

## **CHAPTER 17. ROADS AND HIGHWAYS**

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### **Article 17-1. In General**

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#### **17-1-1. Definition.**

All public roads and streets within the County not designated as State Highways which are situated outside of incorporated cities and towns and such roads and streets situated within incorporated cities and towns that have been designated as county roads and those public roads located within a national forest and constructed or maintained by the County under agreement with the appropriate federal agency shall be known as "County Roads." (R.O. 1956, Section 6-1-1)

#### **17-1-2. Violations.**

Any person violating any of the provisions of this Chapter shall be guilty of a Class B misdemeanor. Each person found guilty of violation shall be deemed guilty of a separate offense for every day during which any violation of this Chapter is committed or continued by such person. (Ord. No. 2019-25, 6-25-19).

#### **17-1-3. Plats and descriptions.**

It shall be the duty of the Board of County Commissioners to determine all county roads existing in the County, and to prepare and keep current plats and specific descriptions of the same and of such other highways as the board may from time to time locate upon public lands, which shall be kept on file in the office of the County Clerk or Recorder.

#### **17-1-4. Locating of lines.**

The owner, agent for, or occupier of land abutting on a county road or public highway may make application to the County Commission to have located the curb line or the fence line or both, for the purpose of erecting fences or buildings along the same, but outside of the full width

of such highway. The County Surveyor shall establish said lines, upon application granted by the Commission, provided said owner, agent or occupier does not encroach upon the highway. (R.O. 1956, Section 6-1-2)

**17-1-5. Limitations on use of vehicles.**

(a) The County Commission may by rule or ordinance prescribe procedures and criteria which prohibit the operation of any vehicle or impose restrictions on the weight of a vehicle upon any highway under its jurisdiction. Any prohibition or restriction hereunder may be imposed if an engineering inspection concludes that due to deterioration caused by climatic conditions a highway will be seriously damaged or destroyed unless certain vehicles are prohibited or vehicle weights are restricted.

(b) The County Commission may not prohibit the operation of any vehicle or restrict the weight of a vehicle under Subsection (a) for more than 90 days in any one calendar year.

(c) Upon said closure or restriction under Subsection (a) hereof, the County shall erect signs citing the provisions of the rule and/or ordinance which imposes the restriction or closure at each end of the portion of the highway affected. The restriction is effective only when the signs are erected and maintained.

(d) Any person who violates any restriction or closure imposed under the authority of this Section is guilty of a Class B Misdemeanor. (Ord. No. 1998-20, 10-08-98)

**17-1-6. Liability for damages.**

Any person driving any vehicle, object or contrivance upon any county highway or highway structure shall be liable for all damages which said highway or structure may sustain as a result of any illegal operation, driving or moving of such vehicle, object or contrivance. Whenever such driver is not the owner of such vehicle, object or contrivance but is so operating the same with the express or implied permission of said owner, then said owner and driver shall be jointly and severally liable for any such damage. Such damage may be recovered in a civil action brought by the Board of County Commissioners.

**17-1-7. Recovery of damages.**

Any person who by any means willfully or negligently injures or damages any county highway, highway equipment or road sign shall be liable for such damage. Such damage may be recovered in a civil action brought by the Board of County Commissioners.

**Article 17-2. Acquisition of Property for Highway Purposes**

**17-2-1. Contributions.**

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**17-2-1. Contributions.**

The Board of County Commissioners is authorized to contribute real or personal property to the State Road Commission for state highway purposes.

**17-2-2. Public use constitutes dedication.**

A highway shall be deemed to have been dedicated and abandoned to the use of the public when it has been continuously used as a public thoroughfare for a period of ten (10) years or more.

**17-2-3. Means of acquisition.**

The County Commission is authorized to acquire any real property or interests therein, deemed necessary for temporary, present, or reasonable future county highway purposes by gift, agreement, exchange, purchase, condemnation, or otherwise.

**17-2-4. Interpretation.**

For the purposes of this Article, the words "highway purposes" shall include, but shall not be limited to the following:

- (a) Rights-of-way, including those necessary for county highways within cities and towns.
- (b) The construction, reconstruction, relocation, improvement and maintenance of the county highways and such other highways, roads and streets as may be under the control of the Commission.
- (c) Limited-access facilities, including rights of access, air, light and view, and frontage and service roads to highways.
- (d) Adequate drainage in connection with any highway, cuts, fills, channel changes, and the maintenance thereof.
- (e) Road material sites, sites for the manufacture of road materials, and access roads to such sites.
- (f) The maintenance of an unobstructed view of any portion of a highway so as to promote the safety of the traveling public.
- (g) The placement of traffic signals, directional signs and other signs, fences, curbs, barriers, and obstructions for the convenience of the traveling public.
- (h) The construction and maintenance of storm sewers, sidewalks and highway illumination.
- (i) The construction and maintenance of livestock highways.
- (j) The construction and maintenance of roadside rest areas adjacent to or near any highway.

**17-2-5. Sale of highway property—Authorized.**

Whenever the Board of County Commissioners determines that any real property or interest therein, heretofore or hereafter acquired for county highway purposes, is no longer necessary for such purpose, the Commission may lease, sell, exchange or otherwise dispose of such real property or interest therein. Any such property may be sold at private or public sale and the proceeds thereof shall be turned over to the County Auditor and credited to the County Highway Fund. In the disposition of land at any such private sale, first consideration may be given to the original grantor or his successor in interest.

**17-2-6. Same—Conveyance.**

Any sale, exchange or disposal of real property or interest herein heretofore or hereafter made by the Commission pursuant to Section 17-2-5 shall be exempt from the mineral reservation provisions of Chapter 1 of Title 65, and any deed made and delivered by the Commission pursuant to this Section without specific reservations therein shall be deemed a conveyance of all the County's right, title and interest in such real property.

## **Article 17-3. Obstructions and Encroachments**

### **Division 17-3-1. Generally**

### **Division 17-3-2. Poles, Posts and Fences**

### **Division 17-3-3. Bridges, ditches, water and waterways**

### **Division 17-3-1. Generally**

#### **17-3-1-1. Enforcement.**

#### **17-3-1-2. Vehicles obstructing highway.**

#### **17-3-1-3. Gravel and foreign matter on highway.**

#### **17-3-1-4. Rights-of-way—Excavations, structures or objects prohibited.**

#### **17-3-1-5. Same—Advertising.**

#### **17-3-1-6. Tree lines.**

#### **17-3-1-7. Trees deemed obstructions.**

### **7-3-1-1. Enforcement.**

If any person places, constructs, or maintains any approach road, driveway, pole, pipeline, conduit, sewer, ditch, culvert, billboard, advertising sign, or any other structure or object of any kind or character within the right-of-way of any county road, without first obtaining permission from the Board of County Commissioners, the Commissioners may:

(a) remove such installation from the right-of-way or require such person to remove the same; or

(b) give written notice to such person to remove such installation from the right-of-way; such notice may be served either by personal service or by mailing the notice to the person by registered mail and posting a copy thereof on such installation for a period of ten (10) days; and if such installation is not removed within ten (10) days after the notice is complete, the Commission may remove the same at the expense of the person and recover costs and expenses, and also the sum of ten dollars (\$10.00) for each day the same remained within the right-of-way after notice was complete, in an action for that purpose; or,

(c) if such person disputes or denies the existence of such installation, or refuses to remove or permit its removal, the Commission may bring an action to abate the same as a nuisance; and if judgment is recovered by the Commission, there shall also be recovered, in addition to having the same abated, the costs of action and the sum of ten dollars (\$10.00) for ever day such nuisance remained within the right-of-way after notice was given for its removal in the manner provided in Subsection (b) of this Section.

#### **17-3-1-2. Vehicles obstructing highway.**

No person shall place or leave, or cause to be placed or left, any wagon, automobile, or vehicle, or other thing, upon any public or other highway in such a way as to obstruct travel, or to endanger property or persons passing upon such highway.

Vehicles, building material or other similar things may be placed temporarily on public highways in such manner as not to impede, endanger or obstruct ordinary traffic, but no such vehicles, building material or other obstructions shall be permitted to remain on any such highway contrary to instructions from the Board of County Commissioners.(R.O. 1956, Section 6-2-5)

**17-3-1-3. Gravel and foreign matter on highway.**

It shall be unlawful for any person to operate a motor-propelled vehicle or any other type of conveyance upon any public road, highway or thoroughfare in the County, from which vehicle or conveyance sand, gravel, rocks or other materials fall or are discharged upon said public road, highway or thoroughfare unless such person immediately stops and removes any and all such sand, gravel, rocks or other materials from the road, highway or thoroughfare; provided that this Section shall not apply to those situations where sand, gravel, rocks or any other materials are properly discharged or unloaded in connection with construction activities on said road, highway or thoroughfare, by authorized persons. (R.O. 1956, Section 6-2-7)

**17-3-1-4. Rights-of-way—Excavations, structures or objects prohibited.**

No right-of-way of any county road shall be dug up or excavated and no approach road, driveway, pole, pipeline, conduit, sewer, culvert or other structure or object of any kind or character shall be placed, constructed, or maintained within any such right-of-way except as permitted by the Board of County Commissioners.

**17-3-1-5. Same—Advertising.**

It shall be unlawful for any person to place any form of advertising along any county road within three hundred (300) feet of such highway except upon land in private ownership located in a zone which permits such advertising and situated along such highway, without first receiving a permit to do so from the Board of County Commissioners.

**17-3-1-6. Tree lines.**

On any county highway, regardless of width, it shall be unlawful to plant trees within the road right-of-way or within four (4) feet of said right-of-way boundary lines, except where approved specifically by resolution of the Board of County Commissioners. (R.O. 1956, Section 6-3-1)

**17-3-1-7. Trees deemed obstructions.**

It is hereby made the duty of the Director of the Road Department to treat as obstructions to public highways under Section 17-3-1-1 all trees hereafter planted or placed in violation of the terms of Section 17-3-1-6. (R.O. 1956, Section 6-3-2)

**Division 17-3-2. Poles, Posts and Fences**

**17-3-2-1. Violations deemed obstructions.**

- 17-3-2-2. Restrictions on location.**
- 17-3-2-3. Utility poles.**
- 17-3-2-4. Permission required.**
- 17-3-2-5. Mailboxes.**
- 17-3-2-6. Signs.**
- 17-3-2-7. Fences.**
- 17-3-2-8. Reservation of County use.**

**17-3-2-1. Violations deemed obstructions.**

It is hereby made the duty of the Director of the Road Department to treat as obstructions to public highways under Section 17-3-1-1 of this Article all posts, poles, fences or other obstructions set or placed in violation of the terms of this Division. (R.O. 1956, Section 6-4-8)

**17-3-2-2. Restrictions on location.**

It shall be unlawful for any person to set, place, keep or maintain any pole, post, fence, or like obstruction upon or along any public highway, road, street, avenue, lane, alley, trail, or sidewalk, in this County, except as provided in this Division. (R.O. 1956, Section 6-4-1)

**17-3-2-3. Utility poles.**

It shall be unlawful for any person to set or place any utility pole upon any highway in this County except in accordance with County specifications established by the Board of County Commissioners; and it is hereby made the duty of the Director of the Road Department to furnish such specifications to all persons upon request. (R.O. 1956, Section 6-4-2)

**17-3-2-4. Permission required.**

No telephone, telegraph, electric light, or other pole for carrying wires or to convey electric current shall be set on any public highway in the County without permission or a grant of right-of-way therefor being first obtained from the County Commission. (R.O. 1956, Section 6-4-3)

**17-3-2-5. Mailboxes.**

Posts for carrying or holding mailboxes shall be set a sufficient distance back so as not to obstruct the street or highway traffic. (R.O. 1956, Section 6-4-4)

**17-3-2-6. Signs.**

It shall be unlawful to place signs within the right-of-way of any highway in this County except for official signs for traffic regulation, control, and instruction. (R.O. 1956, Section 6-4-5)

**17-3-2-7. Fences.**

Fence posts may be set along a fence line, which is hereby designated as distant from the center of any highway not less than half of the surveyed and platted width of said highway, no public highway in the County being regarded as surveyed and platted less than fifty-six (56) feet in width; and it shall be unlawful to place or maintain any building nearer any highway than the distance specified in the Zoning Ordinance of the County (Ord. No. 2003-15, 5-13-2003)

**17-3-2-8. Reservation of County use.**

It is hereby provided that any grant or permission hereafter given to set telephone, telegraph or electric light poles upon any of the public highways in the County, shall be made subject to the reservation, whether or not said reservation is specifically set forth in the grant or permission, that whenever the Commission shall deem it necessary for the public good or service, the County shall have the right to place crossarms on said poles, and to string one set of wires thereon, for furnishing electric current and light to the County, and to use and operate the same during the period of such grant or permission, with reasonable regard for the rights of said grantee. (R.O. 1956, Section 6-4-7)

**Division 17-3-3. Bridges, ditches, water and waterways**

**17-3-3-1. Violations deemed obstructions.**

**17-3-3-2. Restrictions on location.**

**17-3-3-3. Bridges.**

**17-3-3-4. Location of sewers.**

**17-3-3-5. Ditches and waterways.**

**17-3-3-6. Headgates.**

**17-3-3-7. Water mains.**

**17-3-3-8. Wells.**

**17-3-3-9. Repairing bridges and flumes.**

**17-3-3-10. Water upon highway.**

**17-3-3-1. Violations deemed obstructions.**

It is hereby made the duty of the Director of the Road Department to treat as obstructions under Section 17-3-1-1 of this Article any bridges, flumes, pipes or ditches placed or constructed in violation of the terms of this Division. (R.O. 1956, Section 6-5-10)

**17-3-3-2. Restrictions on location.**

It shall be unlawful for any person to construct, place, set, keep or maintain any bridge, sewer, well, or spill, or like obstruction, upon, in, under or along any public highway, road, street, avenue, lane, alley, trail, or sidewalk in the County, except as herein designated. (R.O. 1956, Section 6-5-1)

**17-3-3-3. Bridges.**

Bridges over any ditch, waterway or opening across any sidewalk shall not be less than the full width of such sidewalk. Bridges over any ditch, waterway or opening across any roadway section of any highway, trail, or sidewalk shall not be narrower than the full width of the roadway from the gutter line on either side; provided that the Commission may grant permission for temporary bridges of narrower dimensions than those herein indicated; but in no case shall any permission or order be given for a bridge less than twenty (20) feet in width, to be used as a public roadway. Whenever possible all bridges shall be set square with the road or sidewalk, and their coverings shall be made to conform to the grade of the road or sidewalk as fixed by the Commission. All bridges shall be of substantial material and construction, and the plans and

specifications shall be approved by the County Surveyor and shall be satisfactory to the Commission. (R.O. 1956, Section 6-5-2)

**17-3-3-4. Location of sewers.**

Sewers shall be laid in accordance with County Specifications established by the Board of County Commissioners. (R.O. 1956, Section 6-5-3)

**17-3-3-5. Ditches and waterways.**

All ditches, canals, or waterways constructed across or over any sidewalk or roadway shall be securely bridged or flumed, the bridges or flumes to be of the full extent as by this Chapter designated for bridges, which widths on sidewalks and roadways are required to be the same for flumes, etc., as herein set forth for bridges; and no ditch, canal, or waterway shall be made or constructed on or across any sidewalk or roadway except in conformity with the established grade thereof, provided that when a change in the grade becomes necessary for the convenience of any ditch, canal, or waterway, the changed grade shall be done by or at the expense of the person constructing the ditch, canal, or waterway, and shall be completed to the satisfaction of the Commission. All ditches, canals, or waterways running along any highway shall be made in accordance with County Specifications as established by the Board of County Commissioners; and it shall be unlawful to construct or place any ditch, canal or waterway along any sidewalk, or along any highway in the County except where approved by resolution of the County Commissioners. (R.O. 1956, Section 6-5-4)

**17-3-3-6. Headgates.**

Headgates for the control of irrigating or other water shall be placed under the direction of the County Surveyor. (R.O. 1956, Section 6-5-5)

**17-3-3-7. Water mains.**

Water mains for carrying water along or across any highway may be laid by permission or upon order of the Commission, at a sufficient depth to keep the roadway secure; and when laid along any highway shall be located in accordance with County Specifications and under the direction of the Director of the Road Department. No excavation for laying water mains or pipes shall be made in any public highway without first obtaining a permit to do so from the County Building Inspector. (R.O. 1956, Section 6-5-6)

**17-3-3-8. Wells.**

Artesian or other wells may be sunk on any highway by permission or order of the Commission, provided they are covered and piped beyond the fence line. (R.O. 1956, Section 6-5-7)

**17-3-3-9. Repairing bridges and flumes.**

It shall be unlawful for any person conveying water through or along any ditch, canal or waterway along or across any highway to permit any flume, bridge, etc., under the control of or owned by such party or parties to become out of repair and to remain so after attention has been called thereto longer than is necessary to institute the work of repairs thereon, which work shall be diligently prosecuted to completion. (R.O. 1956, Section 6-5-8)

**17-3-3-10. Water upon highway.**

It shall be unlawful for any person to permit water from any ditch, stream or well to run upon any public highway in a manner to damage or interfere with the proper use of same, or to cause pools of water to stand thereon, to the annoyance or injury of the public. (R.O. 1956, Section 6-5-9)

**Article 17-4. Sidewalks**

**17-4-1. Construction to conform to grade.**

**17-4-2. Improvements on or near sidewalks.**

**17-4-3. Obstruction of sidewalks.**

**17-4-4. Vehicles or animals on sidewalks.**

**17-4-1. Construction to conform to grade.**

It shall be unlawful for any person to lay, build or construct any sidewalk upon any highway, in the County, except upon specifications furnished by the County Surveyor in accordance with County Specifications established by the Board of County Commissioners. It is hereby made the duty of the County Surveyor to keep as records in his office plats or maps showing the grades as fixed, for reference, and for furnishing specifications therefrom, the fee provided by law to be charged for such specifications and to be paid into the County Treasury. (R.O. 1956, Section 6-2-1)

**17-4-2. Improvements on or near sidewalks.**

It shall be unlawful for any person, or agent or employee of such person, to construct, place, keep or maintain upon or across any sidewalk in the County any porch, platform, or other structure, except at the grade thereof; and where any such platform, porch, flume, pipe, or structure is below the grade, it shall be covered to grade; and such platform, porch, flume, pipe, or structure shall be kept in good repair by the party in whose interest it is constructed or used, so as not to be dangerous to pedestrians or an obstruction to the safe and ordinary use of the sidewalk. (R.O. 1956, Section 6-2-2)

**17-4-3. Obstruction of sidewalks.**

It shall be unlawful for any person to construct, place, keep or maintain upon or across any sidewalk in the County any open ditch, flume, conduit or waterway, or any headgate, log, building material, vehicle or railway without suitable crossing for pedestrians or other obstruction; and it shall be unlawful to pile any dirt, or other material, or make any other defacement on any sidewalk so as to interfere with the ordinary use thereof or vary from the grade of such sidewalk where the same has been fixed by the Commission. (R.O. 1956, Section 6-2-3)

**17-4-4. Vehicles or animals on sidewalks.**

It shall be unlawful for any person to drive or place any animal, vehicle or other thing upon or along any sidewalk, except in crossing such sidewalk to or from abutting property, or to

permit the same to remain on or across any sidewalk in a way to impede or obstruct the ordinary use thereof. (R.O. 1956, Section 6-2-4)

## **Article 17-5. Excavations**

### **Division 17-5-1. In General**

### **Division 17-5-2. Permit**

### **Division 17-5-3. Performance Standards in Addition to Utah County Development Standards**

### **Division 17-5-1. In General**

#### **17-5-1-1. Definitions.**

#### **17-5-1-2. Enforcement.**

#### **17-5-1-3. Liability of County.**

#### **17-5-1-4. Maintenance of drawings.**

#### **17-5-1-5. Emergency action.**

#### **17-5-1-1. Definitions.**

For the purposes of this Article the following words and phrases shall have the meanings respectively ascribed to them.

(a) "Excavation" means any opening in the surface of a public place made in any manner whatsoever, except an opening into a lawful structure below the surface of a public place, the top of which is flush with the adjoining surface and so constructed as to permit frequent openings without injury or damage to the public place.

(b) "Facility" means pipe, pipeline, tube, main, service, trap, vent, vault, manhole, meter, gauge, regulator, valve, conduit, wire, tower, pole, pole line, anchor, cable, junction box, transformer, or any other material, structure or object of any kind or character, whether enumerated herein or not, which is or may be lawfully constructed, left, placed or maintained in, upon, along, across, under or over any public place.

(c) "Public place" means any public street, way, place, alley, sidewalk, park, square, plaza, or any other similar public property controlled by the County Engineer and dedicated to public use.

(d) "Substructure" means any pipe, conduit, duct, tunnel, manhole, vault, buried cable or wire, or any other similar structure located below the surface of any public place.

(e) "Utility" means a private company and/or corporation or municipal department engaged in providing a particular service to the general public. (Ord. No. 1980-26, Part II, 9-5-80)

#### **17-5-1-2. Enforcement.**

The County Engineer shall make such inspections as are reasonably necessary in the enforcement of this Article. He shall have the authority to promulgate and cause to be enforced such rules and regulations as may be reasonably necessary to enforce and carry out the intent of this Article. All work shall be performed in accordance with the procedures prescribed in the "Utah County Development Standards." (Ord. No. 1980-26, Part II, 9-5-80)

#### **17-5-1-3. Liability of County.**

The provisions of this Article shall not be construed as imposing upon the County or any official or employee thereof any liability or responsibility for damages to any person injured by the performance of any excavation work for which an excavation permit is issued hereunder; nor shall the County or any official or employee thereof be deemed to have assumed any such liability or responsibility by reason of inspections authorized here under the issuance of any permit or the approval of any excavation work. (Ord. No. 1980-26, Part II, 9-5-80)

**17-5-1-4. Maintenance of drawings.**

Every person owning, using, controlling or having an interest in substructures under the surface of any public place used for the purpose of supplying or conveying gas, electricity, communication impulse, water, steam, ammonia or oil in the county, shall file with the County Engineer (or have available upon request) a map or set of maps each drawn to scale showing in detail the plan location, size and kind of installation, if known, of all substructures, except service lines designed to serve single properties beneath the surface of the public place belonging to, used by or under the control of such person having any interest, and shall file with the County Engineer annually at a time specified by him, a corrected map or set of maps each drawn to scale including all installations made during the previous year to and including the last day of such year; provided, however, that a public utility owner may at its option provide corrected atlas sheets at more frequent intervals. (Ord. No. 1980-26, Part II, 9-5-80)

**17-5-1-5. Emergency action.**

Nothing in this Article shall be construed to prevent the making of such excavations as may be necessary for the preservation of life or property or for the location of trouble in conduit or pipe, or for making repairs, provided that the person making such excavation shall apply to the County Engineer for such a permit on the first working day after such work is commenced. (Ord. No. 1980-26, Part II, 9-5-80)

**Division 17-5-2. Permit**

**17-5-2-1. Required.**

**17-5-2-2. Annual permits.**

**17-5-2-3. Application.**

**17-5-2-4. Fee; issuance.**

**17-5-2-5. Deposits—When required.**

**17-5-2-6. Same—Use.**

**17-5-2-1. Required.**

No person shall make any excavation or fill any excavation in any public place without first obtaining a permit to do so from the County Engineer except as otherwise provided in this Article. (Ord. No. 1980-26, Part II, 9-5-80)

**17-5-2-2. Annual permits.**

The County Engineer may issue an annual blanket permit for the purpose of placing, replacing or repairing any facility within a public place and other miscellaneous excavations approved by him to the following:

- (1) A public utility regulated by the Public Utilities Commission of the State.
- (2) A person holding a franchise from the County
- (3) The water, electric and sewer departments of the County. (Ord. No. 1980-26, Part II, 9-5-80)

**7-5-2-3. Application.**

No excavation permit shall be issued unless a written application for the issuance of an excavation permit is submitted to the County Engineer. The written application shall state the name and address of the applicant, the location and dimensions of the installation or removal and the approximate size of the excavation to be made, the purposes of the facility, including backfilling said excavation and removing all obstructions, materials and debris. (Ord. No. 1980-26, Part II, 9-5-80)

**17-5-2-4. Fee; issuance.**

The application for a permit required by the provisions of this Division, with the payment of a fee of twenty dollars (\$20.00) when approved by the County Engineer, shall constitute and be deemed issuance of the required permit. The fee shall be doubled if excavation commences before a permit is issued except as provided in Section 17-5-1-4. (Ord. No. 1980-26, Part II, 9-5-80)

**17-5-2-5. Deposits—When required.**

(a) The application for an excavation permit to perform excavation work under this Article shall be accompanied with a cash deposit made to the County at the rate of one dollar (\$1.00) per square foot of asphalt to be removed by the excavation.

(b) Where excavations are made by public utility companies operating under a franchise issued by the County or under the supervision of the public utilities commission of utilities operated by governmental agencies, a permit may be granted without making such deposit. (Ord. No. 1980-26, Part II, 9-5-80)

**17-5-2-6. Same—Use.**

The County Engineer may use any or all of any deposits required by this Division to pay the cost of any work the County Road Department performs to restore or maintain the public place as herein provided in the event the permittee fails to perform such work in which the amount refunded to the permittee shall be reduced by the amount thus expended by the County Engineer. (Ord. No. 1980-26, Part II, 9-5-80)

**Division 17-5-3. Performance Standards in Addition to Utah County Development Standards**

**17-5-3-1. Barriers and warning devices required.**

**17-5-3-2. Traffic conditions to be maintained.**

**17-5-3-3. Closing of streets and alleys.**

**17-5-3-4. Warning signs.**

**17-5-3-5. Relocation and protection of utilities.**

**17-5-3-6. Protection of adjoining property.**

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- 17-5-3-7. Protection of watercourses.**
- 17-5-3-8. Care of excavated material.**
- 17-5-3-9. Cleanup.**
- 17-5-3-10. Breaking through pavement.**
- 17-5-3-11. Backfilling.**
- 17-5-3-12. Restoration of surface by permittee.**
- 17-5-3-13. Restoration of surface by County Road Department.**
- 17-5-3-14. Maximum length of open trench.**
- 17-5-3-15. Prompt completion of work.**
- 17-5-3-16. Noise, dust and debris.**
- 17-5-3-17. Preservation of monuments.**

### **17-5-3-1. Barriers and warning devices required.**

(a) It shall be the duty of every person cutting or making an excavation in or upon any public place to place and maintain barriers and warning devices necessary for safety of the general public.

(b) Barriers, warning signs, lights, etc., shall conform to the requirements of the County Engineer. Warning lights shall be flares, torches, lanterns, electrical markers or flashers used to indicate a hazard to traffic from sunset of each day to sunrise of the next day. Torches shall be open wick or flame flares or bombs generally used in connection with roadway repairs or construction and operating on kerosene or a similar fluid. Lanterns shall burn kerosene or a similar fluid, and have clear red or ruby globes. Electrical markers or flashers shall emit light at sufficient intensity and frequency to be visible at a reasonable distance for safety. Reflectors or reflecting material may be used to supplement, but not replace, light sources. The County Engineer may restrict the use of lantern or open flame devices in fire hazard areas. (Ord. No. 1980-26, Part II, 9-5-80)

### **17-5-3-2. Traffic conditions to be maintained.**

The permittee shall take appropriate measures to assure that during the performance of the excavation work, traffic conditions as near normal as possible shall be maintained at all times so as to minimize inconvenience to the occupants of the adjoining property and to the general public. (Ord. No. 1980-26, Part II, 9-5-80)

### **17-5-3-3. Closing of streets and alleys.**

When traffic conditions permit, the County Engineer may, by written approval, permit the closing of streets and alleys to all traffic for a period of time prescribed by him if in his opinion it is necessary. The written approval of the County Engineer may require that the permittee give notification to various public agencies and to the general public. In such cases, such written approval shall not be valid until such notice is given. (Ord. No. 1980-26, Part II, 9-5-80)

### **17-5-3-4. Warning signs.**

Warning signs shall be placed far enough in advance of the construction operation to alert traffic within a public street, and cones or other approved devices shall be placed to channel traffic in accordance with the instructions of the County Engineer. (Ord. No. 1980-26, Part II, 9-5-80)

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### **17-5-3-5. Relocation and protection of utilities.**

The permittee shall not interfere with any existing facility without the written consent of the County Engineer and the owner of the facility. If it becomes necessary to relocate an existing facility this shall be done by the owner. No facility owned by the County shall be moved to accommodate the permittee unless the cost of such work be borne by the permittee. The cost of moving privately owned facilities shall be similarly borne by the permittee unless it makes other arrangements with the person owning the facility. The permittee shall support and protect by timbers or otherwise all pipes, conduits, poles, wires or other apparatus which may be in any way affected by the excavation work, and do everything necessary to support, sustain and protect them under, over, along or across said work. The permittee shall secure approval of method of support and protection from the owner of the facility. In case any of said 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, the permittee shall promptly notify the owner thereof. All damaged facilities shall be repaired by the agency or person owning them and the expense of such repairs shall be charged to the permittee. It is the intent of this Section that the permittee shall assume all liability for damage to facilities and any resulting damage or injury to anyone because of such facility damage and such assumption of liability is a contractual obligation of the permittee. The only exception will be such instances where damage is exclusively due to the negligence of the owning utility. The County shall not be made a party to any action because of this Section. The permittee shall inform itself as to the existence and location of all underground facilities and protect the same against damage. (Ord. No. 1980-26, Part II, 9-5-80)

### **17-5-3-6. Protection of adjoining property.**

The permittee shall at all times and at his or its own expense preserve and protect from injury any adjoining property by providing proper foundations and taking other measures suitable for the purpose. Where in the protection of such property it is necessary to enter upon private property for the purpose of taking appropriate protecting measures, the permittee shall obtain a license from the owner of such private property for such purpose and if he cannot obtain a license from such owner the County Engineer may authorize him to enter the private premises solely for the purpose of making the property safe. The permittee shall, at his own expense, shore up and protect all buildings, walls, fences or other property likely to be damaged during the progress of the excavation work and shall be responsible for all damage to public or private property or highways resulting from its failure properly to protect and carry out said work. Whenever it may be necessary for the permittee to trench through any lawn area, said area shall be reseeded or the sod shall be carefully cut and rolled and replaced after ditches have been backfilled as required in this Article. All construction and maintenance work shall be done in a manner calculated to leave the lawn area clean of earth and debris and in a condition as nearly as possible to that which existed before such work began. The permittee shall not remove, even temporarily, any trees or shrubs which exist in parking strip areas without first obtaining the consent of the appropriate County department or County official having control of such property. (Ord. No. 1980-26, Part II, 9-5-80)

### **17-5-3-7. Protection of watercourses.**

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(a) The permittee shall maintain all gutters free and unobstructed for the full depth of the adjacent curb and for at least one foot in width from the face of such curb at the gutterline. Whenever a gutter crosses an intersecting street, an adequate waterway shall be provided and at all times maintained.

(b) The permittee shall make provisions to take care of all surplus water, muck, silt, slickings or other runoff pumped from excavations or resulting from sluicing or other operations, and shall be responsible for any damage resulting from its failure to so provide.

(c) The permittee shall make provisions to maintain existing irrigation ditches to assure continuity of water rights in the area of excavations. (Ord. No. 1980-26, Part II, 9-5-80)

### **17-5-3-8. Care of excavated material.**

(a) All material excavated from trenches and piled adjacent to the trench or in any street shall be piled and maintained in such manner as not to endanger those working in the trench, pedestrians or users of the streets, and so that as little inconvenience as possible is caused to those using streets and adjoining property. Where the confines of the area being excavated are too narrow to permit the piling of excavated material beside the trench, such as might be the case in a narrow alley, the County Engineer shall have the authority to require that the permittee haul the excavated material to a storage site and then rehaul it to the trench site at the time of backfilling. It shall be the permittee's responsibility to secure the necessary permission and make all necessary arrangements for all required storage and disposal sites.

(b) All material excavated shall be laid compactly along the side of the trench and kept trimmed so as to cause as little inconvenience as reasonably possible to vehicular and pedestrian traffic, or as specified by the County Engineer. Whenever necessary, in order to expedite the flow of traffic or to abate the dirt or dust nuisance, toe boards or bins may be required by the County Engineer to prevent the spreading of dirt into traffic lanes. (Ord. No. 1980-26, Part II, 9-5-80)

### **17-5-3-9. Cleanup.**

As the excavation work progresses, all streets shall be thoroughly cleaned of all rubbish, excess earth, rock and other debris resulting from such work. All cleanup operations at the location of such excavation shall be accomplished at the expense of the permittee and shall be completed to the satisfaction of the County Engineer. From time to time, as may be ordered by the County Engineer and in any event immediately after completion of said work, the permittee shall, at his or its own expense, clean up and remove all refuse and unused materials of any kind resulting from said work. (Ord. No. 1980-26, Part II, 9-5-80)

### **17-5-3-10. Breaking through pavement.**

(a) Heavy-duty pavement breakers may be prohibited by the County Engineer when the use endangers existing substructures or other property.

(b) Approved cutting of bituminous pavement surface ahead of excavations may be required by the County Engineer to confine pavement damage to the limits of the trench.

(c) Unstable pavement shall be removed over cave-outs and over-breaks and the subgrade shall be treated as the main trench.

(d) Pavement edges shall be trimmed to a vertical face and neatly aligned with the center line of the trench.

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(e) Cutouts outside of the trench lines must be normal or parallel to the trench line.

(f) Boring or other methods to prevent cutting of new pavement shall be used whenever possible.

(g) The permittee shall not be required to repair pavement damage existing prior to excavation unless his cut results in small floating sections that may be unstable, in which case the permittee shall remove and pave the area. (Ord. No. 1980-26, Part II, 9-5-80)

### **17-5-3-11. Backfilling.**

All backfilling shall be accomplished in accordance with the Utah County Development Standards. (Ord. No. 1980-26, Part II, 9-5-80)

### **17-5-3-12. Restoration of surface by permittee.**

Immediately upon completion of the backfilling, temporary resurfacing of an excavation within a public place for the installation or removal of substructures must be completed. The County Engineer, at his option, may require the permittee to permanently resurface that portion of the street surface damaged by the permittee's excavation, in which event resurfacing shall be of the same type and depth of existing pavement, however, asphalt shall not be less than two (2) inches in thickness and shall be subject to the inspection of the County Engineer, and shall be completed within a period of fourteen (14) days except where temporary resurfacing is placed or weather conditions do not permit immediate placement of permanent pavement. (Ord. No. 1980-16, Part II, 9-5-80)

### **17-5-3-13. Restoration of surface by County Road Department.**

With respect to hard-surface roads, permanent resurfacing of excavations shall be required by the County Engineer. The paved surface of the backfill shall be covered with one inch of bituminous temporary resurfacing material by the permittee where the backfill is whipped out by traffic. Such temporary paving material shall be cold mix, except that the permittee may use, or the County Engineer may require, hot mix. All temporary paving material shall conform closely enough to the level of the adjoining paving surface and shall be compacted so that it is hard enough and smooth enough to be safe for pedestrian travel over it as well as for vehicular traffic to pass safely over it at a legal rate of speed. The permittee shall maintain temporary paving for a period not exceeding fourteen (14) days after all backfilling is completed unless additional time is required by the County Engineer during cold weather, and shall keep same safe for pedestrian and vehicular traffic until the excavation has been resurfaced with permanent paving by the County Road Department, except that if it is not possible to maintain the surface of the temporary paving in a safe condition for pedestrian travel or vehicular traffic, then the permittee shall maintain barriers and lights where required herein. (Ord. No. 1980-26, Part II, 9-5-80)

### **17-5-3-14. Maximum length of open trench.**

The maximum length of open trench permissible at any time shall be in accordance with existing ordinances or regulations or as may be specified by the County Engineer and no greater length shall be open for pavement removal, excavation, construction, backfilling, patching and all other operations without the written permission of the County Engineer. (Ord. No. 1980-26 Part II, 9-5-80)

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### **17-5-3-15. Prompt completion of work.**

After an excavation is commenced, the permittee shall prosecute with diligence and expediency all excavation work covered by the excavation permit and shall promptly complete such work and restore the street to its original condition, or as near as may be, so as not to obstruct the public place or travel thereon more than is reasonably necessary. (Ord. No. 1980-26, Part II, 9-5-80)

### **17-5-3-16. Noise, dust and debris.**

Each permittee shall conduct and carry out excavation work in such a manner as to avoid unnecessary inconvenience and annoyance to the general public and occupants of neighboring property. The permittee shall take appropriate measures to reduce to the fullest extent practicable in the performance of the excavation work, noise, dust and unsightly debris, and between the hours of 10:00 p.m. and 7:00 a.m. shall not use except with the express written permission of the County Engineer or in the case of an emergency as herein otherwise provided, any tool, appliance or equipment producing noise of sufficient volume to disturb the sleep or repose of occupants of the neighboring property. (Ord. No. 1980-26, Part II, 9-5-80)

### **17-5-3-17. Preservation of monuments.**

Any monument set for the purpose of locating or preserving the lines of any street or property subdivision, or a precise survey reference point, or a permanent survey bench mark within the County, shall not be removed or disturbed or caused to be removed or disturbed without first obtaining permission in writing from the County Engineer to do so. Permission to remove or disturb such monuments, reference points or bench marks shall only be granted upon condition that the person applying for such permission shall pay all expenses incident to the proper replacement of this monument by the County Engineer. (Ord. No. 1980-26, Part II, 9-5-80)

## **Article 17-6. Road Access Permits**

### **Division 17-6-1. In General**

#### **Division 17-6-2. Permit**

#### **Division 17-6-3. Standards**

#### **Division 17-6-4. Enforcement**

### **Division 17-6-1. In General**

#### **17-6-1-1. Authority.**

#### **17-6-1-2. Definitions.**

#### **17-6-1-3. Existing driveways.**

#### **17-6-1-1. Authority.**

The provisions of this Article are adopted under authority of Sections 17-5-38, 17-5-42 and 27-12-11, Utah Code Annotated 1953. (Ord. No. 1981-9, 1-14-81)

#### **17-6-1-2. Definitions.**

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For the purpose of the Article, the following words and phrases shall have the meanings respectively ascribed to them.

(a) "Access" means the approach or utilization of a county road for ingress and egress between the road and adjacent roadside property or buildings.

(b) "Right-of-way" means the width of the road set aside for travel and road purposes, including the travel way, shoulders, borrow pit, curbs, gutters, sidewalks, safety islands, walk offsets and planter strips.

(c) "Standard rights-of-way" means the road rights-of-way which are wide enough to meet minimum Utah County standards, including local roads, fifty-six (56) feet; collector roads sixty-six (66) feet; arterial roads, eighty (80) and one hundred (100) feet.

(d) "Driveway" means the entrance or means of vehicular access to a county road from adjacent property.

(e) "Building setback" means the perpendicular distance that a building is located from a road, either as expressed as the building to road right-of-way line distance or the building to road center line distance.

(f) "Road dedication" means the transfer of fee title of land within the road right-of-way to Utah County, and the County's acceptance of such title for road purposes.

(g) "Curb cut" means the area along a roadway where the curb is lowered to provide driveway access.

(h) "Drainage" means surface flows of water resulting from storm water that is shed by roofs, driveways and roadway surfaces.

(i) "Drainage facilities" means provisions for storm water disposal emanating from roofs, driveways and roadway surfaces.

(j) "Ditch" means the excavation, swale or conduit used to transport water for any purpose. (Ord. No. 1981-9, Section 1, 1-14-81)

### **17-6-1-3. Existing driveways.**

Access to county roads by means of driveways in existence at the time of the effective date of this Article may continue to the same extent and degree as before; any change in the driveway or the degree of use shall first require an access permit and compliance with the terms of this Article. (Ord. No. 1981-9, Section 1, 1-14-81)

## **Division 17-6-2. Permit**

### **17-6-2-1. Access permit required.**

### **17-6-2-2. Building permit.**

### **17-6-2-3. Application.**

### **17-6-2-4. Fee.**

### **17-6-2-5. Approval.**

### **17-6-2-1. Access permit required.**

Upon the effective date of this Article, no person or vehicle shall gain access de novo, or increase the extent and degree of access, to a Utah County road except by a driveway or other means of access for which an access permit has been first issued by the County Engineer in accord with the terms of this Article. (Ord. No. 1981-9, Section 1, 1-14-81)

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### **17-6-2-2. Building permit.**

The application for a building permit shall be deemed a concurrent request for an access permit for an increase in the extent and degree of access, if the access to such building is on an existing driveway entering a county road, or a concurrent application for an access permit for a driveway, if the access to such building is to be on a new driveway that is proposed to enter a county road. When a building permit is applied for, the County Building Inspector shall accept concurrent applications for access permits on forms provided by the County Engineer and transmit the completed application forms to the County Engineer for review. No building permit shall be issued until the access permit is approved and issued by the County Engineer. (Ord. No. 1981-9, Section 1, 1-14-81)

### **17-6-2-3. Application.**

No access permit shall be issued unless a written application for the same is first submitted to the County Engineer directly, or in the case of concurrent building and access permits listed in Section 17-6-2-2 above, to the County Building Inspector. The application shall state the name and mailing address of the applicant, the street address of the place of proposed access, structural plans for the off-site improvements proposed, and plot plans showing driveway, fence, curbs, curb cuts, drainage facilities, ditches, building setbacks and road dedication lines. (Ord. No. 1981-9, Section 1-14-81)

### **17-6-2-4. Fee.**

A review fee, in the current amount as set by resolution of the Board of County Commissioners, shall accompany each application for an access permit. (Ord. No. 1981-9, Section 1, 1-14-81)

### **17-6-2-5. Approval.**

The County Engineer shall approve, approve with conditions or deny each application for an access permit according to the terms and standards of this Article. (Ord. No. 1981-9, Section 1, 1-14-81)

## **Division 17-6-3. Standards**

### **17-6-3-1. General Standards.**

#### **17-6-3-2. Engineering standards.**

### **17-6-3-1. General Standards.**

The County Engineer shall not issue an access permit except in compliance with the following standards:

(1) Right-of-way: The portion of the road right-of-way lying between the road center line and the road boundary line adjacent to the applicant's property, shall be dedicated to the County along its entire interface with the applicant's property, and the width of said dedication shall be the standard right-of-way width for the local, collector or arterial class of road adopted by Utah County for such road.

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(2) Driveway: No more than two (2) driveways, each measuring thirty (30) feet or less in width, shall be permitted to give access for any residential structure. No more than two (2) driveways, each measuring fifty (50) feet or less in width, shall be permitted for any other purpose of access, except that the County Engineer may permit acceleration and deceleration lanes to join the county road when necessary to provide safe access.

(3) Fences: Fences or sight-obstructing landscaping shall not be located within the road right-of-way.

(4) Curb-cuts: No curb cut shall be wider than thirty (30) feet when serving a residential structure, nor fifty (50) feet when serving any other purpose for access; the County Engineer may permit wider cuts when safety reasons require them for acceleration or deceleration lanes.

(5) Drainage: Drainage facilities shall be provided in the form of culverts, bridges, curbs, etc., engineered for the twenty-five-year storm at each driveway, designed according to the standards for public streets adopted by Utah County.

(6) Ditches: Driveways shall access county roads across ditches in pipes or culverts of standard design. No new open ditch shall be allowed within dedicated rights-of-way. Ditch companies must give their approval for all pipes placed in their ditches.

(7) Closeness of points of access: The driveways or other points giving access to a county road shall be no closer than six hundred (600) feet to one another on arterials, two hundred (200) feet on collectors, fifty (50) feet on local roads and ten (10) feet in subdivisions, except all properties may have at least one point of access per parcel.

(8) Angle: The driveway gaining access to a county road must meet the road at an angle of from eighty (80) to ninety (90) degrees, except for county roads having opposing traffic lanes divided by a physical barrier and except for acceleration or deceleration lanes approved by the County Engineer for safety reasons.

(9) Building setback: Buildings shall be set back thirty (30) feet or more from a road right-of-way line or fifty (50) feet from a state road right-of-way line. If the road right-of-way is not well defined, the setback shall be measured from the road center line and is the sum of the building setback of thirty (30) or fifty (50) feet and the distance from the center line of the road to the standard right-of-way line of the road of twenty-eight (28), thirty-three (33), forty (40) or fifty (50) feet.

(10) Grade: The driveway gaining access to a county road shall have a grade not more than five (5) per cent for the ten (10) feet closest to the road right-of-way line.

(11) Paved: The road frontage must be paved and the roads giving access to the site must be paved with asphalt, concrete, or other bound-together, hard-surface paving material (not gravel or dirt). (Ord. No. 1981-9, Section 1, 1-14-81; Subsection 11 added by Ord. No. 1997-12, 05-13-97)

### **17-6-3-2. Engineering standards.**

The County Engineer shall maintain design standards for culverts, driveways, curbs, curb cuts, drainage facilities, etc., according to generally accepted engineering practice. (Ord. No. 1981-9, Section 1, 1-14-81)

## **Division 17-6-4. Enforcement**

### **17-6-4-1. Enforcement generally.**

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### **17-6-4-2. Penalty.**

### **17-6-4-3. Disclaimer of liability.**

### **17-6-4-4. Emergency access.**

### **17-6-4-1. Enforcement generally.**

The County Engineer and County Building Inspector shall cause this Article to be enforced by the withholding of building, excavation, access or other appropriate permits, and cause the institution or appropriate legal actions; they shall require such plans and make such inspections as are reasonably necessary to carry out the enforcement of this Article. (Ord. No. 1981-9, Section 1, 1-14-81)

### **17-6-4-2. Penalty.**

Any person, firm or corporation violating or permitting the violation of any provision of this Article shall be guilty of a Class B Misdemeanor, and the County Attorney may institute, in addition to other remedies provided by law, injunction, mandamus, abatement or other appropriate action to obtain compliance. (Ord. No. 1981-9, Section 1, 1-14-81)

### **17-6-4-3. Disclaimer of liability.**

Whether by reason of the issuance of a permit, the performance of inspections, the approval of any work authorized hereunder, or any other act or omission, the provisions of this Article shall not be construed as imposing upon Utah County, or any official or employee thereof, any liability or responsibility for damages to any property or person harmed by the performance of work, or the utilization of any structure or location, or otherwise, for which an access permit is issued hereunder. (Ord. No. 1981-9, Section 1, 1-14-81)

### **17-6-4-4. Emergency access.**

Nothing in this Article shall be construed to prevent emergency access to a county road when necessary to preserve life or property. (Ord. No. 1981-9, Section 1, 1-14-81)