ORDINANCE 94-001

WHEREAS, on 2-17, 1994, the Town Council of Mantua, Utah, passed and posted an ordinance adopting a code entitled THE CODE OF ORDINANCES OF MANTUA CITY; and,

WHEREAS, the Town Council has determined there is a need to establish an ordinance regulating and controlling construction and repair of streets and sidewalks and excavations within the Town of Mantua.

NOW, THEREFORE, the Town Council of Mantua, Utah, hereby adopts, passes and publishes the following:

AN ORDINANCE REGULATING AND CONTROLLING CONSTRUCTION AND REPAIR OF STREETS AND SIDEWALKS AND CONTROLLING EXCAVATIONS WITHIN MANTUA.

Be it ordained by the Town Council of Mantua, Box Elder County, state of Utah, as follows:

Title 94-001. CONSTRUCTION AND REPAIR OF STREETS AND SIDEWALKS AND EXCAVATIONS WITHIN MANTUA.

1. CONSTRUCTION AND REPAIR OF STREETS AND SIDEWALKS.

   a. CONSTRUCTION BY PERSONS. It shall be unlawful for any person either as owner, agent, servant, contractor, or employee to construct as street or sidewalk which does not conform to specification established by the city engineer or other authorized representative of the city, unless special permission to deviate from such specification is first obtained from the city council.

   b. PERMIT REQUIRED - SUPERVISION.

      (1) No person either as owner, agent, servant, contractor, or employee, shall construct any permanent sidewalk without first obtaining from the recorder a permit so to do. The permit shall specify that the sidewalk to be constructed of cement, the character and quality of the cement, the consistent parts of the mixture, and the thickness of the walk.

      (2) It shall be unlawful to construct a sidewalk in violation of the specifications given by a proper city official.

(3) All sidewalks shall be constructed under the inspection of the superintendent of streets or his duly authorized representative.

c. CONSTRUCTION OF DRIVEWAYS OR CHANGES OF CONSTRUCTION. It shall be unlawful for any person to construct a driveway across a sidewalk, or cut or change the construction of sidewalk, curb, or gutter without first making written application and obtaining from the recorder a permit to do so. The acceptance of such permit shall be deemed an agreement on the part of such person to construct said driveway in accordance with specification furnished by the city.

d. BUILDING MATERIALS IN STREET-PERMIT. It shall be unlawful for any person to occupy or use any portion of the public streets when erecting or repairing any building upon land abutting thereon, without first making application to and receiving from the city council a permit for the occupation or use of such portions of streets for such periods of time and under such limitations and restrictions as may be required by the city council. Any such permit may be revoked by the city council 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 council, the public interest requires such revocation.

e. PLACING OR MIXING SAND OR GRAVEL ON PAVED STREET OR SIDEWALK. Unless a permit from the superintendent has been obtained, it shall be unlawful to:

(1) Place or pile, or permit to be placed or piled, any sand, gravel, lime, cement, mortar, plaster, concrete, or any like substance or mixture, or allow the same to remain on any portion of any paved street or sidewalk.

(2) Make or mix or permit to be made or mixed any mortar, plaster, concrete or any like substance or mixture on any portion of any paved street or sidewalk.

f. OVERFLOWING OF WATER ON PUBLIC PROPERTY. It shall be unlawful for any person to allow water to overflow from any ditch, canal, well, or irrigation

stream onto the streets, sidewalks or property of the city.

g. IRRIGATION DITCHES ACROSS SIDEWALKS. All owners or occupants of lots in this city who require water from main ditch for irrigation or other purposes shall dig ditches, erect flumes, lay pipes and install culverts, as needed, and maintain the same to convey water and under sidewalks to or from their respective lots. All culverts, ditches, pipes and flumes conveying water under sidewalks shall meet such reasonable standards and specifications as may be established by the superintendent of streets.

2. EXCAVATIONS.

a. PERMIT REQUIRED.

(1) No person shall make an excavation in any street, lane, or alley, or remove any pavement or other material from any street or improvement thereon without first obtaining a permit from the city recorder or other authorized representative of the city.

(2) No person shall excavate any sidewalk without first obtaining a permit from the superintendent of streets or other authorized personnel.

(3) Nothing contained in this part shall be construed to waive the franchise required for any person by the ordinances of this city or laws of Utah.

b. EXCLUDED EXCAVATION. Excavations of any kind in city streets in projects designed, contracted for, and inspected by the city engineer or other authorized personnel of the city, do not come within the scope of this part.

c. SUBJECT EXCAVATIONS. Excavations for installation or repair of water lines, sewer lines, gas lines, electrical cable and conduits, telephone cable and conduits, and all other excavations for any other purpose within the street rights-of-way of the city or in other public places, are subject to the provisions of this part.

d. PREPARATION. The payment, sidewalk, driveway, or other surface shall be cut vertically along the lines forming the trench in such a manner as to not damage the adjoining pavement or hard-surfacing. An undercut bevel at the rate of one inch per foot of thickness will be provided at the proposed junction between the old and new surfaces. The portion to be removed shall be broken up in 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 removed immediately from the site of the work.

e. BACKFILL.

(1) Materials for backfill will be of select nature. All broken concrete, peat, decomposed vegetable matter and similar materials obtained from excavation will be removed from the site prior to beginning of backfilling. All backfill will be in place in layers not over eight inches loose measure in thickness. Compaction will be obtained by mechanical roller, mechanical tampers or similar means. Material for backfilling will have optimum moisture to insure compaction to a degree equivalent to that of the undisturbed ground in which the trench was dug. Jetting or internal vibrating methods of compacting sand fill or similar methods of compacting sand or similar granular free draining materials will be permitted.

(2) The density (dry) of the backfill under pavements, sidewalks, curbs, or other structures will not be less than that existing prior to excavation. The fill shall be restored and placed in a good condition which will prevent settling.

f. RESTORATION OF SURFACES.

(1) General. All street surfacing, curbs, gutters, sidewalks, driveways, or other hard surfaces falling in the line of the excavation which must be removed in performance of the work shall be restored in kind by the

excavator, unless otherwise directed by the city council, in accordance with the specifications contained herein governing the various types of surfaces involved.

(2) Protection of Paved Surfaces. In order to avoid unnecessary damage to paved surfaces, track equipment shall use pavement pads when operating on or crossing paved surfaces.

(3) Time. In traffic lanes of pave street,s the excavator shall provide temporary gravel surfaces or cold mulch in good condition immediately after 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 period:

i. When permanent paving material is not available.

ii. When weather conditions prevent permanent replacement.

iii. When an extension of time is granted by the superintendent of streets.

(4) Temporary Repair. If temporary repair has been made on 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 excavator shall be required to replace the gravel with cold mulch as soon as possible.

g. RESTORING BITUMINOUS. Concrete or asphalt street surfaces.

(1) Temporary grade surface. Where excavations are made in paved areas, the surface shall be placed with a 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, twelve inches of gravel for concrete, and concrete base for asphalt

wearing surfaces. The gravel shall be placed in the trench at the time it is back-filled. The temporary gravel surface shall be maintained by blading, sprinkling, rolling, adding gravel, to maintain a safe, uniform surface satisfactory to the inspector until the final surface is laid. 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 gradings:

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%

(2) 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 superintendent of streets. 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-half inch between old and new work.

h. CONCRETE SURFACES. The sub-base for concrete surfaces shall be sprinkled just before placing the concrete. Joints and surfaces shall be made to match the original surfaces. The thickness of concrete shall be equal to the adjacent concrete but in no case less than six inches thick. The mixing,cement, water content, proportion, placement, and curing of the concrete will be approved by the superintendent of streets. In no case shall the concrete have less compressive strength than 3,000 pounds per square inch at the end of 28 days.

i. CONCRETE BASE, BITUMINOUS WEARING SURFACES. This type of surfacing shall be constructed as above described.

j. GRAVEL SURFACES. Trenches excavated through gravel-surfaced area, such as gravel roads and shoulders and unpaved driveways, shall have the gravel restored and maintained as described in part 2 of this part, except that the gravel shall be a minimum of one inch more than the thickness of the existing gravel.

k. PROTECTION OF PUBLIC DURING EXCAVATION PROJECT. 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 fronting on public streets shall be minimized. Suitable, adequate and sufficient barricades shall be available and used where necessary to prevent accidents involving property or persons. Barricades must be in place until all the excavator's equipment is removed from the site and excavation has been backfilled and proper temporary gravel surface is in place. From sunset to sunrise all barricades and excavations must be clearly outlined by acceptable warning lights, lanterns, flares, and other devices. Police and fire departments shall be notified at least 24 hours in advance of any planned excavation requiring street closures or detour.

l. RELOCATION AND PROTECTION OF UTILITIES. An excavator shall not interfere with any existing utility without the written consent of the city council and without advance notice to the owner of the utility. If it becomes necessary to relocate an existing utility, it shall be done by its owner unless the owner otherwise directs. No utility, whether owned by city or private enterprise, shall be moved to accommodate the permittee unless the cost of such work be borne by the permittee or an expressly written agreement is made whereby the utility owner and the excavator make other arrangements relating to such cost. 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 shall do everything necessary to support, sustain and protect them under, over, along or across the work. In case any of the pipes, conduits, poles, wires, or apparatus should

be damaged (and for this purpose pipe coating or other encasement or devices are considered as part of a substructure), they shall be repaired by the agency or person owning them, but the utility owner shall be reimbursed for the expense of such repairs by the permittee. It is the intent of this part 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 shall be deemed a contractual obligation which the permittee accepts upon acceptance of an excavation permit. The city need not be made a party to any action because of this part. The permittee shall inform itself as to the existence and location of all underground utilities and protect the same against damage.

m. JETTING PIPE. Jetting pipe by means of water under pressure, or compressed air, is permitted only when approved by the city.

n. INSPECTION AND ACCEPTANCE.

(1) In order to insure proper backfill and restoration of surface, the permittee shall deposit a surety bond or cash deposit with the recorder payable to the city, except that a public utility operating or using any of the streets under a franchise form the city will not be required to furnish such bond, providing such franchise obligates the holder thereof to restore the streets and to hold the city harmless in the event of any injury to any person or damage to any property due to negligence of such holder in conducting excavation and restoration operations under such franchise. The required surety bond must be:

i. With good and sufficient surety.

ii. By a surety company authorized to transact business in the state.

iii. Satisfactory to the city attorney in form and substance.

iv. Conditions upon the permittee's compliance with this part in order to secure and hold the city and its officers harmless against any and all claims, judgments, or other costs arising from the excavation and other work covered by the excavation permit or for which the city, the city council or any city office may be made liable by reason of any accident or injury to any person or property through the fault of the permittee arising out of failure to properly guard the excavation or for any other negligence of the permittee.

v. Conditioned to fill up, restore and place in good and safe condition, as near as may be to its original condition, and to the satisfaction of the city, all opening and excavations made in streets, and to maintain any street where excavation is made in as good condition for the period 24 months after the work shall be done, usual wear and tear excepted, as it was before the work shall have been done.

(2) The amount of surety bond or cash deposit shall be established by resolution and may be changed from time to time, but until such resolution is passed the amount of surety or cash deposit shall be $ 5,000.00 and $ 10.00 for each foot of street the permittee shall excavate.

o. APPLICATION FOR STREET EXCAVATION PERMIT. It shall be unlawful for any person to break, excavate, tunnel, undermine, or in any manner affect the surface or base of any street or to place, deposit or leave upon any street any earth or any other excavated material obstructing or tending to interfere with the free use of the street, unless such persons shall first have obtained an excavation permit therefore from the recorder. Any public utility regulated by the State of Utah or holding a franchise from the city which in the pursuit of its calling has frequent occasion to open or make excavations in streets, may, upon application, receive a general permit from the city to cover all excavations such utilities may make

within the streets of the city. All permits shall be subject to revocation and the city may refuse to issue a permit for failure of the permittee or applicant to abide by the terms and conditions of this part. Excavation emergency endangering life or property, providing the city is notified as soon as practicable and a permit is applied for upon the next working day following the emergency.

Passed and adooted by the Town Board of Mantua, Utah this the 17th day of Feb, 1994

Mayor

Councilman

Councilman

Councilman

Councilman

Mantua Town Seal

ATTEST:

Adriana Forsgren
Town Clerk

CLERK'S CERTIFICATE

I, the duly appointed and acting clerk for the Town of Mantua, hereby certify that copies of the foregoing Ordinance No. 94-001 were posted at three public places within the Town of Mantua this 17th day of Feb, 1994 which public places are:

1. Mantua Town Hall
2. Mantua Fire Station
3. Country Store Campground.

Dated this 17th day of February, 1994.

Adrianne Faughen
Clerk