

Title 15 Open Space, Parks and Recreation

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Chapter 15.1 Purpose and Intent

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15.1.1 Purpose of Title

The purpose of this Title includes, but is not limited to the following:

1. To clarify and define the roles and responsibilities of the Superintendent of Parks and Open Space, the Recreation Director, and the Tree Committee.
2. To define the relationship between this Title and other relevant Titles of the Payson City Code, in particular Titles 7, 19, 20, and 22.
3. To ensure proper maintenance of public parks and open spaces.
4. To provide guidelines and establish regulations for the recreation program of Payson.
5. To ensure proper maintenance of the City nursery and establish the operation procedures of the nursery.
6. To identify the regulations necessary to be recognized as a "Tree City USA" community and encourage the proper planting and maintenance of trees and shrubs in the community.

15.1.2 Relationship to Other Ordinances

The City Council may impose the satisfaction of the requirements herein in order to achieve the land use goals and objectives of any other development ordinance of Payson. These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, or provision of law. Where any provision of this Title imposes a restriction different from those imposed by any other provision or ordinance, rule or regulation, or law, whichever provision is more restrictive or imposes

higher standards shall control.

15.1.3 Amendment of Title

Any member of the governing body, staff, landowner or resident of Payson City may request an amendment to this Title. In order to amend this Title, the following procedure shall be followed:

1. The amendment application shall be submitted in writing to the Payson City Recorder at least thirty (30) days prior to the anticipated City Council meeting where the amendment will be discussed.
2. The information submitted to the Payson City Recorder shall include a statement explaining the purpose for the proposed amendment and contact information for the applicant.
3. The City Recorder shall submit the proposed amendment to the City Attorney for legal review to determine compliance with all federal, state and local laws and ordinances, and any other legal concerns.
4. The Payson City Recorder shall prepare, or cause to have prepared, an ordinance to present to the City Council for their consideration of the proposed amendment.
5. It shall require a majority vote of the City Council, in a regular meeting of the City Council, to amend this Title. The City Council may, at its option, choose to obtain a recommendation from the Planning Commission prior to any amendment of this Title.

15.1.4 Penalty for Violations

A violation of this Title by any person shall constitute a Class C misdemeanor punishable to the extent allowed by state statute.

Chapter 15.2 Parks and Open Space

- 15.2.1 Duties and Responsibilities of the Superintendent of Parks and Open Space**
- 15.2.2 Appearance and Maintenance of Parks and Open Space**
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- 15.2.4 Park and Open Space Regulations**
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15.2.1 Duties and Responsibilities of the Superintendent of Parks and Open Space

There is hereby created the office of Superintendent of Parks and Open Space. Under the direction of the City Manager, it shall be the duty of the Superintendent of Parks and Open Space to ensure proper care, maintenance, improvement and beautification of all parks and open space in the City that is not under the control, care and supervision of another department of the City.

15.2.2 Appearance and Maintenance of Parks and Open Space

The parks and open space owned and maintained by Payson shall be kept in good order free of noxious weeds and other unsightly vegetation. Maintenance shall be completed in a manner that improves the aesthetic appearance of the property and allows the parks and open spaces to be used as intended and appropriate by the public.

Turf areas shall be watered, mowed and trimmed in accordance with the general requirements for the turf mixture and in a manner that promotes healthy turf and longevity. The Superintendent of Parks and Open Space will determine the appropriate turf mixture for the intended use in each park or open space.

Trees and shrubs shall be properly pruned to improve aesthetic appearance and improve the health and longevity of the tree or shrub.

Planting areas shall be beautified with an appropriate mixture of vegetation including perennial and annual plants, bark, ground cover and shrubs. The planting areas shall be kept free of weeds and debris.

15.2.3 Installation of Park Improvements

Improvement of the parks and open space of Payson has been completed through participation from many sources including, developers, civic groups, youth groups and many volunteers. Payson encourages these activities, however, the installation is required to satisfy the regulations of this Title.

Prior to improvement of any area owned, or intended to be owned, by Payson, the interested party shall contact the Superintendent of Parks and Open Space and receive written approval.

15.2.4 Park and Open Space Regulations

15.2.4.1 Offensive Language and Nuisance Prohibited

It shall be unlawful for any person or persons to use threatening, abusive, insulting or indecent language in public parks or open space of the City, or to create any nuisance or offense, or to scratch, cut, injure or deface any of the buildings, fences, structures, or foul any of the fountains or any other improvements, or to cut, or injure flowers or flower beds within the parks and open space owned and maintained by Payson City.

15.2.4.2 Organized Meetings in Public Parks and Open Spaces

It shall be unlawful for any person, firm or corporation to hold an organized meeting, gathering, picnic, musical, theatrical or similar event in the public parks of the City without first having received permission from the Superintendent of Parks and Open Space and in accordance with the regulations listed in Title 22 of the Payson City Code.

15.2.4.3 Park Hours (08-18-10)

Parks and open spaces shall be divided into two categories; (1) parks and open space with adequate lighting for safety purposes. (Examples of such parks and open space includes (Soccer Fields, Baseball Fields, Memorial Park); (2) parks and open space with inadequate lighting. (Examples include small neighborhood/pocket parks, skateboard park, Poson Park). Park hours for all parks with adequate lighting shall be between the hours of 5:00 a.m. and 11:00 p.m. No person or persons shall be permitted in any public park or open space either on foot, horseback or on any type of vehicle before or after park hours except for the express purpose of traveling directly through the park on a public street or sidewalk passing through the park. Park hours for all parks with inadequate lighting shall be between the hours of 5:00 a.m. and 10:00 p.m. during the months of April – September; and between the hours of 5:00 a.m. and 8:00 p.m. during the months of October – March. No person or persons shall be permitted in any public park or open space either on foot, horseback or on any type of vehicle before or after park hours except for the express purpose of traveling directly through the park on a public street or sidewalk passing through the park.

The Payson City Recreation Department may grant an exception to the Park Hours for civic events located at the parks and open space areas.

15.2.4.4 Vehicular Traffic

It shall be unlawful to drive any vehicle on or over any garden, lawn, sidewalk, beach, wall or any other

portion of public open space or park area except in areas designated for vehicular traffic. Official City vehicles, emergency vehicles, and official landscape maintenance vehicles are exempt from these regulations.

15.2.4.5 Animal Regulations

It shall be unlawful to move or direct animals or to allow animals to proceed on or over any garden, lawn, sidewalk, beach, wall or any other portion of public open space or park area except in areas designated for animal traffic. These areas may be authorized on a temporary basis by the Superintendent of Parks and Open Space for special events such as a circus or fair.

It shall be unlawful for the owner of any dog to allow the dog to run at large within the parks or open space of the City and such offense shall be considered a public nuisance. This Section shall not be construed to prohibit the presence of dogs and cats and similar small animals while under the control of their owners, except in those areas where it has been designated by Payson City that no animals will be allowed.

15.2.4.6 Recreational Devices

Bicycles, roller blades, roller skates, scooters, skateboards, and other similar recreational devices are allowed in specifically designated areas only.

15.2.4.7 Littering

It shall be unlawful to cause or allow any foreign material, papers, bottles, rags, or discarded articles of any substantial kind or nature to be left in public areas.

15.2.4.8 Parking Regulations

It shall be unlawful to park any vehicles on public property in a manner that will block or impede traffic, with the exception of official City vehicles or emergency vehicles. Overnight parking may be allowed in specifically designated areas only. Exceptions to the parking regulations may be approved by the Superintendent of Parks and Open Space for City celebrations and other official City events.

15.2.4.9 Possession or Consumption of Alcoholic Beverages

It shall be unlawful to possess or consume beer, liquor, or any other alcoholic beverage within City parks or other public property, except as provided by state statute and City ordinance.

15.2.5 Vandalism and Graffiti

Vandalism, graffiti and other defacement of public property is expressly prohibited.

15.2.6 City Celebrations

The open spaces and parks owned and maintained by Payson City are a resource to the community. The areas are visible and can encourage economic development during official City celebrations and events. Therefore, official City celebrations and events take precedent over any other activities occurring in open space areas and parks owned and maintained by Payson City.

**Chapter 15.3
Recreation Department**

In order to provide enjoyment, physical activity, and promote a healthy lifestyle for the residents of Payson, a Recreation Department is hereby established. The recreation department shall be administered by the Recreation Director. Under the direction of the City Manager, the duties and responsibilities of Recreation Director shall include, but are not limited to:

1. Programming of athletic, active and passive recreational opportunities, and leisure activities for the residents of the community and non-residents choosing to participate in the recreation programs of Payson.
2. Maintenance of all playing surfaces owned and operated by the Payson City Recreation Department.
3. Serve as the Community/School Recreation Coordinator between Nebo School District and Payson.

**Chapter 15.4
City Nursery**

In order to beautify the community and reduce the cost of installing trees on City property, Payson City has established a City Nursery. The City Nursery is administered and operated by the Gladstan Golf Course Enterprise Fund. The City Council shall determine the price for trees for each department and the funds shall be submitted to the Gladstan Golf Course Enterprise Fund.

**Chapter 15.5
Tree Ordinance**

- 15.5.1 Definitions
- 15.5.2 Creation and Establishment of City Tree Committee
- 15.5.3 Term of Office
- 15.5.4 Duties and Responsibilities
- 15.5.5 Value of Urban Trees
- 15.5.6 Tree Maintenance and Protection
- 15.5.7 Removal, Relocation or Alteration of Trees
- 15.5.8 Planting and Replacement of Trees on Public Property

15.5.1 Definitions

For the purpose of this Chapter, the following terms, words and their derivations shall have the following meanings given herein:

1. Park: A tract of land set aside for public use and owned by the City of Payson.
2. Protective Measures: Any steps taken to safeguard the appearance, health, condition, or continued viability of a protected tree. Typical examples are: physical structures limiting access to a protected tree, pruning to allow access to a site, supplemental watering or fertilization, washing of canopy to remove dust or other residues, berms or grading to prevent erosion or silting in a protected root zone, signage indicating protected status of trees or other methods as deemed necessary at time of permitting.
3. Protected Tree: Any tree located on public property within the City of Payson.
4. Public Property: Any right-of-way, park, or other ground owned by the City of Payson.
5. Replacement Tree(s): Trees required to be planted as compensation for the removal of viable, non-hazard trees.
6. Tree: A woody plant which at maturity is thirteen (13) feet or more in height with a single trunk at least three (3) inches in diameter, unbranched for at least several feet above the ground and having a more or less definite crown.
7. Tree Commission: A committee composed of members appointed by the Mayor with the advice and consent of the City Council.
8. Tree Topping: The severe cutting back of limbs to stubs larger than three (3) inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree.
9. Tree Trust: The National Tree Trust is a public foundation created through a one-time appropriation from Congress. Other funding comes from outside sources, mainly gifts and

donations. It is the purpose of the Tree Trust to plant and/or preserve as many trees as possible on public land through volunteerism.

10. Tree Maintenance: Measures performed to promote the desirable growth and health of a tree such as, but not limited to, watering, fertilizing, mulching, weeding, pest management, and physical protection.

15.5.2 Creation and Establishment of City Tree Committee

There is hereby created and established a City Tree Committee for the City of Payson which shall consist of at least five (5) members, who shall be appointed by the Mayor with the advice and consent of the City Council. The members shall come from different interest groups including homeowners, tree professionals, and City government.

15.5.3 Term of Office

Members shall be appointed to a five (5) year term with the term of one member expiring each year. In the event that a member is unable to complete the term of office, the successor shall be appointed to serve the remaining portion of the term. The Mayor, upon advice and consent of the City Council, may remove any member of the Tree Committee upon finding that any action of the member was contrary to the best interests of the residents of Payson.

Members of the committee shall serve without compensation, except that the City Council may provide incentives from time to time.

15.5.4 Duties and Responsibilities

The Tree Committee shall hold regular meetings and other meetings as needed. The committee shall prepare and present to the City Council for adoption rules of order that address meeting minutes, the process for electing committee leadership and voting criteria. A quorum, representing a majority of committee members, is necessary to conduct any official business of the committee.

Under the direction of the City Council, the Tree Committee shall, at a minimum, be responsible for the following activities:

1. Prepare and recommend to the City Council a written plan for the care, preservation, pruning, planting, replanting, or removal of trees and shrubs in parks, along streets, and in other public spaces. The plan shall include, at a minimum:

- a. Ideas to increase public awareness and public support for vegetation preservation.
 - b. The types and species of trees for parks and other public spaces, and specifically in soft front planter areas between the curb and sidewalk along roadways.
 - c. A recommendation for implementation of planting schemes for particular areas of the community or specific streets in the City.
 - d. A recommendation on the spacing of planting materials and distances from curbs, sidewalks, street corners, and fire hydrants.
 - e. Recommendations for pruning, tree topping, and perpetual care of trees located near overhead utility services.
 - f. General care including pruning standards, tree topping, fertilization, pest control and other appropriate maintenance activities.
2. Encourage the preservation of trees by developers and landowners.
 3. Plan and coordinate an annual Arbor Week observance.
 4. Seek funds for the purpose of increasing tree inventory.

15.5.5 Value of Urban Trees

Trees are recognized as a valid asset to provide a more healthful and beautiful environment in which to live, providing oxygen, shade, aesthetics, and a priceless psychological counterpoint to the urban setting. Trees are economically beneficial in attracting new industry and residents by enhancing the value and marketability of property and promoting the stability of desirable neighborhoods.

15.5.6 Tree Maintenance and Protection

1. City departments shall seek the counsel and recommendations of the Superintendent of Parks and Open Space prior to the removal and/or alteration of any tree on public property or right-of-way unless the tree(s) poses immediate danger to the public.
2. The Superintendent of Parks and Open Space may require any tree or part thereof which is in an unsafe condition or is infested with any disease, injurious fungus, insect or other pest to be removed.
3. Trees severely damaged by storms or other natural causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical, may be exempted from this Chapter at the determination of the Superintendent of Parks and Open Space.

4. It shall be unlawful for any person, business or other entity, without first obtaining a permit from the City, to remove, cause to be removed, relocate, alter, damage or destroy any tree on public property, including public rights-of-way.
5. No person shall engage in the pruning or topping of trees on any public property except in conformance with the most current practices of the International Society of Arboriculture, the National Arborist Association Standards, and the National Electric Safety Code.
6. No new curb cuts, which shall endanger protected trees, shall be allowed without the express permission of the City.
7. To protect the longevity of protected trees, the appropriate City departments shall review all applications for construction permits, including clearing and grading permits. Protective measures may be prescribed by the City to safeguard the health, appearance, condition and viability of protected trees. The cost and responsibility for implementing and maintaining all prescribed protective measures shall be born solely by the applicant. Any deviation from the measures prescribed by the City to protect said trees shall constitute a violation of this Title.
8. All trees and shrubs shall be appropriately pruned or trimmed to satisfy the clear view area requirements of Section 19.9.5 of the Payson City Zoning Ordinance.

15.5.7 Removal, Relocation or Alteration of Trees

Written authorization from the Superintendent of Park and Open Space shall be required prior to removing, relocating or altering any tree located on property owned and maintained by Payson City. The written authorization shall address concerns including, but not limited to:

1. The condition of the tree to be removed, relocated, or altered.
2. The necessity for removal, relocation, or alteration of the tree.
3. The impact the removal, relocation, or alteration of the tree will have on the tree canopy of the park or open space area.

15.5.8 Planting and Replacement of Trees on Public Property

Written authorization from the Superintendent of Park and Open Space shall be required prior to planting or replacing any tree located on property owned and maintained by Payson City. The written

authorization shall address concerns including, but not limited to:

1. The species, optimum planting season, and location of each tree.
2. The impact of the tree on public and private utility facilities.
3. Any additional conditions or protective measures deemed necessary.

Chapter 15.6
Fee Resolution

Any person that desires to reserve the use of appropriate public parks and open spaces shall submit payment of an appropriate fee in accordance with the adopted fee schedule of Payson City available from the Payson City Recorder. Reservations for use of appropriate public parks and open spaces shall be consistent with the regulations of Title 22, Public Facilities of the Payson City Code.