
Document Control Changes: Created 9 May 2006 (was CF-035-SR-06), New Format June 2016

BE IT ORDAINED by the Town Council of the Town of Cedar Fort, Utah County, Utah that an ordinance pertaining to maintenance and construction in streets and public property be enacted as follows:

**STREETS AND ROADWAYS ORDINANCE OF THE TOWN OF CEDAR FORT,
UTAH**

1.0 Control - Supervision

All maintenance and upkeep in or on public streets, sidewalks, or other public ways shall be under the supervision and control of the public works director [NOTE: Currently, the Town does not employ a public works director. Until such time as a public works director is appointed, the Town Councilman over roads shall act as coordinator of all work on public thoroughfares].

2.0 Responsibilities

The public works director shall have the following responsibilities with respect to streets and sidewalks:

2.1. Enforce provisions of this ordinance and all other ordinances relating to the maintenance and use of streets, culverts, drains, ditches, waterways, curbs, gutters, sidewalks, and other public ways.

2.2. Inspect the construction and have charge of maintenance and repair of streets, sidewalks, bridges, curbs, gutters, culverts, drains, waterways, and other public ways.

2.3. Keep a record of and promptly investigate all complaints of defective streets, culverts, drains, ditches, sidewalks, and other public ways and, when appropriate, repair, replace, or take such action as deemed best in order to protect the public from injuries due to such defects, and shall record the action taken on each complaint.

3.0 Permits required

3.1. No person, firm, partnership, corporation, or entity of any kind shall open up, break, dig, excavate, construct, reconstruct, repair, alter a grade in or upon any public street, sidewalk, curb, curb cut, driveway, or gutter for any purpose or in any manner commence any construction in or upon any public street or sidewalk without first procuring from the Town a permit for the specific construction or other work to be undertaken.

3.2. Any person, firm, partnership, corporation, or entity of any kind desiring to obtain a permit to construct, reconstruct, repair, alter, or grade any sidewalk, curb, curb cut, driveway, gutter, or street on the public streets or right-of-ways of this Town shall meet the following requirements in order to obtain said permit. (Town crews, engaged in any of the above activities while employed by the Town, shall be exempt from the permit required herein):

- 3.2.1 Provide the name and address of the party obtaining the permit;
- 3.2.2 Provide the name and address of the party doing the work;
- 3.2.3 Provide the location of the work area;
- 3.2.4 Attach a plan showing the details of the proposed alteration;
- 3.2.5 Provide the estimated cost of the alteration;
- 3.2.6 Provide a bond in the amount of 125 percent of the Town's estimate of the cost of the project;
- 3.2.7 Have the party performing the work pre-qualify, using the forms provided by the Town as they may from time to time be changed;
- 3.2.8 Pay a filing fee for the permit to cover the actual expenses incurred by the Town in inspecting the work and insuring compliance with the permit, the plans, and any applicable laws, such as the building code, fire code, etc, including compliance with standards to be established by the Town in order to insure safe and quality construction;
- 3.2.9 Provide proof of insurance in the minimum amounts set from time to time by the Town Council;
- 3.2.10 Contact "Blue Stakes" and comply with their requirements.

3.3. It is unlawful for any person having made an excavation in any street or sidewalk, whether by permit or otherwise, to fail, neglect or refuse to restore or replace said street or sidewalk to its normal condition. The replacement of any street or sidewalk must be made to the specification of the Town (Cedar Fort Standards and Specifications) as determined by the public works director or other authorized person. Any restoration or replacement shall be completed within five days of notice from the Town to do so.

4.0 Barricades

It is unlawful for any person, by or for whom any excavation, construction, reconstruction, repair, or alteration is made in a public street or sidewalk, to fail to cause a barricade, rail or other sufficient fence to be placed so as to enclose such excavation, construction, reconstruction, repair, or alteration made in a public street or sidewalk, together with the dirt, gravel or other material thrown there from, and to maintain such barricade during the whole time for which such excavation, construction, reconstruction, repair, or alterations made in a public street or sidewalk, continues. It is unlawful for any person to fail to have lighted lanterns or some other proper and sufficient lights fixed to parts of such barricade, or in some other proper manner over or near the excavation, construction, reconstruction, repair, or alteration made in a public street or sidewalk, and over and near the dirt, gravel or other material taken there from, and so kept from the beginning of twilight through the whole of every night during all time such excavation, construction, reconstruction, repair, or alteration in a public street or sidewalk is ongoing. It is unlawful for any person maliciously or wantonly and without legal cause, to extinguish, remove or diminish said lights or to tear down or remove any rail, fence or barricade fixed in accordance with the provisions of this section.

5.0 Violation - Penalty

Any person found to be in violation of any of the provisions of this ordinance is guilty of a class C misdemeanor.

6.0 Judicial Review

Any legal action challenging any decision of the Town Council, or other governmental body performing a function under this ordinance shall be filed in a court of competent jurisdiction within 30 days of the action challenged.

7.0 Severability

If any section, phrase, sentence, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

8.0 Conflict With Other Land Use Ordinances of the Town


If any provision of this ordinance is in conflict with a provision of another ordinance of the Town, then the most stringent requirement shall govern.

9.0 Effective Date

Due to impending development within the town, it is the opinion of the Town Council that an emergency exists. Therefore, this ordinance will take effect upon its passage by majority vote of the Town Council and posting in three public places within the Town

Approved and passed this 28 Day of June 2016

TOWN OF CEDAR FORT


Howard Anderson, Mayor

Attested by: 

Town Clerk

Councilmember Howard Anderson	Voted <u>yea</u>
Councilmember Ellen Cibula	Voted <u>yea</u>
Councilmember Larry Mohler	Voted <u>ya</u>
Councilmember Chris Murphy	Voted <u>YEA</u>
Councilman Richard Stark	Voted <u>YEA</u>

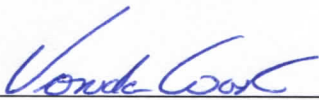
STATE OF UTAH)
) ss.
COUNTY OF UTAH)

I, VONDA COOK, Town Recorder of Cedar Fort Town, Utah, do hereby certify and declare that the above and foregoing is a true, full, and correct copy of an ordinance passed by the Town Council of Cedar Fort Town, Utah, on the 28 day of June 2016, entitled

“STREETS AND ROADWAYS ORDINANCE OF THE TOWN OF CEDAR FORT, UTAH”

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Corporate Seal of Cedar Fort Town Utah this 28 day of June 2016.





VONDA COOK
Cedar Fort Town Recorder

AFFIDAVIT OF POSTING

STATE OF UTAH)
) ss.
COUNTY OF UTAH)

I, Vonda Cook, Town Recorder of Cedar Fort Town, Utah, do hereby certify and declare that I posted in three (3) public places the following summary of the ordinance which was passed by the Cedar Fort Town Council on the 28 day of June 2016 and herein referred to as:


“STREETS AND ROADWAYS ORDINANCE OF THE TOWN OF CEDAR FORT, UTAH”

SUMMARY:

The above named ordinance was enacted to define and describe the requirements, limitations and restrictions on persons doing work in the town right-of-way within the Town of Cedar Fort. This is a new ordinance defining the requirements for a private contractor to do any work on public streets or right-of-way. Application requirements are defined and the form must be completed and fee paid. Requirements for barricades and workplace safety are defined. This ordinance does not allow any work on the municipal water system by private contractors.

The three places are as follows:

1. Post Office
2. Town Hall
3. Cedar Valley Store



Vonda Cook
Cedar Fort Town Recorder

Date of Posting 29 June 2016