

**ORDINANCE NO. 181-D**

**AN ORDINANCE CONCERNING USES OF COUNTY ROADS AND RIGHTS-OF-WAY, REGULATING EXCAVATIONS ENCROACHMENTS, AND STRUCTURES WITHIN RIGHTS-OF-WAY, PROVIDING PENALTIES FOR VIOLATION AND REPEALING OF SUMMIT COUNTY ORDINANCE NO. 95, 96, 96A, 99, 99-A, 171, 181, 181-A, AND 181-B, AND 181-C.**

**WHEREAS**, Summit County adopted Ordinance No. 181-A on April 25, 1994, and Ordinance No. 181-B on May 5, 1997, and,

**WHEREAS**, The Summit County Engineer's Office has been administering the Permitting required under Ordinance No. 181-A and Ordinance No. 181-B and,

**WHEREAS**, Ordinance No. 181-A and Ordinance No. 181-B has some inconsistencies with current Construction Standards; and,

**WHEREAS**, it is in the best interests of Summit County and the health, safety, and general welfare of its citizens to adopt this Ordinance in order to amend Ordinance No. 181-A, and Ordinance No. 181-B, Ordinance No. 181-C,

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SUMMIT COUNTY, STATE OF UTAH, AS FOLLOWS:**

**Section 1. Permits Required for Excavations, Driveways, Encroachments, and structures.**

(a) It shall be unlawful for any person, firm, public utility or corporation to place, make, enlarge or change any excavation, driveway, encroachment or structure within the right-of-way for any County Road without complying with the provisions of this Ordinance and obtaining a permit as provided for herein.

(b) It shall be unlawful, and punishable as provided for herein, to make any excavation or to place any encroachment or structure in any County right-of-way not described in the approved permit application or which exceeds in size the dimensions or which does not conform to the conditions described in said application.

(c) A permit shall not be required for the replacement of existing structures provided a similar structure is placed in the same location.

**Section 2. Emergency Conditions**

Emergency excavations and encroachments may be made without prior permit if the reason for the excavation or encroachment is to prevent loss of life or damage to property

which appears to be imminent if the action is delayed by waiting to secure said permits. In such emergency situations, those making the excavation or encroachment MUST contact the County Engineer's Office at the earliest possible time, but in no case later than the first

working day following the emergency work in order to secure a formal permit. None of the provisions of these specifications are waived for emergency situations except for the prior permit requirement.

### Section 3. Winter Season

No permits for road excavations or other excavations within 5 feet of the edge of a County road shall be issued during the winter season except in emergency situations. For the purposes of this Section, "winter season" begins October 15 each year and ends May 1st of the succeeding year.

### Section 4. Applications

Applications shall be made by the person, firm, public utility or corporation actually doing the work. Applications for all permits shall be made to the County Engineer's Office as provided and shall describe the excavation or encroachment and shall have a drawing of the location of the intended excavation, encroachment or structure, the pertinent dimensions thereof, the purpose therefor, the person, firm, public utility, or corporation doing the actual work and the name of the person, firm, public utility, or corporation for whom or by which the work is being done and shall contain an agreement that the applicant will comply with all ordinance and laws of Summit County and the State of Utah relating to the work to be done. A Traffic Control Plan, conforming to the Manual of Uniform Traffic Control Devices (MUTCD) shall be submitted with all applications which involve excavations within the

County Road right-of-way. The application shall also provide for an agreement that the applicant shall indemnify the County for any loss, liability, or damage that may result from or because of the making, placement, existence, or manner of guarding or constructing any such excavation, encroachment or structure.

### Section 5. Permits

All permits issued pursuant to this ordinance shall be valid for a period of 60 days except that no permit shall extend into the winter season as outlined in Section 3. A copy of the permit issued shall be available at all times when work is under way.

### Section 6. Fees

A review fee, in the current amount as set by resolution of the Board of County Commissioners, shall accompany each application for a permit. Fees must accompany the application unless other fee payment arrangements have been approved by the County Engineer.

### Section 7. Completion Bond

Applicants shall file a completion bond with the County Engineer in the amount as set by resolution of the Board of County Commissioners at the time the permit is approved. This may be cash, a letter of credit from an F.D.I.C. Insured Financial Institution, or a corporate surety bond. The bond shall be valid for a period of two years from the date of the construction inspection to guarantee that the conditions of any permit together with any restorative works is completed properly. The bond will be released upon recommendation of the County Engineer and/or the County Road Inspector.

Applicants for permits may request permission from the Board of County Commissioners to secure a continual annual bond in lieu of separate bonds for each excavation. Applications for continual bonds shall be made before December 31st of each year and shall be valid for the next calendar year or as determined by the Board of County Commissioners.

Those public entities which are regulated by the State of Utah Public Service Commission, the Mountain Regional Water District and the Snyderville Basin Sewer Improvement District are exempt from the bonding requirements of this Chapter, but shall still be required to obtain a road excavation permit prior to making excavation.

#### Section 8. Supervision and Inspection

The County Engineer or Road Inspector shall from time to time inspect or cause to be inspected, all work done pursuant to permits to insure the enforcement of the provisions of this title. Notification shall be given to the County Engineer or Road Inspector at least 24 hours prior to the commencement of any work. The Completion Bond shall not be released without an inspection made to determine satisfaction of all applicable provisions of this Ordinance.

Driveway Encroachments require the following inspections to insure compliance with the standards set out in this ordinance:

- 1) Staking Inspection. A stake or marker shall be placed at each corner of the Encroachment as it intersects the road or street, and at each intersection of the driveway as it crosses the right-of-way or easement line. The front property corners shall also be set and marked with stakes. This inspection is required prior to the Encroachment Permit being approved. The County Engineer's Office must receive at least 24 hours notice prior to requested inspection.
- 2) Rough Grade Inspection. An inspection of the rough grade driveway is required prior to receiving a footing inspection by the Building Department. The driveway must be graded to a point that the inspector can determine compliance with this ordinance and the Development Code. The footing elevation/garage floor elevation must be established prior to requesting an inspection. The County Engineer's Office must receive at least 24 hours notice prior to requested inspections.
- 3) Pre-Surfacing Inspection. An inspection of the driveway is required prior to surfacing (soft or hard) the driveway to determine compliance with this ordinance and the development code. In no case can a Certificate of Occupancy be issued

without the pre-surfacing inspection, and the driveway being in compliance with this ordinance and the Development Code.

#### Section 9. Failure to Comply

In the event of failure on the part of any person, firm, public utility, or corporation to comply fully with the provisions of this Ordinance, law enforcement authorities of Summit County are authorized to:

- (1) Initiate action by citation or information under Section 10 of this Ordinance and/or proceed to forfeit bond, or
- (2) Remove such installation from the right-of-way or require such person, firm, or corporation to remove the same; or,
- (3) Give written notice to such person, firm, public utility, or corporation to remove such installation from the right-of-way. Such notice may be served either by personal service or by mailing the notice to the person, firm, public utility, or corporation by registered mail and posting a copy thereof on such installation for a period for 10 days. If such installation is not removed within 10 days after the notice is complete, said authorities may remove the same at the expense of the person, firm, or corporation and recover costs and expenses, and also the sum of \$100.00 for each day the same remained within the right-of-way after notice was complete, in an action for that purpose; or,
- (4) If such person, firm, public utility, or corporation disputes or denies the existence of such installation, or refuses to remove or permit its removal, said authorities may bring an action to abate the same as a nuisance, and if judgment is recovered by said authorities, there shall also be recovered, in addition to having the same abated, the costs of action and the sum of \$100.00 for every day such nuisance remained within the right-of-way after notice was given for its removal in the manner provided in Subsection (2) of this Section. (UCA 27-12-135).

#### Section 10. Penalty

Any person who violates the provisions of this Ordinance is guilty of a Class "C" Misdemeanor. Each day a continuing violation shall be deemed a separate offense.

#### Section 11. Repeal of Ordinance No.95, 96, 96A, 99, 99-A, 171, and 181

Summit County Ordinances 95, 96, 96A, 99, 99-A, 171, 181, and 181-A, 181-B and 181-C are hereby repealed.

#### Section 12. Specific Requirements

Specific engineering standards and requirements for the enforcement of this Ordinance are attached as Appendices "A", "B", "C", and "D" which are made a part of this Ordinance by

reference.

Section 13. Severability

Should any section, paragraph, sentence, clause, or phase of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of said Ordinance shall not be affected thereby.

Section 14. Effective Date

This Ordinance shall become effective after publication of such in accordance with applicable State Law.

PASSED AND ADOPTED by the Board of County Commissioners of Summit County, Utah, this \_\_\_ day of \_\_\_\_\_, 1999.

SUMMIT COUNTY BOARD COMMISSIONERS

\_\_\_\_\_  
PATRICK D. CONE, CHAIRMAN

\_\_\_\_\_  
ERIC D. SCHIFFERLI

\_\_\_\_\_  
SHELDON D. RICHINS

ATTEST:

\_\_\_\_\_  
KENT JONES  
Summit County Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
DAVID L. THOMAS  
Deputy Summit County Attorney

COMMISSIONER VOTED:

CONE \_\_\_\_\_  
(AYE OR NAY)

SCHIFFERLI \_\_\_\_\_  
(AYE OR NAY)

RICHINS \_\_\_\_\_  
(AYE OR NAY)

## APPENDIX A

### EXCAVATION REQUIREMENTS AND SPECIFICATIONS

#### Section 1. Boring Preferred in Paved Rights-of-Way

Boring is the preferred method for crossing paved County Roads. Excavations shall not be approved unless it can be demonstrated that boring is infeasible or impractical as an alternative. The County Engineer may grant excavation of a paved County road which is in disrepair on a case by case basis.

Longitudinal excavations of paved County roads shall not be approved unless it can be demonstrated that all other alternatives are infeasible or impractical. Approval will be on a case by case basis upon a recommendation of the County Engineer.

#### Section 2. Minimum Depths for Buried Cables and Lines

All cables, conduits, or pipelines to be buried in County rights-of-way for utility purposes shall be a minimum of 24" below final surface grade.

#### Section 3. Manner of Excavation

##### (1) General

Steel tracks of equipment used for excavation and backfill shall not make direct contact with paved surfaces. Any other damage to the paved surfaces shall be repaired to the satisfaction of the County Engineer at the applicant's expense.

All excavation shall be unclassified. The applicant shall perform all excavation of every description and of whatever substances encountered, to the depth specified on the plans and/or required to accomplish the work. During the excavation operations the material which might be found suitable for use in backfilling shall be piled in an orderly manner a sufficient distance from the banks of the trench for convenience in operating equipment, to avoid embankment overloading, and to prevent slides and cave-ins. All excavated materials not required or not suitable for backfilling shall be promptly removed from the site of the work and wasted in an area to be provided by the applicant with the approval of the inspector.

Grading shall be performed as may be necessary to prevent surface water from flowing into trenches or other excavations, and any water accumulated therein shall be promptly removed by pumping or by other approved method.

The operation of steel tracked equipment or the placement of steel outriggers/stabilizers in direct contact with the pavement surface shall be prohibited. The applicant shall take precautions to prevent damage to the pavement surface at all times.

##### (2) Safety

All excavated materials shall be piled in such a manner as will cause a minimum of inconvenience to public travel, and provisions shall be made for urgent traffic as necessary.

The applicant will be responsible for providing barricades at all excavation sites while open

trenches are present. Barricades must be lighted if open trenches are left overnight. Free access shall be provided to all fire hydrants, water valves and meters, and clearance shall be left to enable free flow of storm water in all gutters, conduits, and natural water courses. The applicant shall utilize appropriate traffic signs, markers, and procedures in all construction activities as defined on the approved traffic control plan and in the Federal "Manual of Uniform Traffic Control Devices".

### (3) Methods

Excavations which are approved as open cuts shall conform to the back sloping requirements of OSHA. No more than 100 feet of trench may be open during daylight hours, and no more than 20 feet of trench may be open during nighttime hours.

Short sections of the trench may be tunneled under existing structures if the pipe or utility can be safely and properly installed in such tunneled sections. In those areas where the utility is to be installed under existing curbs and gutters and/or sidewalks, the applicant has the option whether to tunnel and use flowable fill to backfill or to cut and remove the curb, gutter, or sidewalk. In the latter case, the applicant shall, at their expense, replace the curb, gutter, or sidewalk to match the existing structure in line, grade, and type of construction.

Prior to trench excavation, any bituminous or concrete pavement to be removed shall be cut with a saw or pneumatic tool to provide a straight, neat construction line. Pavement removed during excavation shall be disposed of off site and not used in backfilling the trench.

Prior to placing the asphalt concrete mix patch, the existing pavement shall be saw cut an additional 6" to 12" back from the edge of the excavated trench. Care shall be taken to remove the additional pavement without disturbing the existing untreated base course.

Exceptions to the methods of excavation shall be reviewed by the County Engineer on a case by case basis.

## Section 4. Backfill

### (1) Class A Backfill

This class of backfill shall be used in areas where open cut of a County road is approved. The trench above the pipe zone or utility shall be backfilled with a cementitious flowable fill, untreated base course, and asphaltic concrete mix as follows:

Flowable Fill - A cement treated aggregate conforming to Section 845 of the Utah Department of Transportation Standard Specifications for Road and Bridge Construction shall be placed between the bottom of the trench and the untreated base course. A layer of compacted pipe zone backfill may be placed above the pipe if required by the pipe or other utility conduit manufacturer. The flowable fill shall be allowed to cure for a period of 24 to 48 hours prior to placing untreated base course. Provisions shall be made to allow for traffic to

cross the trench at all times.

Untreated Base Course - A 3/4" or 1" (max) untreated crushed aggregate conforming to Section 301 of the Utah Department of Transportation Standard Specifications for Road and Bridge Construction shall be placed between the flowable fill and the asphalt concrete mix surface. The untreated base course shall be placed to the pre-existing depth, but to a maximum depth of 8 inches and a minimum depth of 5 inches. The material shall be within 2% of optimum moisture content and be compacted to a minimum of 96% of the materials maximum dry density as determined by AASHTO's T-180 Method D.

Asphalt Concrete Mix - A 3/4" (max) asphaltic concrete mix conforming to Section 402 of the Utah Department of Transportation Standard Specifications for Road and Bridge Construction shall be placed above the untreated base course. The asphalt concrete mix shall be replaced to the pre-existing depth, but not less than 4 inches. The material shall be compacted to 96% of it's Marshall design. The surface shall be finished 1/2" to 1/4" higher than the existing road surface to account for future settlement.

All compaction efforts shall be verified by a Certified Laboratory Technician and copies of the testing performed forwarded to the County Engineer's Office within 5 days of completion of the trench restoration. The one year warranty period will begin upon receipt of test results. A minimum of two moisture/density tests will be required per lift of material placed.

If an open cut of a County Road is permitted, and the County Road has been sealed with an oil flush or chip-seal, restoration by the applicant shall include re-application of the existing surface seal within 30 days of completing the asphalt concrete mix patch.

Seal Coat Materials used shall be as follows:

- 1) Asphalt Seal Coat Material shall be LMCRS-2H.
- 2) Cover Coat shall be Geneva Steal Slag, 3/8" x #4, Type C Chips.

Seal Coat Operations shall conform to Section 405 of the Utah Department of Transportation Standard Specifications for Road and Bridge Construction, 1992. Prior to placement of Seal Coat (if required) and prior to the final release of Bond (s), the seams of the pavement repair (patch) shall be crack sealed. Asphalt Crack Seal Materials used shall conform to UDOT's 402S special provision and specification.

Minor variations to the trench backfill requirements may be approved upon submittal and review by the County Engineer.

(2) Class B Backfill

This class of backfill shall be used in areas where thorough compaction and

immediate completion of the trench backfill is required (those areas excavated within 5 feet of the edge of pavement or back of curb). The trench above the pipe zone or utility shall be backfilled with suitable and approved material placed in layers consistent with the type of compaction equipment to be used, but shall not exceed 18 inches. Each layer shall be sprinkled and thoroughly compacted by means of hand-operated or mechanically-operated tampers. Backfilling and compaction shall be done to the satisfaction of the inspector and shall be continued on each layer of backfill until a compaction of 95 percent of maximum dry is obtained as determined by AASHTO T-180 Method D. The final one foot of backfill is to be compacted to 96 percent of maximum dry density. The moisture content of the backfill shall be within 2% of optimum as determined by AASHTO T-180 Method D.

All compaction efforts shall be verified by a Certified Laboratory Technician and copies of the testing performed forwarded to the County Engineer within 5 days of completion of the trench restoration. A minimum of one moisture/density test will be required per lift per 200 feet of trench randomly selected.

### (3) Class C Backfill

This class of backfill shall be used with the approval for the inspector, in trenches in those areas where subsequent trench settlement must be held to a minimum (areas beyond 5 feet of the pavement or back of curb). Any subsequent settlement of the trench during the applicant's guarantee period shall be considered to be the result of improper Class B C backfilling and shall be corrected at the applicant's expense.

Suitable backfill material shall be placed in the trench in layers consistent with the type of compaction equipment to be used, but shall not exceed 18 inches. Each layer shall be sprinkled and thoroughly compacted by means of a hand-operated or mechanically-operated tamper.

Minimum compaction of 92 percent of maximum dry density as determined by AASHTO T-180 Method D is required.

Top soil must be removed and replaced to existing depths and finished to pre-excavation contours.

In areas where lawn sod, shrubs, topsoil, fences and other items must be removed during the trench excavation and backfill operation, coordination with adjacent property owners on their subsequent replacement is required by the applicant.

## Section 5. Restoring Surface

Restoration shall be commenced as soon as possible following excavation. Complete restoration shall be diligently pursued until complete. Unless specifically authorized by the

County Engineer or Road Inspector, restoration shall be complete within five working days of initial excavation of the total area impacted by the excavation.

## APPENDIX B

### DRIVEWAY AND ENCROACHMENT REQUIREMENTS AND SPECIFICATIONS

#### Section 1. Existing Driveways or Encroachments

Access to County roads by means of driveways or encroachments in existence at the time of the effective date of this Ordinance may continue to the same extent and degree as before; any change in the driveway or the degree of use shall first require a permit and compliance with the terms of this Ordinance.

#### Section 2. Notification of Potential condemnation Right-of-Way Required

Except as otherwise provided in Subsection (1) b. of this Appendix, no building or structure shall be erected, reconstructed, structurally altered or enlarged, and no encroachment permit shall be issued therefore on any lot or parcel of land which abuts a County road or other public street which does not conform to current County width standards, unless the portion of such lot or parcel within the standard right-of-way width has been dedicated to the County or the developer or applicant has been notified and has acknowledged that such portion may be condemned for public use at some future time.

##### (1) Exception to Right-of Way Notification Dedication Requirement

(a) The maximum area to be dedicated shall not exceed 10 percent of any lot or parcel which was of record on the effective date of this Ordinance in the Summit County Recorder's Office. In determining the amount of area for dedication for purposes of this exception, any highway area which previously has been dedicated to the public through public use shall not be included.

(b) Neither notice, acknowledgment nor dedication is required for remodeling, additions and accessory buildings incidental to a single-family dwelling used as a residence, existing on the lot as of the effective date of this Ordinance, provided that no additional dwelling units are created.

##### (2) Dedication Procedure

(a) Any person or other entity desiring to dedicate land under the provisions of this Ordinance shall execute an offer to dedicate and a warranty deed or other deed form acceptable to the County properly executed by all parties of interest. At the request of said person or entity, the offer to dedicate and deed shall be prepared by the Summit County Attorney's Office in such terms as to be binding on the owner, his heirs, assigns, or successors in interest.

The dedication shall be complete when the deed is recorded in the office of the

County Recorder after its acceptance by the County Commission.

(b) Summit County shall provide survey information, as required, in order to establish proper boundary lines.

(c) For the purpose of this Section, dedication shall be considered as satisfactorily assured when the County Attorney's Office approves the offer to dedicate and deed as described herein.

(d) Encroachment Permit Issuance. When the provisions of this Section have been completed or assured as provided herein, an encroachment permit may be issued.

(3) Lots Affected by Dedication

On a lot affected by a dedication, acknowledgment, or notification under the provisions of this Section, all required yards, setbacks, parking area, loading space and building locations for new buildings or structures or additions to buildings or structures shall be measured and calculated from the new lot lines created by dedication or future right-of-way potential. However, in applying all other provisions of the Development Code of Summit County and the Snyderville Basin Code, such lot shall be considered in area as that which existed immediately prior to dedication.

(4) Appeal of Notice, Acknowledgment of Dedication Provisions

Any person may appeal any determination in connection with the administration, enforcement and other provisions of this Section as set forth below to the Summit County Board of Adjustment.

The Board of Adjustment may make modification in the requirements of this chapter as necessary to prevent undue hardship or an unreasonable burden under the facts of each individual case. However, no such modification shall be granted unless it is in conformity with the spirit and intent of this Section.

Section 3. Driveway Encroachments

(1) Spacing

Access driveways or encroachments shall be spaced according to the following:

<u>Street Type</u>	<u>Minimum Spacing</u>	<u>Minimum Distance from Intersections</u>
Local (Residential)	Sideyard Setback (Max. dist.10')***	50 feet
Local (Rural)	35 feet apart	50 feet
Collector	50 feet apart	75 feet
Arterials	75 feet apart	115 feet

\*\*\* Driveway to be setback from side property line (minimum distance required) the same distance as that required on the official subdivision plat for building setbacks. A minimum distance of 10 feet is required if the subdivision plat requires sideyard setbacks greater than 10 feet.

The minimum spacing of driveway encroachments in residential subdivisions shall be measured at the intersection of the front and side yard property lines. In no case shall a driveway encroachment cross an imaginary line which is projected along the sideyard property line to its intersection with the edge of the County Road.

The minimum spacing of all other driveway encroachments shall be measured from nearest edge of driveway to nearest of driveway. In no case shall a driveway encroachment cross an imaginary line which is projected along the side yard property lines to its intersection with the edge of the County Road.

The minimum distance from intersections shall be measured from the edge of the County Road to the nearest edge of the driveway.

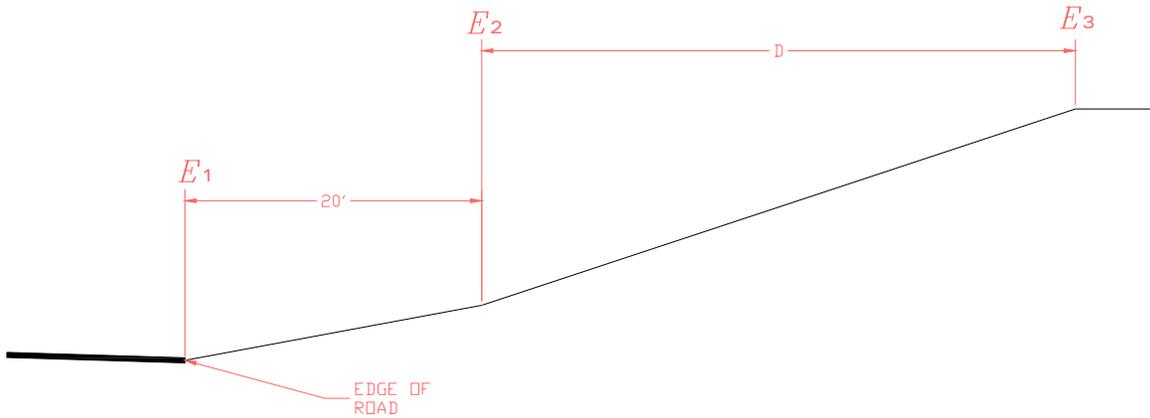
## (2) Driveway Grades

All individual driveway access locations shall be designed to function well with the existing conditions and layout of each residential building. The maximum average grade of the first twenty feet of a driveway which has a total length greater than 100 feet shall not exceed five (5) percent. The maximum average grade of a driveway which has a total length of 100 feet or less, shall not exceed then (10) percent.

The maximum average grade of any driveway shall not exceed ten (10) percent. Up to Twelve (12) percent grades may be allowed for short distances which shall not exceed a total of 250 feet when approved by local Fire District.

Driveway grades shall be measured along the center line between the following points to determine compliance with this section.

- 1) Difference in Elevation between edge of road/top of curb break ( $E_1$ ) and at 20 feet ( $E_2$ ) from edge of road divided by 20 feet ( $(E_1 - E_2) \div 20 \times 100 = \underline{\hspace{2cm}}\%$ )
- 2) Difference in Elevation between a point at 20 feet from the road ( $E_2$ ) and the grade break outside of the garage ( $E_3$ ) divided by the distance (D) between the two points ( $(E_2 - E_3) \div D \times 100 = \underline{\hspace{2cm}}\%$ )



*TYPICAL DRIVEWAY PROFILE*  
*(SAME PRINCIPLE CAN BE USED FOR DOWNHILL LOTS)*

The driveway shall be graded

such that water draining off the driveway does not flow onto the County Road and is diverted into a roadside ditch or gutter.

(3) Driveway Widths

The minimum width of a driveway which lie within the County Road right-of-way shall be as follows:

<u>Street Type</u>	<u>Minimum Width</u>		<u>Minimum Flare</u> <u>(Each Side)</u>
Local (Residential)	12 Feet	+	2 Feet
Local (Rural)	12 Feet	+	2 Feet
Collector	12 Feet	+	4 Feet
Arterials	14 Feet	+	8 Feet

The maximum driveway width is 25% of street frontage, or as may be required by the applicable Development Code.

(4) Driveway Alignments

All driveways shall be within 20 degrees of being perpendicular to the centerline alignment of the County Road for the first 20 feet from the edge of road.

(5) Drainage

All driveways shall be graded such that water draining off the driveway does not flow onto the County Road and is diverted into a roadside ditch or gutter. Driveways which cross roadside ditches or other drainages shall be required to provide drainage facilities in the form of culverts or bridges. These facilities shall be designed as per Summit County Engineering Standards and Specifications. The minimum diameter of culverts shall be 12 inches.

Section 6. Driveway Encroachment Permit Application Review

Driveway encroachment permit applications must be accompanied by a drawing or sketch which shows property lines, the County Road, horizontal alignment, and grade. For sites or lots which have natural grades which exceed 10%, or which in the opinion of the County Engineer will require detailed design in order to show compliance with this ordinance, the applicant must also provide a topographic contour map with 2 foot (maximum) contours. For new residential or commercial buildings, this information should be included on the site plan submitted with the Building Permit Application.

Any proposed change which is made to the driveway encroachment after the Driveway Encroachment Permit is issued, must be reviewed and approved prior to making the change. Final Certificates of Occupancy shall not be issued the Summit County Building Department until the Driveway Encroachment is in compliance with this Ordinance.

Section 7. Hazards and Sight Distances

Driveway encroachments shall not create hazardous driving conditions. Curves in the roadway and the crests of hills shall be avoided, where possible, as driveway locations.

All driveways shall be located such that the minimum stopping sight distances listed in the following table are complied with:

Design Speed (mph)	Assumed Speed for Condition (mph)	Stopping Sight Distance (Rounded for Design) (ft)
20	20-20	125-125
25	24-25	150-150
30	28-30	200-200
35	32-35	225-250
40	36-40	275-325
45	40-45	325-400
50	44-50	400-475
55	48-55	450-550
60	52-60	525-650

If in the opinion of the County Engineer, the sight distances do not comply with this section, the applicant shall have an Engineer, registered in the State of Utah, prepare an sight distance analysis for review by County Engineer.

**APPENDIX C  
STRUCTURE ENCROACHMENTS**

Section 1. General

For reasons of safety and snow removal operations, no trees, structures, retaining wall, wall, landscape burms, utility poles, utility box, fire hydrant or other obstacle (all to be referred to as structures) shall be placed in the right-of-way of a County Road without the necessary permit. A property owner may at their own risk, plant grass, flowers, low shrubs, etc. in the County right-of-way without a permit. Summit County shall not be responsible for damage during normal maintenance activities to any landscaping or structures placed within the right-of-way.

In no case shall a non-yielding structure be placed closer than those distances shown in the following table:

**Clear Zone Distances (In feet from edge of driving lane)**

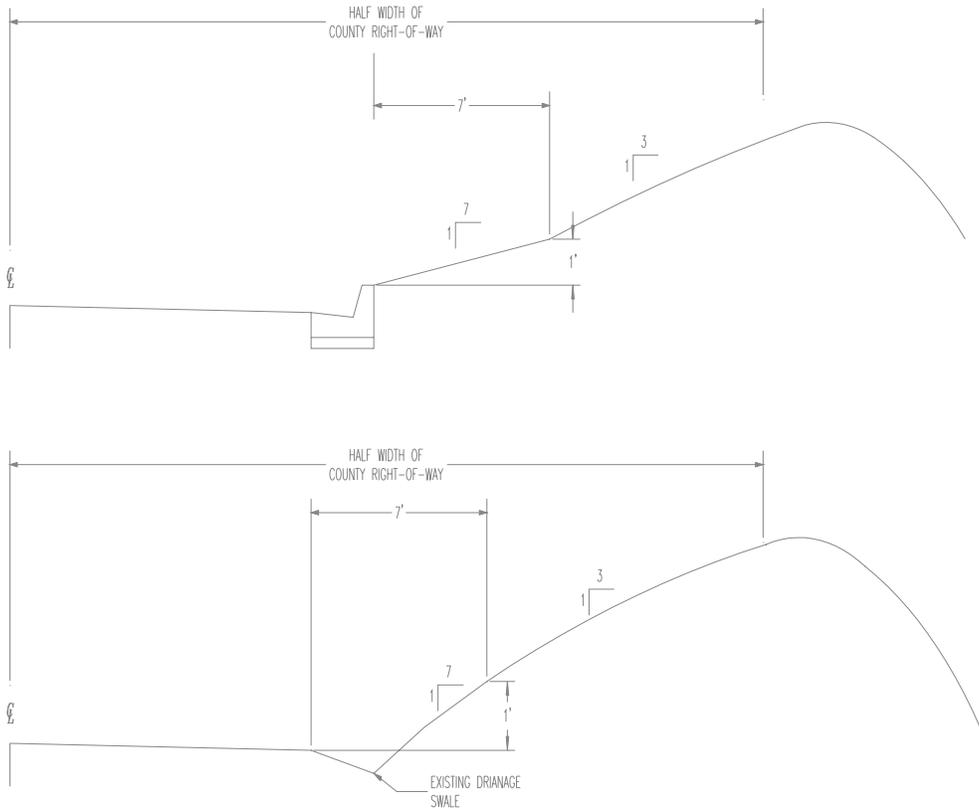
Posted Speed	ADT	FILL SLOPES (FT)			CUT SLOPES (CUT)		
		6:1 or	5:1 to	4:1 3:1	3:1	4:1 to	5:1 6:1 or flatter
40 MPH or Less	Under 750	7-10	7-10	**	7-10	7-10	7-10
	750-1500	10-12	12-14	**	10-12	10-12	10-12
	1500-1600	12-14	12-16	**	12-14	12-14	12-14
	Over 6000	14-16	16-18	**	14-16	14-16	14-16
45-50 MPH	750-1500	12-14	16-20	**	10-12	12-14	14-16
	1500-6000	16-18	20-26	**	12-14	14-16	16-18
	Over 6000	18-20	24-28	**	14-16	18-20	20-22

\*\* Structure shall be placed on the right-of-way line.

\*ADT = Average Daily Traffic

All structures placed within the right-of-way of a County Road shall be flagged with a minimum of a six (6) foot pole with a red or black flag attached to the top during the winter

LANDSCAPE BURMS SHALL CONFORM  
TO THE FOLLOWING TYPICAL  
CROSS-SECTION:



BURMS WITHIN THE COUNTY RIGHT-OF-WAY SHALL END A  
MINIMUM OF 50 FEET FROM ANY INTERSECTION. THE  
DISTANCE MAY BE EXTENDED FOR COUNTY COLLECTOR ROADS.

season. The winter season shall be defined as November 15<sup>th</sup> to April 15<sup>th</sup> of the following year. In known areas of deep drifting, the height of the pole shall be extended to eight (8) feet.

## Section 2. Structure Encroachment Permit Application Review

Structure encroachment permit applications must be accompanied by a drawing or sketch which shows the structure location, right-of-way lines and existing conditions and topography.

## **APPENDIX D**

### **BLOCKAGE OF COUNTY RIGHT-OF-WAY**

#### Section 1. Temporary Facilities

No temporary facilities such as dumpsters, portable toilets, construction equipment, or construction materials shall be placed in the right-of-way of a County Road.

#### Section 2. Parking

Vehicles shall not be parked on a County road in such a manner as to obstruct the flow of traffic. Two-way traffic shall be maintained at all times unless prior arrangements are made with the County Engineer in writing.

#### Section 3. Fences

Fences shall not be located within the right-of-way of a County Road.

## ORDINANCE NO. 181-G

### AN ORDINANCE AMENDING ORDINANCE NO. 181-F TO PROVIDE CRITERIA FOR ISSUANCE OF PERMITS ALLOWING THE USE OF COUNTY/PUBLIC ROADS AND RIGHTS-OF-WAY WHERE THE BOARD OF COMMISSIONERS IS THE HIGHWAY AUTHORITY.

#### PREAMBLE

**Whereas** Summit County has a limited number of Class B Roads, Class D public Thoroughfares, and other public rights-of-way in the county (collectively, "County Rights-of-Way"); and,

**Whereas**, such County Rights-of-Way are difficult to acquire because of the difficulty in locating such rights-of-way in narrow mountain valleys within Summit County where most of the population and arterial roadways are situated, and the costs of condemnation; and,

**Whereas**, such existing County Rights-of-Way may be crowded by utilities that seek placement within the County rights-of-Way; and,

**Whereas**, such existing County Rights-of-way may become crowded to the point that vital public utilities cannot be located within those rights-of-way; and,

**Whereas** Summit County desires to establish a non-discriminatory policy for granting use of County Rights-of-Way:

**NOW THEREFORE**, the Board of County Commissioners of the County of Summit, State of Utah, "Board", ordains as follows:

#### **Section 1. Legislative Finding.**

It is the specific finding of Summit County that all "County Rights-of Way" where the "Board" is the Highway Authority, are and were acquired for the purposes of:

- a. Transporting people and animals through Summit County.
- b. Conveying transmission facilities of public utilities, "Utilities", (governmental service districts, water companies or utilities regulated by the Public Service Commission of Utah) to developed or developing areas within Summit County.

#### **Section 2. Legislative Policy**

The board hereby declares that it is the official policy of Summit County that any entity identified in section 1(b), desiring to use "County Rights-of-Way" for the purposes defined in Section 1, must comply with the criteria set forth in Section 3, herein.

The board hereby declares that it is the official policy of Summit County that any entity not identified in section 1(b), desiring to use "County Rights-of-Way" for the purposes defined in Section 1, must comply with the criteria set forth in Section 4, herein.

#### **Section 3. Criteria, Public Utilities**

“Utilities” seeking to utilize a “County Right-of-Way” for the purposes defined in Section 1, must do the following as a prerequisite to the granting of an excavation permit:

- a. Have evidence on file with Summit County that it is a Public Utility as defined in section 1(b).
- b. Complete and submit the standard form of an excavation permit as provided by Summit County.
- c. Provide a written statement showing that granting of the requested excavation permit will further a public purpose.
- d. Provide evidence in the form of a guarantee or bond that work will be completed in a professional manner, and that any damage to roadway or roadbed will be repaired in a timely manner and said repairs will be guaranteed for a period of two years.

#### **Section 4. Criteria, Others**

All other entities seeking to utilize a “County Right-of-Way” for the purposes defined in Section 1 must do the following as a prerequisite to the granting of an excavation permit:

- a. Provide evidence that the granting of an excavation permit shall further a public purpose.
- b. Provide evidence that the applicant has attempted in good faith to acquire easements from private property owners to avoid the use of the County Right-of-Way,
- c. Provide evidence that the County Right-of-Way, which is the subject of the application, has adequate capacity.
- d. Complete and submit the standard form of an excavation permit as provided by Summit County.
- e. Provide evidence in the form of a guarantee or bond that work will be completed in a professional manner, and that any damage to roadway or roadbed will be repaired in a timely manner and said repairs will be guaranteed for a period of two years.

## **Section 5. Excavation Permit Approvals.**

The “Board” has delegated the County Engineer as the authority to approve, deny, or approve with conditions any and all excavation permits on County Rights-of-Way. The County Engineer shall have wide discretionary power to grant or deny permits as deemed to be in the best interests of the County. Such decisions may be appealed to the “Board”, whose decision shall be final.

Upon receipt of a properly completed excavation permit application, the County engineer shall:

- a. Review the application for completeness.
- b. Review the area to be excavated to determine that adequate capacity is available, and that the placement of facilities applied for will not jeopardize any higher or more necessary uses known to the County.
- c. Issue a timely response to the applicant in the form of an approved permit, approved permit with conditions, or permit denial.

## **Section 6. Administrative Fee Schedule**

The “Board” shall periodically set administrative fees for the use of the County Rights-of-Way, as allowed in Utah Code.

## **Section 7. Ordinance 181-F Repealed**

Ordinance 181-F is hereby repealed.

**Section 8. Effective Date**

This Ordinance will become effective upon passage and publication.

**APPROVED, ADOPTED AND PASSED**, and ordered published by the Summit County Board of Commissioners, this \_\_\_\_\_ day of \_\_\_\_\_, 2003.

BOARD OF COUNTY COMMISSIONERS  
SUMMIT COUNTY, STATE OF UTAH

By: \_\_\_\_\_  
Shauna L. Kerr, Chair

Commissioner Richer Voted: \_\_\_\_\_

Commissioner Woolstenhulme Voted: \_\_\_\_\_

Commissioner Kerr Voted: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Sue Follet  
County Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
David L. Thomas  
Chief Civil Deputy