

## Chapter 5

## Conduct on Street and Sidewalk

(Title 17, Chapter 5 adopted by ordinance 2014-31, effective November 11, 2014)

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17-5-1. Littering.

- a. It shall be unlawful for any person to throw, deposit, or discard, or to permit to be dropped, thrown, deposited, or discarded upon any public road, highway, park, recreation area or other public or private land, or waterway, any glass bottle, glass, nails, tacks, wire, cans, barbed wire, boards, trash or garbage, papers or paper products or any other substance which would or could mar or impair the scenic aspect or beauty of such land in the City, whether under private, state, county, municipal, or federal ownership without the permission of the owner, or persons having control or custody of the land.
- b. Any person who drops, throws, deposits, or discards, or permits to be dropped, thrown, deposited or discarded, upon any public road, highway, park, recreation area or other public or private land or waterway any destructive, injurious or unsightly material shall immediately remove the same or cause it to be removed and deposit the material in a receptacle designed to receive such material.
- c. Any person distributing commercial handbills, leaflets or other advertising shall take whatever measures are reasonably necessary to keep such material from littering public or private property or public roadways.
- d. Any person removing a wrecked or damaged vehicle from a public road, highway, park, recreation area or other public or private land shall remove any glass or other injurious substance dropped upon the road or highway or in the park, recreation area or other public or private land from such vehicle.
- e. It shall be unlawful to throw any lighted material from a moving vehicle.
- f. Any person transporting loose cargo or material by truck, trailer or other motor vehicle shall secure such cargo in such a reasonable manner as well prevent the cargo from littering or spilling on either public or private property of public roadways except as provided in Subsection (j)(4) and (5) herein.
- g. Any person in charge of a construction or demolition site shall take those steps as reasonably necessary to prevent the accumulation of litter at the construction or

demolition site.

- h. Each operator of a park, campground, trailer park, drive-in restaurant, gasoline service station, shopping center, grocery store parking lot, tavern parking lot, parking lots of industrial firms or fueling station, shall maintain sufficient litter receptacle on said premises to accommodate the litter that accumulates there.
- i. A vehicle may not be operated or moved on any public road or highway unless the vehicle is constructed or loaded to prevent its contents from dropping, sifting, leaking, or otherwise escaping and no operator of such a vehicle shall drive the same upon a public road or highway when the contents of the vehicle or any other material is dropping, sifting, leaking or otherwise escaping or falling off of the vehicle or from its tires and upon a public road or highway.
- j. In addition to the requirements under Subsection (I), a vehicle carrying dirt, sand, gravel rock fragments, pebbles, crushed base, aggregate, scrap metal, manure or any other similar material shall have a covering over the entire load unless:
  - 1. The highest point of the load does not extend above the top of any exterior wall or sideboard of the cargo compartment of the vehicle; and the outer edges of the load are at least six inches below the top inside edges of the exterior walls or sideboards of the cargo compartment of the vehicle.
  - 2. The following materials is exempt from the provisions of subsection (j): hot mix asphalt; construction debris or scrap metal if the debris if scrap metal is a size and in form not susceptible to being blown out of the vehicle; material being transported across a highway between two parcels of property that would be contiguous but for the highway that is being crossed; or the material listed is enclosed on all sides by container, bags, or packaging.
  - 3. A chemical substance capable of coating or bonding a load so that the load is confined on a vehicle, may considered a covering for purposes of subsection (j) so long as the chemical substance remains effective at confining the load.
  - 4. An authorized vehicle performing snow removal services on a highway is exempt from the requirements of subsection (j) of this section.
  - 5. This section does not prohibit the necessary spreading of any substance connected with highway maintenance, construction, securing traction, or snow removal.
- k. A person may not operate a vehicle with a load on any highway unless the load and any load covering is fastened, secure and confined to prevent to covering or load from becoming loose, detached, or in any manner a hazard to the safe operation of the vehicle, or to other highway users.

#### 17-5-2. Speechnaking on Street Prohibited; Exception.

It shall be unlawful for any person to hold, conduct or address an assemblage, meeting or gathering of persons or to make or deliver any public speech, sermon, lecture or discussion or to conduct or take part in any public debate or discussion, in or upon any public street or alley within the city, except such person shall have first obtained a permit in writing to do so from the City Council. (R.O. 1955, Section 15-10.)

17-5-3. Notice to Remove - By Whom Given.

If any street is encroached upon by a fence or building or otherwise, the supervisor of streets and sidewalks shall, in writing, require the encroachments to be removed.

17-5-4. Same - To Whom Given; Posting; Contents.

Notice must be given to the occupant or owner of the land or person causing or owning the encroachments or be left at his place or residence, if he resides in the city; if not, it must be posted on the encroachment, specifying the breadth of the street, the place and extent of the encroachment and requiring the removal thereof within ten days thereafter.

17-5-5. Failure to remove after notice, removal by supervisor of streets and sidewalks.

It shall be unlawful to leave, or cause to be left, any encroachment upon the streets of the city after the expiration of ten days from the service or posting of a notice to remove such encroachment. If the encroachment is such as too effectual obstruct and prevent the use of the highway for vehicles, the supervisor of streets and sidewalks shall forthwith remove the same.

If the encroachment is not denied but is not removed for five days after the notice is complete, the supervisor of streets and sidewalks shall cause such encroachment to be removed at the expense of the owner, occupant or person controlling the same and recover his costs and expenses in an action for that purpose.

17-5-6. Action to abate.

If the encroachment is denied and the owner, occupant or person controlling the matter or thing charged with being an encroachment refused either to remove or permit the removal thereof, the council shall direct the city attorney to commence in the proper court an action to abate same as a nuisance.

17-5-7. Excavations to Which Article not Applicable.

The following types of excavations do not come within the scope of this article: Excavations of any kind in city streets in projects designed, contracted for and inspected by the city engineer.

17-5-8. 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 street or to make or cause to be made excavations in or under the surface of any street for any purpose or place, deposit or leave upon any street any earth or any excavated material obstructing or tending to interfere with the free use of the street, unless such person shall first have obtained an excavation permit therefore from the city inspector. Any public utility regulated by the state 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 inspector to cover all excavations such utility may make within the streets of the city. Permit fees shall accompany the application, except for fees under general permits, which shall be paid monthly as herein provided. All permits shall be subject to revocation and the city inspector may refuse to issue a permit for failure of the

permitted, or applicant, to abide by terms and conditions of this article. Excavation permits shall not be required prior to an excavation in case of emergency, endangering life or property, providing the city inspector is notified as soon as practicable and a permit is applied for upon the next regular working day following the emergency.

Excavations applications will be accepted only from state licensed contractors having city business licenses and evidence of an adequate liability bond in force and from utility companies franchised in the city. (R.O. 1953, Sections 15-6 and 15-8.)

#### 17-5-9. Permit Fees.

- a. For a permit for any single excavation, within a City street or right of way, the fee shall be \$25.00 plus any applicable inspection fee or service fee for City services performed at the excavation.
- b. For a permit for excavating more than 100 lineal feet or a series of exploratory or repair holes, in a City street or right of way, the fee shall be \$25.00 for each 100 lineal feet or fraction thereof, plus any applicable inspection or service fee.

#### 17-5-10. Bond.

Each contractor or excavator who is issued a permit to excavate in a City street or right-of-way shall at the time of issuance of the permit, furnish to Grantsville City a performance bond in an amount of at least \$2,000.00. For the purpose of assuring that the street or right-of-way is restored in a satisfactory manner as provided for herein and according to City specifications. The excavation bond shall continue in effect for a period of two years following completion of the work. The City Streets Department supervisor may establish a bond amount of more than \$2,000.00, if the excavation covers more than 10 lineal feet or the excavation has a potential of causing more than \$2,000.00 damage to a street or right of way. A contractor or excavator that expects to routinely excavate in City streets or rights-of-way, may post a blanket excavation bond to cover more than one excavation. Said Blanket Excavation Bond shall be for an amount of not less than \$10,000.00, but may be increased upon a recommendation by the city Maintenance Department Supervisor, depending upon the number of past or proposed excavations or the extent of work to be performed in city streets. A blanket excavation bond shall assure that the streets or rights-of-way will be restored in a satisfactory manner as provided for above and shall continue in effect for a period of two years following completion of any individual excavation. The City Recorder and Attorney shall review each blanket bond as to form to insure that it will continue in effect for the required period.

#### 17-5-11. Specifications.

1. Preparation: The street pavement shall be cut and removed to a neat lime at a minimum of four inches outside of the lines forming the sides of the trench or trenches less than thirty-six inches in depth and a minimum of six 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 city streets under sidewalks, curbs or other structures shall be not less than ninety per cent of the laboratory standard maximum soil density (dry), as determined by compaction test made in conformity with American Association of State Highway Officials designation T-99 and T-147. The contractor and/or excavator shall be responsible and provide warranty for backfill in city streets and backfill under sidewalks, curbs, or other structures for a period of two years from the date of inspection by the Grantsville City Inspector. The bond as provided in Section 24-29 herein shall be held by the City for a period of two years. (R.O. 1953, Section 15-7).

**17-5-12. 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.