

## TITLE 15

### ROADS

#### Chapter

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3. **Excavations.**
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#### 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. (Ord. 2020-35, 12/15/20; Ord. 2001-36, 12/11/01)

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### 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. (Ord. 2020-35, 12/15/20; Ord. 2001-36, 12/11/01)

##### **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. (Ord. 2020-35, 12/15/20; Ord. 2001-36, 12/11/01)

##### **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. (Ord. 2020-35, 12/15/20; Ord. 2001-36, 12/11/01)

##### **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. (Ord. 2020-35, 12/15/20; Ord. 2001-36, 12/11/01)

##### **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. (Ord. 2020-35, 12/15/20; Ord. 2001-36, 12/11/01)

##### **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. (Ord. 2020-35, 12/15/20; Ord. 2001-36, 12/11/01)

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### 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. (Ord. 2020-35, 12/15/20; Ord. 2001-36, 12/11/01; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

#### **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. (Ord. 2020-35, 12/15/20; Ord. 2001-36, 12/11/01; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

#### **15-3-3. Permit fees.**

Permit fees shall be established by Council ordinance. (Ord. 2020-35, 12/15/20; Ord. 2001-36, 12/11/01)

#### **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

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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. (Ord. 2020-35, 12/15/20; Ord. 2001-36, 12/11/01)

### **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. (Ord. 2020-35, 12/15/20; Ord. 2001-36, 12/11/01)

### **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. (Ord. 2001-36, 12/11/01; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

### **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. (Ord. 2020-35, 12/15/20; Ord. 2001-36, 12/11/01)

### **15-3-8. Repealed.** (Ord. 2020-35, 12/15/20; Ord. 2001-36, 12/11/01)

### **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. (Ord. 2020-35, 12/15/20; Ord. 2001-36, 12/11/01; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

### **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. (Ord. 2020-35, 12/15/20; Ord. 2001-36, 12/11/01; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

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

Jetting backfill by means of water under pressure or compressed air is not allowed. (Ord. 2020-35, 12/15/20; Ord. 2001-36, 12/11/01)

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### **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. (Ord. 2020-35, 12/15/20; Ord. 2009-21, 7/7/09; Ord. 2001-36, 12/11/01; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

## CHAPTER 4

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

(Ord. 2020-35, 12/15/20; Ord. 2001-36, 12/11/01; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

## 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. (Ord. 2001-36, 12/11/01; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

#### **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. (Ord. 2020-35, 12/15/20; Ord. 2001-36, 12/11/01; Ord. 95-19, 9/12/95; Ord. 94-22, 12/20/94)

#### **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. (Ord. 2020-35, 12/15/20; Ord. 2004-18, 7/13/04; Ord. 2001-36, 12/11/01)

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### 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. (Ord. 2020-35, 12/15/20; Ord. 2004-18, 7/13/04; Ord. 2001-36, 12/11/01)

### 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

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(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. (Ord. 2020-35, 12/15/20; Ord. 2008-08, 2/12/08; Ord. 2004-18, 7/13/04; Ord. 2001-36, 12/11/01)

## CHAPTER 6

### TRUCK ROUTES

#### Section

#### 15-6-1. Definitions.

#### 15-6-2. Designation of truck routes.

#### 15-6-3. Operation of truck on non-designated road.

#### 15-6-4. Penalties.

#### 15-6-1. Definitions.

As used in this chapter:

- (1) "Designated truck route" means a county road designated as a truck route pursuant to section 15-6-2;
- (2) "Non-designated road" means any county road that is not a designated truck route; and
- (3) "Truck" means any self-propelled vehicle (a) designed or used for the transportation of property, whether laden or unladen, or (b) designed or used primarily for drawing other vehicles and not constructed to carry a load other than a part of the weight of the vehicle and load that is drawn. For purposes of this chapter, "truck" does not include a vehicle that is exempt from taxation, a recreational vehicle, a vehicle that is engaged in the collection and/or hauling of residential and commercial solid waste, a vehicle that is engaged in agriculture or animal husbandry, or a vehicle with a gross vehicle weight less than 20,000 pounds. (Ord. 2021-31, 7/20/21)

#### 15-6-2. Designation of truck routes.

- (1) The following roads are hereby designated as truck routes:
  - (a) Aragonite Road;
  - (b) Bauer Road;
  - (c) Burmester Road (from I-80 to Vegas Street);
  - (d) Clive Road;
  - (e) Clive Complex Road;
  - (f) Ellerbeck Road (from Lime Plant to Grantsville);
  - (g) Erda Way (from Fassio Egg Farm to Sheep Lane);
  - (h) Faust Road (from Dunbar Road to SR-36);
  - (i) Gold Hill Road (from Ibapah Road to Pony Express Road);
  - (j) Grayback Hills Drive;
  - (k) Ibapah Road (from Gold Hills Road to Nevada state line);
  - (l) Mercur Canyon Highway;
  - (m) Mormon Trail (from Silver Avenue to Grantsville);
  - (n) Pole Canyon Road (including, upon dedication from the state, the portion of current SR-138 that the state intends to dedicate to the county);
  - (o) Puddle Valley Road;
  - (p) Rowley Road;
  - (q) Sheep Lane (from SR-138 to Grantsville);
  - (r) Silver Avenue (from Southside gravel pit to Mormon Trail);
  - (s) South Mountain Road;
  - (t) Stansbury Island Road; and
  - (u) State Road 138 (that portion of current SR-138 that will be dedicated to the county, effective upon dedication).
- (2) Temporary truck routes. The manager may designate additional truck routes for temporary use when obstructions or other conditions curtail the use of a designated truck route. (Ord. 2021-31, 7/20/21)

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### **15-6-3. Operation of truck on non-designated road.**

- (1) It shall be unlawful to operate any truck on a non-designated road except as provided in this section.
- (2) A truck may be operated on a non-designated road when such movement is necessary to arrive at a business related destination not situated along a designated truck route, provided the route taken is the shortest available route from the nearest designated truck route to the business related destination. (Ord. 2021-31, 7/20/21)

### **15-6-4. Penalties.**

- (1) A violation of section 15-6-3 is a class C misdemeanor.
- (2) In addition to criminal penalties, the owner and operator of any truck that violates section 15-6-3 may be civilly liable for damages caused by the violation. (Ord. 2021-31, 7/20/21)