

**TOOELE COUNTY
ORDINANCE 2020-35**

**AN ORDINANCE AMENDING TITLE 15, ROADS, OF THE TOOELE
COUNTY CODE**

WHEREAS, existing Title 15 contains many references to the Tooele County Department of Engineering, which no longer exists; and

WHEREAS, existing Title 15 contains many references to outdated or obsolete engineering standards; and

WHEREAS, the Tooele County Commission will cease to exist on January 1, 2021 and will be replaced by a county council and a county manager; and

WHEREAS, Chapter 4 of Title 15 should be part of the Tooele County Land Use Ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE BODY OF TOOELE COUNTY, UTAH AS FOLLOWS:

SECTION I – TITLE AMENDED. Title 15, *Roads*, of the Tooele County Code is hereby amended to read as attached hereto, which attachment is, by this reference, made a part hereof.

SECTION II – REPEALER. Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

SECTION III – EFFECTIVE DATE. This ordinance shall become effective January 1, 2021, provided it has been published, or at such publication date if after January 1, 2021.

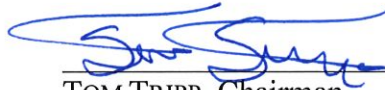
Tooele County
Ord. 2020-35

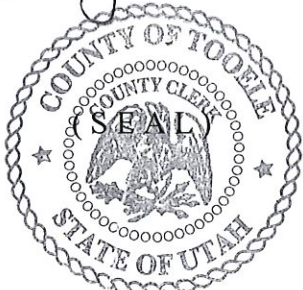
IN WITNESS WHEREOF the Tooele County Commission, which is the legislative body of Tooele County, passed, approved and enacted this ordinance this 15th day of December 2020.

ATTEST:

TOOELE COUNTY COMMISSION:



MARILYN K. GILLETTE, Clerk


TOM TRIPP, Chairman



Commissioner Milne voted aye
Commissioner Thomas voted aye
Commissioner Tripp voted aye

APPROVED AS TO FORM:


SCOTT A. BROADHEAD
Tooele County Attorney

TOOELE COUNTY CODE
TITLE 15
ROADS

Chapter

- 1. Definitions.**
- 2. Powers and Duties County Manager and Roads Department.**
- 3. Excavations.**
- 4. Repealed.**
- 5. Regulations.**

CHAPTER 1

DEFINITIONS

Section

15-1-1. Definitions.

15-1-1. Definitions.

As used in this title:

- (1) **“City”** or **“town”** means an incorporated municipality.
- (2) **“Construction”** means the construction, reconstruction, replacement, and improvement of highways, including the acquisition of rights-of-way and material sites.
- (3) **“Council”** means the Tooele County Council.
- (4) **“County road”** means any county-designated or county-maintained public road, highway, street or right-of-way within the county, not designated as a state or city highway or street.
- (5) **“Driveway”** means a private access way for vehicles, leading from a highway or private road to a parking or loading area.
- (6) **“Highway”** means any public road, street, alley, lane, court, place, viaduct, tunnel, culvert, bridge, or structure laid out or erected for public use, or dedicated or abandoned to the public, or made public in an action for the partition of real property, including the entire area within the right-of-way.
- (7) **“Maintenance”** means the performance of all things necessary to keep a highway or private road in serviceable condition.
- (8) **“Manager”** means the Tooele County Manager.
- (9) **“Official map”** means the official map or official maps of the county designating and showing the highways, county roads, freeways, parks, parkways and sites for public buildings or works, including subsurface facilities, in the acquisition, financing or construction of which the county has participated or may be called upon to participate.

(10) **“Person”** includes any individual, firm, company, partnership, corporation, association or any group or combination, and the plural as well as the singular number unless the intent to give a more limited meaning is disclosed by the context.

(11) **“Private road”** means any right-of-way not dedicated to public use.

(12) **“Roads Department”** means the Tooele County Roads Department.

(13) **“Section”** means a section of this title unless some other section is specifically mentioned.

(14) **“Sidewalk”** means that portion of a road or highway reserved for pedestrian transportation between the curb line or the lateral lines of a roadway and the adjacent property lines.

CHAPTER 2

POWERS AND DUTIES OF COUNTY MANAGER AND ROADS DEPARTMENT

Section

15-2-1. Jurisdiction and control.

15-2-2. Plats and descriptions.

15-2-3. Road design.

15-2-4. Restricting use of highway.

15-2-5. Authority to provide and maintain county roads.

15-2-6. Private roads.

15-2-1. Jurisdiction and control.

All county roads shall be under the direction and authority of the Manager and the Roads Department. Such roads shall be constructed and maintained by or under the authority of the Manager from funds made available for that purpose by the Council.

15-2-2. Plats and descriptions.

(1) The Manager shall determine all county roads existing in the county. The Roads Department shall prepare and keep current plats and specific descriptions of the county roads.

(2) The plats and specific descriptions shall be kept on file in the office of the county clerk or county recorder.

15-2-3. Road design.

Road design shall conform to the general plan and the most recent version of the APWA Standards and Specifications adopted by the Council.

15-2-4. Restricting use of county road.

Whenever it is deemed necessary to suspend all or part of the travel on a county road or portion thereof, the Roads Department may restrict the use of or close such county road or portion thereof.

15-2-5. Authority to provide and maintain county roads.

The Roads Department, under the general direction of the Manager, is authorized to plan, designate, establish, regulate, maintain, and improve county roads. The Roads Department shall place and maintain traffic control devices and signs as required by the Manual on Uniform Traffic Control Devices.

15-2-6. Private roads.

Private roads shall conform to the general plan and the most recent version of the APWA Standards and Specifications adopted by the Council.

**CHAPTER 3
EXCAVATIONS**

Section

- 15-3-1. Purpose.**
- 15-3-2. Permit required - Application - Revocation.**
- 15-3-3. Permit fees.**
- 15-3-4. Bonds.**
- 15-3-5. Specifications.**
- 15-3-6. Use of pavement pads by equipment.**
- 15-3-7. Restoration of surface.**
- 15-3-8. Repealed.**
- 15-3-9. Protection of public.**
- 15-3-10. Relocation and protection of utilities.**
- 15-3-11. Approval of method of jetting pipe.**
- 15-3-12. Notice to inspect; failure to comply with specification.**

15-3-1. Purpose.

This chapter is for the purpose of regulating excavations occurring in county roads or county rights-of-way and providing monetary assurances that county roads and county rights-of-way will be returned to their original condition after excavations.

15-3-2. Permit required - Application - Revocation.

It shall be unlawful for any person to dig up, break, excavate, tunnel, undermine or in any manner break up any county road or county right-of-way, or to make or cause to be made excavations in or under the surface of any county road or county right-of-way for any purpose, or place, deposit or leave upon any county road or county right-of-way any earth or any excavated material obstructing or tending to interfere with the free use of the county road or county right-of-way, unless such person shall first have obtained a permit therefore from the Roads Department. Any public utility regulated by the State or holding a franchise from the county which, in the pursuit of its calling, has frequent occasion to open or make excavations in county roads or county rights-of-way, may, upon application, receive a general permit from the Roads Department to cover all excavations such utility may make within county roads or county rights-of-way. Permit

fees shall accompany the application, except for fees under general permits, which shall be paid monthly as herein provided. All permits shall be subject to revocation and the Roads Department may refuse to issue a permit for failure of the permittee or applicant to abide by the terms and conditions of this chapter. Permits shall not be required prior to an excavation in case of emergency endangering life or property, provided that the Roads Department is notified as soon as practicable and a permit is applied for upon the next regular working day following the emergency. Applications will be accepted only from State licensed contractors having evidence of an adequate liability bond in force or from public utility companies.

15-3-3. Permit fees.

Permit fees shall be established by Council ordinance.

15-3-4. Bonds.

(1) To assure restoration in a satisfactory manner, each person excavating within a county road or county right-of-way shall furnish to Tooele County a cash or corporate surety bond in an amount established by Council resolution.

(2) No bond shall be required for excavations where pipe or cable are laid outside the paved or improved area of a county road or county right-of-way if the excavation is not wider than six inches.

(3) Bonds required by this section shall be forfeited to the county when a project is not restored in a satisfactory manner as provided by county ordinances, regulations or conditions of the permit, within three months after the date of the commencement of the bonded project. The bond may be held by the county for up to one year following the completion of the bonded project. If, during the one-year period, the county determines the restoration was defective in any regard, the county shall give the excavator notice of the defect. If the excavator fails to remedy the defect within 30 days after notice, the bond shall be forfeited to the county. When the county is assured that the project has been completed satisfactorily or the one-year period has elapsed, the county shall notify the excavator of its intention to release the bond. If the excavator fails to redeem the bond within 60 days, the bond shall be forfeited to the county. If the bond is insufficient to cover the costs of any restoration, the excavator shall be liable to the county for all additional costs incurred in the restoration and shall be liable for all costs and attorney fees to collect the additional amounts.

(4) Every person who works within a county road or county right-of-way shall hold the county harmless from and against any claims or damages that may result due to his acts.

15-3-5. Specifications.

(1) Street pavement cuts and backfill shall conform to the most recent version of the APWA Standards and Specifications adopted by the Council.

(2) The contractor and/or excavator shall be responsible and provide warranty for backfill in county roads and county rights-of-way, and for backfill under sidewalks, curbs or other structures, for a period of two years from the date of inspection by the Roads Department.

15-3-6. Use of pavement pads by equipment.

In order to avoid unnecessary damage to paved surfaces, tracked equipment shall use pavement pads when operating on or crossing paved surfaces.

15-3-7. Restoration of surface.

All street surfacing, curbs, gutters, sidewalks, driveways or other hard surfaces falling in the line of the work, which must be removed in the performance of the work, shall be restored in kind by the contractor as specified in the most recent version of the APWA Standards and Specifications adopted by the Council. All signage falling in the line of the work, which must be removed in the performance of the work, shall be restored in compliance with the Manual on Uniform Traffic Control Devices.

15-3-8. Repealed.

15-3-9. Protection of public.

Excavation operations shall be conducted in such a manner that a minimum amount of interference or interruption of street traffic will result. Barricades shall be used in compliance with the permit and the Manual on Uniform Traffic Control Devices. The Sheriff's Office and fire departments shall be notified at least 24 hours in advance of any planned excavation requiring street closure or detour.

15-3-10. Relocation and protection of utilities.

The holder of a permit shall not interfere with any existing utility without the written consent of the administrative authority and the owner of the utility. If it becomes necessary to relocate an existing utility, this shall be done by its owner. No utility owned by the County shall be moved to accommodate the permittee unless the cost of such work is borne by the permittee. The cost of moving privately owned utilities shall be similarly borne by the permittee, unless the permittee makes other arrangements with the person owning the utility. The permittee shall support and protect, by timbers or otherwise, all pipes, conduits, poles, wires or other apparatuses 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 such work. In case any pipes, conduits, poles, wires, or apparatuses 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 and the expense of such repairs shall be borne by the permittee. It is the intent of this section 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 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 utilities and protect the same against damage.

15-3-11. Approval of method of jetting pipe.

Jetting backfill by means of water under pressure or compressed air is not allowed.

15-3-12. Notice to inspect; failure to comply with specification.

The Roads Department shall be notified at least 24 hours in advance of excavating and backfilling of an excavation so that an inspector can check the work. Failure to comply with the provisions of this chapter may result in the refusal of permits.

CHAPTER 4

**NAMING AND NUMBERING OF STREETS AND BUILDINGS
(REPEALED AND MOVED TO THE TOOELE COUNTY LAND USE ORDINANCE)**

CHAPTER 5

REGULATIONS

Section

15-5-1. Discharge of water upon roads and sidewalks prohibited.

15-5-2. Removal of snow from sidewalks.

15-5-3. Public park strip and right-of-way with curb and gutter.

15-5-4. Street trees.

15-5-5. Obstructions on public roads, streets, paths, trails, sidewalks, and rights-of-way.

15-5-1. Discharge of water upon roads and sidewalks prohibited.

It shall be unlawful for any person owning, occupying or having control of any premises to suffer or permit irrigation or well water or water from any other source under the control of such person, to be discharged or spread upon the surface of any county road or sidewalk by means of a sprinkling system, flooding or by any other means.

15-5-2. Removal of snow from sidewalks.

It shall be unlawful for the owner, occupant, lessor or agent of any property abutting on any paved sidewalk located in the unincorporated area of Tooele County, to fail to promptly remove or cause to be promptly removed from any such paved sidewalk, all hail, snow, or sleet falling thereon, or ice forming thereon; provided that in case of a storm between the hours of 5:00 p.m. and 9:00 a.m., such sidewalks shall be cleaned before the hour of 10:00 a.m.

15-5-3. Park strips and public rights-of-way with curb and gutter.

(1) All landscaping in park strips and public rights-of-way with curb and gutter shall be made in accordance with this Section. It is unlawful for the owner, occupant, lessor or agent of any property abutting a public park strip or public right-of-way with curb and gutter to violate this Section.

(2) The following materials shall be prohibited in park strips and public rights-of-way with curb and gutter:

- (a) asphalt or concrete, other than drive approaches;

- (b) thorn-bearing plants;
- (c) ground cover and shrubs which exceed 18 inches in height at maturity; and
- (d) any material that is hazardous to pedestrians or bicyclists, is difficult to walk across, can be removed when kicked or washed into the street or sidewalk, may clog storm drains, prevents percolation of water into the soil, or causes a visual barrier to pedestrians, bicyclists, motorists or for the commission of a crime.

(3) The Roads Department shall remove vegetation and structures that violate this Section at the expense of the contiguous landowners. Such removal shall not preclude or be a determination as to criminal charges filed by the county attorney.

(4) Contiguous property owners are responsible to adequately irrigate and maintain the landscaping and street trees in the park strip or public right-of-way with curb and gutter.

15-5-4. Street trees.

(1) In park strips and public rights-of-way with curb and gutter, street trees may only be planted of a species and at a spacing as approved by the zoning administrator. Any tree planted shall comply with this Section and be a species approved by the zoning administrator. The species selected shall be resistive to road salts, solvents, and debris, and shall be drought tolerant. Street trees shall have a minimum trunk size of 2½ inches in caliper. Root systems in the species shall be downward rather than shallow to prevent damage to infrastructure.

(2) It shall constitute a violation of this Section for any person to remove a compliant street tree or cause a street tree to be removed unless it is replaced with a tree of the same species.

(3) Spacing of street trees shall be no closer together than the following: small trees, 15 feet; medium trees, 25 feet; and large trees, 35 feet; except in special plantings designed or approved by a landscape architect and the zoning administrator.

(4) The distance trees may be planted from curbs or curblines and sidewalks is no closer than three feet.

(5) No street tree shall be planted within 40 feet of any street corner, measured from the point of nearest intersecting curbs or curblines. No street tree shall be planted within ten feet of any fire hydrant.

(6) No street trees may be planted under or within 10 feet of any overhead utility wire.

(7) The county shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, roads and public rights-of-way as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such public grounds. The Roads Department may remove or cause or order to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect, or other pest.

(8) Contiguous property owners are responsible to adequately irrigate and maintain the landscaping and street trees.

(9) It shall be unlawful as a normal practice for any person, firm, or county department to top any street tree, park tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Crown reduction by a qualified arborist may be substituted, where appropriate. Trees severely damaged by storms or other

causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this Section at the determination of the zoning administrator.

(10) All pruning of protected trees shall conform to the current ANSI A-300 standards. There shall be no flush cuts, stub cuts, or lions tailing of the tree's crown.

(11) In order to maintain the overall forest, reasonable efforts shall be made to replace trees that are removed and to protect quality trees that are endangered. Trees removed shall be replaced within one year. The location and species of any replacement tree shall be determined by the zoning administrator. Trees of desirable species and good health shall be protected as much as possible from damage during construction, sidewalk repair, utilities work above and below ground, and other similar activities. The zone of protection shall include the ground beneath the canopy of the tree.

(12) Any person aggrieved by the administration or interpretation of any of the terms or provisions of this Section by the zoning administrator may appeal to the board of adjustment which, after a hearing, with notice to the aggrieved person, may reverse, affirm, or modify, in whole or in part, the order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the zoning administrator or official from whom the appeal is taken. Any action pursuant to this Section shall not stay any enforcement proceedings.

15-5-5. Obstructions on public roads, streets, paths, trails, sidewalks, and rights-of-way.

(1) It is unlawful for a person to obscure street signs or traffic control devices to vehicular, pedestrian, bicyclist, or equestrian movement by any object, including but not limited to plants, trees, or structures.

(2) It is unlawful for a person to obstruct, or permit an obstruction under his control to obstruct, designated pedestrian, bicycle, or equestrian sidewalks, paths, or trails. The following clearances shall be maintained:

(a) all vertical heights for pedestrian paths or trails shall have no less than a seven-foot clearance;

(b) all vertical heights for equestrian paths or trails shall have no less than a 12-foot clearance; and

(c) all horizontal distances shall have no less clearance than one foot beyond the edge of the sidewalk.

(3) It is unlawful for a person to obstruct a highway by any object, including but not limited to plants, trees, or structures. The following clearances shall be maintained:

(a) all vertical heights for roads shall have no less than a 13'6" clearance; and

(b) all horizontal distances shall have no less than 20 feet width with a clearance less than three feet beyond the edge of the pavement or travel lane.

(4) It is unlawful for a person to construct or place a structure on or over a public right-of-way that has not been approved in advance by the Roads Department.

TOOELE COUNTY CODE
TITLE 15
ROADS

Chapter

1. **Definitions.**
2. **Powers and Duties ~~—of~~ County Commission-Manager and Roads Division-Department.**
3. **Excavations.**
4. **Naming and Numbering of Streets and Buildings Repealed.**
5. **Regulations.**

CHAPTER 1

DEFINITIONS

Section

15-1-1. Definitions.

15-1-1. Definitions.

As used in this title:

- (1) **“City” or “town”** means an incorporated municipality.
- (2) **“Construction”** means the construction, reconstruction, replacement, and improvement of ~~the~~ highways, including the acquisition of rights-of-way and material sites.
- (3) **~~“Commission” means the Board of County Commissioners for Tooele County.~~**
“Council” means the Tooele County Council.
- (~~3-4~~) **“County road”** means any county-designated or county-maintained public roads, highways, streets ~~and or~~ rights-of-way within the county, not designated as a state, or city highway or streets and highways.
- (~~4-5~~) **“Driveway”** means a private access way for vehicles, leading from a street-highway or private road to a parking or loading area.
- (~~5-6~~) **“Highway”** means any public road, street, alley, lane, court, place, viaduct, tunnel, culvert, bridge, or structure laid out or erected for public use, or dedicated or abandoned to the public, or made public in an action for the partition of real property, including the entire area within the right-of-way.
- (~~6-7~~) **“Maintenance”** means the performance of all things necessary to keep a highway or private road in serviceable condition.
- (8) **“Manager” means the Tooele County Manager.**
- (~~7-9~~) **“Official map”** means the official map or official maps of the county ~~as adopted by the County Commission in accordance with law~~, designating and showing the highways, county roads, freeways, parks, parkways and sites for public buildings or works, including subsurface facilities, in the acquisition, financing or construction of which the county has participated or may be called upon to participate.

(8-10) “Person” includes any individual, firm, company, partnership, corporation, association or any group or combination, and the plural as well as the singular number unless the intent to give a more limited meaning is disclosed by the context.

(9-11) “Private road” means any right-of-way not dedicated to public use.

(10-12) “Roads ~~division—Department~~” means the Tooele County ~~Department—of Engineering and includes the road division~~ Roads Department.

(11-13) “Section” means a section of this title unless some other section is specifically mentioned.

(12-14) “Sidewalk” means that portion of a road or highway reserved for pedestrian transportation between the curb line or the lateral lines of a roadway and the adjacent property lines.

CHAPTER 2

POWERS AND DUTIES OF COUNTY ~~COMMISSION-MANAGER~~ AND ~~ROADS-DIVISION-ROADS~~ DEPARTMENT

Section

15-2-1. ~~Commission—~~ Jurisdiction and control.

15-2-2. ~~Commission to file plats~~ Plats and descriptions.

15-2-3. Road design.

15-2-4. Restricting use of highway.

15-2-5. Authority to provide and maintain county roads.

15-2-6. Private roads.

15-2-1. ~~Commission—~~ Jurisdiction and control.

All county roads ~~not designated as federal, state, city or highways~~ shall be under the direction and authority of the ~~Board of County Commissioners and the Tooele County Department of Engineering Manager and the Roads Department~~. Such roads shall be constructed and maintained by or under the authority of the ~~county commissioners~~ Manager from funds made available for that purpose, ~~and the county commissioners shall have the authority to expend or by contract cause to be expended such funds as are allocated to the county by the Council~~.

15-2-2. ~~Commission to file plats~~ Plats and descriptions.

(1) The ~~county executive of each county~~ Manager shall determine all county roads existing in the county. ~~The Roads Department shall and~~ prepare and keep current plats and specific descriptions of the county roads.

(2) The plats and specific descriptions shall be kept on file in the office of the county clerk or county recorder.

15-2-3. Road design.

Road design shall conform to the general plan, ~~Manual on Uniform Traffic Control Devices, and the Tooele County Manual on Road and Highway Design Standards as adopted by the county~~

engineer and the most recent version of the APWA Standards and Specifications adopted by the Council.

15-2-4. Restricting use of highway-county road.

Whenever it is deemed necessary to suspend all or part of the travel on a county road or portion thereof, the ~~road division-Roads Department~~ may restrict the use of, or close such highway-county road or portion thereof.

15-2-5. Authority to provide and maintain county roads.

The ~~Tooele County Department of Engineering-Roads Department~~, under the general direction of the ~~county commission-Manager~~, is authorized to plan, designate, establish, regulate, maintain, and improve county roads. The ~~road division-Roads Department~~ shall place and maintain traffic control devices and signs as required by the Manual on Uniform Traffic Control Devices.

15-2-6. Private roads.

Private roads shall conform to the general plan, ~~Manual on Uniform Traffic Control Devices, and the Tooele County Manual on Road and Highway Design Standards~~ and the most recent version of the APWA Standards and Specifications adopted by the Council.

**CHAPTER 3
EXCAVATIONS**

Section

- 15-3-1. Purpose.
- 15-3-2. Permit required - Application - Revocation.
- 15-3-3. Permit fees.
- 15-3-4. Bonds.
- 15-3-5. Specifications.
- 15-3-6. Use of pavement pads by equipment.
- 15-3-7. Restoration of surface.
- 15-3-8. ~~Bituminous, concrete, gravel or asphalt street surfaces~~ Repealed.
- 15-3-9. Protection of public.
- 15-3-10. Relocation and protection of utilities.
- 15-3-11. Approval of method of jetting pipe.
- 15-3-12. Notice to inspect; failure to comply with specification.

15-3-1. Purpose.

This chapter is for the purpose of regulating any excavations occurring in a ~~Tooele County~~ county roads or county rights-of-way and providing monetary assurances that ~~Tooele County~~ county roads and county rights-of-way will be returned to ~~the~~ their original condition after excavations.

15-3-2. Permit required - Application - Revocation.

It shall be unlawful for any person to dig up, break, excavate, tunnel, undermine or in any manner break up any ~~County-county~~ road or ~~county~~ right-of-way, or to make or cause to be made excavations in or under the surface of any ~~County-county~~ road or ~~county~~ right-of-way for any purpose, or place, deposit or leave upon any ~~County-county~~ road or ~~county~~ right-of-way any earth or any excavated material obstructing or tending to interfere with the free use of the ~~county~~ road or ~~county~~ right-of-way, unless such person shall first have obtained ~~an excavation-a~~ permit therefore from the ~~Tooele County Engineering Department-Roads Department~~. Any public utility regulated by the State or holding a franchise from the ~~County-county~~ which, in the pursuit of its calling, has frequent occasion to open or make excavations in ~~County-county~~ roads or ~~county~~ rights-of-way, may, upon application, receive a general permit from the ~~Tooele County Engineering Department-Roads Department~~ to cover all excavations such utility may make within ~~County-county~~ roads or ~~county~~ rights-of-way. Permit fees shall accompany the application, except for fees under general permits, which shall be paid monthly as herein provided. All permits shall be subject to revocation and the ~~Tooele County Engineering Department-Roads Department~~ may refuse to issue a permit for failure of the permittee or applicant to abide by the terms and conditions of this chapter. ~~Excavation-p~~Permits shall not be required prior to an excavation in case of emergency, endangering life or property, ~~providing provided that~~ the ~~Tooele County Engineering Department-Roads Department~~ is notified as soon as practicable and a permit is applied for upon the next regular working day following the emergency. ~~Excavation a~~Applications will be accepted only from State licensed contractors having evidence of an adequate liability bond in force or from public utility companies.

15-3-3. Permit fees.

~~Excavation-Permit~~ fees shall be established by ~~Council resolution-ordinance by the Board of County Commissioners~~.

15-3-4. Bonds.

(1) To assure restoration ~~of the street surface or the right-of-way~~ in a satisfactory manner, each person excavating within a ~~county road or~~ county right-of-way shall furnish to Tooele County a cash or corporate surety bond ~~as determined by the Board of County Commissioners in resolution in an amount established by Council resolution~~.

(2) No bond shall be required for excavations where pipe or cable are laid outside the paved or improved area of a ~~county road or~~ county right-of-way ~~where-if~~ the excavation is not wider than six inches.

~~(3) No bond shall be required for augured and cased excavations under county roads, provided that the auguring and casing methods comply with all applicable regulations, ordinances and specific conditions provided in the permit and that the project is approved by the county prior to excavation.~~

~~(4-3)~~ Bonds required by this section shall be forfeited to the county when a project is not restored in a satisfactory manner as provided by county ordinances, regulations or conditions of the permit, within three months after the date of the commencement of the bonded project. The bond may be held by the county for up to one year following the completion of the bonded project. If, during the ~~one-year-one-year~~ period, the county determines the restoration was defective in any

regard, the county shall give the excavator notice of the defect. If the excavator fails to remedy the defect within 30 days after ~~receipt of the~~ notice, the bond shall be forfeited to the county. When the county is assured that the project has been completed satisfactorily or the ~~one-year-one-year~~ period has elapsed, the county shall notify the excavator of its intention to release the bond. If the excavator fails to redeem the bond within 60 days ~~after receiving notice~~, the bond shall be forfeited to the county. If the bond is insufficient to cover the costs of any restoration, the excavator shall be liable to the county for all additional costs incurred in the restoration and shall be liable for all costs and attorney fees to collect the additional amounts.

(5-4) Every person who works within a county road or county right-of-way shall hold the county harmless from and against any claims or damages that may result due to his acts.

15-3-5. Specifications.

(1) Street pavement cuts and backfill shall conform to the ~~Manual on Uniform Traffic Control Devices, and Tooele County Manual on Road and Highway Design Standards most recent version of the APWA Standards and Specifications adopted by the Council.~~

(2) The contractor and/or excavator shall be responsible and provide warranty for backfill in ~~County~~ county roads and county rights-of-way, and for backfill under sidewalks, curbs or other structures, for a period of ~~2~~ two years from the date of inspection by the ~~Tooele County Engineering Department~~ Roads Department.

15-3-6. Use of pavement pads by equipment.

In order to avoid unnecessary damage to paved surfaces, tracked equipment shall use pavement pads when operating on or crossing paved surfaces.

15-3-7. Restoration of surface.

All street surfacing, curbs, gutters, sidewalks, driveways or other hard surfaces falling in the line of the work, which must be removed in the performance of the work, shall be restored in kind by the contractor as specified in the ~~Tooele County Manual on Road and Highway Design Standards most recent version of the APWA Standards and Specifications adopted by the Council.~~ All signage ~~removed~~, falling in the line of the work, which must be removed in the performance of the work, shall be restored in compliance with the Manual on Uniform Traffic Control Devices.

15-3-8. ~~Bituminous, concrete, gravel or asphalt street surfaces Repealed.~~

~~Bituminous, concrete or asphalt street surfaces used as a temporary gravel surface and the treatment of the exposed edges of existing pavement shall conform to the Tooele County Manual on Road and Highway Design Standards.~~

15-3-9. Protection of public.

Excavation operations shall be conducted in such a manner that a minimum amount of interference or interruption of street traffic will result. ~~Barriades shall be available and used where necessary to prevent accidents involving property or persons. Barriades shall be in place until all contractor equipment is removed from the site and the excavation has been backfilled and proper temporary gravel surface is in place as specified in Section 15-3-7. From sunset to sunrise all barriades and excavations shall be clearly outlined by acceptable warning lights, lanterns or~~

~~flares. Barricades shall be used in compliance with the permit and the Manual on Uniform Traffic Control Devices. Sheriff The Sheriff's Office~~ and fire departments shall be notified at least 24 hours in advance of any planned excavation requiring street closure or detour.

15-3-10. Relocation and protection of utilities.

The holder of a ~~street excavation~~ permit shall not interfere with any existing utility without the written consent of the administrative authority and the owner of the utility. If it becomes necessary to relocate an existing utility, this shall be done by its owner. No utility owned by the County shall be moved to accommodate the permittee; unless the cost of such work ~~be is~~ borne by the permittee. The cost of moving privately owned utilities shall be similarly borne by the permittee, unless ~~it the permittee~~ makes other arrangements with the person owning the utility. The permittee shall support and protect, by timbers or otherwise, all pipes, conduits, poles, wires or other apparatuses 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 such work. In case any pipes, conduits, poles, wires, or apparatuses 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 and the expense of such repairs shall be ~~charged to borne by~~ the permittee. It is the intent of this section 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 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 utilities and protect the same against damage.

15-3-11. Approval of method of jetting pipe.

Jetting backfill by means of water under pressure, or compressed air, ~~shall conform to the Tooele County Manual on Road and Highway Design Standards is not allowed.~~

15-3-12. Notice to inspect; failure to comply with specification.

The ~~Tooele County~~ Roads Department shall be notified at least 24 hours in advance of excavating and backfilling of an excavation so that an inspector can check the work. Failure to ~~observe and comply with the specifications in Section 15-3-5 the provisions of this chapter~~ may result in the refusal of permits.

CHAPTER 4

NAMING AND NUMBERING OF STREETS AND BUILDINGS

(REPEALED AND MOVED TO THE TOOELE COUNTY LAND USE ORDINANCE)

Section

~~15-4-1. — Definitions.~~

~~15-4-2. — Names of streets designated on official map.~~

~~15-4-3. — Numbering.~~

~~15-4-4. — Exceptions.~~

~~15-4-5. — Stansbury Park.~~

~~15-4-6. — Failure to number.~~

~~15-4-7. — Display of house number.~~

~~15-4-1. Definitions.~~

~~— As used in this chapter “addressing unit” means any entity requiring an address, including single-family dwellings, a single-family dwelling within and/or comprising a multiple-family dwelling, and institutional, commercial or industrial units.~~

~~15-4-2. Names of streets designated on official map.~~

~~— All streets of Tooele County shall be known by the names by which they are so designated on the official map of Tooele County filed in the office of the county recorder.~~

~~15-4-3. Numbering.~~

~~(1) The numbering of homes and buildings in Tooele County shall be done on a section related basis. Therefore, the initial zero point shall be known as the zero horizontal point and the zero vertical point respectively. Said zero points are hereby expressly defined as follows:~~

~~(a) Zero Horizontal Line. The zero horizontal line shall be a line running East and West through each region.~~

~~(b) Zero Vertical Line. The zero vertical line shall be a line running north and south through each region.~~

~~(2) Vernon Region. Beginning at the northwest corner to section 6, T7S, R6W SLB&M, and running thence, easterly, along the section lines to a point on the north section line of section 4, T7S, R3W, said point also being the intersection of said north line and the Tooele County line; thence, southerly, along said county line to a point of intersection on the south line of section 31, T10S, R4W; thence, westerly, along said county line to the southwest corner of section 31, T10S, R6W; thence, northerly, along the section lines to the point of beginning. The zero horizontal line is hereby defined as Castagno Street, Vernon City, Tooele County, Utah. The zero vertical line is hereby defined as Main Street, Vernon City, Tooele County, Utah. The zero vertical line intersects with the zero horizontal line at the center of the intersection of Castagno Street and Main Street, Vernon City, Tooele County, Utah. The numbering shall extend thence east, west, north and south, the even numbers always on the right and odd numbers on the left, looking away from the initial or zero point.~~

~~—(3) Rush Valley Region. Beginning at the northwest corner of section 6, T5S, R6W, SLB&M, and running thence, easterly, along the section lines to a point of intersection of the north line of section 5, T5S, R3W, and the Tooele County line; thence, southerly, along said county line to a point of intersection on the south line of section 33, T6S, R3W; thence, westerly, along the section lines to the southwest corner of section 31, T6S, R6W; thence, northerly, along the section lines to the point of beginning. Excepting therefrom the town of Ophir. The zero horizontal line is hereby defined as the east-west direction of Center Street, Rush Valley City, Utah. The zero vertical line is hereby defined as the north and south direction of Main Street, Rush Valley City, Tooele County, Utah. The numbering shall extend thence east, west, north and south, the even numbers always on the right and odd numbers on the left, looking away from the initial or zero point.~~

~~—(4) South Skull Valley Region. Beginning at the northwest corner of section 1, T4S, R10W, SLB&M, and running thence, easterly, along the section lines to the northeast corner of section 4, T4S, R7W; thence, southerly, along the section lines to the southeast corner of section 33; thence, easterly, along the section lines to the northeast corner of section 1, T5S, R7W; thence, southerly, along the section lines to the southeast corner of section 36, T10S, R7W, said point also being on the Tooele County line; thence, westerly, along said county line to the southwest corner of section 31, T10S, R12W, said point also being on the Dugway Proving Ground boundary; thence, northerly, along said boundary line to the northwest corner of section 19, T9S, R12W; thence, easterly, along said boundary line to the northeast corner of section 24, T9S, R9W; thence, northerly, along said boundary line to the northwest corner of section 30, T7S, R8W; thence, easterly, along said boundary line to the southwest corner of section 23; thence, northerly, along said boundary line to the northwest corner of section 2; thence, westerly, along said boundary line to the southwest corner of section 31, T6S, R8W; thence, northwesterly, along said boundary line to a point on the south section line of section 32, T4S, R10W, said point also being the northeast corner of the Dugway Proving Ground; thence, northeasterly, leaving said boundary line to the point of beginning. The zero horizontal line is hereby defined as the southern most east and west section line of Section 3, Township 6 South, Range 7 West, Salt Lake Base and Meridian. The zero vertical line is hereby defined as the western most north and south, section line of Section 3, Township 6 South, Range 7 West, Salt Lake Base and Meridian, Tooele County, Utah. The zero vertical line intersects with the zero horizontal line at the southwest corner of Section 3. The numbering shall extend thence east, west, north and south, the even numbers always on the right and odd numbers on the left, looking away from the initial or zero point.~~

~~—(5) North Skull Valley Region. Beginning at a point where the west section line of section 13, T3N, R10W, SLB&M intersects the Tooele County line, and running thence, easterly, along said county line to a point where said county line changes direction; thence, northeasterly, along said county line to a point representing the intersection of said line and the northerly extension of the east section line of section 4, T1S, R7W; thence, southerly, along the section lines to the southeast corner of section 33, T3S, R7W; thence, westerly, along the section lines to the southwest corner of section 36, T3S, R10W; thence, northerly, along the section lines to the point of beginning. The zero horizontal line is hereby defined as the southern most east and west section line of Section 31, Township 1 South, Range 8 West, Salt Lake Base and Meridian. The zero vertical line is hereby defined as the western most north and south section line of Section 31, Township 1 South, Range 8 West, Salt Lake Base and Meridian, Tooele County, Utah. The zero~~

vertical line intersects with the zero horizontal line at the southwestern corner of Section 31. The numbering shall extend thence east, west, north and south, the even numbers always on the right and odd numbers on the left, looking away from the initial or zero point.

— (6) Grantsville Region. Beginning at the southwest corner of section 15, T4S, R7W, SLB&M, and running thence, northerly, along the section lines to a point of intersection with the Tooele County line; thence, easterly, along said county line to a point where the Tooele County line intersects the Box Elder, Weber and Davis county lines; thence, southeasterly, along said county line to a point of intersection of said line and the northerly extension of the east section line of section 9, T2S, R5W; thence, southerly, along the section lines to the southeast corner of section 16, T4S, R5W; thence, westerly, along the section lines to the point of beginning. The zero horizontal line is hereby defined as the east and west line of Main Street, Grantsville City, Tooele County, Utah. The zero vertical line is hereby defined as the north and south line of Hale Street, Grantsville City, Tooele County, Utah, also known as the north-south center line of Section 28. The zero vertical line intersects with the zero horizontal line at Main Street and Hale Street, Grantsville City, Tooele County, Utah. The numbering shall extend thence east, west, north and south, the even numbers always on the right and odd numbers on the left, looking away from the initial or zero point.

— (7) Tooele Region. Beginning at a point where the Tooele County line intersects the north line of section 32, T4S, R3W SLB&M, and running thence, westerly, along the section lines to the southwest corner of section 28, T4S, R4W; thence, northerly, along the section lines to the southwest corner of section 16; thence, westerly, along the section lines to the southwest corner of section 15, T4S, R5W; thence, northerly, along the section lines to a point of intersection with the Tooele County line; thence, southeasterly, along said county line to a point on the north section line of section 19, T1S, R3W; thence, southerly, along said county line to the point of beginning. The zero horizontal line is hereby defined as the east and west quarter ($\frac{1}{4}$) line of Section 28, Township 3 South, Range 4 West, Salt Lake Base and Meridian, Tooele Section 28, also known as the east-west center line of Section 28. The zero vertical line is hereby defined as the north and south quarter ($\frac{1}{4}$) line of Section 28, Township 3 South, Range 4 West, Salt Lake Base and Meridian, Tooele City, Tooele County, Utah, also known as the north-south center line of Section 28. The zero vertical line intersects with the zero horizontal line at center of Section 28. The numbering shall extend thence east, west, north and south, the even numbers always on the right and odd numbers on the left, looking away from the initial or zero point.

— (8) West Desert Region. Beginning at the intersection of the east line of section 14, T3N, R10W SLB&M, and the Tooele County line, and running thence, southerly, along the section lines to the southeast corner of section 35, T3S, R10W; thence, southwesterly, to the northeast corner of the Dugway Proving Ground, said point also being on the south section line of section 32, T4S, R10W; thence, westerly, along the Dugway Proving Ground boundary to the southwest corner of section 31, T4S, R11W, said point also being a point on the boundary of the Utah Test and Training Range (Wendover Air Force Range); thence, northerly, along said boundary to the northwest corner of section 19, T2S, R11W, said point also being the northeast corner of said range; thence westerly, along said boundary to the southwest corner of section 18, T2S, R15W; thence, northerly, to the northwest corner of section 6, T1S, R15W; thence, westerly, along the section line to the southwest corner of section 31, T1N, R15W; thence, northerly, along the section lines to the northwest corner of section 6, said point also being the southwest corner of the Utah Test and

~~Training Range (Hill Air Force Range); thence, easterly, along said range boundary to the northeast corner of section 1; thence, southerly, along said boundary to the northwest corner of section 6, T1N, R14W; thence, easterly, along said boundary to the northwest corner of section 6, T1N, R11W; thence, northerly, to the Tooele County line; thence, easterly, along said county line to the point of beginning. The zero horizontal line is hereby defined as the southern most east and west section line of Section 12, Township 1 South, Range 11 West, Salt Lake Base and Meridian. The zero vertical line is hereby defined as the western most north and south section line of Section 12, Township 1 South, Range 11 West, Salt Lake Base and Meridian, Tooele County, Utah. The zero vertical line intersects with the zero horizontal line at the southwest corner of Section 12, Township 1 South, Range 11 West, Salt Lake Base and Meridian. The numbering shall extend thence east, west, north and south, the even numbers always on the right and odd numbers on the left, looking away from the initial or zero point.~~

~~— (9) Wendover Region. Beginning at the west quarter corner of section 6, T3S, R19W, SLB&M, said point also being on the Utah/Nevada state line; and running thence, northerly, along said state line to the northwest corner of Tooele County; thence, easterly, along the county line to a point of intersection with the Utah Test and Training Range (Hill Air Force Range) boundary, said point also being on the east section line of section 13, T3N, R16W; thence, southerly, along the section lines to the southeast corner of section 36, T1N, R16W; thence, easterly, along the section line to the northeast corner of section 1, T1S, R16W; thence, southerly, along the section lines to the southeast corner of section 13, T2S, R16W, said point also being on the Utah Test and Training Range (Wendover Air Force Range) boundary; thence, westerly, along said boundary to the southeast corner of section 17, T2S, R18W; thence, southerly, along said boundary to the southeast corner of section 32; thence, westerly, along said boundary to the southeast corner of section 36, T2S, R19W; thence, southerly, along said boundary to the east quarter corner of section 1, T3S, R19W; thence, westerly, along the quarter section lines to the point of beginning. The zero horizontal line is hereby defined as the east and west direction starting at the center line of East Wendover Boulevard, Wendover City, Tooele County, Utah. The zero vertical line is hereby defined as the north and south direction of the Utah/Nevada state line, Wendover City, Tooele County, Utah. The zero vertical line intersects with the zero horizontal line at the center of the intersection of East Wendover Boulevard and the Utah/Nevada state line, Wendover City, Tooele County, Utah. The numbering shall extend thence east, north and south, the even numbers always on the right and odd numbers on the left, looking away from the initial or zero point.~~

~~— (10) Ibapah Region. Beginning at the southwest corner of section 36, T10S, R20W, SLB&M, said point also being the southwest corner of Tooele County, and running thence, northerly, along said county line to the northwest corner of section 6, T5S, R19W; thence, easterly, along the section lines to the northwest corner of section 1, T5S, R18W; thence, southerly, along the section lines to the southeast corner of section 36; thence, easterly, along the section lines to the northeast corner of section 1, T6S, R17W; thence, southerly, along the section lines to the Tooele County line; thence, westerly, along said county line to the point of beginning. The zero horizontal line is hereby defined as the southern most east and west section line of Section 16, Township 9 South, Range 19 West, Salt Lake Base and Meridian, Tooele County, Utah. The zero vertical line is hereby defined as the eastern most north and south section line of Section 16, Township 9 South, Range 19 West, Salt Lake Base and Meridian, Tooele County, Utah. The zero vertical line intersects with the zero horizontal line at the southeast corner of Section 16. The~~

numbering shall extend thence east, west, north and south, the even numbers always on the right and odd numbers on the left, looking away from the initial or zero point.

~~—(11) Stockton Region.— Beginning at a point where the Tooele County line intersects the south line of section 32, T4S, R3W SLB&M, and running thence, westerly, along the section lines to the southwest corner of section 34, T4S, R7W; thence, northerly, along the section lines to the northwest corner of section 22; thence, easterly, along the section lines to northeast corner of section 20, T4S, R4W; thence, southerly, along the section lines to the southeast corner of section 29; thence, easterly, along the section lines to a point where the north line of section 32, T4S, R3W intersects the Tooele County line; thence, southeasterly, along said county line to the point of beginning.— The zero horizontal line is hereby defined as the east and west direction of Silver Avenue, Stockton City, Tooele County, Utah. The zero vertical line is hereby defined as the north and south direction of Main Street, Stockton City, Tooele County, Utah. The zero vertical line intersects with the zero horizontal line at the center of the intersection of Silver Avenue and Main Street, Stockton City, Tooele County, Utah. The numbering shall extend thence east, west, north and south, the even numbers always on the right and odd numbers on the left, looking away from the initial or zero point.~~

15-4-4. Exceptions.

~~—Whenever, in the sole discretion of the Board of County Commissioners, circumstances exist which merit an exception to the provisions of Section 15-4-3 herein, an alternate method of naming and numbering of streets and buildings may be adopted by ordinance as in the opinion of the Board of County Commissioners will best subserve the excepted area.~~

15-4-5. Stansbury Park.

~~—(1) For the lots located in the following subdivisions located in Stansbury Park, Captains Island #1, Captains Island #2, Captains Island #3, Lakeside Subdivision #1, Lakeside Subdivision #2, Lakeside Subdivision #3, Golf Course Island Subdivision #1, Golf Course Island Subdivision #1, Golf Course Island Subdivision #2, Golf Course Island Subdivision #3, Golf Course Island Subdivision #4, Golf Course Island Subdivision #5, and any phases or amendments of these subdivisions, the developer shall be responsible to implement within a reasonable time, a community graphics system to facilitate address location consisting of identification signs at all entrances to the community and to each neighborhood.~~

~~—(2) Each neighborhood shall be a self-contained addressing entity beginning with the address number “1” and ending with the address number approximately equal to the total number of addressing units in that neighborhood.~~

~~—(3) The neighborhood name (Mill Pond, Lake View, Country Club, etc.), but not necessarily the word “neighborhood,” shall be required as part of the official mailing address in place of the street name, which street name shall not be a part of the official mailing address, as illustrated in the following example:~~

~~Mr. & Mrs. John Doe
33 Mill Pond
Stansbury Park, Ut 84074~~

~~—(4) The first addressing unit in each neighborhood shall begin with the numeral “1” and all such units therein shall be numbered consecutively throughout that neighborhood.~~

~~—(5) The addressing for commercial, industrial, institutional or any other type of unit not located within a neighborhood shall begin with the numeral “1” in each such commercial, industrial or institutional center, and all such units therein will be numbered consecutively throughout.~~

~~—(6) Units in a neighborhood or commercial, industrial or institutional center shall be numbered consecutively along one side of a street or series of streets from one end (point “A”) to the other end (point “B”) and then numbered along the other end (point “B”) and then numbered along the other side of the same street or series of streets from the opposite end (point “B”) to the point of beginning (point “A”).~~

~~—(7) Numerals in the addressing system will be skipped between numbered units in cases where land has an undesignated use but where later development might take place requiring addresses.~~

15-4-6. Failure to number.

~~—It shall be unlawful for any person having erected a house or other building fronting upon a street within the limits of Tooele County to fail to number such house or building with the number designated by the Tooele County Department of Engineering, or for the occupant of any house or building, or for the owner or agent of any unoccupied habitable house or building, fronting upon a street within said county, to fail for a period of more than 10 days after notice from the Tooele County Department of Engineering to number such house or building with the number so designated, or for any person to number a house or building in any manner other than that prescribed by this chapter.~~

15-4-7. Display of house number.

~~—When such number has been designated by the Tooele County Department of Engineering, the owner or occupant of such house or building shall cause a painted, carved or cast duplicate of such number at least 3 inches in height and of a shade in contrast to the background upon which the number is mounted, to be placed in a conspicuous position upon the front of such house or building, in a permanent, stationary and durable manner unobstructed at all times by vines, screens, or anything that would tend to hide or obscure the number, so that the number will be clearly perceptible from a distance of 150 feet.~~

CHAPTER 5

REGULATIONS

Section

15-5-1. Discharge of water upon roads and sidewalks prohibited.

15-5-2. Removal of snow from sidewalks.

15-5-3. Public ~~parkstrip~~park strip and right-of-way with curb and gutter.

15-5-4. Street trees.

15-5-5. Obstructions on public roads, streets, paths, trails, sidewalks, and rights-of-way.

15-5-1. Discharge of water upon roads and sidewalks prohibited.

It shall be unlawful for any person owning, occupying or having control of any premises to suffer or permit irrigation or well water or water from any other source under the control of such person, to be discharged or spread upon the surface of any county road or sidewalk by means of a sprinkling system, flooding or by any other means.

15-5-2. Removal of snow from sidewalks.

It ~~is~~shall be unlawful for the owner, occupant, lessor or agent of any property abutting on any paved sidewalks located in the unincorporated areas of Tooele County, to fail to promptly remove or cause to be promptly removed from any such paved sidewalk, all hail, snow, or sleet falling thereon, or ice forming thereon; provided that in case of a storm between the hours of 5:00 ~~o'clock~~ p.m. and 9:00 ~~o'clock~~ a.m., such sidewalks shall be cleaned before the hour of 10:00 ~~o'clock~~ a.m.

15-5-3. ~~Public parkstrip~~Park strips and public rights-of-way with curb and gutter.

(1) All landscaping ~~on public property including parkstrips and right-of-ways in park strips and public rights-of-way with curb and gutter~~ shall be made in accordance with this Section. It is unlawful for the owner, occupant, lessor or agent of any property abutting a public ~~parkstrip~~park strip or public right-of-way with curb and gutter to violate this Section.

(2) The following materials shall be prohibited in ~~parkstrips and public property in right-of-ways~~park strips and public rights-of-way with curb and gutter:

- (a) asphalt or concrete, other than drive approaches;
- (b) thorn-bearing plants;
- (c) ground cover and shrubs which exceed 18 inches in height at maturity; and
- (d) any material that is hazardous to ~~pedestrians and pedestrians~~ or bicyclists, is difficult to walk across, can be removed when kicked or washed into the street or sidewalk, may clog storm drains, prevents percolation of water into the soil, or causes a visual barrier to pedestrians, bicyclists, motorists or for the commission of a crime.

(3) The ~~department of engineering~~Roads Department shall remove vegetation and structures that violate this Section at the expense of the ~~adjacent contiguous~~ landowners. Such removal shall not preclude or be a determination as to criminal charges ~~from being filed with~~ filed by the county attorney.

(4) ~~Adjacent-Contiguous~~ property owners are responsible to adequately ~~water-irrigate~~ and maintain the landscaping and street trees in the ~~parkstrip-park strip or public right-of-way with curb and gutter~~.

15-5-4. Street trees.

(1) In ~~all parkstrips and right-of-ways park strips and public rights-of-way with curb and gutter~~, street trees ~~shall~~ may only be planted of a species and at a spacing as approved by the zoning administrator. Any tree planted shall comply with this ~~Title-Section~~ and be a species approved by the zoning administrator. The species selected shall be resistive to road salts, solvents, and debris, ~~as well as and shall~~ be drought tolerant. Street trees shall have a minimum trunk size of 2½ inches in caliper. Root systems in the species shall be downward rather than shallow to prevent damage to infrastructure.

(2) It shall constitute a violation of this Section for any person to remove a compliant street tree or cause a street tree to be removed unless it is replaced with a tree of the same species.

(3) Spacing of street trees shall be no closer together than the following: small trees, 15 feet; medium trees, 25 feet; and large trees, 35 feet; except in special plantings designed or approved by a landscape architect and the zoning administrator.

(4) The distance trees may be planted from curbs or curblines and sidewalks is no closer than three feet.

(5) No street tree shall be planted within 40 feet of any street corner, measured from the point of nearest intersecting curbs or curblines. No street tree shall be planted within ten feet of any fire hydrant.

(6) No street trees may be planted under or within 10 feet of any overhead utility wire.

(7) The county shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, roads and ~~right-of-ways-public rights-of-way~~ as may be necessary to ~~insure~~ ensure public safety or to preserve or enhance the symmetry and beauty of such public grounds. The ~~Department of Engineering-Roads Department~~ may remove or cause or order to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect, or other pest.

(8) ~~Adjacent-Contiguous~~ property owners are responsible to adequately ~~water-irrigate~~ and maintain the landscaping and street trees.

(9) It shall be unlawful as a normal practice for any person, firm, or county department to top any street tree, park tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Crown reduction by a qualified arborist may be substituted, where appropriate. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this ~~section-Section~~ at the determination of the zoning administrator.

(10) All pruning of protected trees shall conform to the current ANSI A-300 standards. There shall be no flush cuts, stub cuts, or lions tailing of the tree's crown.

(11) In order to maintain the overall forest, reasonable efforts shall be made to replace trees that are removed and to protect quality trees that are endangered. Trees removed shall be replaced

within one year. The location and species of any replacement tree shall be determined by the zoning administrator. Trees of desirable species and good health shall be protected as much as possible from damage during construction, sidewalk repair, utilities work above and below ground, and other similar activities. The zone of protection shall include the ground beneath the canopy of the tree.

(12) Any person aggrieved by the administration or interpretation of any of the terms or provisions of this Section by the zoning administrator may appeal to the board of adjustment which, after a hearing, with notice to the aggrieved person, may reverse, affirm, or modify, in whole or in part, the order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the zoning administrator or official from whom the appeal is taken. Any action pursuant to this ~~section~~Section shall not stay any enforcement proceedings.

15-5-5. Obstructions on public roads, streets, paths, trails, sidewalks, and rights-of-way.

(1) It is unlawful for a person to obscure street signs or traffic control devices to vehicular, pedestrian, bicyclist, or equestrian movement by any object, including but not limited to plants, trees, or structures.

(2) It is unlawful for a person to obstruct, or permit an obstruction under ~~their control, to his control to obstruct,~~ designated pedestrian, bicycle, or equestrian sidewalks, paths, or trails. The following clearances shall be maintained:

(a) all vertical heights for pedestrian paths or trails shall have no less than a seven-foot clearance;

(b) all vertical heights for equestrian paths or trails shall have no less than a 12-foot clearance; and

(c) all horizontal distances shall have no less clearance than one foot beyond the edge of the sidewalk.

(3) It is unlawful for a person to obstruct a ~~public road~~highway by any object, including but not limited to plants, trees, or structures. The following clearances shall be maintained:

(a) all vertical heights for roads shall have no less than a 13'6" clearance; and

(b) all horizontal distances shall have no less than 20 feet width with a clearance less than three feet beyond the edge of the pavement or travel lane.

(4) It is unlawful for a person to construct or place a structure on or over ~~the county's a~~ public right-of-way that ~~is not approved by the department of engineering has not been approved in advance by the Roads Department.~~