

ORDINANCE 2013-04

AN ORDINANCE AMENDING TOOELE COUNTY ORDINANCES 82-10 AND 83-7 BY PROVIDING NEW PERMIT FEES AND BOND AMOUNTS FOR CERTAIN EXCAVATIONS IN TOOELE COUNTY ROADS

WHEREAS, Tooele County finds it necessary to amend the permit fees and bond amounts for certain excavations in Tooele County roads.

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE BODY OF TOOELE COUNTY, UTAH AS FOLLOWS:

SECTION I - SECTIONS AMENDED.

A. Section IV entitled "Permit Fees" of Tooele County Ordinance 82-10, and subsequently amended by Ordinance 83-7, is amended as follows:

(a) For a permit for any excavation from 0 to 100 square feet in area, within the paved or improved area of a County road or right-of-way, the permit fee shall be \$50.00.

(b) For a permit for excavating more than 100 square feet in the paved or improved area of a County road or right-of-way, the fee shall be \$50.00 for each additional 100 square feet or fraction thereof, in addition to the fee specified in subsection (a).

(c) For a permit for excavating from 0 to 100 square feet in an area outside the paved or improved area of a County road or right-of-way, the fee shall be \$30.00. For each additional 100 square feet or fraction thereof, the fee shall be \$30.00.

(d) 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 \$30.00 for the first mile or any portion thereof and \$15.00 per mile or portion thereof after the first mile.

B. Subsections (a) and (b) of Section V entitled "Bond" of Tooele County Ordinance 82-10, and subsequently amended by Ordinance 83-7, are amended as follows:

(a) Ten dollars (\$10.00) for each square foot of excavation in a paved or improved area of a County right-of-way.

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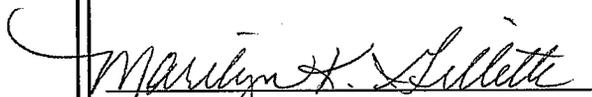
(b) Five dollars (\$5.00) for each square foot of excavation outside the paved or improved area of a County right-of-way.

SECTION II - EFFECTIVE DATE. This ordinance shall take effect fifteen (15) days after its passage, provided the same has been published, with the name of the members voting for and against the same, for at least one publication in one issue of a newspaper published in and having general circulation in Tooele County.

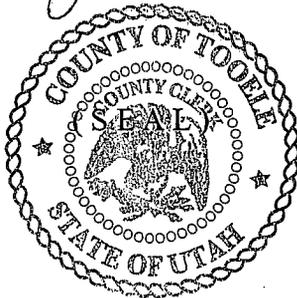
IN WITNESS WHEREOF the Tooele County Commission, which is the legislative body of Tooele County, passed, approved and enacted this ordinance this 5th day of March 2013.

ATTEST:

TOOELE COUNTY COMMISSION:


Marilyn K. Gillette, Clerk


J. BRUCE CLEGG, Chairman



Commissioner Clegg voted aye
Commissioner Hurst voted aye
Commissioner Milne voted aye

APPROVED AS TO FORM:


DOUG HOGAN
Tooele County Attorney

COPY

ORDINANCE NO. 82-10

AN ORDINANCE REGULATING EXCAVATIONS IN
TOOELE COUNTY ROADS

The Board of County Commissioners of the County of
Tooele ordains as follows:

Section I - Purpose: This ordinance is for the purpose
of regulating any excavation occurring in a Tooele County
road or right-of-way and providing monetary assurances that
Tooele County roads will be returned to the original condition
after excavations and providing a criminal penalty for the
violation of these regulations.

Section II - Repeal of conflicting ordinances: All of
ordinances or parts of ordinances in conflict with any of
the provisions of this ordinance are hereby repealed.

Section III - Permit required; application; revocation:
It shall be unlawful for any person to dig up, break, excavate,
tunnel, undermine or in any manner break up any County road
or right-of-way or to make or cause to be made excavations
in or under the surface of any County road or right-of-way
for any purpose or place, deposit or leave upon any County
road or right-of-way any earth or any excavated material
obstructing or tending to interfere with the free use of
the road or right-of-way, unless such person shall first
have obtained an excavation permit therefore from the Tooele
County Building and Zoning Department. Any public utility
regulated by the State or holding a franchise from the
County which, in the pursuit of its calling, has frequent
occasion to open or make excavations in County roads or
rights-of-way, may, upon application, receive a general
permit from the Tooele County Building and Zoning Department

Zoning Department may refuse to issue a permit for failure of the permittee, or applicant, to abide by the terms and conditions of this ordinance. Excavation permits shall not be required prior to an excavation in case of emergency, endangering life or property, providing the Tooele County Building and Zoning Department is notified as soon as practicable and a permit is applied for upon the next regular working day following the emergency.

Excavation applications will be accepted only from State licensed contractors having evidence of an adequate liability bond in force or from public utility companies.

Section IV - Permit fees:

(a) For a permit for any single excavation of from 0 to 100 square feet in area, within the paved or improved area of a County road, the permit fee shall be \$20.00.

(b) For a permit for excavating more than 100 square feet in the paved or improved area of a County right-of-way or road, the fee shall be, for each additional 100 square feet or fraction thereof, \$20.00.

(c) For a permit for excavating outside the paved or improved area of a County road or right-of-way, the fee shall be \$5.00 for each 100 square feet and fraction thereof of excavation.

Section V - Bond: Every contractor and/or excavator must furnish to Tooele County a bond (cash or corporate surety) in the amount of \$2.00 for each square foot of excavation in a paved or improved area of a County right-of-way and \$1.00 per square foot for excavations outside the paved or improved area of a County road or right-of-way for

removed to a neat line at a minimum of six inches outside of the lines forming the sides of the trench on trenches less than thirty-six inches in depth and at a minimum of nine inches on trenches more than thirty-six inches in depth. Concrete sidewalks and driveways shall be cut vertically along the lines forming the trench. The portion to be removed shall be broken up in such a manner that will not cause damage to the pavement outside the limits of the trench. However, any pavement damaged by operations outside the limits of the trench shall be replaced. All waste material resulting from the operations shall be removed immediately from the site of the work.

(2) Backfill. Materials for backfill will be of select nature. All broken concrete, peat, decomposed vegetable matter and similar materials obtained from the excavation shall be removed from the site prior to beginning backfilling. All backfill shall be placed in layers not over eight inches loose measure, in thickness. Compaction shall be obtained by mechanical rollers, mechanical tampers or similar means. Material for backfilling shall be properly moistened or watered to the correct moisture content to insure proper compaction. Jetting or internal vibrating methods of compacting sand fill or similar methods of compacting sand or similar granular, free-draining materials will be permitted.

The density (dry) of the backfill in County roads under sidewalks, curbs or other structures shall be not less than ninety-five per cent of the laboratory standard maximum soil density (dry), as determined by compaction tests made in conformity with American Association of State Highway Officials

Building and Zoning Department. The bond as provided in Section V shall be held by the County for a period of two years.

Section VII - Use of pavement pads by equipment: In order to avoid unnecessary damage to paved surfaces, track equipment shall use pavement pads when operating on or crossing paved surfaces.

Section VIII - Restoration of surface:

(a) Duty of contractor. All street surfacing curbs, gutters, sidewalks, driveways or other hard surfaces falling in the line of the work, which must be removed in the performance of the work, shall be restored in kind by the contractor, unless otherwise directed, in accordance with the specifications contained in Section VI, governing the various types of surfaces involved.

(b) Time. In traffic lanes of paved streets the contractor shall provide temporary gravel surfaces or cold mulch in good condition immediately after the backfill has been placed and shall complete permanent repairs on the street, sidewalk, curb, gutter, driveway and other surfaces within five days from the date of completion of the backfill except for periods when permanent paving material is not available or when weather conditions prevent permanent replacement and when an extension of time is granted by the Tooele County Building and Zoning Department. If temporary repair has been made on a paved street with gravel and a permanent repair cannot be made within the time specified above, due to any of the above mentioned conditions, then the contractor shall be required to replace the gravel with

temporary gravel surface. The gravel shall be placed deep enough to provide a minimum of six inches below the bottom of the bituminous or concrete surface. Normally this will require nine inches of gravel for bituminous surfaces, and twelve inches of gravel for concrete and concrete base asphalt wearing surfaces. The gravel shall be placed in the trench at the time it is backfilled. The temporary gravel surface shall be maintained by blading, sprinkling, rolling, adding gravel, etc., to maintain a safe uniform surface satisfactory to the inspector until the final surface is placed. Excess material shall be removed from the premises immediately.

Material for use on temporary gravel surfaces shall be obtained from sound, tough, durable, gravel or rock meeting the following requirements for grading:

Passing 1-inch sieve	100%
Passing 3/4-inch sieve	85%-100%
Passing No. 4 sieve	45%-65%
Passing No. 10 sieve	30%-50%
Passing No. 200 sieve	5%-10%

(b) Bituminous surface. The exposed edges of existing pavement shall be primed with Type MC-1 bituminous material. The type, grade, and mixture of the asphalt to be used for street surface replacement shall be approved by the Tooele County Building and Zoning Department. The thickness shall be equal to the adjacent surface thickness but not less than three inches. The complete surface shall not deviate more than one quarter inch between the old and new work.

Section X - Same--concrete surfaces: The sub-base shall be sprinkled just before placing the concrete. Joints and surfaces shall be made to match the original joints and

concrete have less compressive strength than three thousand pounds per square inch at the end of twenty-eight days.

Section XI - Same--concrete base, bituminous wearing surfaces: This type of surfacing shall be constructed as above described.

Section XII - Same--gravel surfaces: Trenches excavated through gravel-surfaced area, such as gravel roads and gravel shoulders, unpaved driveways, etc., shall have the gravel surface restored and maintained as described in Section IX except that the gravel shall be a minimum of one inch more than the thickness of the existing gravel.

Section XIII - Protection of public: Excavation operations shall be conducted in such a manner that a minimum amount of interference or interruption of street traffic will result. Inconvenience to residents and businesses and sufficient barricades shall be available and used where necessary to prevent accidents involving property or persons. Barricades shall be in place until all contractor equipment is removed from the site and the excavation has been backfilled and proper temporary gravel surface is in place as specified in Section VIII. From sunset to sunrise all barricades and excavations shall be clearly outlined by acceptable warning lights, lanterns or flares. Police and fire departments shall be notified at least twenty-four hours in advance of any planned excavation requiring street closure or detour.

Section XIV - Relocation and protection of utilities: The holder of a street excavation permit shall not interfere with any existing utility without the written consent of the administrative authority and the owner of the utility. If

owning the utility. The permittee shall support and protect, by timbers or otherwise, all pipes, conduits, poles, wires or other apparatus which may be in any way affected by the excavation work and do everything necessary to support, sustain and protect them under, over, along or across such work. In case any pipes, conduits, poles, wires, or apparatus should be damaged, and for this purpose pipe coating or other encasement or devices are to be considered as part of a substructure, they shall be repaired by the agency or person owning them and the expense of such repairs shall be charged to the permittee. It is the intent of this section that the permittee shall assume all liability for damage to substructures and any resulting damage or injury to anyone because of such substructure damage, and such assumption of liability is a contractual obligation of the permittee. The only exception will be such instances where damage is exclusively due to the negligence of the owning utility. The County shall not be made a party to any action because of this section. The permittee shall inform itself as to the existence and location of all underground utilities and protect the same against damage.

Section XV - Approval of method of jetting pipe:

Jetting backfill by means of water under pressure, or compressed air, is permitted only when approved by the Tooele County Building and Zoning Department.

Section XVI - Notice to inspect; failure to comply with specification: The Tooele County Building and Zoning Department shall be notified at least twenty-four hours in advance of excavating and backfilling of an excavation so that an

provisions of this ordinance shall be guilty of a class B misdemeanor and shall be subject to a fine in an amount not to exceed \$299.00 or imprisonment in the Tooele County Jail not to exceed six months or both. Each day a violation of this ordinance or its provisions shall be a separate violation.

Section XVIII - Severability: If any provision, clause, sentence or paragraph of this ordinance or the application thereof to any person or circumstance shall be held to be invalid, such invalidity shall not affect the other provisions or applications of this ordinance which can be given effect independant from the invalid provisions or application, and to this end, the provisions of this ordinance are hereby declared to be severable.

Section XIV - Effective date: This ordinance shall become effective and in force fifteen days after its passage and upon publication.

IN WITNESS WHEREOF, the Board of County Commissioners of Tooele County has passed, approved and enacted this ordinance this 24 day of August, 1982.

BOARD OF COUNTY COMMISSIONERS
OF TOOELE COUNTY:

ATTEST:

Dennis D. Ewing
DENNIS D. EWING, Clerk

By Charles Stromberg
CHARLES STROMBERG, Chairman
Tooele County Commission

APPROVED AS TO FORM:

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RONALD L. ELTON
Tooele County Attorney

(S E A L)

Commissioner Bracken voted Yes
Commissioner Russell voted Yes
Commissioner Stromberg voted Yes

STATE OF UTAH)
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