

ORDINANCE 2000-1

AN ORDINANCE AMENDING TOOELE COUNTY CODE 15-3-3, INCREASING PERMIT FEES FOR EXCAVATIONS WITHIN COUNTY RIGHTS-OF-WAY; AMENDING TOOELE COUNTY CODE 15-3-4, INCREASING BONDS FOR STREET EXCAVATIONS; AND MAKING TECHNICAL CORRECTIONS

NOW, THEREFORE, BE IT ORDAINED BY THE TOOELE COUNTY COMMISSION AS FOLLOWS:

SECTION I - PURPOSE. This ordinance is for the purpose of amending Tooele County Code 15-3-3 to increase permit fees for excavations within county rights-of-way, amending Tooele County Code 15-3-4, increasing bonds for street excavations, and making technical corrections.

SECTION II - AMENDMENT. Title 15, Chapter 3, Section 3 of the Tooele County Code is amended to read:

15-3-3. Permit fees.

- (1) The permit fee for any single excavation within a county right-of-way shall be \$25.00.
- (2) For a permit for laying pipe or cable outside the paved or improved area of a county road or right-of-way where the excavation or cut is not wider than six inches, the fee shall be \$15.00 for the first mile or any portion thereof and \$7.50 per mile or portion thereof after the first mile.

SECTION III - AMENDMENT. Title 15, Chapter 3, Section 4 of the Tooele County Code is amended to read:

15-3-4. Bonds.

(1) To assure restoration of the street surface or the right-of-way in a satisfactory manner, each person excavating within a county right-of-way shall furnish to Tooele County a cash or corporate surety bond in the following amounts:

- (a) \$4.50 per square foot of excavation in a paved or improved area; and
- (b) \$2.00 per square foot of excavation outside the paved or improved area.

(2) No bond shall be required for excavations where pipe or cable are laid outside the paved or improved area of a county right-of-way where the excavation is not wider than six inches.

(3) No bond shall be required for augured and cased excavations under county roads, provided that the auguring and casing methods comply with all applicable regulations, ordinances and specific conditions provided in the permit and that the project is approved by the county prior to excavation.

(4) Bonds required by this section shall be forfeited to the county when a project is not restored in a satisfactory manner as provided by county ordinances, regulations or conditions of the

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permit, within three months after the date of the commencement of the bonded project. The bond may be held by the county for up to one year following the completion of the bonded project. If during the one year period the county determines the restoration was defective in any regard, the county shall give the excavator notice of the defect. If the excavator fails to remedy the defect within 30 days after receipt of the notice, the bond shall be forfeited to the county. When the county is assured that the project has been completed satisfactorily or the one year period has elapsed, the county shall notify the excavator of its intention to release the bond. If the excavator fails to redeem the bond within 60 days after receiving notice, the bond shall be forfeited to the county. If the bond is insufficient to cover the costs of any restoration, the excavator shall be liable to the county for all additional costs incurred in the restoration and shall be liable for all costs and attorney fees to collect the additional amounts.

(5) Every person who works within a county right-of-way shall hold the county harmless from and against any claims or damages that may result due to his acts.

SECTION IV - REPEALER. Ordinances in conflict herewith are hereby repealed to the extent of such conflict.

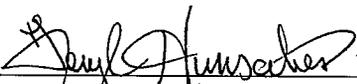
SECTION V - EFFECTIVE DATE. This ordinance shall become effective 15 days after its passage provided it has been published, or at such publication date, if more than 15 days after passage.

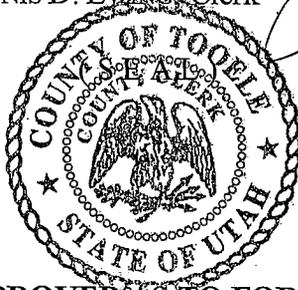
IN WITNESS WHEREOF, the Tooele County Commission, which is the legislative body of Tooele County, passed, approved and enacted this ordinance this 4th day of April 2000.

ATTEST:


DENNIS D. EWING, Clerk

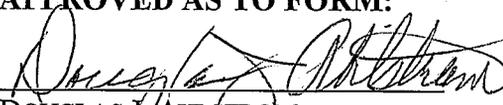
TOOELE COUNTY COMMISSION


TERYL HUNSAKER, Chairman



Commissioner Hunsaker voted 
Commissioner Griffith voted 
Commissioner Rockwell voted 

APPROVED AS TO FORM:


DOUGLAS J. AHLSTROM
Tooele County Attorney