

**TITLE 9**

**STREETS AND SIDEWALKS**

- 9.1 Title, Authority and Purpose**
- 9.2 Sidewalks**
- 9.3 Streets**
- 9.4 Plans and Guidelines**

**9.1**

**Title, Authority and Purpose**

- 9.1.1 Title**
- 9.1.2 Authority**
- 9.1.3 Purpose and Intent**
- 9.1.4 Penalty**
- 9.1.5 Intended to be Consistent with City Documents and Adopted Standards**
- 9.1.6 City Responsibilities**
- 9.1.7 Amendment of Title**

**9.1.1 Title**

This ordinance shall be known as Title 9, Streets and Sidewalks Ordinance and may be so cited and pleaded. This ordinance may also be referred to herein as the Streets and Sidewalks Ordinance, Ordinance, or Title.

**9.1.2 Authority**

This ordinance has been prepared and adopted in accordance with and through the authority of §72-3-104 et. seq. Utah Code Annotated 1953, as amended. The Payson City Council hereby exercises all authority granted by the Utah Code for Street and Sidewalk maintenance and oversight.

**9.1.3 Purpose and Intent**

The purpose of this Ordinance is to promote the health, safety, morals, convenience, order, prosperity, and general welfare of the citizens of Payson. It is the intent of this ordinance to:

- 1. Manage and facilitate the safe and orderly operation and maintenance of public streets and sidewalks in Payson.
- 2. Oversee the maintenance and construction of public streets and sidewalks in Payson.
- 3. Follow the plans and standards outlined in the Payson Transportation Master Plan, Payson Development Standards, APWA, AASHTO, and the Utah MUTCD.

- 4. Create a safe and efficient transportation network.

**9.1.4 Penalty**

Any person, firm, or corporation violating any of the provisions of this Ordinance shall be guilty of a Class C misdemeanor.

**9.1.5 Intended to be Consistent with City Documents and Adopted Standards**

This ordinance is intended to be consistent with all other laws, ordinances, resolutions, and standards adopted by Payson, specifically including the following:

- 1. Title 19 of the Payson City Code, also known as the Zoning Ordinance.
- 2. Title 20 of the Payson City Code, also known as the Subdivision Ordinance.
- 3. Payson General Plan and General Plan Map.
- 4. Payson Transportation Master Plan
- 5. Payson Development Guidelines
- 6. American Public Works Association (APWA) Standards and Specifications
- 7. American Association of State Highway and Transportation Officials (AASHTO) A Policy on Geometric Design of Highways and Streets (Green Book)
- 8. Utah Manual on Uniform Traffic Control Devices (UMUTCD)

These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute, or provision of law. Where any provision of these regulations imposes a restriction different from those imposed by any other provision or ordinance, rule or regulation, or law, whichever provision is more restrictive or imposes higher standards shall control.

**9.1.6 City Responsibilities**

The Payson sidewalks and streets shall be under the supervision of the City Public Works Director. It shall be the duty of the City Public Works Director to supervise, manage, operate, and maintain the sidewalks and streets system in accordance with the provisions of the Payson City Code and any other rules and regulations adopted by the City Council. The City Public Works Director shall authorize all driveway connections, roadway and sidewalk construction or maintenance, and keep suitable maps and records of all streets, sidewalk, repairs, and modifications to the systems.

The City Public Works Director may employ, subject to the approval of the Mayor and City Council, such help as shall be necessary to carry out the duties prescribed by City ordinances, rules and regulations adopted by the City Council. The City Public Works Director may also appoint a City Staff member to complete reviews, approvals, and other responsibilities outlined in this Ordinance. Whenever this Ordinance refers to the City Public Works Director, the reference also includes the City Public Works Director Appointee.

City Staff and Crews are exempt from the permitting and approval requirements outlined in this Ordinance. City staff and Crews are responsible for the maintenance of City Sidewalks and Streets and will do so according to internal policies and procedures.

**9.1.7 Amendment of Title**

Any member of the governing body, staff, landowner or resident of Payson City may request an amendment to the Title. In order to amend this Title, the following procedure shall be followed:

1. The amendment application shall be submitted in writing to the Payson City Recorder at least thirty- (30) days prior to the anticipated City Council meeting where the amendment will be discussed.
2. The information submitted to the Payson City Recorder shall include a statement explaining the purpose for the proposed amendment and contact information for the applicant.
3. The City Recorder shall submit the proposed amendment to the City Attorney for legal review to determine compliance with all federal, state and local laws and ordinances, and any other legal concerns.
4. The Payson City Recorder shall prepare, or cause to have prepared, an ordinance to present to the City Council for their consideration of the proposed amendment.
5. It shall require a majority vote of the City Council, in a regular meeting of the City Council, to amend this Title. The City Council may, at its option, choose to obtain a recommendation from the Planning Commission prior to any amendment of this Title.

**9.2**

**SIDEWALKS**

**9.2.1 Approval of City Public Works Director**

- 9.2.2 Private Construction Compliance**
- 9.2.3 Permit Agreement to Comply**
- 9.2.4 Inspection Cost**

**9.2.1 Approval of City Public Works Director**

All sidewalks shall be constructed in accordance with the plans and specifications of the City Public Works Director's office, which work shall be inspected and approved by the City Public Works Director or appointee.

**9.2.2 Private Construction Compliance**

It shall be unlawful for any person, either as owner, agent, servant, contractor or employee to construct any sidewalk in Payson unless such sidewalk be constructed to lines and grades as given and established by the City Public Works Director unless special permission to deviate from such lines and grades is first obtained from the City Council.

**9.2.3 Permit Agreement to Comply**

It shall be unlawful for any person, as either owner, agent, servant, contractor or employee, to construct any permanent sidewalk in Payson without first having obtained a permit from the City Public Works Director's office. The acceptance of such permit shall be deemed an agreement upon the part of such person to construct said sidewalk in accordance with the specifications and grades agreed upon by the City Public Works Director or appointee as to the character and quality of the work. When a sidewalk is constructed adjacent to the back of the curb, there shall be placed between the back of the curb and walk an expansion joint designated by the City Public Works Director's office. It shall be unlawful to construct any such sidewalk in violation of the specifications given by the City Public Works Director's office.

**9.2.4 Inspection Costs**

Where property owners construct sidewalks, driveways, and curb and gutter at their own expense in compliance with the provisions of this chapter and the approval of the City Public Works Director's office, the cost of indicating grades and lines and inspection shall be paid for by the property owner before issuance of the permit required.

The City Council shall adopt and establish fee schedules related to sidewalks and streets inspections, plan reviews, etc.

**9.3**

**STREETS**

- 9.3.1 Roadway Design Standards**
- 9.3.2 Defects to be Reported and Repaired**
- 9.3.3 City Public Works Director to Authorize**
- 9.3.4 Permit and Bond Required for Street Work**
- 9.3.5 Building Material on Street-Permit-Bond**
- 9.3.6 No Cut Policy on New Pavement**
- 9.3.7 Snow Removal from Streets**
- 9.3.1 Roadway Design Standards**

All roadways, sidewalks, trails, and transportation infrastructure shall be planned and designed according to the most up to date version of the Payson Development Standards or APWA Standards where Payson Development Standards are not established. Payson Development Standards are to be used in all cases except where Payson Development Standards are not established or defined.

**9.3.2 Defects to be Reported and Repaired**

All defects in public streets, coming to the knowledge of any officer or person in the employ of the City, shall be communicated to the Public Works Director immediately.

**9.3.3 City Public Works Director to Authorize**

No City employee may perform any work, including the removal of gravel or other materials, on City streets without first receiving authorization by the City Public Works Director’s office who shall specify the time and place such work may be performed.

**9.3.4 Permit and Bond Required For Street Work**

It shall be unlawful for any person to make any excavation in any street, lane, or alley, or remove any pavement or other materials forming any street or improvement thereon without a permit from the City Public Works Director’s office.

Permits may only be issued in response to written applications signed by the party or by an authorized representative of said party before work begins. The signed party on the permit shall be liable for ensuring appropriate safety measures during work, which may include guards, fencing, signals, cones, barricades, or lighting and shall hold the City harmless from any and all claims, liabilities, demands or damages that result from the permitted work.

A bond shall be paid by the signed party to the city to be held for the duration of the permitted work or placed on file with the City against any work performed by the party for up to one (1) year. The sum of the bond and the price of the permit shall be set by the City.

The signed party shall be held responsible for immediately restoring the street to the same condition it was in prior to the start of the permitted work including backfill, compaction, grading, and the removal of any rocks, dirt, rubbish, or debris from the street. An asphalt or concrete “T” patch shall be the standard for restoration unless otherwise specified by the City Public Works Director’s office at the time of issue of the permit.

After all work and restoration is complete the person performing the work shall immediately notify the City Public Works Director’s office of its completion at which time the City Public Works Director, or appointee shall organize and supervise the resurfacing of sidewalk or street where the work has been performed. Payment for resurfacing shall be paid using the fees collected in issuing the permit for work.

It shall be unlawful for any person to fail or refuse to restore a road within ten days of completion of work or excavation subject to forfeiture of bond money up to and equal to fees and costs associated with restoring the roadway by the City. If the cost of restoration exceeds the amount collected in bond money or permit fees, the person or party who performed the excavation shall be held responsible for these costs.

**9.3.5 Building Material on Street-Permit-Bond**

It shall be unlawful for any person to occupy or use any portion of a public street for the erection or repair of any building abutting thereon without first making application to and receiving from the City Public Works Director’s office a permit for the occupation or use, for building purposes, of such portions of streets and for such periods of time and under such limitations and restrictions as may be required by ordinance or by the public convenience; provided, that no permit shall be granted to occupy more than fifteen (15) feet from the curb line. Any such permit may be revoked by the City Public Works Director, at any time, when the holder thereof fails to comply with any rule or regulation under which it is granted, or when, in the opinion of the City Public Works Director, the public good required such revocation. No such permit shall be granted until the applicant

therefore shall have given a bond in the sum specified in the City fee schedule. Such bond shall be paid to Payson City and to any person injured by reason of the failure of the principal therein to provide adequate safety measures in association with permitted work. No part of a street other than that so allotted shall be used for depositing materials for work to be done or for receiving rubbish arising from such work. All such rubbish shall be carried away by the person to whom the permit is granted, at such times as the City Public Works Director may direct, and in case of the neglect or refusal of such persons as to remove such rubbish, it shall be removed at his expense by the City.

**9.3.6 No Cut Policy on New Pavement**

All new or reconstructed streets shall have a one (1) year warranty from any contractor for the construction of said street. Except for in emergencies where lives or resources are in danger, a five (5) year no cut policy on the cutting of new pavement applies to all new, reconstructed, and overlaid roads where hot mix asphalt or concrete of any thickness has been applied. Any City department or private party who has need to cut into City streets for the management of utilities may request a variance for an exception to be approved by the City Public Works Director.

**9.3.7 Snow Removal From Streets**

In order to facilitate the speedy and safe removal of snow from City streets, it is unlawful for the owner or driver of any vehicle to park, cause to be parked, or allowed to be parked, said vehicle upon any City street or right-of-way of a City street between the hours of 10:30 p.m. and 7:00 a.m. each year from December 1st, through March 1st, of the following year.

It shall be unlawful for any person to remove any snow or ice from any private property and place the same on any public street, sidewalk, driveway, or right-of-way, or any part thereof.

Except as provided in subsections (a) and (b) of this section, it shall be unlawful for any person, except employees of the City or other highway maintenance authority in their official capacity, to move or pile any snow or ice on any public street, sidewalk, driveway, or any part thereof.

- (a) The City Public Works Director, or appointee, may issue a written permit to any person to move or pile snow or ice on a public street or right-of-way if the City Public Works Director determines

it to be in the best interest of the City and residents of the area to do so. In issuing any such permit, the City Public Works Director shall require a bond and insurance certificate to be furnished. It shall be unlawful for any person holding such a permit to move or pile any snow or ice on any public street, sidewalk, driveway, or right-of-way except in strict compliance with the terms of the permit.

- (b) This subsection shall not apply to removal of snow from sidewalks fronting private property that the owner or occupant has the duty to clean as provided in Section 19.24.14.2 nor to cleaning of access driveways from a public street to private property.

“Vehicle” shall be defined to include, but not limited to, automobiles, trucks, trailers, mobile homes, travel trailers, boats, motorcycles, buses, snowmobiles, and other transportation vehicles, whether for the transportation for humans, animals, or freight of any kind.

Violation of this ordinance is an infraction. Each day said violation continues will be considered a separate offense.

**9.4**

**PLANS AND GUIDELINES**

- 9.4.1 Transportation Master Plan**
- 9.4.2 Access Management Guidelines**
- 9.4.3 Traffic Calming Guidelines**
- 9.4.4 Signal and Street Sign Standards**

**9.4.1 Transportation Master Plan**

The Mayor and City Council shall develop and maintain a Payson Transportation Master Plan that identifies major visions and goals for transportation development within the City. The Mayor and City Council shall update (or have updated) the Payson Transportation Master Plan as needed when the plan becomes irrelevant or out-of-date. Public rights-of-way including streets, alleys, trails, paths and other transportation facilities owned by the City shall be identified and described in the Payson Transportation Master Plan. The Payson Transportation Master Plan shall be made available to the public either by request or through the City website. Future developers shall work to complement plans and visions established in the Payson Transportation Master Plan.

#### **9.4.2 Access Management Guidelines**

All new development shall conform to the Access Management Guidelines made available in the Payson Development Guidelines. These guidelines shall inform design of new development especially in respect to access of public right-of way.

Property owners shall have a right to reasonable access to the public rights-of-way. When access is desired that does not conform to the Access Management Guidelines a variance may be requested for an exception to be approved by the City Public Works Director.

#### **9.4.3 Traffic Calming Guidelines**

Construction of new streets to be incorporated into City rights-of-way and requests for modifications shall follow plans and guidelines set forth in the Payson Traffic Calming Guidelines.

#### **9.4.4 Signal and Street Sign Standards**

Signals, street signs, and pavement markings of any kind shall conform to guidelines and standards established in the most recent version of the Utah Manual for Uniform Traffic Control Devices (MUTCD). Any deviation from these standards must be justified by an engineering study and approved by the City Public Works Director.