

TITLE 11. STREETS AND PUBLIC WAYS.

CHAPTER 11-100. Streets Department.

11-101. Department - Superintendent of Streets.

- (A) There is hereby created a department of streets which shall have general supervision of streets, sidewalks, bridges, and other public ways.
- (B) The department shall be under the direction and control of the superintendent of streets.

11-102. Powers and Duties of Street Department. The department shall:

- (A) Have charge of the construction, maintenance and repair of streets, sidewalks, bridges, curbs, gutters, culverts, drains, waterways and other public ways. It shall have control of all waters flowing on the streets, sidewalks and public ways whether originating from storm, flood, drainage or irrigation waters.
- (B) Keep a record of and promptly investigate all complaints of defective streets, culverts, drains, ditches, side- walks, and other public ways and, when proper, repair, replace or take such action as deemed best, and shall record the action taken on each complaint.
- (C) Enforce the provisions of this chapter and all other ordinances relating to the maintenance and use of streets, culverts, drains, ditches, waterways, curbs, gutters, sidewalks and other public ways.
- (D) Repair, or cause to be repaired, all defects coming to the department's attention and take reasonable pre- cautions to protect the public from injuries due to such defects pending their repair.

11-103. Authority to Place Traffic Control Devices or Regulatory Signs. The mayor, or such other person or persons designated by the mayor, shall have general powers to develop, for City Council approval, policies and procedures for traffic control devices within the City. The mayor, or such other person or persons designated by the mayor shall also be empowered, using approved policies and procedures, to designate the places in the City at which appropriate traffic control devices or regulatory signs are to be placed for traffic safety or other legitimate purposes to control traffic. (Ord. 06-21)

11-104. Powers and Duties of the Mayor with Regard to Traffic Control Devices

- (A) The mayor, or such other person or persons designated by the mayor, shall develop and the City Council shall approve, as they see fit, by resolution, policies and procedures to govern the placement of traffic control devices or regulatory signs to provide the necessary traffic safety control as needed within the city.

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- (B) The mayor, or such other person or persons designated by the mayor using approved policies and procedures, shall designate the places at which appropriate traffic control devices or regulatory signs shall be placed. Such devices and signs shall include but not be limited to signs regulating maximum speed limits, parking signs, through-street/one-way street signs, stop and yield signs, traffic warning signs, traffic signal lights, painted road stripes, signage for pedestrian walkways and bicycle paths/lanes (signs as well as painted stripes), or any other signs or control devices deemed appropriate for the general purposes of controlling traffic in a safe manner within the City.

(Ord. 99-08, Ord. 06-21)

CHAPTER 11-200. Traffic and Use Regulations.

11-201. Adoption of Uniform Traffic Code. The Utah Traffic Rules and Regulations as set forth in Chapter 6 of Title 41, Utah Code Annotated, 1953 as amended, as of the effective date of this ordinance and as may be hereinafter amended, are hereby approved and adopted as the traffic rules and regulations of the City of North Logan except as such rules and regulations may be specifically altered or modified by the ordinances of this City.

11-202. Definitions. Unless the context otherwise requires, all references in the traffic code to:

- (A) The "State Road Commission" shall mean this municipality and its officers, departments, agencies, and agents.
- (B) "Local Authorities" shall mean the governing body of this municipality.
- (C) The "Department of Public Safety of the State of Utah" shall mean the Chief of Police of this municipality or his agent.
- (D) "Magistrate" shall mean the Justice of the Court or judge of this municipality.

11-203. Speed Limits.

- (A) When appropriate traffic control or regulatory signs giving notice of speeds are posted, the prima facie maximum speed limits designated upon said signs shall apply to the appropriate streets or portions of streets so posted.
- (B) In the absence of any speed limit sign designating a speed limit applicable thereto, the prima facie speed limit shall be 25 miles per hour.

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11-204. Adoption of Operator's and Chauffeur's License Act. The Utah Operators and Chauffeurs License Act as set forth in Chapter 2 of Title 41, Utah Code Annotated, 1953 as amended to date and as may hereafter be amended, is hereby approved and adopted as part of the Traffic Code and control authority for the City to the extent allowable by state law.

11-205. Operation of Vehicle by Persons Under Sixteen Prohibited. No person, whether resident or non-resident of State under sixteen (16) years of age shall operate a vehicle upon any highway within this City.

11-206. Unlawful Use of Operator's License. It shall be unlawful for any person to:

- (A) Display or cause or permit to be displayed or to have in possession any operator's license knowing the same to be fictitious or to have canceled, revoked, suspended or altered;
- (B) Lend to, or knowingly permit the use of, by one not entitled thereto, any operator's license issued to the person so lending or permitting the use thereof;
- (C) Display or to represent as one's own any operator's license not issued to the person so displaying the same.

11-207. Unlawful to Permit Unlicensed Minor to Drive. The Traffic Safety Board shall designate the places at which appropriate traffic control devices or regulatory signs shall be placed to regulate traffic.

11-208. Unlawful to Permit Violation of State Law. No person shall authorize or knowingly permit a motor vehicle owned by him or under his control to be driven by any person who has no legal right to do so or in violation of any of the provisions of state law.

11-209. Unlawful to Drive While License Suspended or Revoked. A person whose operator's license has been suspended or revoked, as provided under state law, and who drives any motor vehicle upon the highways of this city while that license is suspended or revoked, is guilty of a crime, and upon conviction shall be punished as provided for in Section 41-2-30, Utah Code Annotated, 1953 as amended.

11-210. Through Streets. When appropriate traffic control or regulatory signs are posted at entrances to intersections identifying them a stop or yield entrances, such streets are hereby declared to be stop entrances and yield entrances as designated by said signs.

11-211. Designation of Streets and Intersections to be Posted. The Traffic Safety Board shall designate the places at which appropriate traffic control devices or regulatory signs shall be placed to regulate traffic. (Ord. 99-08)

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11-212. Snowmobiles and All-Terrain Vehicles. The provisions of Chapter 22 of Title 41, Utah Code Annotated, 1953 as amended to date and as hereafter may be amended, relating to the regulation of snowmobiles and all terrain vehicles are hereby adopted as part of the Traffic Code and authority of the city to the extent allowable by State Law.

11-213. Driving Animals on Streets.

- (A) Every person who drives any herd of sheep or band of horses, cattle or other animals upon any public street or highway without first obtaining a permit from the Chief of Police to do so is guilty of an infraction.
- (B) No person shall drive livestock through this municipality upon streets not designated for that purpose except upon permission and according to the direction of the Chief of Police.

11-214. (Repealed – Ord. 04-01)

11-215. (Repealed – Ord. 04-01)

11-216. (Repealed – Ord. 04-01)

11-217. (Repealed – Ord. 04-01)

11-218. (Repealed – Ord. 04-01)

11-219. (Repealed – Ord. 04-01)

11-220. (Repealed – Ord. 04-01)

11-221. Victim Reimbursement Fund. A fee of \$100.00 shall be imposed against each person who violates Section 41-6-44, Utah Code Annotated, 1953 as amended, as incorporated in the traffic rules and regulations of the City or a section establishing a criminal prohibition that the person was charged with violating as a result of a plea bargain after having been originally charged with violating said section, in addition to any fines and any other fees imposed, and shall be collected by the court and placed in the general fund as required by Section 41-24-1, Utah Code Annotated, 1953 as amended.

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CHAPTER 11-300. Construction, Repair, and Regulations of Streets and Sidewalks.

11-301. Construction by Persons. It shall be unlawful for any person either as owner, agent, servant, contractor, or employee to construct a street or sidewalk which does not conform to specifications established by the municipal engineer or other authorized representative of the municipality, unless special permission to deviate from such specifications is first obtained from the governing body.

11-302. Permit Required - Supervision.

- (A) No person, either as owner, agent, servant, contractor, or employee, shall construct any permanent sidewalk without first obtaining from the Recorder/Clerk a permit to do so. The permit shall specify that the sidewalk be constructed of cement, the character and quality of the cement, the consistent parts of the mixture, and the thickness of the walk.
- (B) It shall be unlawful to construct a sidewalk in violation of the specifications given by a proper municipal official.
- (C) All sidewalks shall be constructed under the inspection of the superintendent of streets or his duly authorized representative.

11-303. Construction of Driveways or Changes of Construction. It shall be unlawful for any person to construct a driveway across a sidewalk, or cut or change the construction of sidewalk, curb, or gutter without first making written application and obtaining from the Recorder/Clerk a permit to do so. The acceptance of such permit shall be deemed an agreement on the part of such person to construct said driveway in accordance with specifications furnished by the municipality.

11-304. Building Materials in Street-Permit. It shall be unlawful for any person to occupy or use any portion of the public streets when erecting or repairing any building upon land abutting thereon, without first making application to and receiving from the governing body a permit for the occupation or use of such portions of streets for such periods of time and under such limitations and restrictions as may be required by the governing body. Any such permit may be revoked by the governing body at any time when the holder thereof fails to comply with any rule or regulation under which it is granted, or when, in the opinion of the governing body, the public interest requires such revocation.

11-305. Placing or Mixing Sand or Gravel on Paved Street or Sidewalk. Unless a permit from the superintendent has been obtained, it shall be unlawful to:

- (A) Place or pile, or permit to be placed or piled, any sand or gravel, lime, cement, mortar, plaster, concrete, or any like substance or mixture, or allow the same to remain on any portion of paved street or sidewalk.

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- (B) Make or mix or permit to be made or mixed any mortar, plaster, concrete or any like substance or mixture on any portion of any paved street or sidewalk.

11-306. Overflowing of Water on Public Property. It shall be unlawful for any person to allow water to overflow from any ditch, canal, well, or irrigation stream onto the streets, sidewalks or property of the municipality.

11-307. Irrigation Ditches Across Sidewalks. All owners or occupants of lots in this municipality who require water from a main ditch for irrigation or other purposes shall dig ditches, erect flumes, lay pipes and install culverts, as needed, and maintain the same to convey water under sidewalks to or from their respective lots. All culverts, ditches, pipes and flumes conveying water under sidewalks shall meet such reasonable standards and specifications as may be established by the superintendent of streets.

11-308. Removal of Sod, Earth from Streets or Other Property. No person shall dig, cut or remove any sod or earth from any street or other public place without a permit from the superintendent of streets.

11-309. Removal of Snow.

- (A) It shall be unlawful for the owner, occupant, lessor, or agent of any property, abutting on a paved sidewalk to fail to remove, or have removed from such paved sidewalk, all hail, snow, or sleet thereon within a reasonable time after such snow, hail, or sleet has fallen. In the case of a storm between the hours of 5 p.m. and 6 a.m. such sidewalks shall be cleaned before 9 a.m. of the same day.
- (B) It shall be unlawful for any person removing snow from the sidewalk, to deposit snow, dirt, leaves, or any other material in the gutter so as to clog or prevent the free flow of water therein.

11-310. Placing Trash or Other Obstruction in Streets, Gutters, Sidewalks. It shall be unlawful for any person owning, occupying or having control of any premise to place, or permit to be placed upon or in the sidewalk, parking area, gutter, or on the half of the street next to such premise:

- (A) Any broken ware, glass, filth, rubbish, sweepings, refuse matter, ice, snow, water, garbage, ashes, tin cans or other like substances.
- (B) Any wagons, lumber, wood boxes, fencing, building material, dead trees, tree stumps, merchandise, or other thing which shall obstruct such public street, gutter, parking area or sidewalk, or any part thereof, or the passage over and upon the same, or any part thereof,

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except as expressly authorized by ordinances, without the permission of the governing body first be obtained.

- (C) Any permanent or temporary structure, mechanism, device, vehicle, or other thing of any kind or character except trees planted pursuant to the provisions of applicable ordinances.

11-311. Openings in Street.

- (A) It shall be unlawful for the owner or occupant of any building having a cellar which opens upon any street or sidewalk to fail to keep the door or other covering in good repair and safe for the passage of the customary traffic on the street or sidewalk. If the owner or occupant of any such building shall neglect or refuse to repair properly any such door or covering within 24 hours after notice from the superintendent of streets to do so, the superintendent shall forthwith cause such repairs to be made at the expense of the owner or occupant.
- (B) It shall be unlawful to construct or maintain coal holes or other openings in streets or sidewalks, except with the special permission of the governing body, and under the direction and supervision of the superintendent of streets.

11-312. Doors Opening Into Streets. It shall be unlawful for any person, firm, or corporation owning or having the control or management of any alley, road, or passageway to construct or hang gates or doors to such alley, road, or passageway so that the gates or doors thereto, when open, shall project outwardly more than two feet over or upon the sidewalk beyond the property line.

11-313. Discharge of Water on Street. It shall be unlawful for any person owning, occupying, or having control of any premise to fail, refuse or neglect to prevent water from the roof or eaves of any house, building, or other structure, or from any other source under the control of such person to be discharged upon the surface of any sidewalk.

11-314. Crossing at Intersections. It shall be unlawful for any person to drive or park a self-propelled vehicle or lead, drive, or ride any animal upon any sidewalk except across a sidewalk at established crossings.

11-315. Business to Keep Sidewalk Clean. It shall be unlawful for any owners or occupants of any place of business to refuse, neglect or fail to cause the sidewalk abutting thereon to be swept or cleaned each morning before the hour of 9 a.m.

11-316. Placing Goods on Sidewalks for Sale or Show. No goods, wares, or merchandise shall be placed, maintained or permitted to sale or show in or on any parking area, street, or sidewalk beyond two feet from the front line of the lot, without first obtaining the written approval of the governing body. Such approval shall be granted only when such sale or show shall be a

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promotional activity not exceeding 48 hours and when participated in by a majority of firms seeking approval in their business areas. The governing body's written approval shall specifically provide that no goods, wares, or merchandise shall be placed in such a manner as to leave less than a six-foot passageway for pedestrians.

11-317. Placing Goods on Sidewalks for Receipt of Delivery. It shall be unlawful for any person to place, or suffer to be placed or kept upon any sidewalk, any goods, wares or merchandise which he may be receiving or delivering, without leaving a foot passageway upon such sidewalk. It shall be unlawful for any person receiving or delivering such goods, wares, or merchandise to suffer the same to be or remain on such sidewalk for a longer period than one hour.

11-318. Playing on Sidewalks. Every person who obstructs the sidewalk or street by playing any game or engaging in any activity which obstructs the free travel thereon is guilty of an infraction.

11-319. Congregating on Sidewalks. It is an infraction for any person or persons to congregate about or upon any sidewalks, stairway, doorway, window or in front of any business or dwelling house, theater, lecture room, church or elsewhere and by so doing to obstruct or interfere with the free passage of persons entering, leaving or occupying such building or premises.

11-320. Encroachment Permit Required.

- (A) No person shall make any excavation within a public right-of-way in any street, lane, or alley, or remove any pavement or other material from any street or improvement thereon without first obtaining an encroachment permit from the City Engineer or other authorized representative of the municipality. (Ord. 96-01)
- (B) No person shall excavate any sidewalk without first obtaining an encroachment permit from the City Engineer or other authorized personnel. (Ord. 96-01)
- (C) Nothing contained in this part shall be construed to waive the franchise required for any person by the ordinances of this municipality or law of Utah.
- (D) No person shall make any excavation for the purpose of accessing a public utility in an easement without first obtaining an encroachment permit from the City Engineer or other authorized representative of the municipality. (Ord. 96-01)

11-321. Excluded Encroachments. Only those excavations for projects accomplished by the city's public works department do not come within the scope of this part. (Ord. 96-01)

11-322. Subject Excavations. Excavations for installation or repair of water lines, sewer lines, gas lines, electrical cable and conduits, telephone cable and conduits, and all other excavations for any other purpose within the street rights-of-way of the municipality, public utility easements or in other public places do come within the scope of this part. (Ord. 96-01)

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11-323. Preparation. The pavement, sidewalk, driveway, or other surface shall be cut vertically along the lines forming the trench in such a manner as to not damage the adjoining pavement or hard surfacing. An undercut bevel at the rate of one inch per foot of thickness will be provided at the proposed junction between the old and new surfaces. The portion to be removed shall be broken up in a manner that will not cause damage to the pavement outside the limits of the trench. However, any pavement damaged by operations outside the limits of the trench shall be replaced. All waste material resulting from the excavation shall be removed immediately from the site of the work.

11-324. Backfill. All backfill for encroachments shall conform to one of the following backfill classes. The city engineer shall determine the required backfill class and note same on the encroachment permit when approving the permit.

(A) Class "A" Backfill (Mechanically Compacted). This class of backfill is intended for use on paved streets or other areas where immediate and thorough compaction and completion of the trench backfill is required.

(1) Compaction Procedure. The entire depth of the trench above the initial fill shall be backfilled and compacted in lifts which, prior to the compaction shall not exceed layers of 14 inches loose/12 inches compacted with each layer being approximately parallel to the pipe grade longitudinally and level transversely. The backfill material for each layer shall be evenly wetted with enough water where necessary to assure it being within plus or minus 2% of its optimum moisture content and compacted by mechanically operated tampers or vibrators until it acquires a compacted density of at least 95% of its maximum density (as determined by AASHTO. Designation T-180 Method "A" (Modified Proctor Density). Backfill shall be compacted by means of sheepsfoot rollers, pneumatic tire rollers, vibrating rollers or other mechanical tampers of size and type approved by the Engineer. Where compaction methods are used, the material shall be placed at a moisture content such that after compaction the required relative densities will be produced. Prior to compaction, each layer shall be evenly spread, moistened, and worked by disk harrowing or other means. If the required relative density is not attained, test sections will be required to determine adjustments in compacting equipment, thickness of layers, moisture content and compactive effort necessary to attain the specified minimum relative density. Any advice given by the city engineer regarding equipment, thickness of layers, moisture content and compactive effort shall not be deemed to relieve the contractor of the responsibility for attaining the specified minimum relative densities.

(2) Testing. All class "A" backfills shall require testing by a qualified individual. All relative density tests shall be made by the permittee at no expense to the city. Test

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results must be provided to the city engineer and the backfill approved prior to proceeding with restoration of the surface. Testing shall be performed at a random location, twice per each 100 feet (or fraction thereof) of trench. Once near a point where half the trench is filled and a second test at the top of the trench.

- (B) Class B Backfill (Water Densified). This class of backfill is intended for use on paved streets or other areas where “good” compaction of the trench backfill is required but where a street is less used and not subjected to a great deal of heavy loads. Water densified backfill may only be used up to within one foot of the roadway subgrade. This top one foot must be mechanically compacted as in a Class “A” Backfill. Water settlement of trenches is not recommended in native clay, silt, or silty clay materials and will be strictly prohibited on the public way where traffic loads are fairly heavy, r anticipated in the near future, unless otherwise approved by the city engineer.
- (1) Compaction Procedure. After completion of the compaction within the pipe/conduit zone, the balance of the trench shall be loosely filled with the excavated material and thoroughly saturated with water either by flooding, jetting, or other such means necessary to assure the required backfill settlement. Water shall be applied in such quantity and at a rate sufficient to thoroughly and completely saturate the entire thickness of the lift being densified. Where the trench is on a steep slope and water saturation of the backfill material is difficult due to the steepness of the slope, jetting pipes or nozzles shall be inserted into the backfill or water shall be applied to the backfill at sufficiently close intervals along the trench to ensure that the backfill will be evenly and thoroughly saturated and uniformly consolidated or densified. The depth of backfill shall not exceed that which can be readily densified by the flooding or jetting procedure, but in no case shall the undensified lift exceed 10 feet for flooding or 15 feet for jetting. If the trench depth exceeds these limits it shall be backfilled and densified in two or more lifts of approximately equal thickness. In the event that application of water alone fails to produce the required relative compaction throughout the entire thickness of the lift, the flooding or jetting shall be supplemented by the use of vibratory compaction equipment. Vibratory compaction or densification may be applied by the use of probe-type vibrators to the surface of the backfilled trench. After the water densified backfill has cured or dried out enough to be stable, the top one foot of backfill immediately below the existing or proposed roadway subgrade shall be compacted to 95% of AASHTO T-180 Method "A" (Modified Proctor Density).
- (2) Testing. All class “B” backfills shall require testing by a qualified individual. All relative density tests shall be made by the permittee at no expense to the city. Test results must be provided to the city engineer and the backfill approved prior to proceeding with restoration of the surface. Testing shall be preformed at a

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random location, twice per each 100 feet (or fraction thereof) of trench. Once near a point where half the trench is filled and a second test at the top of the trench.

(C) Class "C" Backfill (Non Paved). This class of backfill is intended for use through open or undeveloped areas where subsequent trench settlement would not be objectionable. It is not to be used within existing or proposed street or alley rights-of-way unless specifically authorized by the city engineer.

(1) Compaction Procedure. After completion of the backfilling and compaction within the pipe/conduit zone, the excavated trench material may be pushed back into the trench by mechanical or other means to a depth that is 12 inches below the top of the trench. The trench backfill shall then be thoroughly saturated with water, either by jetting, puddling, or other such means necessary to assure the required backfill settlement. After settlement has taken place, the remaining depth of trench shall be backfilled with the remaining excavated material, or imported material if necessary and pneumatically rolled by truck or roller to provide a relatively hard, compacted trench surface that is at, or slightly above, the natural ground elevation.

(2) Testing – None Required

(D) Class "D" Backfill. This class of backfill is intended for use through dedicated easements where lawn sod, shrubs, topsoil, fences, and other items must be removed and replaced by the Contractor during the trench excavation and backfill operation. This part represents the minimum requirement for encroachment through utility easements on private property and does not preclude additional requirements being imposed by property owners to ensure restoration of their property to original condition.

(1) Compaction Procedure. In areas where Class "D" backfill is required, the Contractor shall first notify the affected property owner(s) of the impending construction work through the easement. The Contractor shall then carefully remove all shrubs, fences, and other aboveground items. Carefully cut and remove all lawn sod and remove the topsoil for a depth of at least 12 inches (or the depth of the actual topsoil if less than 12 inches) with the width of the lawn sod and topsoil removal being at least two (2) feet wider (one foot per side) than the excavated trench width. The topsoil material shall be piled separately from and shall not be mixed with the remainder of the excavated material. After completion of the backfilling and compaction of the pipe zone, the remainder of the trench shall be backfilled in eight-inch lifts with the material in each lift being evenly wetted and compacted to at least 90% of its standard maximum density. The top twelve (12) inches of the trench (or actual topsoil depth referred to above) shall be backfilled in 6-inch lifts with the removed topsoil. The topsoil backfill shall be evenly

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wetted and compacted to 80-85% of its standard maximum density. The Contractor shall then replace the lawn sod, shrubs, fences, or other items that may have been removed from within the easement area and shall clean up and remove any rocks, dirt, or other debris that remain from the construction work. Upon conclusion of the work within the easement, the Contractor shall secure a written release from all affected property owners stating their acceptance of the work. In lieu of removing and replacing the lawn sod, the Contractor may, with the agreement of the property owner, replant the lawn or pay the property owner to replant the lawn. Such agreement shall be documented in the above referenced final letter of acceptance from the property owner(s).

(2) Testing – None Required

- (E) Precautionary Measures. In all water densified final backfills, all precautions necessary shall be taken by the Contractor to prevent damage and movement (including floating) of the pipeline, structures and existing adjacent improvements and utilities. The allowance of the use of consolidation methods shall not be construed as guaranteeing or implying that the use of such methods will not result in damage to adjacent ground. The Contractor shall make his own determination in this regard, and shall assume all risks and liability for settlement or lateral movement of adjacent ground, or improvements, or utilities, either on the surface of the ground or underground.
- (F) Imported Backfill Material. In the event the native excavated material is not satisfactory for backfilling, the contractor shall provide imported granular material. This granular material shall pass a three inch square sieve and shall not contain more than fifteen percent (15%) of material passing a 200 mesh sieve, and shall be free from sod, vegetation and other organic or deleterious materials.
- (G) Disposal of Excess Materials. All excess materials shall be hauled away from the construction site and disposed by the contractor.

(Ord. 96-01)

11-325. Restoration of Surfaces.

- (A) General. All street surfacing, curbs, gutters, side-walks, driveways, or other hard surfaces falling in the line of the excavation which must be removed in performance of the work shall be restored in kind by the excavator, unless otherwise directed by the governing body, in accordance with the specifications contained herein governing the various types of surfaces involved.
- (B) Protection of Paved Surfaces. In order to avoid unnecessary damage to paved surfaces, track equipment shall use pavement pads when operating on or crossing paved surfaces.

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- (C) Time. In traffic lanes of paved streets, the excavator shall provide temporary gravel surfaces or cold mulch in good condition immediately after backfill has been placed, and shall complete permanent repairs on the street, sidewalk, curb, gutter, driveway and other surfaces, within five days from the date of completion of the backfill except for periods:
- (1) When permanent paving material is not available.
 - (2) When weather conditions prevent permanent replacement.
 - (3) When an extension of time is granted by the superintendent of streets.
- (D) Temporary Repair. If temporary repair has been made on paved street with gravel and a permanent repair cannot be made within the time specified above due to any of the above-mentioned conditions, then the excavator shall be required to replace the gravel with cold mulch as soon as possible.

11-326. Restoring Bituminous. Concrete or asphalt street surfaces.

- (A) Temporary grade surface. Where excavations are made in paved areas, the surface shall be replaced with a temporary gravel surface. The gravel shall be placed deep enough to provide a minimum of six inches below the bottom of the bituminous or concrete surface. Normally this will require nine inches of gravel for bituminous surfaces, twelve inches of gravel for concrete, and concrete base for asphalt wearing surfaces. The gravel shall be placed in the trench at the time it is back-filled. The temporary gravel surface shall be maintained by blading, sprinkling, rolling, adding gravel, to maintain a safe, uniform surface satisfactory to the inspector until the final surface is laid. Excess material shall be removed from the premises immediately. Material for use on temporary gravel surfaces shall be obtained from sound, tough, durable gravel or rock meeting the following requirements for gradings:

Passing 1-inch sieve 100 percent
Passing 3/4-inch sieve 85% - 100 percent
No. 4 sieve 45% - 65 percent
Passing No. 10 sieve 30% - 50 percent
Passing No. 200 sieve 5% - 10 percent

- (B) Bituminous surface. The exposed edges of existing pavement shall be primed with Type MC-1 bituminous material. The type, grade, and mixture of the asphalt to be used for street surface replacement shall be approved by the superintendent of streets. The thickness shall be equal to the adjacent surface thickness but not less than three inches. The complete surface shall not deviate more than one-half inch between old and new work.

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11-327. Concrete Surfaces.

- (A) The sub-base for concrete surfaces shall be sprinkled just before placing the concrete. Joints and surfaces shall be made to match the original surfaces. The thickness of concrete shall be equal to the adjacent concrete but in no case less than six inches thick.
- (B) The mixing, cement, water content, proportion, placement, and curing of the concrete will be approved by the superintendent of streets. In no case shall the concrete have less compressive strength than 3,000 pounds per square inch at the end of 28 days.

11-328. Concrete Base, Bituminous Wearing Surfaces. This type of surfacing shall be constructed as above-described.

11-329. Gravel Surfaces. Trenches excavated through gravel- surfaced area, such as gravel roads and shoulders and unpaved driveways, shall have the gravel restored and maintained as described in part 11-324 of this part, except that the gravel shall be a minimum of one inch more than the thickness of the existing gravel. (Ord. 96-01)

11-330. Protection of Public During Excavation Project.

- (A) Excavation operations shall be conducted in such a manner that a minimum amount of interference or interruption of street traffic will result. Inconvenience to residents and businesses fronting on public streets shall be minimized.
- (B) Suitable, adequate and sufficient barricades shall be available and used where necessary to prevent accidents involving property or persons.
- (C) Barricades must be in place until all of excavator's equipment is removed from site and excavation has been backfilled and proper temporary gravel surface is in place.
- (D) From sunset to sunrise all barricades and excavations must be clearly outlined by acceptable warning lights, lanterns, flares, and other devices.
- (E) Police and fire departments shall be notified at least 24 hours in advance of any planned excavation requiring street closures or detour.

11-331. Relocation and Protection of Utilities.

- (A) An excavator shall not interfere with any existing utility without the written consent of the governing body and without advance notice to the owner of the utility. If it becomes necessary to relocate an existing utility, it shall be done by its owner unless the owner otherwise directs.

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- (B) No utility, whether owned by the municipality or by a private enterprise, shall be moved to accommodate the permittee unless the cost of such work be borne by the permittee or an expressly written agreement is made whereby the utility owner and the excavator make other arrangements relating to such cost.
- (C) The permittee shall support and protect by timbers of otherwise all pipes, conduits, poles, wires, or other apparatus which may be in any way affected by the excavation work, and shall do everything necessary to support, sustain and protect them under, over, along, or across the work.
- (D) In case any of the pipes, conduits, poles, wires, or apparatus should be damaged (and for this purpose pipe coating or other encasement or devices are to be considered as part of a substructure), they shall be repaired by the agency or person owning them, but the utility owner shall be reimbursed for the expense of such repairs by the permittee.
- (E) It is the intent of this part that the permittee shall assume all liability for damage to substructures, and any resulting damage or injury to anyone because of such substructure damage and such assumption of liability shall be deemed a contractual obligation which the permittee accepts upon acceptance of an excavation permit. The municipality need not be made a party to any action because of this part.
- (F) The permittee shall inform itself as to the existence and location of all underground utilities and protect the same against damage.

11-332. Jetting Pipe. Jetting pipe by means of water under pressure, or compressed air, is permitted only when approved by the municipality.

11-333. Inspection and Acceptance. In order to insure proper backfill and restoration of surface, the permittee shall deposit a fee in cash or a surety bond in the amount determined by the City Council and listed in the Master Fee Schedule and payable to the municipality, except that a public utility operating or using any of the streets under a franchise from the municipality will not be required to furnish such bond, providing such franchise obligates the holder thereof to restore the streets and to hold the municipality harmless in the event of any injury to any person or damage to any property due to negligence of such holder in conducting excavation operations under such franchise. The required surety bond must be:

- (A) With good and sufficient surety in an amount equal to the cash fee required.
- (B) By a surety company authorized to transact business in the state.
- (C) Satisfactory to the municipal attorney in form and substance.

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- (D) Conditioned upon the permittee's compliance with this part in order to secure and hold the municipality and its officers harmless against any and all claims, judgments, or other costs arising from the excavation and other work covered by the excavation permit or for which the municipality, the governing body or any municipal officer may be made liable by reason of any accident or injury to any person or property through the fault of the permittee arising out of failure to properly guard the excavation or for any other negligence of the permittee.
- (E) Conditioned to fill up, restore and place in good and safe condition, as near as may be to its original condition, and to the satisfaction of the municipality, all openings and excavations made in streets, and to maintain any street where excavation is made in as good condition for the period of 24 months after the work shall be done, usual wear and tear expected, as it was before the work shall have been done.
- (F) Shall be valid for a period of 24 months after the encroachment work is done.

The cash fee or surety bond may be waived on a case-by-case basis at the discretion of the City Administrator for a public utility operating or using any of the streets under a franchise from the municipality, providing such franchise obligates the holder thereof to restore the streets and to hold the municipality harmless in the event of any injury to any person or damage to any property due to negligence of such holder in conducting encroachment operations under such franchise. Encroachments for these public utilities require a permit even if the fee is waived. The cash fee or surety bond will be retained by the municipality for 24 months and released only after final acceptance by the city engineer. In the event the permittee fails to comply with the provisions of this ordinance and after ten (10) day written notice to the permittee, specifying the items(s) which remain uncomplished with, then the city may proceed with all necessary repairs and charge the same against the bond or cash deposit.

(Ord. 96-01)

11-334. Application for Street Excavation Permit.

- (A) It shall be unlawful for any person to break, excavate, tunnel, undermine, or in any manner affect the surface or base of any street or to place, deposit or leave upon any street any earth or any other excavated material obstructing or tending to interfere with the free use of the street, unless such persons shall first have obtained an excavation permit therefor from the City Engineer, or other authorized representative of the municipality.
- (B) Any public utility regulated by the State of Utah or holding a franchise from the municipality which in the pursuit of its calling has frequent occasion to open or make excavations in streets, may, upon application, receive a general permit from the municipality to cover all excavations such utilities may make within the streets of the municipality. Such a permit shall be in force for a maximum period of twelve months.

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Any such public utility to receive such a general permit must maintain records, including inspection reports, of all encroachments covered by this ordinance and present same to the city engineer upon request and upon renewal of the utilities general permit.

(Ord. 96-01)

- (C) All permits shall be subject to revocation and the municipality may refuse to issue a permit for failure of the permittee or applicant to abide by the terms and conditions of this part.
- (D) Excavation permits will not be required prior to excavation in case of emergency endangering life or property, providing the municipality is notified as soon as practicable and a permit is applied for upon the next regular working day following the emergency.

(Ord. 96-01)

(Ord 91-03)

11-335. Encroachment Regulations and Technical Specifications.

- (A) The city shall by resolution adopt and amend regulations for the control and protection of city rights-of-way and technical specifications for trench excavation and backfill.
- (B) All permits for encroachment in subdivisions developments and subject to the subdivision ordinance shall be subject to regulations as contained in part three of Subdivision Ordinance 12D-1000, 12D-1100, 12D-1200, through 12D-2003 and all excavation, removal of backfilling shall be in full compliance with such regulations and specifications. (Ord. 96-01)
- (C) The City Engineer shall be responsible for the enforcement of such regulations and specifications.
- (D) Violations of this section shall constitute a Class “B” misdemeanor. (Ord. 96-01)

(Ord. 96-01, Ord. 91-03)

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CHAPTER 11 - 400. Major Street Plan.

11-401. Major Street Plan Adopted.

- (A) The map attached to Ordinance 78-2, with any subsequent amendments and additions, is hereby established as the Official Map and Major Street Plan of the City of North Logan.
- (B) The official map and major street plan of North Logan City, Utah is hereby amended and changed to extend 1200 East Street in a straight line in a northerly direction. (See Ordinance 79-3.)
- (C) The official map and major street plan of North Logan City, Utah is hereby amended and changed to show a designated 100 East Street, a 100 West Street, 200 West Street, a 400 West Street, a 600 West Street, and a 2600 North Street as shown on the plat attached to Ordinance 83-12.
- (D) The official map and major street plan of North Logan, Utah is hereby amended and changed to designate 100 East Street in a straight line as shown on the amended plat. (See Ordinance 84-9.)

11-402. Building Permits. No building permit shall be issued for any building or structures or part thereof on any land located between the mapped lines of any street as shown on said official map, provided however, that the City Board of Adjustments may grant a variance consistent with the provisions of UCA 10-9-24, 1953 as amended.

CHAPTER 11-500. Vacating of Streets.

11-501. Vacating of 1515 East Street.

- (A) The City Council deems there to be good cause for vacating the southern fifteen (15) feet of 1515 East Street and that such vacation will not be detrimental to the general interests of the City of North Logan.
- (B) Due notice having been given, the south fifteen (15) feet of 1515 East Street is hereby vacated. (See Ordinance 82-8.)

11-502. Vacating a portion of 1350 East Street. (Ord 02-02)

- (A) The City Council deems there to be good cause for vacating the north 106 feet of 1350 East Street in the Pheasant Run Subdivision and that such vacation will not be detrimental to the public interest.

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- (B) In accordance with State Law, Sections 10-8-8.1 to 10-8-8.4, the north 106 feet of 1350 East Street within the Pheasant Run Subdivision is hereby vacated, it being more particularly described as follows:

Beginning at the Northeast Corner of Lot 15, Pheasant Run Subdivision, Phase II, as shown by the official plat thereof, recorded January 30, 2001, as Filing No. 753431, in the office of the Recorder of Cache County, Utah, and running thence South 106.47 feet; thence East 50 feet; thence North 106.47 feet; thence West 50 feet to the point of beginning.

11-503. Vacating a portion of 2500 East Street. (Ord. 03-07)

- (A) The City Council deems there to be good cause for vacating the approximate 43 feet of 2500 North Street, east of 1250 East between the properties with Tax ID#s 04-05-0012 on the north and #04-056-0007 and #04-056-0008 on the south, for a length of approximately 487 feet and that such vacation will not be detrimental to the public interest.

- (B) In accordance with State Law, Sections 10-8-8.1 to 10-8-8.4, the property described in paragraph (A) above and as shown on the Cache County plats is hereby vacated, it being more particularly described as the following three parcels:

- (1) Commencing at the South Quarter Corner of Section 14, Township 12 North, Range 1 East of the Salt Lake Baseline and Meridian monumented with a Cache County Surveyor's Brass Cap thence N. 89°38'04" E 417.29 feet (415 .80 feet, By Record, B.R.) along the section line to the east right-of-way line of 1250 East Street; thence along said right-of-way N 01°15'56" E 1322.07 feet; thence S 89°01'36" E 110.00 feet to the point of beginning and running thence N 01°15'56" E 12.15 feet; thence S 89°11'19" E 377.00 feet; thence S 01°44'46" W 13.21 feet; thence N 89°01'36" W 376.88 feet to the point of beginning, containing 0.11 acres.
- (2) Commencing at the South Quarter Corner of Section 14, Township 12 North, Range 1 East of the Salt Lake Baseline and Meridian monumented with a Cache County Surveyor's Brass Cap thence N. 89°38'04" E 417.29 feet (415 .80 feet, By Record, B.R.) along the section line to the east right-of-way line of 1250 East Street; thence along said right-of-way N 01°15'56" E 1322.07 feet to the point of beginning and running thence N 01°15'56" E 11.83 feet along said right-of-way; thence S 89°11'19" E 110.00 feet; thence S 01°15'56" W 12.15 feet; thence N 89°01'36" W 110.00 feet to the point of beginning, containing 0.03 acres.
- (3) Commencing at the South Quarter Corner of Section 14, Township 12 North, Range 1 East of the Salt Lake Baseline and Meridian monumented with a Cache County Surveyor's Brass Cap thence N. 89°38'04" E 417.29 feet (415 .80 feet, By

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Record, B.R.) along the section line to the east right-of-way line of 1250 East Street; thence along said right-of-way N 01*15'56" E 1333.90 feet to the point of beginning and running thence N 01*15'56" E 30.00 feet along said right-of-way to the south line of Parcel 04-054-0012; thence along said south line of Parcel 04-054-0012 S 89*11'19" E 487.25 feet; thence S 01*44'46" W 30.00 feet; thence N 89*11'19" W 487.00 feet to the point of beginning, containing 0.34 acres.

11-504. Vacating a portion of 2550 East Street. (Ord. 03-09)

- (A) The City Council deems there to be good cause for vacating the south 33 feet of 2550 North Street, west of 1600 East, for a length of approximately 652 feet and that such vacation will not be detrimental to the public interest.
- (B) In accordance with State Law, Sections 10-8-8.1 to 10-8-8.4, the south 33 feet of 2550 North Street west of 1600 East for a length of approximately 652 feet is hereby vacated, it being more particularly described as follows. This vacated right-of-way property shall be reconnected to and become a part of the property with Tax ID # 04-055-0009.

A portion of Tax ID# 04-055-0014

BEG AT SE COR SEC 14 T 12N R 1 E & TH N 0*33'14" W 1666.62 FT & S
89*37'52" W 33.0 FT TO TRUE POB TH S 0*33'14" E 33.0 FT ALG W LN OF 1600
EAST ST TH S 89*37'52" W 652.115 FT TH N 0*59'09" E 33.0 FT TH N 89*37'52" E
651.228 FT TO TRUE POB CONT 0.49 AC

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11-600. Stopping, Standing and Parking.

The provisions of this chapter prohibiting the stopping, standing or parking of a vehicle shall apply at all times, or at those times herein specified, or as indicated on official signs, except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic-control device. (Ord. 04-01)

11-601. Vehicles - Registration and Plates Required. Every vehicle at all times while being driven, stopped or parked upon the roadways of this city, shall: (1) be registered in the name of the owner thereof in accordance with the laws of the state, unless such vehicle is not required by the laws of Utah to be registered in this state; (2) display in proper position two valid, unexpired registration plates, one on the front and one on the rear of such vehicle; and (3) when required, current validation or indicia of registration attached to the rear plate and in a manner complying with the laws of the state of Utah, and free from defacement, mutilation, grease and other obscuring matters, so as to be plainly visible and legible at all times. However, if such vehicle is not required to be registered in this state, and the indicia of registration issued by another state, territory, possession or district of the United States, or of a foreign country, substantially complies with the provisions hereof, such registration shall be considered as compliance with this code. (Ord. 04-01)

11-602. Prohibited Stopping, Standing and Parking. No person shall stop, stand or park a vehicle in any of the following places:

- (A) On a sidewalk;
- (B) In front of or within five (5) feet of a public or private driveway;
- (C) Within an intersection;
- (D) Within fifteen feet (15) of a fire hydrant;
- (E) On a crosswalk;
- (F) Within twenty feet (20) of a crosswalk at an intersection;
- (G) Within thirty feet (30) upon the approach to any flashing beacon, stop sign or traffic control signal located at the side of a street;
- (H) Within fifty feet (50) of the nearest rail of a railroad crossing;
- (I) Within twenty feet (20) of the driveway entrance to any fire station;
- (J) On a roadway where the vehicle stopped or parked blocks the normal flow of traffic;
- (K) Adjacent to any curb painted red;
- (L) Within 50 feet of any sign designating the area to be a Cache Valley Transit District bus loading zone;
- (M) Upon the roadway side of another vehicle which is parked, standing or stopped except while actually engaged in loading or unloading passengers;
- (N) At any place where official signs or traffic markings prohibit stopping, standing or parking;
- (O) At any place in any public park, playground or grounds of any public building other than on the roads or parking lots provided for public parking;
- (P) On any footpath in any park or playground;

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- (Q) Within a marked fire lane, whether on public or private property; or
- (R) On any median or island, or on any roadway dividing section.

(Ord. 04-01)

11-603. Left side to curb prohibited:

- (A) Except as otherwise provided in this section, every vehicle stopped or parked upon a two-way roadway shall be stopped or parked with the right-hand wheels parallel to and within eighteen inches of the right-hand curb or, if there is no curb, as close as practicable to the right edge of the right-hand shoulder.
- (B) Angle parking is permitted on any street containing painted lines designating parking at an angle to the curb.

(Ord. 04-01)

11-604. Winter Street Maintenance—Overnight Parking Prohibited: No person shall park a vehicle on any roadway or city-owned parking lot without it being attended by someone able to immediately remove the same between the hours of one o'clock (1:00) a.m. and five o'clock (5:00) a.m. of any day, beginning November 15 and ending the last day of February of each year, except health care professionals and/or emergency support personnel during emergency calls.
(Ord. 04-01)

11-605. Parking in Ditches Prohibited: It is unlawful for any person to park a vehicle in any ditch or gutter in such a manner as to hinder the free flow of the full stream of water through such ditch or gutter. (Ord. 04-01)

11-606. Handicapped Parking: Only those vehicles carrying a distinctive (logo) handicapped license plate or transferable identification card may park in a parking space which is clearly identified as reserved for use by the handicapped. This Section applies to and may be enforced on public property and on private property which is used or intended for use by the public. (Ord. 04-01)

11-607. Time Limitation for parking on City Street or Property: No person shall park a motor vehicle on any roadway or city owned property for forty-eight (48) or more consecutive hours. Any vehicle so parked may be impounded and removed by a City police officer. The cost of any such impoundment and removal shall be charged to the owner or any person who claims the impounded motor vehicle. (Ord. 04-01)

11-608. Special restrictions: The chief of police or city engineer, after obtaining the prior approval of the city council, may place signs or markings prohibiting or restricting the stopping, standing or parking of vehicles on any roadway or city owned property. Such signs as placed by

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the chief of police or city engineer shall be official signs, and no person shall stop, stand or park any vehicle in violation of the restrictions stated on such signs. A red painted curb shall mean no stopping at any time. A Blue painted curb shall mean handicapped parking only. (Ord. 04-01)

11-610. Stopping, Standing and Parking – Violation – Penalty:

(A) Any person engaged in the unauthorized stopping, standing or parking of a vehicle within the City and/or any registered owner of such vehicle shall be strictly liable for a civil penalty for such unauthorized stopping, standing or parking. Any penalty assessed herein may be in addition to such other penalties as may be provided by law.

(B)

(1) Civil penalties shall be imposed as follows:

<u>Section</u>	<u>Penalty</u>
11-601	\$50.00
11-602	50.00
11-603	50.00
11-604	60.00
11-605	50.00
11-606	95.00
11-607	50.00
11-608	50.00

(2) Any penalties that are paid within Fourteen (14) days from the date of receipt of notice shall be reduced by the sum of thirty-five dollars (\$35.00).

(3) Any penalties that are not paid within fourteen (14) days, but are paid within twenty-eight (28) days from the date of receipt of notice shall be reduced by the sum of fifteen dollars (\$15.00).

(4) As used in this Section, “receipt of notice” means the affixing of a notice to the vehicle alleged to have been employed in such unauthorized stopping, standing or parking or by delivery of such notice to the owner or driver thereof.

(Ord. 04-01)

11-620. Unauthorized Stopping, Standing and Parking Appeal Procedures.

(A) The Mayor shall appoint such hearing officers as he or she deems appropriate to consider matters relating to unauthorized stopping, standing or parking.

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- (B) Any person having received notice of such unauthorized stopping, standing or parking, or the owner of any vehicle employed in such use, may appear before a hearing officer and present and contest such alleged unauthorized use.
- (C) The burden to prove any defense shall be upon the person raising such defense.
- (D) If the hearing officer finds that no unauthorized use occurred or an unauthorized use occurred but one or more of the defenses set forth in this Section is applicable, the hearing officer may dismiss the notice of unauthorized use and release the owner or driver from liability thereunder. Such defenses are:
 - (1) At the time of the receipt of the notice, possession of the subject vehicle had been acquired in violation of the criminal laws of the State;
 - (2) Compliance with the subject ordinances would have presented an imminent and irreparable injury to persons or property.
- (E) If the hearing officer finds that an unauthorized use occurred but one or more of the defenses set forth in this Section is applicable, the hearing officer may reduce the penalty associated therewith. Such defenses are:
 - (1) At the time of receipt of the notice, possession of the subject vehicle had been acquired pursuant to the written lease agreement or similar written agreement;
 - (2) The subject vehicle was mechanically incapable of being moved from such location; provided, however, such defense shall not apply to any vehicle which remains at such location in excess of six (6) hours;
 - (3) Any markings, signs or other indicia of parking use regulation were not clearly visible or comprehensible;
 - (4) Such other mitigating circumstances as may be approved by the City Attorney.
- (F) If the hearing officer finds that an unauthorized use occurred and no applicable defense exists, the hearing officer may, in the interest of justice and on behalf of the City, enter into an agreement for the timely or periodic payment of the applicable penalty.
- (G) If the penalty imposed pursuant to this Chapter remains unsatisfied after forty (40) days from the receipt of notice, or ten (10) days from such date as may have been agreed to by the hearing officer, the City may use such lawful means as are available to collect such penalty, including costs and attorney fees.

(Ord. 04-01)