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### **8.1 Purpose**

It is the purpose of this Title is to define the acceptable usages of Huntsville Town property to promote and protect the public health, safety, and general welfare on said property.

### **8.2 Applicability**

This ordinance provides full power and authority over all trees, plants, and shrubs located within Huntsville Town street right-of-ways, parks, alleyways, and any other public places in Huntsville Town.

### **8.3 Huntsville Town Tree Board**

The Huntsville Town Tree Board shall consist of at least three<sup>1</sup> (3) members who are and residents of Huntsville Town, who shall be appointed by the Mayor with the approval of the Huntsville Town Council. Members of the Huntsville Town Tree Board shall serve without compensation.

#### **8.3.1 Huntsville Town Tree Board Duties and Responsibilities**

It shall be the responsibility of the Huntsville Town Tree Board to develop, implement, and keep current a plan for the development, conservation, and care of trees and shrubs on Huntsville Town property, including developing an annual Huntsville Town forestry plan to address dead and hazardous tree removal, pruning, planting, watering and fertilizing, and insect and disease control.

#### **8.3.2 Operation**

The Huntsville Town Tree Board shall choose its own officers, make its own rules and regulations and keep a journal of proceedings and accounting. A majority of its members shall be a quorum for the transaction of business. The Huntsville Town Tree Board budget is to be determined as part of Huntsville Town's General Fund budget process.

#### **8.3.3 Tree Planting, Maintenance, and Removal**

The Huntsville Town Tree Board shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all Huntsville Town streets, alleys, parks, and public grounds, as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds. Specifications as to the

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<sup>1</sup> Ordinance 2023-5-2-B: Adopted 5-2-23 changed the number from 5 to 3 members of the committee

type of tree species to be planted, where they can be planted, spacing, pruning and topping will be included in a Huntsville Town Tree Standards and Specifications document to be maintained by the Huntsville Town Tree Board.

The Huntsville Town Tree Board may remove any tree or part thereof on Huntsville Town property which is in an unsafe condition or which by reason of its nature is injurious to electric power lines, gas lines, water lines, or other public improvements; or is affected with any injurious fungus, insect or other pest. This Title does not prohibit the planting of trees on Huntsville Town property by adjacent property owners providing that the selection and location of said trees is approved by the Huntsville Town Tree Board as being in accordance with the specifications as listed in the Huntsville Town Tree Standards and Specifications. Also, the Huntsville Town Tree Board may not plant or remove Huntsville Town trees adjacent to private property without an agreement with the property owner to share in the maintenance of the tree. Notification of removal or action on any trees adjacent to landowner will be given at least twenty-one (21) days in advance of planned removal or action.

#### **8.3.4 Review by Huntsville Town Council**

The Huntsville Town Council shall have the right to review decisions of the Huntsville Town Tree Board and rescind said decisions. The adjacent property owner may appeal any ruling or order of the Huntsville Town Tree Board to the Huntsville Town Council who may hear the matter and make a final decision.

#### **8.4 Structures on Huntsville Town Property**

The primary consideration concerning any landscaping or structure on Huntsville Town property is safety, especially in regards to vehicular traffic, both safe passage and visibility. Huntsville Town encourages residents to maintain a well-groomed appearance in the portions of Huntsville Town property between the edge of the pavement and the resident's property, said Huntsville Town property referred to as the verge. If required for utility access, etc. Huntsville Town will remove for the verge any resident placed landscaping or structures necessary, and the owner will be responsible for replacement. Requirements for anything placed in the verge are:

1. Mail boxes shall meet the requirements of the US Postal Service, and shall not present a hazard to vehicular traffic.
2. There shall be no landscaping or large objects that represent a hazard to vehicle passage closer than 10 feet to the paved street surface. There shall be no landscaping or large objects that impede driver visibility in the area of street intersections.
3. No private fences shall protrude beyond owner's property lines and into the verge. In case of a boundary dispute, the burden of proof resides with the record landowner.
4. No structures shall be located in the verge.

#### **8.5 Alleyways and Huntsville Town Rights-of-Ways**

Alleyways are for the use of all residents and are intended to provide vehicular access to property owners to the backs of their property. No fencing, vehicles, structures, garbage, junk, or landscaping shall be placed such that it blocks access to and through the alleyways. Huntsville Town Rights-of-Way are provided for the access to underground infrastructure (e.g., water pipes). No permanent structures or landscaping shall be installed over Huntsville Town Rights-of-Way. If such impediments are required to be removed by Huntsville Town to gain infrastructure access, it will be done at the expense of the property owner.

#### **8.6 Huntsville Town Park**

The primary purpose of the Huntsville Town Park is for the use and enjoyment of the town residents. No alcohol, horses, unleashed dogs, golfing activities, golf carts, using fireworks, camping or unauthorized vehicles are allowed in the park. Exceptions are service animals and vehicles used during Huntsville Town Council permitted activities. The park closes each evening at 10 p.m. until 8 a.m. the next morning. Events and activities shall be on a reservation basis only and limited to participants that come from the greater Huntsville community and Ogden Valley residents. This would include, but is not limited to: family reunions, youth sports, July 4<sup>th</sup> celebrations, and Valley Elementary Fall Festival. If vendors will operate, the reservation request must include their names and

description of type of sales activity. In all cases, criterion for using the park should be based on Huntsville and Valley resident involvement and participation, with priority given to Huntsville Town residents. The park shall operate on a first-come, first-serve basis.

For example, when residents are using the ball diamond, the reserving party must wait its turn. There will be rotation of park usage when others are simultaneously desire to utilize the park. Fees shall be determined by resolution of the Huntsville Town Council.

8.6.1 Boweries. Huntsville Town residents will have reservation access to the bowery one month prior to the time Huntsville Town begins taking regular reservations. Corporations and other organizations may rent the bowery, however, a limited amount of large-scale activity (groups greater than 500) may be considered on a case-by-case basis by the Huntsville Town Council. Of prime consideration is the extent Huntsville Town and Ogden Valley residents would be involved. For example, a race that draws from all over the state of Utah and even other states might be considered an unhealthy impact on the park, especially when few of the people from Huntsville Town, Ogden Valley or Weber County maybe involved compared to the overall number of participants. The only time commercial use will be allowed is when it is expressly for the benefit of the residents of Huntsville Town and the surrounding community, such as a soccer camp. The organizers may make a profit from enrollments, but the benefit of the camp would be for local residents.

8.6.2 Tennis Courts. The tennis courts are to be used for the playing of tennis only. No other use of the tennis courts is permitted unless the party desiring to use the courts files with the Huntsville Town Clerk a written application it use the courts, setting forth in detail an explanation of the desired use. The written application must be filed at least thirty days prior to the intended use. The application shall be deemed denied unless approved by the Huntsville Town Council at one of its regular meetings. No wheeled conveyances, such as skateboards, roller-blades, skates, scooters, bicycles, etc shall be allowed on the tennis courts at any time. Only tennis shoes shall be allowed on the tennis courts. No black-soled, other shoes or other items that will mark or do other damage to the tennis courts will be allowed. When others are waiting to use the tennis courts, play shall be limited to one hour.

## 8.7 Special Events<sup>2</sup>

Activities held on Town streets or Town property are defined as “special events” when they are an athletic, entertainment, or political activity held for profit, nonprofit, or charitable purposes with the anticipated number of participants plus spectators exceeding 150, or any event/gathering requiring alteration of Town traffic/closing of a Town street.

8.7.1 Permit Required. It is unlawful for any person, corporation, partnership, association or other entity, public or private to promote, advertise or hold a special event without first obtaining a special event permit and paying the fees as established by Town Council resolution.

8.7.2 Application Process. Special event permit applications may be obtained on the Town website, from the Town Special Events Coordinator, or the Town Clerk. The permit application will require information regarding who is sponsoring and directing the event, a description of the event, time, public health and security planning. The event may also require coordination with any of the applicable agencies: Weber-Morgan Health Department, Weber County Sheriff Department, local Fire District, other Weber County recreational services that may be impacted.

8.7.3 Approval Process. After review by the Town Special Event coordinator, the Huntsville Town Council will review the special permit application and make a determination on granting the request based on the impact of the event on traffic, security, welfare, convenience, health and safety of the public, and the plans of the applicant to mitigate these concerns. No permit will be granted without evidence of insurance listing the Town as an additional insured. If a permit is granted, the Town makes no guarantees and assumes no liability for the safety of participants or spectators of special events.

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<sup>2</sup> Amended 4/16/2015: Special Event Section was added.

**8.8 Penalties**

Any person violating any of the provisions of this Title established hereunder shall be deemed guilty of an infraction and shall be subject to fines as stated in the fee resolution and/or restitution to property owners.



This Usage of Town Property Ordinance shall take effect upon approval by the Huntsville Town Council.

PASSED and ADOPTED this 17<sup>th</sup> day of April 2008.

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Mayor, James C. McKay

ATTEST:

Dated this 17<sup>th</sup> day of April 2008.

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Clerk/Recorder, Gail Ahlstrom

Vote of the Town Council	yea	nay
Council Member Ferre	___	___
Council Member Johnson	___	___
Council Member Sorenson	<u>excused</u>	___
Council Member Truett	___	___
Mayor McKay	___	___