More increase possible on faults less than 1" from the 2016 inventory
- A few faults in the 1-3" category have increased to the >3" fault category
- Several faults have increased since the 2016 inventory, many of which were ground down in 2016/2017 and are back to 1-3"
- 176 trees near 1"-3" faults, 76 removable by the Public Works Department, the rest need to be contracted out.
- Several faults near trees have increased since the 2016 inventory



Recommendations

- Begin with the worst faults
 - 405 faults over 1 inch
- Repair sidewalks after tree removal
 - Ask residents to volunteer for tree removal
 - Create request process and timeframe
 - Create process to receive and review requests for tree removal
- Create a cost-sharing program to repair or replace sidewalk
 - Allow residents to participate and to stretch funding to repair as much sidewalk as possible
 - Faults over 1" will be covered at cost
 - Faults ½"-1" covered 50% by Centerville
 - Faults between 3/8"- ½" will be covered 25%
 - Cosmetic and/or complete replacement of sidewalk covered by the homeowner. Faults less than 3/8" are considered cosmetic
 - Remove park strip trees at City's expense
- Review each sidewalk repair/tree removal request
 - Prioritize largest faults/highest liability cases
 - Begin in October with the first wave of requests
 - Trees to be trimmed to code (8' over sidewalk 13' over road) before repairs take place (if tree remains)
- Property owner to repair landscaping and sprinklers in park strip
- Mail notice to property owners of 176 fault/tree occurrences to explain and invite to participate in cost-sharing program
 - This applies to park strip trees, not trees on private property



CENTERVILLE
city
CITY COUNCIL
Staff Report
9/18/2018

Item No. 7.

Title: Discuss Staff Recommendations for Sidewalk Repair Program for FY 2019

Initiated By:

Staff Representative:

SUBJECT:

RECOMMENDATION:

Discuss staff's recommendations regarding use of the budgeted funding for sidewalk repair in the current fiscal year, and give pertinent direction.

BACKGROUND:

The City Council has designated \$100,000 for sidewalk repair in the current budget (shared between General Fund and Transportation Projects Fund). A city-wide inventory of sidewalk conditions in 2016 identified thousands of vertical faults that will cost over \$500,000 to repair. This cost estimate did not include the cost of removing trees that are causing some of the sidewalk damage. More than \$30,000 was spent in 2017 to replace sidewalk in nine locations with vertical faults greater than 3 inches, including removing the trees causing those faults.

Council directed staff to propose a program for spending the \$100,000 in the City's current budget for sidewalk repair. The staff team working on this matter includes the City Manager, Public Works Director, Streets Supervisor and City Recorder, Mackenzie Wood, who conducted the 2016 inventory/study. This team has met several times to develop recommendations, which are included in the attached document from Mackenzie.

Staff recommend a program this first year which targets repair of faults greater than 1 inch, and requires the removal of trees causing those faults. It also recommends, however, a voluntary approach this first year regarding tree removal. In other words, sidewalk faults associated with trees within the "buffer zone" will not be repaired unless the adjacent property owners agree to have the trees removed. Staff are assuming there will be enough residents willing to have the trees removed to use the current funding. This will allow the City Council more time to develop policy regarding trees which the adjacent residents do not want removed. For those locations with faults greater than 1 inch that appear to be caused by trees, staff have identified the trees that can be removed by City employees versus those that will need to be removed by a tree contractor.

Staff's recommendations also include a cost-share approach for repairing faults less than 1 inch, as explained in Mackenzie's memo.

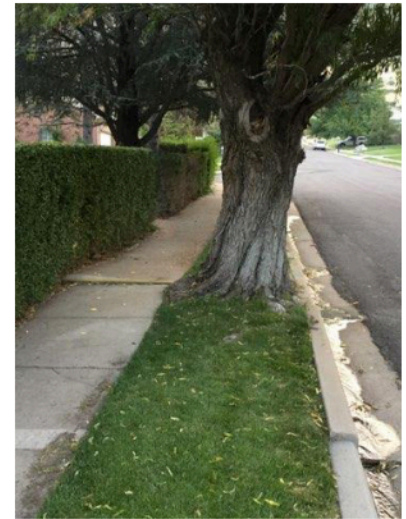
ATTACHMENTS:

1. Sidewalk and Trees Discussion Outline
2. 290E Casa Loma Sidewalk Option

Sidewalks and Trees

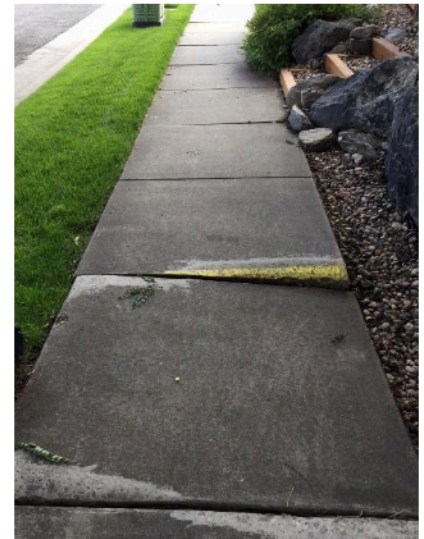
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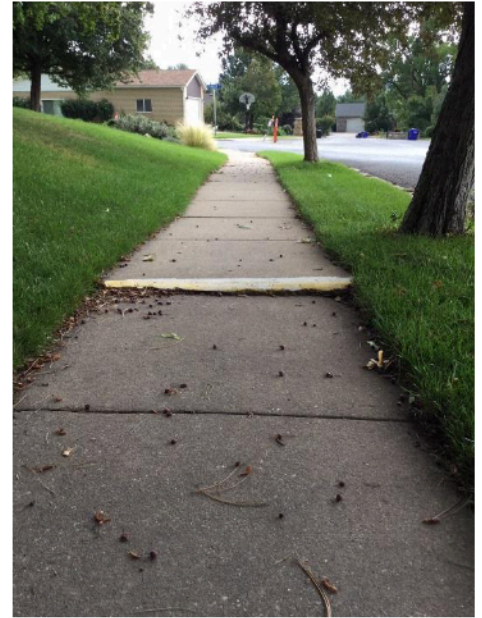
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Recommendations

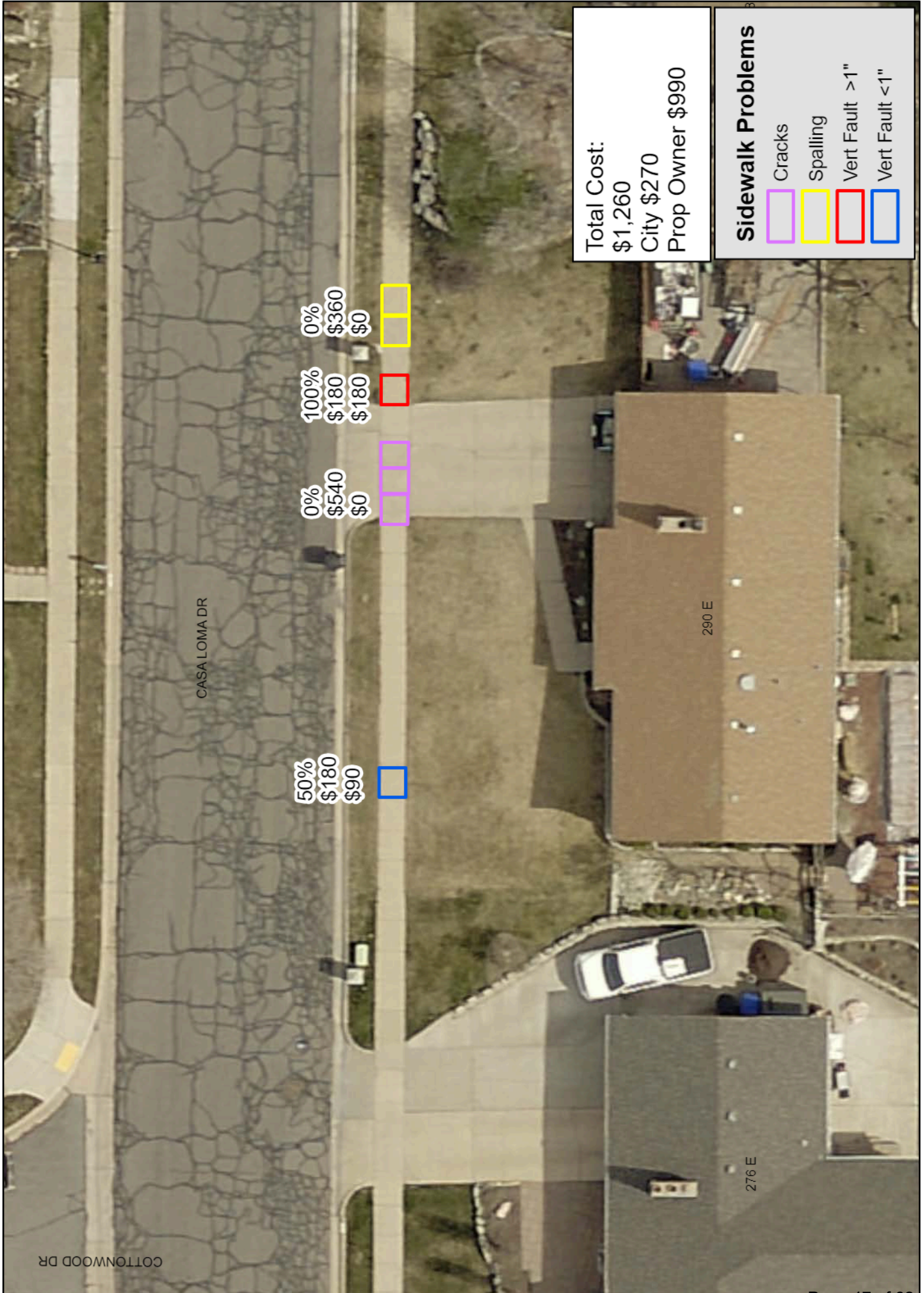
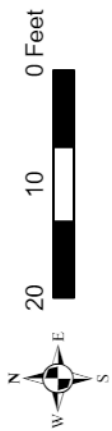
- Begin with the worst faults
 - 405 faults over 1 inch
- Repair sidewalks after tree removal
 - Ask residents to volunteer for tree removal
 - Create request process and timeframe
 - Create process to receive and review requests for tree removal
- Create a cost-sharing program to repair or replace sidewalk
 - Allow residents to participate and to stretch funding to repair as much sidewalk as possible
 - Faults over 1" will be covered at cost
 - Faults ½"-1" covered 50% by Centerville
 - Faults between 3/8"- ½" will be covered 25%
 - Cosmetic and/or complete replacement of sidewalk covered by the homeowner. Faults less than 3/8" are considered cosmetic
 - Remove park strip trees at City's expense
- Review each sidewalk repair/tree removal request
 - Prioritize largest faults/highest liability cases
 - Begin in October with the first wave of requests
 - Trees to be trimmed to code (8' over sidewalk 13' over road) before repairs take place (if tree remains)
- Property owner to repair landscaping and sprinklers in park strip
- Mail notice to property owners of 176 fault/tree occurrences to explain and invite to participate in cost-sharing program
 - This applies to park strip trees, not trees on private property





9/17/18

290 E Casa Loma - Sidewalk Problems



Total Cost:
\$1,260
City \$270
Prop Owner \$990

Sidewalk Problems

- Cracks
- Spalling
- Vert Fault >1"
- Vert Fault <1"

CENTERVILLE
city
CITY COUNCIL
Staff Report
3/19/2019

Item No. 5.

Title: Sidewalk Replacement Project

Initiated By:

Staff Representative: City Council

SUBJECT:

- a. Review of decisions and actions since last year
- b. Award bid for Sidewalk Replacement Project 2019

RECOMMENDATION:

Allow staff to review and answer questions, if any, about the decisions made by the City Council in 2018 regarding a sidewalk replacement program, and staff's subsequent implementation of that program. Then award a bid for sidewalk work to JMR Construction in the amount of \$71,884 based on the City Engineer's recommendation.

BACKGROUND:

In their September 18, 2018 meeting the City Council directed staff to initiate a sidewalk replacement program by sending a letter to property owners with sidewalks faults greater than one inch--to be replaced at the City's cost--and offering a cost-sharing program for faults less than one inch. See attached minutes of that meeting. The attached letter was subsequently sent.

In the 9/18/18 meeting, the Council saw the attached aerial photo to illustrate how the proposed cost-sharing guidelines would apply at this site. The homeowner at this location would not be eligible for any City funding for the boxes representing spalling and cracks. He would be eligible for 100% City funding for the red box, and 50% for the blue box. This homeowner subsequently replaced and widened his driveway, and in doing so replaced the red box area (the blue box area was not replaced). When this was brought to staff's attention, they sent a check to the homeowner for \$135. According to the Streets Supervisor, the \$180 amount used in the aerial photo illustration was based on a sidewalk spec of 6 inches thick, and should have been based on a spec of 4 inches thick--the cost of which is \$135. Hence the basis for the reimbursement check of \$135.

Based on the relatively low response received to the attached letter, the Streets Supervisor put together a scope of work that he thought could be done that fall by the City's contractor, JMR Construction, who was already working under a unit-price contract for spot repairs throughout the City. As it turned out, weather became a concern and that contractor postponed this work until spring 2019. That scope of work--approximately \$20,000--is underway now.

Staff subsequently put together a bigger package of faults greater than one inch (not involving trees) for bidding in 2019. That bid was released in February. The City Engineer's recommendation (and bid tabulation) is attached.

ATTACHMENTS:

1. CC Minutes 9-18-18
2. Letter to Property Owners
3. Aerial Photo of 290 E Casa Loma Sidewalk
4. City Engineer Bid Recommendation

SELECTION OF LANDSCAPE ARCHITECT FOR ISLAND VIEW PARK RENOVATION PROJECT

Mr. Thacker explained that staff initially understood the City could select any firm included on the list of landscape architect firms approved by the State and negotiate rates for the Island View Park Renovation Project. Staff now have a better understanding of the Land & Water Conservation Fund (LWCF) Grant guidelines, and the competitive processes required for project design and construction. Mr. Thacker presented a proposed RFQ process/calendar regarding Island View Park design services, and provided a list of recommended landscape architect firms (attached). A majority of the Council indicated the proposed process is acceptable. Councilman McEwan requested an invitation also be posted on the City website for any firm/individual to present qualifications to the City for consideration. The Council will meet to interview finalists on October 23rd. Staff was directed to research whether the interviews could be closed to the public.

The Council took a break at 9:03 p.m. and returned at 9:13 p.m.

STAFF RECOMMENDATIONS FOR SIDEWALK REPAIR PROGRAM FOR FY 2019

The City Council designated \$100,000 for sidewalk repair in the current budget (shared between General Fund and Transportation Projects Fund). A city-wide inventory of sidewalk conditions in 2016 identified thousands of vertical faults that will cost over \$500,000 to repair. This cost estimate did not include the cost of removing trees that are causing some of the sidewalk damage. More than \$30,000 was spent in 2017 to replace sidewalk in nine locations with vertical faults greater than 3 inches, including removing the trees causing those faults. Staff recommend a program this year which targets repair of faults greater than 1 inch, and requires the removal of trees causing those faults. It also recommends, however, a voluntary approach this first year regarding tree removal. In other words, sidewalk faults associated with trees within the "buffer zone" would not be repaired unless the adjacent property owners agree to have the trees removed. Staff are assuming there will be enough residents willing to have the trees removed to use the current funding. For those locations with faults greater than 1 inch that appear to be caused by trees, staff have identified the trees that can be removed by City employees (not including stump grinding) versus those that will need to be removed by a tree contractor.

Councilwoman Fillmore said she is uncomfortable with placing priority on removing trees and repairing sidewalk affected by trees, when the data shows that half of the 1-3 inch faults do not have trees within the tree buffer and are not caused by trees. Councilman Ince commented that he is aware of the role trees play in air quality, and agreed that the faults caused by trees should not necessarily take first priority. Ms. Romney said she believes the tree removal should be paired with a responsible park strip tree ordinance. Mayor Wilkinson agreed that trees are an important aspect of neighborhood and property appeal. Councilman McEwan said he would prefer to repair as many faults as possible with the money available now. The Council and staff discussed possibilities for cost-sharing with property owners to repair different types of sidewalk problems. Councilwoman Ivie commented that Public Works is available to remove trees this fall.

Councilwoman Fillmore made a motion to move forward with the first phase by sending letters to property owners with 1-3 inch sidewalk faults not caused by trees, explaining that work would happen in the spring and explaining possibilities for cost sharing, with an opt-in deadline determined by staff. Councilman Ince seconded the motion. Councilwoman Mecham made a

1 **motion to amend** the motion to send letters to property owners with 1-3 inch sidewalk faults
2 caused by trees with the option to remove the trees if the Public Works Department is able to
3 remove them. Councilwoman Ivie seconded the motion to amend, which failed (2-3), with
4 Council members Ince, McEwan, and Fillmore dissenting. The original motion passed by
5 unanimous vote (5-0). Councilwoman Mecham made a **motion** to send letters to property
6 owners with 1-3 inch sidewalk faults caused by trees that can be removed by the Public Works
7 Department, if enough funds remain after the initial deadline for situations in which trees are not
8 involved. Councilman McEwan seconded the motion. Councilwoman Fillmore stated she would
9 prefer to wait to see what the numbers are after the initial deadline, and prefer to decide what to
10 do about stump grinding before moving forward. The motion passed by majority vote (4-1), with
11 Councilwoman Fillmore dissenting.

12
13 Councilwoman Fillmore was excused at 10:30 p.m.

14
15 **FINANCIAL REPORT**

16
17 Marcus Arbuckle, the City's contract CPA adviser, presented a final unaudited report for
18 FY 2018, and FY 2019 report for the two-month period ending August 31, 2018.

19
20 **MAYOR'S REPORT**

- 21
22 • Mayor Wilkinson expressed a desire to put together a Tree Board to review City tree
23 policy and provide suggestions for what the City should be doing regarding trees. He
24 suggested the Tree Board could consist of the Parks and Recreation Director, a
25 representative from Public Safety, a representative from Public Works, an arborist,
26 and a few additional individuals.
27 • The Mayor invited Councilmembers to join him at the Farmington pickleball courts on
28 October 2nd at 5:30 p.m.
29 • Information regarding the Centerville Cares Committee is available on the City
30 website.
31 • South Davis Metro Fire Service Area financial statements are available with the
32 agenda on NovusAgenda.

33
34 **LIAISON REPORT**

35
36 Councilwoman Ivie updated the Council regarding the Landmarks Commission and the
37 Whitaker Museum Board.

38
39 **CITY MANAGER'S REPORT**

40
41 Mr. Thacker reported the City received a request for a presentation from the Salt Lake
42 Chamber of Commerce Housing Gap Coalition in the October 16th Council meeting. He
43 recommended the Council invite the Planning Commission to attend that presentation as
44 members of the audience – i.e. not a joint meeting.

45
46 **ADJOURNMENT**

47
48 At 11:08 p.m., Councilwoman Ivie made a **motion** to adjourn the meeting. Councilman
49 Ince seconded the motion, which passed by unanimous vote (4-0).



CENTERVILLE CITY

PUBLIC WORKS

655 North 1250 West • Centerville, Utah 84014 • (801) 292-8232 • Fax: (801) 292-8251

September 26, 2018

To Whom It May Concern,

During a recent survey of the condition of Centerville's public sidewalks, we determined there is a sidewalk fault of at least one inch on the sidewalk along your property. For safety purposes, we would like to repair this section of sidewalk as soon as possible.

Centerville City will fund the removal and repair of faults greater than one inch. If there are more faults or defects, the City will repair the faults on a cost-sharing basis seen below.

Repair	Percentage Paid by the City
>1" Faults	100%
1/2"-1" Faults	50%
<1/2" Faults	25%
Cosmetic	0%

If you would like to participate in the cost-sharing program, please contact me at mmarchant@centervilleut.com or 801-292-8232 by October 15, 2018. A City employee will make an on-site visit to evaluate the conditions and determine cost-sharing details.

We hope to repair as many sidewalk problems as possible with the money currently budgeted for this use. Centerville will evaluate the response to this request, determine cost-sharing details and prioritize repairs. Cost-sharing details will be provided to you before you are asked to commit to the repairs. You will be contacted when repairs on your property have been funded.

The City Council is deliberating on a policy for street trees, particularly trees in the park strip. If there is a tree near any of the faults along your property, Centerville will not repair those faults until the Council has determined a park-strip tree policy. If you have the tree removed before the policy is adopted, we will repair the sidewalk according to the cost-sharing guidelines above, subject to its relative priority.

Property owners participating in this program will be responsible for repairing irrigation systems or restoring landscaping relating to the sidewalk repairs.

Sincerely,

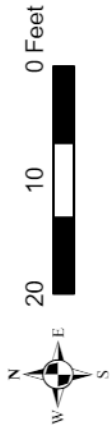
Marc Marchant
Streets Supervisor





9/17/18

290 E Casa Loma - Sidewalk Problems



Total Cost:
\$1,260
City \$270
Prop Owner \$990

Sidewalk Problems

- Cracks
- Spalling
- Vert Fault >1"
- Vert Fault <1"

Steve Thacker

From: Kevin Campbell <Kevin.Campbell@esieng.com>
Sent: Wednesday, March 13, 2019 9:59 AM
To: Steve Thacker
Cc: Lisa Romney; Marc Marchant; Randy Randall; Mackenzie Wood; Brian Naylor
Subject: Sidewalk Replacement Project 2019
Attachments: NOA - Sidewalk Replacement Project 2019.pdf; Bid Tab - Sidewalk Replacement Project 2019.pdf

Steve,

We received 5 bids last week for the above referenced project:

1. Perez Company, LLC	\$56,967.00
2. JMR Const.	\$71,884.00
3. Triple J Concrete	\$75,000.00
4. Green Construction	\$93,573.17
5. MC Green & Sons	\$126,378.72
Engineer Estimate	\$64,836.00

Randy, Marc and I are recommending that the project be awarded to JMR Construction Inc. in the amount of \$71,844.00. Marc called and reviewed all of the references provided by Perez Company and each reference indicated that they have only completed demolition work for them. Also we are concerned with Perez's landscaping restoration number being too low. As you are aware, this is a project that will impact many residents throughout the City and we would recommend awarding to a contractor that has a proven track record of working on this type of project in Centerville City such as JMR Construction.

Let us know if additional information is needed.

Kevin

Kevin Campbell, P.E.
Centerville City Engineer

Kevin Campbell, P.E.
ESI Engineering, Inc
3500 S. Main St.
SLC, Ut 84115
801.263.1752



BID TABULATION FOR CENTERVILLE CITY

Sidewalk Replacement Project 2019 - #19-014				Perez Company LLC		JMR Constriction Inc		Triple J Concrete LLC		Green Construction Inc		M.C. Green & Sons Inc.		Engineers Estimate	
Item No.	ITEM DESCRIPTION	QUANTITY	UNITS	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
1	Remove and replace sidewalk (4" thick) including saw-cut as needed	4,532	SF	\$7.50	\$33,990.00	\$9.50	\$43,054.00	\$8.00	\$36,256.00	\$11.99	\$54,338.68	\$16.23	\$73,554.36	\$8.00	\$36,256.00
2	Remove and replace sidewalk (6" thick) including saw-cut as needed	2,108	SF	\$9.00	\$18,972.00	\$10.00	\$21,080.00	\$9.00	\$18,972.00	\$13.46	\$28,373.68	\$17.17	\$36,194.36	\$10.00	\$21,080.00
3	Remove and replace road-base (4" deep) as per City representative	500	SF	\$1.69	\$845.00	\$1.00	\$500.00	\$2.50	\$1,250.00	\$2.92	\$1,460.00	\$6.70	\$3,350.00	\$3.00	\$1,500.00
4	Restore Landscaping as needed.	1	Lump Sum	\$1,500.00	\$1,500.00	\$7,000.00	\$7,000.00	\$3,522.00	\$3,522.00	\$5,371.89	\$5,371.89	\$4,980.00	\$4,980.00	\$3,000.00	\$3,000.00
5	Provide Temporary Traffic Control for Pedestrian Safety as per latest edition MUTCD	1	Lump Sum	\$1,680.00	\$1,680.00	\$250.00	\$250.00	\$15,000.00	\$15,000.00	\$4,028.92	\$4,028.92	\$8,300.00	\$8,300.00	\$3,000.00	\$3,000.00
Total (Items 1-5)					\$56,967.00		\$71,884.00		\$75,000.00		\$93,573.17		\$126,378.72		\$64,836.00



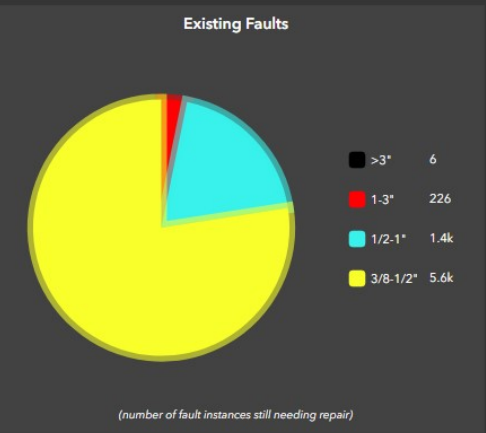
Parkstrip Trees





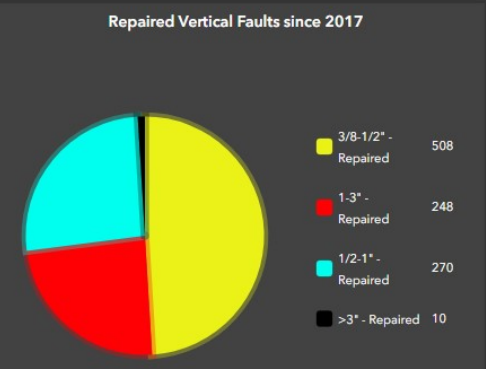
\$395,545.22
2020-2024

Centerville City - Sidewalk Faults



Feet of Repaired Sidewalk (since 2017)

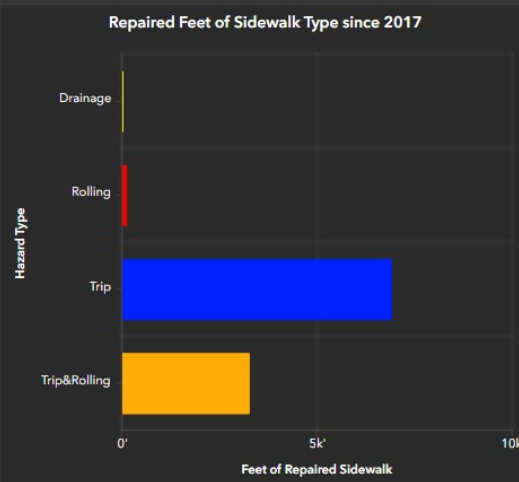
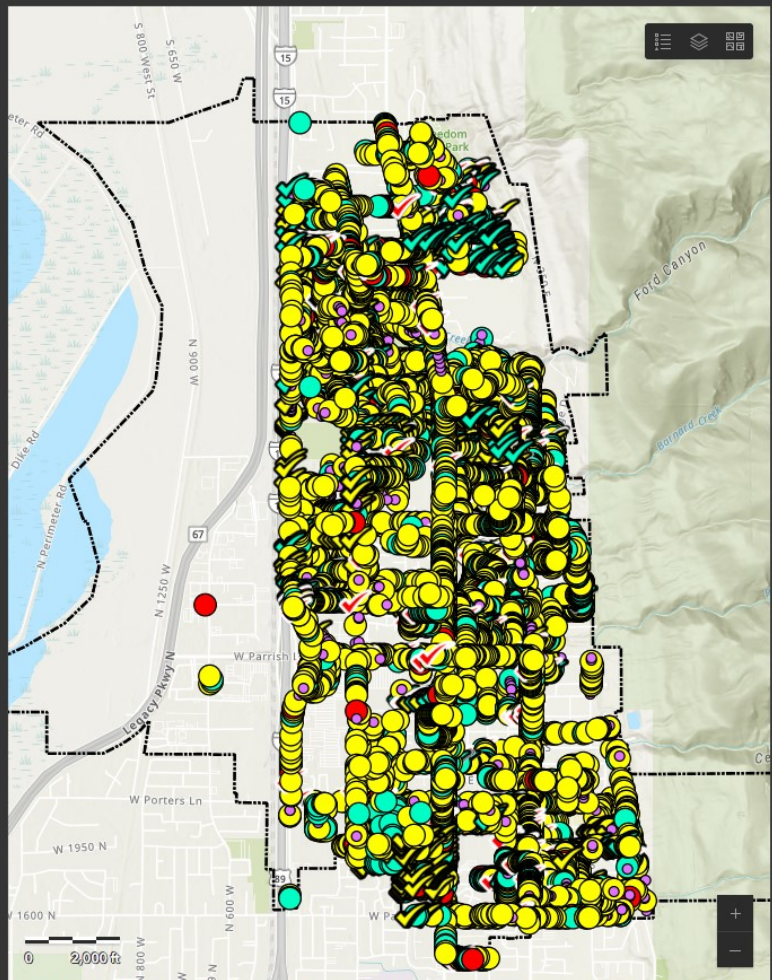
10,247.5'



- Sidewalks - SidewalkIssue
- 1-3"
 - 1-3" - Repaired
 - 1/2-1"
 - 1/2-1" - Repaired
 - 3/8-1/2"
 - 3/8-1/2" - Repaired
 - >3"
 - >3" - Repaired
 - NonVertFault_Issue

CityBoundary

CityBoundary





Centerville City

Sidewalk and Street Tree Discussion History

08-15-2016	Comprehensive Sidewalk Inventory and Analysis
09-06-2016	Comprehensive Sidewalk Analysis and Related Actions
12-06-2016	Sidewalk and Trees Discussion
03-21-2017	Sidewalk and Trees Discussion
09-19-2017	Sidewalk and Parkstrip Tree Discussion
10-03-2017	Sidewalk and Parkstrip Tree Discussion
06-19-2018	Sidewalk Repair Program
09-18-2018	Staff Recommendations for Sidewalk Repair Program
03-19-2019	Sidewalk Replacement Program
08-06-2019	Sidewalk Replacement and Repair Discussion
10-01-2019	Sidewalk Replacement and Repair Discussion
12-03-2019	Joint Work Session with Tree Board Recommended Tree List
03-15-2023	Tree Board Tree Removal Letter and Tree Voucher Program Discussion
05-07-2024	Parkstrip and Street Tree Discussion
05-15-2024	Tree Board Parkstrip and Street Tree Discussion
06-19-2024	Tree Board Parkstrip and Street Tree Discussion
07-16-2024	Joint Work Session with Tree Board on Parkstrip and Street Tree Discussion
08-06-2024	Parkstrip and Street Tree Ordinance Amendments
08-20-2024	Parkstrip and Street Tree Ordinance Amendments
09-03-2024	Parkstrip and Street Tree Ordinance Amendments