

ORDINANCE NO. 2011 - 08

**AN ORDINANCE OF THE CITY OF SOUTH JORDAN, UTAH,
AMENDING TITLE 12 CHAPTER 12.08 EXCAVATION PERMITS,
CHAPTER 12.04 STREETS AND SIDEWALKS GENERALLY**

WHEREAS, the right-of-ways and other public ways of the City of South Jordan must be safely maintained for the safety and convenience of the public; and

WHEREAS, although private structures within the public Right-of-Way are typically discouraged, on occasion the City may consider proposals to use the Right-of-Way to benefit the health, safety and welfare of its citizens, or enhance the visual attractiveness of the City; and

WHEREAS, the City has adjacent property owners to the right of way, both residential and commercial, wherein many cases own in fee property adjacent to the public right of way and want to make limited appropriate use of the right-of-ways for planting, aesthetics, and other attendant purposes which enhance the visual character of the City of South; and

WHEREAS, the City can continue the promotion of economic development through carefully tailored use of such public right-of-ways for signs, awnings, lighting, street furniture, marquees, retaining walls, and other similar temporary and permanent structures pursuant to permit; and

WHEREAS, current street use provisions fail to provide a configuration which is appropriate for commercial or residential settings in a downtown or urban area and do not provide reasonable administrative flexibility to permit property owners in these noted areas as an administrative option to promptly and flexibly permit uses of the public right-of-way consistent with the safety of the driving and walking public; and

WHEREAS, the City Council deems it appropriate to expand the street use provisions to permit landscaping, stairs, outdoor furniture, landscaping features and other temporary or permanent encroachments to the public right-of-way subject to encroachment agreements and other protections.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SOUTH JORDAN, UTAH, DOES ORDAIN AS FOLLOWS:

SECTION 1. Amendments Sections 12.08, 12.04, of South Jordan Municipal Code are hereby amended to read as follows:

**Chapter 12.08
ENCROACHMENT EXCAVATION PERMITS**

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12.08.010: DEFINITIONS:

For the purposes of this chapter, the following terms, phrases, words, and their derivations shall have the meaning given herein. The word "shall" is mandatory and "may" is permissive. Words not defined shall be given their common and ordinary meaning.

APPLICANT: Any person who makes application for a permit.

APPURTENANCES (Fixed): Miscellaneous concrete or other type of durable surfaces within the public way, such as parking bays and carriage walks. In addition, other permanent fixed items including but not limited to stairs, planters, benches, etc. as approved by the City Engineer.

APPURTENANCES (Temporary): Includes but is not limited to signs, tables, chairs, clothing racks, furniture of any type, or any other temporary or moveable objects as approved by the City Engineer.

BUSINESS: Any place in the city in which there is conducted or carried on principally or exclusively any pursuit or occupation for the purpose of gaining a livelihood.

CITY: South Jordan City, a municipal corporation, in the state of Utah, in its present form or in any later reorganized, consolidated, enlarged or reincorporated form.

CITY COUNCIL: The present governing body of the city or any future board constituting the legislative body of the city.

CITY ENGINEER: The South Jordan City eEngineer, or his or her authorized representative.

EASEMENT: Public or private rights of way utilized for the installation and/or maintenance of facilities owned by any utility.

EMERGENCY: Any unforeseen circumstances or occurrence, the existence of which constitutes a clear and immediate danger to persons or property, or which causes interruption of utility services.

ENGINEERING REGULATIONS, SPECIFICATIONS, AND DESIGN STANDARDS: The latest version of the engineering regulations, or standard specifications for construction published by the eCity eEngineer, and/or adopted by the city.

EXCAVATION: Any digging into or under the surface of any street, sidewalk or public way, and includes any breaking or undermining of the surface of any street, sidewalk or public way, any tunneling under such surface, and any other activity affecting the physical characteristics of any street in a manner adverse to the common use of such street.

FAILURE: A work site restoration which fails to meet city engineering regulations, or which results in a deteriorated or substandard condition within the duration of the warranty period. "Failure" may include, but not be limited to, settlement of surfaces, deterioration of materials or other surface irregularities. Measurement of failure shall be further defined in the engineering regulations.

INFRASTRUCTURE PROVIDER: A person providing to another, for the purpose of providing telecommunication services to customers, all or part of the necessary system which uses the right of way.

LATERAL EXCAVATION: Any excavation which is not a longitudinal excavation.

LONGITUDINAL EXCAVATION: An excavation in the form of a trench running at an

angle of forty five degrees (45°) or less, or parallel to the street, sidewalk or public way in which it is made, and does not obstruct said street in such a way that vehicular traffic cannot pass upon it, if it is a street commonly used for vehicular traffic.

MUTCD: Manual on Uniform Traffic Control Devices edition adopted by the Utah State Department of Transportation. Traffic Control devices shall be defined as all signs, signals, markings, and other devices used to regulate, warn, or guide traffic, placed on, over, or adjacent to a street highway, pedestrian facility, or bikeway by authority of a public agency having jurisdiction.

OPERATOR: Any person who provides service over a telecommunications system and directly or through one or more affiliates owns a controlling interest in such system, or who otherwise controls or is responsible for the operation of such a system.

PERMITTEE: Any person who has been issued an encroachment permit and thereby has agreed to fulfill the requirements of this chapter.

PERSON: Means and includes any natural person, partnership, firm, association, provider, corporation, company, organization or entity of any kind.

PIPE DRIVEWAY: A driveway approach which uses a pipe or other means to bridge the gutter.

PRIVATE DRAIN LINE: A pipe installed solely for the transmission of water collected or generated on private property such as drainage, spring or storm water, or condensate into the public drainage system.

PROPERTY OWNER: Person or persons who have legal title to property and/or equitable interest in the property, or the ranking official or agent of a company having legal title to property and/or equitable interest in the property.

PROVIDER: An operator, infrastructure provider, reseller, system lessee or public utility company.

PUBLIC UTILITY COMPANY: Any company subject to the jurisdiction of the Utah state public service commission, or any mutual corporation providing gas, electricity, water, telephone or other utility product or services for use by the general public.

PUBLIC WAY: Means and includes all public rights of way and easements, public footpaths, walkways and sidewalks, public streets, public roads, public highways, public alleys, **lanes**, public drainageways, public owned parks, and any other public owned property. It does not, however, include utility easements not within public ways of the city.

RESELLER: Any person that provides service over a system for which a separate charge is made, where that person does not own or lease the underlying system used for the

transmission and does not install any system in the rights of way.

RESIDENT: The person or persons currently making their home at a particular dwelling within South Jordan City boundaries.

STORM DRAIN: A dedicated pipe, conduit, waterway or ditch installed in a right of way or easement for the transmission of storm and drainage water. This term does not include private drain lines.

STREET: Includes not only any street but also any road, sidewalk or way, the title of which is held by the city.

SYSTEM LESSEE: Refers to any person that leases a system or a specific portion of a system to provide services.

TELECOMMUNICATIONS SYSTEM OR SYSTEM: All conduits, manholes, poles, antennas, transceivers, amplifiers and all other electronic devices, equipment, wire and appurtenances owned, leased or used by a provider located in the construction, ownership, operation, use or maintenance of a telecommunications system.

~~**TRAFFIC BARRICADE MANUAL:** The manual on proper barricading and traffic control practices, published by the manual of uniform traffic control or city standards and specifications.~~

UTILITY: Shall include any public or private firm, organization or entity which installs and/or maintains underground facilities within the boundaries of the city for the purpose of providing services to the public within or outside the corporate limits of the city. Such services shall include, but are not limited to, electrical power, natural gas and telephone services.

WORK SITE RESTORATION: Means and includes the restoring of the original ground or paved hard surface area to comply with engineering regulations, and includes, but is not limited to, repair, cleanup, backfilling, compaction and stabilization, paving and other work necessary to place the site in acceptable condition following the conclusion of the work, or the expiration or revocation of the permit. (Ord. 2008-06, 4-15-2008)

12.08.020: ENCROACHMENT PERMIT:

It shall be unlawful for any person, other than the city, to use, place, erect, construct or maintain any sign, advertisement, pipeline, power line, messenger carrier, conduit, or conveyor across, over, under, or above any public way in the city, or to place, erect, or maintain any structure, including curbs, gutters, sidewalk, stairs, driveways, paving, valley gutters, waterways, or park strips, or to use the Public Way to place temporary appurtenances within the ~~in any~~ public way in the city, or to make any excavation in any public way in the city without first obtaining a permit therefor as provided in this

chapter. The decision by the city to issue an encroachment permit shall include, among other factors determined by the city, the following:

- A. The capacity of the public way to accommodate the facilities or structures proposed to be installed in the public way;
- B. The capacity of the public way to accommodate multiple wires in addition to cables, conduits, pipes or other facilities or structures of other users of the public way, such as electrical power, telephone, gas, sewer and water;
- C. The damage or disruption, if any of public or private facilities, improvements, or landscaping previously existing in the public way; and
- D. The public interest in minimizing the cost and disruption of construction from numerous excavations of the public way. (Ord. 2008-06, 4-15-2008)

12.08.030: APPLICATION REQUIREMENTS:

- A. Application for an encroachment permit shall be filed with the city engineer on a form or forms to be furnished by the city. Property owners and/or tenants for whom work is being done shall be responsible for obtaining the permits, provided, however, contractors may obtain the permit in the contractor's name. Any permit which is to be issued in conjunction with a building permit (i.e., the installation of drive approach, curb, gutter, sidewalk, streetlight, park strip, stairs and paving) shall be applied for at the same time the building permit application is submitted and shall be issued by the engineering department prior to or concurrently with the issuance of the building permit.
- B. No person shall be eligible to apply for or receive permits to do work within the public ways of the city, save and except the following:
 - 1. Contractors licensed by the state as general contractors;
 - 2. Providers;
 - 3. Property owners installing, replacing or maintaining less than five hundred (500) square feet or one hundred (100) linear feet of sidewalk, curb and gutter, or driveway approach, or other work approved by the city engineer, upon a portion of the public way adjacent to their residence; or
 - 4. Persons offering a service which requires occupation of the public way, such as scaffold or staging, staging of a crane, installation or maintenance of electric signs, glass, awnings, and painting or cleaning of buildings or sign boards or other structures.

- C. The eCity eEngineer may deny the issuance of permits to contractors, utility companies or other permit applicants who have shown by past performance that in the opinion of the eCity eEngineer they will not consistently conform to the engineering regulations, specifications, design standards or the requirements of this chapter.
- D. When necessary, in the judgment of the eCity eEngineer, to fully determine the relationship of the work proposed to existing or proposed facilities within the public ways, or to determine whether the work proposed complies with the engineering regulations, construction specifications and design standards, the city engineer may require the filing of engineering plans, street profiles, specifications and sketches showing the proposed work in sufficient detail to permit determination of such relationship or compliance, or both, and the application shall be deemed suspended until such plans or sketches are filed, approved, and signed by the eCity eEngineer.
- E. It is unlawful for any person to commence work upon any public way until the eCity eEngineer has approved the application and until an encroachment permit has been issued for such work, except as specifically approved to the contrary in this chapter.
- F. The disapproval or denial of an application by the eCity eEngineer may be appealed by the applicant to the city council by filing of a written notice of appeal within ten (10) days of the action of the eCity eEngineer. The city council shall hear such appeal, if written request therefor is timely filed as soon as practicable, and render its decision within two (2) weeks following notice of such appeal.
- G. In approving or disapproving work within any public way, or permits therefor, in the inspection of such work, in reviewing plans, sketches or specifications, and generally in the exercise of the authority conferred upon him or her by this chapter, the city engineer shall act in such manner as to preserve and protect the public way and the use thereof, but shall have no authority to govern the actions or inaction of permittees and applicants or other persons which have no relationship to the use, preservation or protection of the public way.
- H. It is unlawful for a city, county, state, federal or other government employee to perform routine maintenance work, not involving excavations, without first having obtained a permit therefor.
- I. An encroachment permit is not required from the eCity eEngineer for hand digging excavations for installation or repair of sprinkler systems and landscaping within the nonpaved areas of the public way; however, conformance to all city specifications is required. (Ord. 2008-06, 4-15-2008)

12.08.040: EMERGENCY WORK:

- A. Any person maintaining pipes, lines or facilities in the public way may proceed with work upon existing facilities without a permit when emergency circumstances

demand the work to be done immediately; provided a permit could not reasonably and practicably have been obtained beforehand.

- B. In the event that emergency work is commenced on or within any public way of the city during regular business hours, the city engineer shall be notified within one-half ($\frac{1}{2}$) hour from the time the work is commenced and then shall thereafter apply for a permit during the first hour of the first regular business day on which city offices are open for business after such work is commenced. A permit for such emergency work may be issued which shall be retroactive to the date when the work was begun, at the discretion of the city engineer. The person commencing and conducting such work shall take all necessary safety precautions for the protection of the public and the direction and control of traffic, and shall ensure that work is accomplished according to city engineering regulations, the "Manual On Uniform Traffic Control Devices" and other applicable laws, regulations or generally recognized practices in the industry.
- C. Any person commencing emergency work in the public way during other than business hours without a permit shall immediately thereafter apply for a permit or give notice during the first hour of the first regular business day on which city offices are open for business after such work is commenced. A permit for such emergency work may be issued which shall be retroactive to the date when the work was begun, at the discretion of the City Engineer. (Ord. 2008-06, 4-15-2008)

12.08.050: PERMIT FEES:

- A. The city shall charge and the permittee shall pay upon issuance of the permit, fees for costs associated with the work performed under the permit as outlined in the consolidated fee schedule. Such costs could include costs for reviewing the project and issuing the permit, inspections of the project, deterioration of the public way or diminution of the useful life of the public way, and other costs to the city associated with the work to be done under the permit. All costs shall be assessed in a nondiscriminatory manner.
- B. The City Engineer may waive permit fees or penalties or portions thereof provided for in this chapter, when he or she determines that such permit fee or penalty:
1. Pertains to construction or rehabilitation of housing for persons whose income is below the median income level for the city; or
 2. Pertains to an encroachment on the public way involving a beautification project which furthers specific goals and objectives set forth in the city strategic plan, master plans or other official documents, including decorative street lighting, building facade lighting, flower and planter boxes, and landscaping.

- C. Additional charges to cover the reasonable cost and expenses of any required engineering review, inspection and work site restoration associated with each undertaking may be charged by the city to each permittee, in addition to the permit fee. (Ord. 2008-06, 4-15-2008)

12.08.060: CONTENTS, DURATION AND EXTENSIONS:

- A. Each permit application shall state the starting date and estimated completion date. Work shall be completed within five (5) days from the starting date or as determined by the eCity eEngineer. Such determination shall be based upon factors reasonably related to the work to be performed under the permit. Such factors may include, in addition to other factors related to the work to be performed, the following:
1. The scope of work to be performed under the permit;
 2. Maintaining the safe and effective flow of pedestrian and vehicular traffic on the public way affected by the work;
 3. Protecting the existing improvements to the public way impacted by the work;
 4. The season of the year during which the work is to be performed as well as the current weather and its impact on public safety and the use of the public way by the public; and
 5. Use of the public way for extraordinary events anticipated by the city.
- B. The eCity eEngineer or designee shall be notified by the permittee of commencement of the work within twenty four (24) hours prior to commencing work. The permit shall be valid for the time period specified in the permit.
- C. If the work is not completed during such period, prior to the expiration of the permit, the permittee may apply to the city engineer for an additional permit or an extension, which may be granted by the eCity eEngineer for good cause shown.
- D. The length of the extension requested by the permittee shall be subject to the approval of the eCity eEngineer. No extension shall be made that allows work to be completed in the winter period without payment of winter fees. (Ord. 2008-06, 4-15-2008)

12.08.070: NO TRANSFER OR ASSIGNMENT:

Permits shall not be transferable or assignable, and work shall not be performed under a permit in any place other than that specified in the permit. Nothing contained in this chapter shall prevent a permittee from subcontracting the work to be performed under a permit; provided, however, that the holder of the permit shall be and remain responsible for the performance of the work under the permit, and for all bonding, insurance and other requirements of this chapter and under said permit. (Ord. 2008-06, 4-15-2008)

12.08.080: COMPLIANCE WITH SPECIFICATIONS, STANDARDS, TRAFFIC CONTROL REGULATIONS; SITE PERMITTEE IDENTIFICATION:

- A. The work performed in the public way shall conform to the requirements of the engineering regulations, design standards, construction specifications and traffic control regulations of the city, copies of which shall be available from the engineering department, kept on file with the engineering department and open to public inspection during office hours.
- B. Where a job site is left unattended, before completion of the work, signage with minimum two inch (2") high letters shall be attached to a barricade or otherwise posted at the site, indicating the permittee's name or company name, telephone number, and after hours telephone number.
- C. All excavations shall be conducted in a manner resulting in a minimum amount of interference or interruption of street or pedestrian traffic. Inconvenience to residents and businesses fronting on the public way shall be minimized. Suitable, adequate and sufficient barricades and/or other structures will be available and used where necessary to prevent accidents involving property or persons. Barricades must be in place until all of the permittee's equipment is removed from the site and the excavation has been backfilled and proper temporary gravel surface is in place, except where backfilling and resurfacing is to be done by the city; in which case the barricades, together with any necessary lights, flares or torches, must remain in place until the backfill work is actually commenced. From sunset to sunrise, all barricades and excavations must be clearly outlined by adequate signal lights, torches, etc. The police department, engineering department, and fire department shall be notified at least twenty four (24) hours in advance of any planned excavation requiring street closure or traffic detour. (Ord. 2008-06, 4-15-2008)

12.08.090: OTHER HIGHWAY PERMITS:

- A. Holders of permits for work on highways owned or under the jurisdiction of other government entities, but located within the city limits, shall not be required to obtain permits from the city under the provisions of this chapter, unless the work extends beyond the back side of the curb, or beyond any other designated jurisdictional boundary. Holders of these permits shall notify the city at least forty eight (48) hours prior to the commencement of work and shall submit to the city a copy of the permit and any plans associated with the permit. Any city permit shall not be construed to permit or allow work on a county road or on a state highway within the city without an applicable county or state permit.
- B. The city engineer, in his or her discretion, shall have the right and authority to regulate work under permits issued by other governmental entities with respect to hours and days of work, and measures required to be taken by the permittee of said governmental entity for the protection of traffic and safety of persons and property. Notwithstanding the foregoing, nothing in this chapter shall be construed to impose

any duty, implied or expressed, on the city or its employees, officers, agents or assigns, relative to the protection of traffic and safety of persons or property, arising out of the issuance of any permit issued by government entities other than the city, or arising out of any work performed on any public way owned or within the jurisdiction of the city. (Ord. 2008-06, 4-15-2008)

12.08.100: RELOCATION OF STRUCTURES IN PUBLIC WAYS:

- A. The city engineer may direct any person owning or maintaining facilities or structures in the public way to alter, modify or relocate such facilities or structures as the city engineer may require. Sewers, pipes, drains, tunnels, conduits, pipe driveways, vaults, trash receptacles and overhead and underground gas, electric, telephone, telecommunication, and communication facilities, **stairs, and any temporary appurtenances** shall specifically be subject to such directives. The person owning or maintaining the facilities or structures shall, at their own cost and expense and upon reasonable written notice by the city, promptly protect, or promptly alter or relocate such facilities or structures, or part thereof, as directed by the city. In the event that such person refuses or neglects to conform to the directive of the city, the city shall have the right to break through, remove, alter or relocate such part of the facilities or structures without liability to such person. Such person shall pay to the city all costs incurred by the city in connection with such work performed by the city, including also design, engineering, construction, materials, insurance, court costs and attorney fees.
- B. Any directive by the eCity eEngineer shall be based upon one or more of the following:
1. The facility or structure was installed, erected or is being maintained contrary to law, or determined by the eCity eEngineer to be structurally unsound or defective;
 2. The facility or structure constitutes a nuisance as defined under state statute or city ordinance. (This section shall not, however, be deemed to diminish the vehicle impound authority of the police department);
 3. The authority under which the facility or structure was installed has expired or has been revoked;
 4. The facility or structure is not in conformity with public improvements consistent with the general plan of the city for the area;
 5. The public way is about to be repaired or improved and such facilities or structures may pose a hindrance to construction; or
 6. The grades or lines of the public way are to be altered or changed.

- C. Any person owning or maintaining facilities or structures in the public way who fails to alter, modify or relocate such facilities or structures upon notice to do so by the city engineer shall be guilty of a class B misdemeanor. All costs of alteration, modification or relocation shall be borne by the person owning or maintaining the facilities or structures involved. (Ord. 2008-06, 4-15-2008)

12.08.110: IMPACT OF EXCAVATION ON EXISTING IMPROVEMENTS:

- A. If any sidewalk or curb ramp is blocked by excavation work, a temporary sidewalk or curb ramp shall be constructed or provided. Said temporary improvement shall be safe for travel and convenient for users, and consistent with city standards for such.
- B. Where excavations are made in paved areas, the surface shall be replaced with a temporary gravel surface until such time as the permanent repairs are completed.
- C. **Disturbance of property:**
1. At any time a permittee disturbs the yard, residence or the real or personal property of a private property owner or the city, such permittee shall ensure that such property is returned, replaced and/or restored to a condition that is comparable to the condition that existed prior to the commencement of the work.
 2. The costs associated with the disturbance and the return, replacement and/or restoration shall be borne by the permittee. Further, a permittee shall reimburse a property owner or the city, for any actual damage caused by the permittee, its subcontractor, or its independent contractor, in connection with the disturbance of such property. However, nothing in this subsection shall require the permittee to pay a subscriber or private property owner when that subscriber or private property owner requests that the permittee remove, replace or relocate improvements associated with the service provided by the permittee to the property owner and when the permittee exercises due care in the performance of that service, or when the subscriber or private property owner provided false information to the permittee on which the permittee relied to its detriment.
- D. Examples of types of acts specifically included in this section are the following:
1. Removal of sod, lawn, shrubbery, flowers, trees, driveways or fences, or to install, trench, repair, replace, remove or locate equipment, cable or other appurtenances of the permittee;
 2. Installation or removal of equipment or other appurtenances of the permittee's system within a private property owner's property or residence which requires drilling, excavating, plastering or the like on the part of the permittee;

3. Temporarily relocating or moving a piece of personal property or a fixture of a private property owner (such as a motor vehicle, fence, air conditioning, heating unit, or the like) in order to perform some sort of construction, maintenance or repair by the permittee; or
 4. Permanently removing a permittee's equipment or other appurtenances due to the revocation, termination or nonrenewal of the franchise, if applicable.
- E. Existing drainage channels, such as gutters or ditches, shall be kept free of dirt or other debris so that natural flow will not be interrupted. When it is necessary to block or otherwise interrupt the flow of the drainage channel, a method of rerouting the flow must be submitted for approval by the eCity eEngineer prior to the blockage of the channel.
- F. The requirements imposed upon the permittee extend to any subcontractor or independent contractor that the permittee might employ to perform the tasks pursuant to the permit.
- G. The requirements of this section shall not apply to the removal by a permittee, of a permanent structure placed by a property owner in a public way, unless such property owner has received prior written permission from the city granting the property owner the right to install a permanent structure on a public way, and such written permission has been recorded in the office of the county recorder. (Ord. 2008-06, 4-15-2008)

12.08.120: RESTORATION OF PUBLIC PROPERTY:

- A. The permittee shall, at its own expense, restore the surface of any public way to its original condition and replace any removed or damaged pavement with the same type and depth of pavement as that which is adjoining, including the gravel base material. All restoration shall conform to the engineering regulations, design standards and specifications promulgated by the city and shall be accomplished within the time limits set forth in the permit, unless additional time is granted in writing by the city engineer.
- B. At its option, the permittee doing the actual excavation work may request that the city restore the surface to its original condition. The fee for such resurfacing shall be determined by the eCity eEngineer in accordance with its reasonable costs for such work and shall be charged to the person, firm or corporation making the excavation. Payment for said work shall be received by the city prior to the release of the bond. (Ord. 2008-06, 4-15-2008)

12.08.130: USE OF PUBLIC WAY:

A. Permits Required:

1. No person or use shall encroach upon any public way without an encroachment permit from the City Engineer.

2. For the purpose of this Title, use shall mean: to place or maintain in, over, under, or on any public right-of-way, public way, roadway, parking strip and/or sidewalk, including the air space above them, temporary appurtenances.

B. Exemptions: This chapter shall not apply to:

1. Any non-commercial use in areas zoned residential which does not involve a building or structure other than a fence. Fences shall be permitted in accordance with this Chapter and the provisions of the South Jordan City Community Development Code. This exemption use shall not be construed to grant any vested right of use or to permit the continuation of such use and such uses are hereby deemed and declared to be permissive and shall be promptly removed upon the order of the City of South Jordan.

2. Street maintenance work performed by the city, street or sewer installation or improvement work authorized by permit or ordinance, street improvement projects or utility work covered by a blanket permit pursuant to the order of the City Engineer or Franchise Agreement.

C. Applications: An Encroachment Permit application for street/right-of-way use or street encroachment use shall contain, in addition to the information required under any other applicable City code, the following information:

1. Use Encroachment. A description of the use encroachment and length of the encroachment to be made of or within the public way or right-of-way by the applicant.

2. A legal description, drawing, site plan, development agreement, or other appropriate designation of the public place or right-of-way to be used or encroached upon.

3. Ownership. Evidence showing the applicant(s) to be the agent or record owner of the property immediately adjoining the public way or right-of-way. Who will be responsible for the maintenance of said encroachment facilities.

4. Such other information as the City Engineer or designee of the City shall designate.

5. The City Engineer may require that the application attach an Encroachment Agreement in a form established by the City, if, in the City Engineer's discretion, he/she deems it reasonably necessary due to the size, duration and/or nature of the encroachment. The Encroachment Agreement shall require prompt removal of the encroachment by the applicant or his/her/ at

its expense upon reasonable demand by the City Engineer, adequate security for performance of such requirement, and be in a form approved by the City Engineer and legally adequate for recording in the land records of Salt Lake County if required by the City Engineer and the chain of title of the applicant(s)' property. Such Encroachment Agreements may be executed as acknowledged on behalf of the City by the City Engineer and recorded by the City Recorder following approval as to form by the Office of the City Attorney.

D. Review:

1. Architectural Review Committee (ARC). Any application for a permit to construct, erect or maintain an awning, marquee, sign, building materials or any structure in a public way must be reviewed and approved by the Community Development Director and may be referred by the Community Development Director or his/her designee to the ARC for review. The ARC shall review the plans and specifications as they relate to Chapters 16, and 17. Permits applied for in the P.C. Zone shall be exempt from this requirement.

2. Signs.

a. Applications for mobile street vending units shall be reviewed in accordance with Titles 16, and 17 and licensed pursuant to Title 5.

b. Nothing herein shall be interpreted to permit the base or ground support for any sign to be located upon or attached to the ground within the public right-of-way.

3. Issuance City Engineer. The City Engineer or designee, may administratively, without hearing, approve a street/right-of-way use as an encroachment permit if:

a. The proposed use shall not interfere with vehicular or pedestrian traffic, including but not limited to the following requirements.

1. No portion of the public right-of-way designed and intended for vehicular traffic or parking shall be occupied, permanently or temporarily;

2. Requirements of the State Building Code, including but not limited to all provisions relating to handicapped accessibility and barrier free design requirements shall be met; and

3. Any mobile vending units shall be properly licensed pursuant to Chapter Title 5;

b. The requirements of section D.1

c. The proposal will not unreasonably interfere with the rights of the public; and

d. The proposal is in the public interest, safety and convenience.

E. Appeal: The decision of the City Engineer, or their respective designees, may be appealed to the City Manager.

F. Revocation:

1. All permits approved under this chapter for temporary or seasonal uses shall be temporary and shall vest no permanent right and may in any case be revoked upon 30 days notice, or without notice, in case any such use or occupation shall become dangerous or any structure or obstruction permitted, shall become insecure or unsafe, or shall not be constructed, maintained or used in accordance with the provisions of this chapter as determined by the City Engineer.

2. If any such structure, obstruction, use of occupancy is not discontinued on notice to do so by the City Engineer and within the time period designated, The City Engineer may remove any structure or obstruction, or make such repairs upon the structure or obstruction as may be necessary to render the same secure and safe, at the expense of the permittee, or his/her successor, and such expense may be recorded as a lien and otherwise collected in the manner provided by law.

G. Fees:

1. Each person, other than a certificated telecommunications provider, or a governmental entity providing just compensation pursuant to an interlocal agreement, shall pay to the City, on an annual basis per the requirements of an Special Assessment Area (SAA) if established, or other financing/fee method for the maintenance of such permanent non City Standard facilities encroachments in the public right of way. No public utility holding a franchise agreement with the City providing shall be required to pay the fee designated herein.

2. Application fees for street/right-of-way use permits not covered by an SAA are those established by the City Council. Application fees for street use permits shall be paid to the city prior to issuance of any street use permit.

H. Inspections: Site Inspection. The permit holder shall make the work site available to the City and to all others authorized by law for inspection at all reasonable times during the execution of and upon completion of the work.

12.08.1340: INSURANCE REQUIREMENTS:

- A. Before a permit is issued, the applicant shall furnish to the city evidence that such applicant has a comprehensive general liability and property damage policy that includes contractual liability coverage endorsed with the following limits and provisions:
1. A minimum of ~~one~~ **two** million dollars (\$~~1~~**2**,000,000.00) combined single limit per occurrence for bodily injury, personal injury, and property damage and not less than ~~one~~ **three** million dollars (\$~~1~~**3**,000,000.00) in the aggregate **unless otherwise approved by the City Risk Manger**. ~~The general aggregate limit shall apply separately to the permit, or the general aggregate limit shall be two (2) times the required occurrence limit.~~ The coverage shall be in the nature of broad form commercial general liability coverage. The city attorney may increase or decrease minimum insurance limits, depending on the potential liability of any project;
 2. All policies shall include the city, its employees, officers, officials, agents, volunteers and assigns, as insureds. Any reference to the "city" shall include the city, its employees, officers, officials, agents, volunteers and assigns;
 3. The coverage shall be primary insurance as respects the city, its employees, officers, officials, agents, volunteers and assigns. Any insurance or self-insurance maintained by the city, its employees, officers, officials, agents, volunteers, and assigns shall be in excess of the permittee's insurance and shall not contribute to or with it;
 4. Any failure to comply with reporting provisions of the policy shall not affect coverage provided to the city, its employees, officers, officials, agents, volunteers and assigns;
 5. Coverage shall state that the permittee's insurance shall apply separately to each insured against whom claim is made or suit is brought, except with respect to the limits of the insurer's liability;
 6. Underwriters shall have no right of recovery or subrogation against the city, it being the intent of the parties that the insurance policy so affected shall protect both parties and be primary coverage for any and all losses covered by the described insurance;
 7. The insurance companies issuing the policy or policies shall have no recourse against the city for payment of any premiums due or for any assessments under any form of any policy;

8. Each insurance policy shall be endorsed to state that the coverage shall not be suspended, voided, canceled or reduced in coverage or in limits, except after thirty (30) days' prior written notice by certified mail, return receipt requested sent to the city;
 9. Each policy shall be endorsed to indemnify, save harmless and defend the city and its officers and employees against any claim or loss, damage or expense sustained on account of damages to persons or property occurring by reason of permit work done by the permittee, or his or her subcontractor or agent, whether or not the work has been completed and whether or not the right of way has been opened to public travel;
 10. Each policy shall be endorsed to indemnify, hold harmless and defend the city, and its officers and employees against any claim or loss, damage or expense sustained by any person occurring by reason of doing any work pursuant to the permit, including, but not limited to, falling objects or failure to maintain proper barricades and/or lights as required from the time work begins until the work is completed and right of way is opened for public use.
- B. Insurance is to be placed with insurers with an A.M. Best rating of no less than an A carrier, with a rating of A7 or higher.
 - C. The permittee shall furnish the city with certificates of insurance and original endorsements affecting coverage required by the permit. The certificates and endorsements for each insurance policy are to be signed by a person authorized by that insurer to bind coverage on its behalf. The city expressly reserves the right to require complete, certified copies of all required insurance policies at any time. Consequently, the permittee shall be prepared to provide such copies prior to the issuance of the permit.
 - D. If any of the required policies are, or at any time become, unsatisfactory to the city as to form or substance, or if a company issuing any such policy is, or at any time becomes, unsatisfactory to the city, the permittee shall promptly obtain a new policy, submit the same to the city for approval, and thereafter submit verification of coverage as required by the city. Upon failure to furnish, deliver and maintain such insurance as provided herein, the city may declare the permit to be in default and pursue any and all remedies the city may have at law or in equity, including those actions outlined in this chapter.
 - E. The permittee shall include all subcontractors as insured under its policies or shall furnish separate certificates and endorsements for each subcontractor. All coverages for subcontractors shall be subject to all of the requirements stated herein.
 - F. Any deductibles or self-insured retentions shall be declared to and approved by the city. At the option of the city, either the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects the city, its employees, officers,

officials, agents, volunteers or assigns, or the permittee shall procure a bond, in a form acceptable to the city, guaranteeing payment of losses and related investigations, claim administration, and defense expenses.

- G. A property owner performing work adjacent to his or her residence may submit proof of a homeowners' insurance policy in lieu of the insurance requirements of this section.
- H. A provider may be relieved of the obligation of submitting certificates of insurance under the following circumstances:
 - 1. If such company shall submit satisfactory evidence in advance that:
 - a. It is insured in the amounts set forth in this chapter, or has complied with state requirements to become self-insured. Public utilities may submit annually evidence of insurance coverage in lieu of individual submissions for each permit; and
 - b. Said coverage provides to the city the same scope of coverage that would otherwise be provided by a separate policy as required by this chapter; or
 - c. The work to be performed under the permit issued to the applicant is to be performed by the city, in which case insurance requirements shall be negotiated between the city and the applicant by separate agreement. (Ord. 2008-06, 4-15-2008)

12.08.14150: BOND; WHEN REQUIRED; CONDITIONS; WARRANTY:

- A. Except as noted in this chapter, each applicant, before being issued a permit, shall provide the city with an acceptable corporate surety bond or other bond in a form as accepted by the eCity aAttorney. The bond amount shall be determined by the city engineer to guarantee faithful performance of the work authorized by a permit granted pursuant to this chapter. The amount of the bond required may be increased or decreased at the discretion of the eCity eEngineer whenever it appears that the amount and cost of the work to be performed, and not satisfactorily completed, may vary from the amount of bond otherwise required under this chapter. The form of the bond and the entity issuing the bond shall be subject to the approval of the city attorney.
- B. Public utilities franchised by the city shall not be required to file a corporate surety bond if such requirement is expressly waived in the franchise documents.
- C. The bond required by this section shall be conditioned as follows:

1. The permittee shall fully comply with the requirements of the city ordinances and regulations, specifications and standards promulgated by the city relative to work in the public way, and respond to the city in damages for failure to conform therewith;
2. After work is commenced, the permittee shall proceed with diligence and expedition and shall promptly complete such work and restore the public way to construction specifications, so as not to obstruct the public way or travel thereon more than is reasonably necessary;
3. The permittee shall guarantee the materials and workmanship for a minimum period of time, as required by state statute at the time the permit is executed, from completion of such work, with reasonable wear and tear excepted; and
4. Unless authorized by the eCity eEngineer on the permit, all paving, resurfacing or replacement of street facilities on major or collector streets shall be done in conformance with the regulations contained herein within three (3) calendar days, and within seven (7) calendar days from the time the excavation commences on all other streets, except as provided for during excavation in winter or during weather conditions which do not allow paving according to engineering regulations. In winter, a temporary patch must be provided. In all excavations, restoration of pavement surfaces shall be made immediately after backfilling is completed or concrete is cured. If work is expected to exceed the above duration, the permittee shall submit a detailed construction schedule for approval. The schedule will address means and methods to minimize traffic disruption and complete the construction as soon as reasonably possible. (Ord. 2009-04, 6-2-2009)

12.08.1560: HOLD HARMLESS AGREEMENT; LIMITATIONS ON CITY LIABILITY:

- A. The permittee agrees to save the city, its officers, employees and agents harmless from any and all costs, damages and liabilities which may accrue or be claimed to accrue by reason of any work performed under the permit. The issuance and acceptance of any permit under this chapter shall constitute such an agreement by the permittee to this section.
- B. This chapter shall neither be construed as imposing upon the city, its officers, employees and agents, any liability or responsibility for damages to any person injured by or by reason of the performance of any work within the public way, or under a permit issued pursuant to this chapter; nor shall the city, its officers, officials, employees, agents, volunteers or assigns thereof be deemed to have assumed any such liability or responsibility by reason of inspection authorized hereunder, the issuance of any permit, or the approval of any work. (Ord. 2008-06, 4-15-2008)

12.08.1670: WORK WITHOUT PERMIT; PENALTY:

- A. A stop order may be issued by the city engineer directed to any person or persons doing or causing any work to be done in the public way without a permit. The abutting property owner shall be responsible for causing work to be done.
- B. Any person found to be doing work in the public way without having obtained a permit, as provided in this chapter, shall be required to pay a permit fee equal to two (2) times the normal permit fee. For replacement work, where a fee is not normally charged, the normal permit fee for new construction shall apply. (Ord. 2008-06, 4-15-2008)

12.08.1780: FAILURE TO COMPLY; DEFAULT IN PERFORMANCE:

- A. Any permit may be revoked or suspended and a stop order issued by the city engineer, after notice to the permittee for any of the following reasons:
 - 1. Violation of any condition of the permit, the bond, or of any provision of this chapter;
 - 2. Violation of any provision of any other ordinance of the city or law relating to the work; or
 - 3. Existence of any condition or the doing of any act which does constitute, may constitute or cause a condition endangering life or property.
- B. A suspension or revocation by the eCity eEngineer, and a stop order, shall take effect immediately upon entry thereof by the eCity eEngineer and notice to the person performing the work in the public way. Notice to the person performing the work shall be accomplished when the city engineer has posted a stop work order at the location of the work and written notice has been mailed, return receipt requested, to the address indicated by the permittee on the permit.
- C. Whenever the eCity eEngineer finds that a default has occurred in the performance of any term or condition of the permit, written notice thereof may be given to the principal and to the surety on the bond, if there is a surety bond. Such notice shall state the work to be done, the estimated cost thereof, and the period of time deemed by the city engineer to be reasonably necessary for the completion of the work.
- D. In the event that the surety or principal, within a reasonable time following the giving of such notice (taking into consideration the exigencies of the situation, the nature of the work, the requirements of public safety and for the protection of persons and property), fails either to commence and cause the required work to be performed with due diligence, or to indemnify the city for the cost of doing the work, as set forth in the notice, the city may perform the work, at the discretion of the city engineer, with

city forces or contract forces or both, and suit may be commenced by the city attorney against the contractor and bonding company and such other persons as may be liable, to recover the entire amount due to the city, including attorney fees, on account thereof. In the event that cash has been deposited, the cost of performing the work may be charged against the amount deposited, and suit brought for the balance due, if any. (Ord. 2008-06, 4-15-2008)

12.08.1890: FAILURE TO CONFORM TO DESIGN STANDARDS; PENALTY:

For failure to conform to the design standards and regulations, the eCity eEngineer may:

- A. Suspend or revoke the permit;
- B. Issue a stop order;
- C. Order removal and replacement of faulty work;
- D. Require an extended warranty period; and/or
- E. Negotiate a cash settlement to be applied toward future maintenance costs. (Ord. 2008-06, 4-15-2008)

12.08.19200: APPEAL OF SUSPENSION, REVOCATION OR STOP ORDER:

Any suspension, revocation or stop order by the eCity eEngineer may be appealed by the permittee by filing a written notice of appeal with the city council within ten (10) days of the action of the city engineer. The city council shall hear such appeal, if written request therefor is timely filed, as soon as practicable, and render its decision within a reasonable time following filing of notice of appeal. (Ord. 2008-06, 4-15-2008)

12.08.2010: TAMPERING WITH TRAFFIC BARRICADES:

It is unlawful for any person to maliciously or wantonly or without authorization and legal cause, extinguish, remove or diminish any light illuminating any barricade or excavation, or to tear down, remove or in any manner alter any rail, fence or barricade protecting any excavation or other construction site. (Ord. 2008-06, 4-15-2008)

12.08.2120: INSPECTION REQUIRED:

The city engineering department shall from time to time inspect or cause to be inspected all excavations and tunnels being made in or under any street, alley, sidewalk or any other public way, and all permit activities to ensure the enforcement of the provisions of this chapter. The inspector may reject any excavation or restoration work or materials which does not conform to the requirements of this chapter. (Ord. 2008-06, 4-15-2008)

12.08.2230: MUNICIPAL WORK EXCEPTED:

The provisions of this chapter shall not apply to excavations of any kind in municipal streets, bridges, sidewalks or other public ways which are conducted by city personnel with the direct supervision of the public works director. (Ord. 2008-06, 4-15-2008)

12.08.2340: CONFLICT WITH GOVERNING PROVISIONS:

Should there be a conflict between the provisions of this chapter and the provisions of any other ordinance, agreement, franchise, or other document governing the excavation of a public way, the more restrictive provisions of the aforesaid documents shall apply. (Ord. 2008-06, 4-15-2008)

12.08.2450: VIOLATION; PENALTY:

Unless otherwise specified in this chapter, a violation of any provision of this chapter, or failure to comply with an order of suspension, revocation or stop work, shall be a class B misdemeanor. Each day the violation exists shall be a separate offense. No criminal conviction shall excuse the person from otherwise complying with the provisions of this chapter. (Ord. 2008-06, 4-15-2008)

12.08.2560: FRANCHISE GRANT OR PERMITS:

The city might from time to time grant exclusive or nonexclusive franchises or a permit to any utility operating within the city for the purpose of allowing that utility to erect, install, construct, repair, replace, reconstruct, maintain and retain within, across or through any city streets or rights of way such facilities as are necessary and acceptable to the city in order for the utility to provide a service to persons located within or outside the boundaries of the city. Any permit or franchise shall be valid during those periods set forth in such permit and/or franchise. All such permits and/or franchises shall be approved by the city council before taking effect. (Ord. 2008-06, 4-15-2008)

12.08.2670: EXCAVATIONS BY UTILITIES:

Prior to excavating within any city owned street or public way, each utility shall be required to obtain a permit, franchise or other written agreement from the city allowing such excavation. Utilities desiring to so excavate shall make written application to the city for a permit, franchise or agreement as the case may be. Upon receiving such application the city shall have the right to investigate the proposed work or project and facts surrounding the application and to hold a public hearing with respect to the application where deemed appropriate in the sole discretion of the city. In conducting the investigation, the city shall have the right to review any plans or specifications with respect to the installation of facilities by the utility and all easements which are located with or cross any city owned streets or public way. The utility's application shall be accompanied with a fee, which shall be determined by the city council. All excavations performed by any utility shall be done in conformance with the requirements of all applicable city ordinances as well as technical and construction standards adopted by the city and shall be inspected by the city engineer. (Ord. 2008-06, 4-15-2008)

12.08.2780: INDEMNITY:

Any utility excavating within any city owned streets or public way or any portions thereof or crossing the same with facilities or easements owned by the utility, shall agree to indemnify and hold harmless the city, its officers, officials, representatives and employees from and against any and all claims by or on behalf of any person, firm or corporation arising from the installation and/or maintenance of any facilities installed by the utility, or arising from acts or omissions on the part of the utility to be performed pursuant to any agreements with the city or arising from any negligent acts or omissions of the utility or its agents, contractors, subcontractors, servants, employees or licensees. This indemnification shall include all costs and attorney fees, expenses and liabilities incurred by the city in connection with any such claims or any proceedings brought thereon. (Ord. 2008-06, 4-15-2008)

12.08.2890: UTILITY INSTALLATIONS:

All utility facilities shall be installed and maintained in a safe, proper condition. All facilities installed by any utility shall conform to any applicable codes, rules and regulations applicable thereto whether adopted by federal, state or local government entities. (Ord. 2008-06, 4-15-2008)

12.08.29300: TRANSMISSION PIPELINES:

- A. It is the purpose of this section to address the health, safety and welfare concerns surrounding the hazards of a gas transmission pipeline located in the city. These regulations are designed to improve the level of public safety and to reduce possible damage to the pipeline. These provisions do not relieve any person from any obligation under any other regulations imposed by the city or by federal and state law, nor do they impose any liability upon the city.
- B. This section shall apply to any new pipeline construction and to subdivisions, buildings or addition to buildings proposed to be located on property within one hundred feet (100') of the pipeline. For purposes of this section, pipeline or transmission pipeline means a pipeline operated at a pressure of more than five hundred (500) psi that carries natural gas.
- C. In addition to the other requirements of this chapter, any person constructing or operating a pipeline in the city shall provide the following information to the city:
 - 1. Two (2) copies of a centerline survey showing the proposed right of way or easement for the pipeline and the exact location of the pipeline within that right of way or easement;
 - 2. Identification of the location and extent of topographical or geographical problems in relation to the pipeline, such as faults, waterways, rights of way and

other similar items, and show how these problems will be addressed prior to construction;

3. A twenty four (24) hour emergency contact number and the names of pipeline personnel to notify in case of an emergency.
- D. The following items shall be provided to the city by any person constructing or operating a pipeline within twelve (12) months after the completion of construction or commencement of operations, whichever occurs first:
1. Two (2) copies of as built drawings showing the actual location of the right of way and the exact location of the pipeline within the right of way;
 2. An emergency response plan submitted to and approved by the United States department of transportation;
 3. Two (2) copies of a plan for public awareness of the pipeline;
 4. Two (2) copies of a damage prevention program required under U.S. department of transportation, 1983, section 192.614;
 5. Other applicable information required by the city.
- E. The pipeline right of way shall be kept clear and unobstructed, except for pipeline facilities and except for uses which are temporary in nature that may be removed quickly during emergency situations. The storage of any explosive or combustible materials shall not be located within the right of way. The pipeline shall be properly signed for easy identification. Where fences are erected over or around the pipeline, they shall be built in such a manner as to allow ready access to the pipeline for emergency vehicles and pipeline maintenance.
- F. At the time of application for a building permit, site plan review or preliminary plat of any subdivision or other development, the applicant therefor shall provide a scaled site plan that shows the location of any pipeline within one hundred feet (100') of the applicant's site or proposed development. The elevation of the pipeline shall be shown in a site plan and on a grading plan, when such plan is required to be submitted.
- G. Any person that causes an extraordinary expense to the city in preparation, response, litigation or recovery from pipeline associated emergency services shall be responsible for the cost of said services.
- H. Any future construction or relocation of the pipeline or pipeline facilities within the right of way shall be reported in writing to the city at least twenty four (24) hours before commencing such activities except in the case of construction required to respond to an emergency. (Ord. 2008-06, 4-15-2008)

12.04.020: STREET DEPARTMENT; POWERS AND DUTIES:

Under the direction and supervision of the public services director, the street department shall:

- A. Comply with and enforce the provisions of this chapter and any other ordinance which shall relate to the maintenance ~~and use~~ of streets, culverts, ditches, curbs, gutters, sidewalks or any other public ways.
- B. Supervise, inspect and control the construction, maintenance and/or repair of all streets, sidewalks, bridges, curbs, gutters, culverts, drains, waterways and any other public ways within the city completed by city work forces.
- C. Repair, or cause to be repaired, all defects coming to the department's attention and take reasonable cautions to protect the public from any such defects on streets or public ways pending repair. The department shall keep a record of and promptly investigate all complaints of defective streets, sidewalks or other public ways and shall record action taken to remedy such complaints. (Ord. 2008-06, 4-15-2008)

12.04.040: CONSTRUCTION OR REPAIR OF PUBLIC WAYS:

No person either as owner, agent, contractor or employee shall construct or repair a street, sidewalk or public way in such a manner that it fails to conform to specifications established by the ~~public services director and~~ eCity eEngineer, unless special permission to deviate from such specifications is first obtained in writing from the ~~public services director and/or~~ eCity eEngineer. (Ord. 2008-06, 4-15-2008)

12.04.060: CHANGES IN EXISTING PUBLIC WAYS:

It is unlawful for any person to change or modify the construction of any existing sidewalks, stairs, curbs, gutters or other public way without first making written application and obtaining from the engineering department an encroachment permit to do so. The acceptance of such permit shall be deemed an agreement on the part of such person to make such modifications in accordance with the specifications furnished by the city. (Ord. 2008-06, 4-15-2008)

12.04.070: OBSTRUCTIONS IN STREET OR PUBLIC WAY:

It is unlawful for any person owning, occupying or having control of any premises to place or permit to be placed on or in the sidewalk, stairs, parking area, gutter, street or any other public way next to such premises:

- A. Any trash, garbage, rubbish, refuse, glass, garbage, ashes, tin cans, ice, snow or other like substances;

- B. Any building material, dead trees, tree stumps, fencing, lumber, merchandise or any other thing which shall obstruct such public streets, gutters, parking areas, sidewalks, **stairs** or any other public way, except as expressly authorized by ordinance, without the permission of the ~~eCity council~~ **Engineer** being first obtained in writing. (Prior code § 8.12.070)

12.04.090: MAINTENANCE OF PARK STRIPS:

It shall be the responsibility of the owner of any property abutting on any sidewalk, **stairs** and accompanying city owned park strip area to assure that the park strip is kept free of weeds and is planted and maintained as prescribed by city ordinance or master plan. Maintenance activities for park strip areas include: mowing grass; watering grass, shrubs or trees; pruning trees or shrubs; and other generally accepted landscape maintenance activities. (Prior code § 8.12.080)

12.04.100: REMOVAL OF SNOW:

- A. It is unlawful for the owner, occupant, lessor, or agent of any property abutting on any sidewalk **or stairs**, to fail to remove from such sidewalk **or stairs** all hail, snow, or sleet falling down thereon within a reasonable time after such snow, hail, or sleet has fallen. In case of a storm between the hours of five o'clock (5:00) P.M. and six o'clock (6:00) A.M., such hail, snow, or sleet shall be cleared before eight o'clock (8:00) A.M. in the morning following such storm.
- B. It shall be unlawful for any owner, occupant, lessor, or agent of any property to push, throw, blow or plow snow, hail, or sleet onto any city street or alley.
- C. In the case of a snow event, the director of operations or his designee shall initiate the snow removal program as referenced in section [10.20.010](#) of this code. (Ord. 2007-05 & 06, 4-3-2007)

SECTION 2. Severability. If any section, part or provision of this Ordinance is held invalid or unenforceable, such invalidity or unenforceability shall not affect any other portion of this Ordinance and all sections, parts, provisions and words of this Ordinance shall be severable.

SECTION 3. Effective Date. This ordinance shall take effect immediately upon publication and posting as required by law.

PASSED AND ADOPTED by the City Council of South Jordan City, state of Utah, on this 5th day of April, 2011 by the following vote:

	YES	NO	ABSTAIN	ABSENT
Aleta A. Taylor	<u>X</u>	___	___	___
Larry Short	<u>X</u>	___	___	___
Kathie L. Johnson	<u>X</u>	___	___	___
Brian C. Butters	<u>X</u>	___	___	___
Leona Winger	<u>X</u>	___	___	___

Approved as to content: *John H. Seifman*
City Manager

Legal Review: *Ryan Foster*
Office of the City Attorney

Mayor: *W. Kent Money*
W. Kent Money

ATTEST: *Anna M. West*
City Recorder

