

**HARRISVILLE CITY  
ORDINANCE 513**

**RIGHT-OF-WAY FEES**

**AN ORDINANCE OF HARRISVILLE CITY, UTAH, REPEALING AND  
REENACTING SECTION 1.85.020 RELATING TO RIGHT-OF-WAY FEES;  
MAKING TECHNICAL CHANGES; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, Harrisville City (hereafter referred to as "City") is a municipal corporation, duly organized and existing under the laws of the State of Utah;

**WHEREAS**, *Utah Code Annotated* §10-8-84 and §10-8-60 authorizes the City to exercise certain police powers and nuisance abatement powers, including but not limited to providing for safety and preservation of health, promotion of prosperity, improve community well-being, peace and good order for the inhabitants of the City;

**WHEREAS**, the City desires to meet the challenges resulting from infrastructure deterioration caused by encroachments on the public right-of-way in the City;

**WHEREAS**, the City has an interest in protecting and preventing public funds from being used to pay for costly repairs and replacement of substandard construction by private parties;

**WHEREAS**, the City desires to recoup expenses incurred from right-of-way encroachment and that the related fees have not been adjusted to meet the actual cost in eleven (11) years;

**WHEREAS**, the City deems it to be in the best interest of public health, safety, and welfare to enact this Ordinance;

**NOW, THEREFORE**, be it ordained by the City Council of Harrisville City as follows:

**Section 1:**     **Repealer.** Any word other, sentence, paragraph, or phrase inconsistent with this Ordinance is hereby repealed and any reference thereto is hereby vacated.

**Section 2:**     **Reenact.** Section 1.85.020 of the *Harrisville Municipal Code* is hereby re-enacted to read as follows:

**1.85.020 Right-Of-Way Fees**

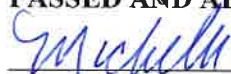
- 1) Permit. Encroachment permit requires a permit be filed with the Public Works Director. The Public Works Director is hereby delegated the authority to prepare the form and manner of the permit and outline the required information such as:
  - a. Applicant contact information.
  - b. Contractor performing the work.
  - c. Plans.
  - d. Traffic control.
  - e. Any other information necessary for the issuance of an encroachment permit.
- 2) Bond. The encroachment permit shall include a bond in an amount determined by the City Engineer but no less than \$10,000.

- 3) Inspection. The City may conduct inspection and testing as needed to assure proper excavation, construction, and restoration.
- 4) Restoration. Applicant shall include a restoration plan that should include, among other things determined by the Public Works Director, the resurface of the area extending beyond the affected excavation where any surface treatment has been applied within the past two (2) years.
- 5) Fee. The fees for applications or projects involving the public right-of-way shall be as follows:
  - a. Permit Fee: \$500.
  - b. Road Cut Fee: \$750, and 25 cents per square foot.
- 2) Other Right-of-Way Fees:
  - a. Road Boring Fee: \$500.
  - b. Curb, Gutter, and Sidewalk Cut: \$150.00
  - c. Subject to inspection by the City to assure that to a project meets the proper standards, fees are waived where a property owner is installing or replacing curb, gutter, or sidewalk.
- 3) Penalties. The following penalties apply:
  - a. Civil. A violation of this section or operating without a permit under this section is a fine not to exceed \$1,000, per day, that a violation continues.
  - b. Criminal. A violation of this section or operating without a permit under this section is a class B misdemeanor with a fine not to exceed \$1,000, per day, that a violation continues.

**Section 3:** Severability. If a court of competent jurisdiction determines that any part of this ordinance is unconstitutional or invalid, then such portion of the ordinance, or specific application of the ordinance, shall be severed from the remainder, which shall continue in full force and effect.

**Section 4:** Effective date. This Ordinance shall be effective immediately upon posting after final passage, approval, and posting.

**PASSED AND ADOPTED** by the City Council on this 13<sup>th</sup> day of Oct, 2020

  
 MICHELLE TAIT, Mayor  
 Harrisville City

ATTEST:

  
 JENNIE KNIGHT, City Recorder



**RECORDED** this 15<sup>th</sup> day of October, 2020.  
**PUBLISHED OR POSTED** this 15<sup>th</sup> day of October, 2020.

**CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING**

According to the provision of U.C.A. §10-3-713, 1953 as amended, I, the municipal recorder of Harrisville City, hereby certify that foregoing ordinance was duly passed and published, or posted at 1) City Hall 2) 2150 North and 3) Harrisville Cabin on the above referenced dates.

  
 City Recorder

DATE: 10/15/2020