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Section 11-100 Airports and Aircraft

Section 11-110 Aircraft

Section 11-111 Definitions

- A. The term "aircraft" as used in this chapter means any aeroplane, airplane, gas bag, flying machine, balloon, any contrivance now known or hereafter invented, used or designed for navigation of or flight in the air, except a parachute or other contrivance used primarily as safety equipment.
- B. The term "acrobatic flying" as used herein means any intentional airplane maneuver or stunt not necessary to air navigation, or operation of aircraft in such manner as to endanger human life or safety by the performance of unusual or dangerous maneuvers.

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Section 11-112 Aircraft Owned by the Government, or Licensed by Foreign Governments

The provisions of this chapter shall not apply to public aircraft of the Federal Government, or of a state, or territory, or of a political subdivision of a state or territory, or to aircraft licensed by a foreign country with which the United States has a reciprocal agreement covering operation of such aircraft.

Section 11-113 Minimum Height Limits For Aircraft

Except while taking off or landing at an established landing field or airport, no person shall fly or permit any aircraft to be flown within this municipality, except at a height sufficient to permit of a reasonably safe emergency landing, which in no case shall be less than 1,000 feet, provided that the provisions of this section may be deviated from when special circumstances render a departure necessary to avoid immediate danger or when such departure is required because of stress of weather conditions or other unavoidable cause.

Section 11-114 Operators of Aircraft to Be Licensed

No person shall operate any aircraft within or over this municipality unless such person has first been issued an airman certificate by the Civil Aeronautics Administration and unless such aircraft shall have first received a certificate of airworthiness from the Civil Aeronautics Administration.

Section 11-115 Operation of Aircraft to Be Subject To Air Traffic Rules of Federal Civil Aeronautics Administration

No person shall operate any aircraft over or within this municipality in violation of any valid air traffic or other rule or regulation established by the Civil Aeronautics Administration.

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Section 11-116 Acrobatic flying Prohibited

Acrobatic flying by any person flying over any portion of this municipality is hereby prohibited.

Section 11-117 Landing At Other Than Established Airport Prohibited

Except in case of emergency, no person shall land any aircraft within this municipality except upon a regularly established airport field, or landing place.

Section 11-118 Lights or Night Operation of Aircraft

All aircraft when flying within or over the corporate limits at night shall have lights and other equipment required for such flying by the rules, regulations or orders of the Civil Aeronautics Administration.

Section 11-119 Noise by Aircraft Operation

Unnecessary noise by operators of aircraft within or over this municipality is hereby prohibited.

Section 11-120 Dropping Objects from Aircraft Prohibited

No person in any aircraft shall cause or permit to be thrown out, discharged or dropped within the corporate limits, any object or thing, except loose water or loose sand ballast when absolutely essential to the safety of the occupants of the aircraft and except as provided in section 11-121 of this chapter.

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Section 11-121 Permits Required For Exhibition Flights, Carrying of Banners, Distribution of Circular, Loud Speaking Devices, and Carrying of Explosives

No person shall make exhibition flights by carrying banners on, distribute circulars from, or operate a loud speaking device from any aircraft flying within or over the corporate limits without first obtaining a permit to do so from the mayor, and payment of a permit fee of five dollars for each flight. The mayor shall issue such permit if the person who will operate the aircraft, in carrying out any of the objects named in this section, is duly licensed by the Civil Aeronautics Administration, the aircraft to be used is licensed by the Civil Aeronautics Administration, and the safety or lives of the inhabitants of the municipality will not be endangered by the proposed flight. Provided that the permits provided for in this section may be issued by the mayor up to six months, rather than for individual flights, if the safety or lives of the inhabitants of the municipality will not be endangered by such permit and a permit fee of \$25.00 is paid. The six months' permit shall be revoked upon violation of any provision of this chapter.

Section 11-130 Airport

Section 11-131 Airport Established

There is hereby established a department known as the Kanab City Airport. The airport shall be operated by an airport manager pursuant to rules and regulations promulgated by the council. Until such time as other or additional rules and regulations are promulgated, the previous rules and regulations adopted by the council either as rules and regulations or by ordinance, are hereby adopted as the rules and regulations for the airport. The airport manager, or his authorized agents, shall have responsibility to enforce the rules promulgated by the council and shall, at their discretion, provide for an orderly use of the airport and its facilities.

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Section 11-132 Penalty

It shall be a class B misdemeanor for any person to violate any rule or regulation promulgated by the council or any reasonable direction of the airport manager made to maintain the orderly use of the airport and its facilities. *(Copyright - 1978, Utah League of Cities and Towns)*

Section 11-200 Reserved

Section 11-300 Streets and Public Ways

Section 11-310 Superintendent Of Streets

Section 11-311 Superintendent Of Streets

- A. There is hereby created a department of streets which shall have general supervision of streets, sidewalks, bridges, and other public ways.
- B. The department shall be under the direction and control of the superintendent of streets.

Section 11-312 Powers and Duties Of Street Department

The department shall:

- A. Have charge of the construction, maintenance and repair of streets, sidewalks, bridges, curbs, gutters, culverts, drains, waterways and other public ways. It shall have control of all waters flowing on the streets, sidewalks and public ways whether originating from storm, flood, drainage or irrigation waters.
- B. Keep a record and promptly investigate all complaints of defective streets, culverts, drains, ditches, sidewalks, and other public ways

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and, when proper, repair, replace or take such action as deemed best, and shall record the action taken on each complaint.

- C. Enforce the provisions of this chapter 11-300 and all other ordinances relating to the maintenance and use of streets, culverts, drains, ditches, waterways, curbs, gutters, sidewalks and other public ways.
- D. Repair, or cause to be repaired, all defects coming to the department's attention and take reasonable precautions to protect the public from injuries due to such defects pending their repair.

Section 11-313 Construction and Maintenance Zone Safety

PURPOSE

This policy is designed to insure Public Works Department employees are protecting themselves and the public against injury, loss of life and property.

PROCEDURES

All Public Works employees engaged in activities in the public rights-of-way must follow guidelines set forth by the Manual Uniform Traffic Control Devices (MUTCD) when flagging, placing signs, barricades, cones, or any traffic control device. This includes employees who are responsible for supervising and inspecting, contracted work done in the rights-of-way of Kanab City.

Any employee flagging, placing signs, barricades, cones or any type of traffic control device must first obtain training in work zone safety and have a flagger certification or other pertinent training or certificates.

Section 11-320 Street-Traffic Control

Section 11-321 Traffic Code

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- A. ADOPTION OF TRAFFIC RULES AND REGULATIONS - The provisions of Titles 72 and 41 which define offenses which are Class B or Class C Misdemeanors or Infractions and definitional or supporting sections contained in the Utah Criminal and Traffic Code - Current Edition, as compiled, prepared and published as a code in book form for the Utah Department of Public Safety, by LexisNexis. And the provisions of the Code of Federal Regulation-Current Edition, Title 49, parts 40, 325, and 355-399 of the Federal Motor Carrier Safety Regulation, which define offense which are Class B or C Misdemeanors or Infractions and definitional or supporting sections contained in Code of Federal Regulations, Current Edition, three copies of which have been filed for use and examination by the public in the office of the City Recorder, hereby is approved and adopted as the Traffic Code of this municipality, as modified by ordinances of this municipality.
- B. PENALTIES
1. Violations shall be punished as provided therein.

13-310 CRIMINAL CODE

- A. ADOPTION OF CRIMINAL CODE. The provisions of Titles 26, 30, 31A, 32A, 53, 54, 58, 59, 63, 67, 73, 76, 77, and 78 which define offenses which are Class B or Class C Misdemeanors, or Infractions, and definitional or supporting sections as contained in the Utah Criminal and Traffic Code-Current Edition, which is published as a Code in book form for the Utah Department of Public Safety, by LexisNexis, three copies of which have been filed for use and examination by the public in the office of the City Recorder, hereby is approved and adopted as the Criminal Code of this municipality, as modified by ordinances of this municipality.
- B. PENALTIES.
1. Violations shall be punished as provided for therein.

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Section 11-322 Definitions Contained In Code

Unless the context otherwise requires, all references in the traffic code to:

- A. The State Road Commission or State Department of Transportation shall mean this municipality and its officers, departments, agencies, and agents.
- B. Local Authorities shall mean the governing body of this municipality.
- C. The Department of Public Safety of the State of Utah shall mean the chief of police of this municipality or his agent.
- D. Magistrate shall mean the justice of the peace or judge of this municipality.

Section 11-323 Prima Facie Speed-Posted Streets

- A. When appropriate traffic control or regulatory signs giving notice of speeds are posted, the prima facie maximum speed limits designated upon said signs shall apply to the appropriate streets or portions of streets so posted.
- B. In the absence of any speed limit sign designating a speed limit applicable thereto the prima facie speed limit shall be 25 miles per hour.

Section 11-324 Angle Parking

When appropriate traffic control or regulatory signs are posted permitting angle parking, angle parking shall be permitted on the streets or parts of streets so posted at the angle designated by the sign.

Section 11-325 Through Streets-Stop And Yield Intersections

When appropriate traffic control or regulatory signs are posted at entrances to intersections identifying them as stop or yield entrances,

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such streets are hereby declared to be stop entrances and yield entrances as designated by said signs.

Section 11-326 Designation of Streets And Intersection To Be Posted

The governing body shall designate the places at which appropriate traffic control devices or regulatory signs shall be placed relating to maximum speed limits, angle parking, through streets, stop and yield intersections and other regulations governing traffic.

Section 11-327 Driving While License Suspended or Revoked

- A. A person whose license or privilege to drive in any state has been suspended or revoked, and who operates any motor vehicle within the municipality while that license or privilege is suspended or revoked is guilty of a class B misdemeanor.
- B. A person whose license or privilege to drive in any state has been suspended or revoked as a result of a conviction involving
- (i) a refusal to submit to a chemical test;
 - (ii) a DUI (in violation of U.C.A. 41-6a-502 et seq. or comparable statutes of other states;
 - (iii) automobile homicide - alcohol related;
 - (iv) a criminal prohibition that the person plead guilty as a result of a plea bargain after having been originally charged with violating one or more of the sections or ordinances under this section; or
 - (v) whose revocation or suspension has been extended under U.C.A. 53-3-227, and who operates any motor vehicle upon within the municipality while that license or privilege is suspended or revoked is guilty of a class B misdemeanor.

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Section 11-330 Animals on Streets

Section 11-331 Driving Animals on Streets

- A. Every person who drives any herd of sheep or band of horses, cattle or other animals upon any public street or highway without first obtaining a permit from the chief of police so to do is guilty of an infraction.
- B. No person shall drive livestock through this municipality upon streets not designated for that purpose except upon permission and according to the direction of the chief of police.

Section 11-340 Parking Regulations

Section 11-341 Parking or Blocking Streets or Highways

In addition to the parking provisions contained in the Utah Traffic Code, as adopted by this municipality, it shall be a class B misdemeanor for any person to:

- A. Remain standing, lying or sitting on any street or highway in such a manner as to obstruct the free passage of vehicular or pedestrian traffic thereon.
- B. Willfully remain standing, lying or sitting on any street or highway in such manner for more than one minute after being requested to move by any police officer.
- C. Willfully remain on such street or highway in such manner as to obstruct the free passage of any person or vehicle into or out of any property abutting upon the street or highway or any property having access to such street or highway.

Section 11-342 Signs

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The governing body may authorize or direct any person employed by the municipality to erect or install any sign or traffic control device required to enforce the provisions of this part.

Section 11-343 No Parking

It shall be a class B misdemeanor to park or leave standing at any time a motor vehicle, as defined in the "Kanab City Traffic Code" in any of the places described in the appropriate appendix attached to this code when properly posted, except when necessary to avoid interference with other traffic or in compliance with the directions of a policeman or traffic control device.

Section 11-344 Unlawful Parking

- A. Parking at curb. No vehicle shall be parked with the left side of the vehicle next to the curb, except on one way streets. It shall be unlawful to stand or park any vehicle in a street other than parallel with the curb and with the two right wheels of the vehicle within twelve inches of the regularly established curb line except on those streets which have been marked for angle parking; then vehicles shall be parked at the angle to the curb indicated by such marks.
- B. Vehicles for sale. It shall be unlawful to park any vehicle on any street for the purpose of displaying it for sale, or to park any vehicle from which merchandise is peddled on any business street.
- C. Loading Zone. When so posted, it shall be unlawful for the driver of a passenger vehicle to stand or park such vehicle for a period of time longer than is permitted by the posted sign for the loading or unloading of passengers, or for the driver to stand or park any freight carrying vehicle for a period of time longer than is necessary to load, unload and deliver materials in any place designated as a loading zone and marked as such.

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- D. Parking prohibited. It shall be unlawful for any person, except physicians on emergency calls or designated emergency vehicles when properly posted, to park any vehicle on any street in violation of the posted restrictions.
- E. Alley. No person shall park a vehicle within an alley in such manner or under such conditions as to leave less than ten feet of the width of the roadway available for the free movement of vehicular traffic. No person shall stop, stand, or park a vehicle within an alley in such a position as to block the driveway entrance to any abutting property.
- F. Cab Stands - Bus Stands. No vehicle other than a licensed taxicab shall be parked in any area designated by ordinance as a taxicab stand and no vehicle other than a bus shall be parked in a place so designated as a bus loading zone.
- G. Parking Prohibited. It shall be an infraction for any person to park or leave standing on any public road, street, alley or municipal property any vehicle for 48 or more consecutive hours, and any vehicle so parked or left standing may be impounded or removed by the chief of police. For purposes of impoundment and removal, the chief of police may impound and remove any vehicle which reasonably appears to have remained unmoved for 48 consecutive hours. The cost of impoundment and removal shall be charged to the owner or any person who claims the impounded vehicle.

Section 11-345 Parking and Operating Regulations

- A. AUTHORITY TO DESIGNATE LIMITATIONS OR PROHIBITIONS
 - 1. The Chief of Police shall have authority to prohibit or regulate the operation or parking of any class of vehicles or commercial or construction equipment, or to impose limitations as the weight thereof, on designated streets, within the corporate limits of Kanab City, over which the City has jurisdiction.

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2. Prohibitions or regulations may be imposed in any manner and to any extent deemed necessary by the Chief of Police, including but without limitation, restricting weight, size, hours of operation, types of vehicles, season or use, or any other designation deemed necessary.
- B. NOTICE AND RECORD OF PROHIBITIONS - When in the opinion of the Chief of Police, it becomes necessary to exercise authority under Section 11-345-A above, the Chief of Police shall:
1. Direct the Public Works Director to designate by appropriate signs placed on such streets the prohibitions or limitations enacted. Said prohibitions or limitations shall not be enforced until after appropriate signs are erected.
 2. File a copy of the directive to the Public Works Director with the City Manager.
- C. APPROVAL BY THE CITY COUNCIL
1. Any directive issued by the Chief of Police under this Section shall be submitted for prior approval by the City Council in the regular City Council meeting. The City Council may approve, strike down or modify the prohibitions or limitations imposed.
- D. EXEMPTED VEHICLES AND OPERATIONS - None of the prohibitions or limitations imposed under authority of this Section shall apply to the following:
1. Emergency vehicles
 2. Service vehicles in the normal course of their repair and/or maintenance work on public utilities and commercial operations.
 3. Semi-trucks or trailers in the process of commercial delivery or receipt of merchandise, goods, building materials or other items within the City, as long as the semi-trucks or trailers are actually engaged in loading or unloading operation.
 4. Semi-trucks or trailers that have become inoperable due to breakdowns or tire damage, as long as the semi-trucks or

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trailers do not remain parked for a continuous period of more than eight (8) hours.

5. Recreational coaches, such as travel trailer, tent camper, camp car or other vehicle with or without motive power, designed and/or constructed to travel on the public thoroughfare in accordance with the provisions of the Utah Vehicle Code, and designed for use as human habitation for a temporary and recreational nature.

E. STOPPING OR PARKING. PROHIBITION AS TO SPECIFIED AREAS.

1. It shall be unlawful to operate or park a vehicle on any street or section thereof of the City in violation of a designation, prohibition or limitation which has been posted by the Chief of Police.
2. It shall be unlawful to park a vehicle exceeding seven feet (84") in width or twenty-two feet (22') in length on any street in front of a residence.
3. It shall be unlawful to operate upon any street of the City in any platted subdivision, any vehicle that has a gross weight in excess of 20,000 pounds per vehicle.

F. No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or traffic control device, in any of the following places:

1. On a sidewalk;
2. In front or within five feet of a private driveway;
3. Within an intersection;
4. Within five feet of a fire hydrant;
5. On a crosswalk;
6. Within 20 feet of a crosswalk at an intersection;

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7. Within 30 feet upon the approach to any flashing beacon or traffic control device located at the side of a roadway;
 8. Between a safety zone and the adjacent curb or within 30 feet of points on the curb immediately opposite the ends of a safety zone, unless authorized signs or markings indicate a different length;
 9. Within 20 feet of the driveway entrance to any fire station and on the side of a street opposite the entrance when properly sign posted;
 10. Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct or be hazardous to traffic;
 11. Upon any bridge or other elevated structure upon a street or within a street tunnel or underpass;
 12. At any place where official signs or traffic markings prohibit stopping, standing or parking; or
 13. With the left-hand side of the vehicle to the curb except as otherwise permitted on one-way streets.
- G. No person shall move a vehicle not lawfully under his control into any such prohibited area or away from a curb such distance as is unlawful.
- H. PENALTIES - Any person who parks or operates a vehicle on any City street in violation of this ordinance, shall be guilty of a Class C Misdemeanor. Nothing in this Section shall be constructed to prevent the City from invoking any other criminal or civil penalty as allowed by City Ordinance or State law, or from seeding recovery for the destruction or unlawful use of any street.
- I. SEVERABILITY - If any clause, section or paragraph of this ordinance is held to be unconstitutional or void for any reason, such holding shall not affect the remaining provisions.

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- J. EFFECTIVE DATE - This ordinance being necessary for the safety, peace and health of this municipality, shall take effect immediately on publication.

Section 11-349 Dynamic Braking Device

It shall be unlawful for a person to operate any motor vehicle with a dynamic braking device engaged, except for the avoidance of imminent danger within this municipality.

The term "dynamic Braking Device" as used in this chapter means a device used primarily on trucks for the conversion of the engine from an internal combustion engine to an air compressor for the purpose of braking without the use of wheel brakes, commonly referred to as a "Jacob' s Brake."

Section 11-350 Construction and Repair of Streets and Sidewalks

Section 11-351 Construction by Persons

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

Section 11-352 Permit Required - Supervision

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

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- B. It shall be unlawful to construct a sidewalk in violation of the specifications given by a proper municipal official.
- C. All sidewalks shall be constructed under the inspection of the superintendent of streets or his duly authorized representative.

Section 11-353 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/clerk 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 specifications furnished by the municipality.

Section 11-354 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 governing body 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 governing body. Any such permit may be revoked by the governing body 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 governing body, the public interest requires such revocation.

Section 11-355 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:

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- A. 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.
- B. 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.

Section 11-356 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 municipality.

Section 11-357 Irrigation Ditches Across Sidewalks

All owners or occupants of lots in this municipality who require water from a 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 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.

Section 11-358 Removal of Sod, Earth from Streets or Other Property

No person shall dig, cut or remove any sod or earth from any street or other public place without a permit from the superintendent of streets.

Section 11-360 Sidewalk Regulations

Section 11-361 Removal of Snow

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- A. It shall be unlawful for the owner, occupant, lessor, or agent of any property, abutting on a paved sidewalk to fail to remove, or have removed from such paved sidewalk, all hail, snow, or sleet thereon within a reasonable time after such snow, hail, or sleet has fallen. In the case of a storm between the hours of 5 p.m. and 6 a.m. such sidewalks shall be cleaned before 9 a.m. of the same day.
- B. It shall be unlawful for any person removing snow from the sidewalk, to deposit snow, dirt, leaves, or any other material in the gutter so as to clog or prevent the free flow of water therein.

Section 11-362 Placing Trash or Other Obstruction in Streets, Gutters, Sidewalks

- A. It shall be unlawful for any person owning, occupying or having control of any premise to place, or permit to be placed upon or in the sidewalk, parking area, gutter, or on the half of the street next to such premise:
- B. Any broken ware, glass, filth, rubbish, sweepings, refuse matter, ice, snow, garbage, ashes, tin cans or other like substances.
- C. Any wagons, lumber, wood boxes, fencing, building material, dead trees, tree stumps, merchandise or other thing which shall obstruct such public street, gutter, parking area or sidewalk, or any part thereof, or the passage over and upon the same, or any part thereof, except as expressly authorized by ordinance, without the permission of the governing body first had and obtained.
- D. No permanent or temporary structure, mechanism, device, or any other thing of any kind shall be placed on sidewalks, without first obtaining the written annual temporary permit from the Building Inspector which approval shall state the structure(s) permitted and the area to be used, such approval shall be granted only when:

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1. The business owner has signed an agreement, containing an indemnification and hold harmless clause and which requires the business owner to assume all responsibility.
2. This agreement shall be backed up by the requirement that the business furnish the City with a Certificate of Insurance with limits of \$1,000,000 per occurrence. The Certificate of Insurance shall state that Kanab City, its elected officials, appointed officials, employees, volunteers and agents are additional insured on the business owners liability policy. The Certificate of Insurance and the agreement shall have a clause requiring the City to be notified if the insurance is going to be canceled at least seven days prior to cancellation.
3. The above stated agreement and Certificate of Insurance shall meet the approval by the Kanab City Attorney.
4. No structure shall be placed in such a manner as to leave less than a six-foot (6) passageway for pedestrians or be placed on sidewalks beyond four (4) feet from the front line of the lot, or in such a manner as to create any hazard for pedestrians.

Section 11-363 Operations in Street

- A. It shall be unlawful for the owner or occupant of any building having a cellar which opens upon any street or sidewalk. If the owner or occupant of any such building shall neglect or refuse to repair properly any such door or covering within 24 hours after notice from the superintendent of streets to do so, the superintendent shall forthwith cause such repairs to be made at the expense of the owner or occupant.
- B. It shall be unlawful to construct or maintain coal holes or other openings in streets or sidewalks, except with the special permission of the governing body, and under the direction and supervision of the superintendent of streets.

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Section 11-364 Doors Opening Into Streets

It shall be unlawful for any person, firm, or corporation owning or having the control or management of any alley, road, or passageway to construct or hang gates or doors thereto, when open, shall project outwardly more than two feet over or upon the sidewalk beyond the property line.

Section 11-365 Discharge of Water on Street

It shall be unlawful for any person owning, occupying, or having control of any premise to fail, refuse or neglect to prevent water from the roof or eaves of any house, building, or other structure, or from any other source under the control of such person to be discharged upon the surface of any sidewalk.

Section 11-366 Crossing At Intersections

It shall be unlawful for any person to drive or park a self-propelled vehicle or lead, drive, or ride any animal upon any sidewalk except across a sidewalk at established crossings.

Section 11-367 Business to Keep Sidewalk Clean

It shall be unlawful for any owners or occupants of any place of business to refuse neglect or fail to cause the sidewalk abutting thereon to be swept or cleaned each morning before the hour of 9 a.m.

Section 11-368 Placing Goods on Sidewalks for Sale or Show

No goods, wares, merchandise shall be placed, maintained or permitted for sale or show in or on any parking area, street, or sidewalk beyond two feet from the front line of the lot, without first obtaining the written approval of the City Recorder which approval shall state the hours and

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days during which the sale is permitted, and the area to be used. Such approval shall be granted only when such sale or show shall be a promotional activity and when participated in by a majority of firms fronting the area of the sidewalk which is sought to be used. No goods, wares, or merchandise will be placed in such a manner as to leave less than a six-foot passageway for pedestrians, or in such a manner as to create any hazard for pedestrians.

Section 11-369 Placing goods on Sidewalks for Receipt or Delivery

It shall be unlawful for any person to place, or suffer to be placed or kept upon any sidewalk, any goods, wares or merchandise which he may be receiving or delivering, without leaving a foot passageway upon such sidewalk. It shall be unlawful for any person receiving or delivering such goods, wares or merchandise to suffer the same to be or remain on such sidewalk for a longer period than four hours.

Section 11-370 Playing On Sidewalks

Every person who obstructs the sidewalk or street by playing any game or engaging in any activity which obstructs the free travel thereon is guilty of an infraction.

Section 11-371 Congregating On Sidewalks

It is an infraction for any person or persons to congregate about or upon any sidewalks, stairway, doorway, window or in front of any business or dwelling house, theater, lecture room, church or elsewhere and by so doing to obstruct or interfere with the free passage of persons entering, leaving or occupying such building or premises.

Section 11-380 Excavations

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Section 11-381 Permit Franchise Required

- A. No person shall make any 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 superintendent of streets or other authorized representative of the municipality.
- B. No person shall excavate any sidewalk without first obtaining a permit from the superintendent of streets or other authorized personnel.
- C. Nothing contained in this part shall be construed to waive the franchise required from any person by the ordinances of this municipality or laws of Utah.

Section 11-382 Excluded Excavations

The following types of excavations do not come within the scope of this part:

- A. Excavations of any kind in municipal streets in projects designed, contracted for, and inspected by the municipal engineer or other authorized personnel of the municipality.

Section 11-384 Preparation

The pavement, 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 replaced. All waste material resulting from the excavation shall be removed immediately from the site of the work.

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Section 11-385 Backfill

- A. 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 backfilling will be placed in layers not over eight inches loose measure in thickness. Compaction will be obtained by mechanical rollers, 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.
- B. The density (dry) of the backfill under pavements, sidewalks, curbs, or other structures will be not less than that existing prior to excavation. The fill shall be restored and placed in a good condition which will prevent settling.

Section 11-386 Restoration of Surfaces

- A. 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 governing body, in accordance with the specifications contained herein governing the various types of surfaces involved.
- B. 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.
- C. Time. In traffic lanes of paved streets, the excavator shall provide temporary gravel surfaces or cold mulch in good condition immediately after back fill has been placed, and shall complete

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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:

1. When permanent paving material is not available.
 2. When weather conditions prevent permanent replacement.
 3. When an extension of time is granted by the superintendent of streets.
- D. 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.

Section 11-387 Restoring Bituminous

Concrete or asphalt street surfaces.

- A. Temporary grade surface. Where excavations are made in paved areas, the surface shall be replaced 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 backfilled. 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 grading:

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

- 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 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.

Section 11-388 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.

Section 11-389 Concrete Base, Bituminous Wearing Surfaces

This type of surfacing shall be constructed as above described.

Section 11-390 Gravel Surfaces

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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 11-388 of this part, except that the gravel shall be a minimum of one inch more than the thickness of the existing gravel.

Section 11-391 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 of excavator's equipment is removed from 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.

Section 11-392 Relocation and Protection of Utilities

An excavator shall not interfere with any existing utility without the written consent of the governing body 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 the municipality or by a 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

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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 to be 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 municipality 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.

Section 11-393 Jetting Pipe

Jetting pipe by means of water under pressure, or compressed air, is permitted only when approved by the municipality.

Section 11-394 Inspection and Acceptance

- A. In order to insure proper backfill and restoration of surface, the permittee shall deposit a surety bond or cash deposit with the recorder/clerk payable to the municipality, except that a public utility operating or using any of the streets under a franchise from the municipality will not be required to furnish such bond, providing such franchise obligates the holder thereof to restore the streets and to hold the municipality 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:
1. With good and sufficient surety.

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2. By a surety company authorized to transact business in the state.
 3. Satisfactory to the municipal attorney in form and substance.
 4. Conditioned upon the permittee's compliance with this part in order to secure and hold the municipality 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 municipality, the governing body or any municipal officer 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.
 5. 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 municipality, all openings and excavations made in streets, and to maintain any street where excavation is made in as good condition for the period of 24 months after the work shall be done, usual wear and tear excepted, as it was before the work shall have been done.
- B. The amount of the 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 the surety or cash deposit shall be \$200.00 and \$10.00 for each foot of street the permittee shall excavate.

Section 11-395 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 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 therefor from the recorder/clerk. Any public utility regulated by the state of Utah or holding a franchise from the municipality which in the pursuit

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of its calling has frequent occasion to open or make excavations in streets, may, upon application, receive a general permit from the municipality to cover all excavations such utilities may make within the streets of the municipality. All permits shall be subject to revocation and the municipality may refuse to issue a permit for failure of the permittee or applicant to abide by the terms and conditions of this part. Excavation permits will not be requested prior to excavation in case of emergency endangering life or property, providing the municipality is notified as soon as practicable and a permit is applied for upon the next regular working day following the emergency.