

TITLE 9

STREETS AND SIDEWALKS

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- 9.02 Street Excavations**
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9.01

SIDEWALK CONSTRUCTION AND REPAIR

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- 9.01.050 Driveway-Permit Required.**
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9.01.010 Approval of City Engineer

All sidewalks shall be constructed in accordance with the plans and specifications of the city engineer's office, which work shall be inspected and approved by the city engineer.

9.01.020 Private Construction-Compliance

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

9.01.030 Permit-Agreement to Comply

It shall be unlawful for any person, either as owner, agent, servant, contractor or employee to construct any permanent sidewalk in Payson City without first obtained from the city engineer a permit so to do. 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 furnished by the city engineer as to the character and quality of the work; and if the sidewalk be constructed of cement, the character and quality of the cement, the constituent parts of the mixture, and the thickness of the walk. When the walk is extended from the main sidewalk to the back of the curb already constructed, there shall be placed between the back of the curb and walk an expansion joint designated by the city engineer. It shall be unlawful to construct any such sidewalk in violation of the specifications given by the city engineer.

9.01.040 Inspection Costs

Where property owners construct sidewalks, driveways and curb and gutter at their own expenses, in compliance with the provisions of this chapter and the approval of the city council and the city engineer'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 charges for inspection of sidewalks shall be as follows:

For the first 125 square feet, 2 cents per square foot; For the second 125 feet, 1 cent per square foot; For the third 125 feet, 1/2 cent per square foot; but no fee for such inspection shall be less than \$1.50. Curb and gutter fees for grades, \$5.00 for the first 25 feet and \$.50 for each additional 25 feet. Driveways; \$1.50.

9.01.050 Driveway-Permit Required

It shall be unlawful for any person to construct any driveway across sidewalk space, or to cut or change the construction of sidewalk, curb or gutter for the purpose of making a driveway, without first making written application on form provided by the city engineer and obtaining from the city engineer 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 city engineer.

9.01.060 Ordinary Repairs Defined

Ordinary repairs on sidewalks, within the provisions of this title, shall be deemed to be such repairs as shall not exceed, in cost, ten per cent of the cost of laying a cement sidewalk over a given surface.

9.01.070 Extraordinary Repairs Defined

Extraordinary repairs, within the provisions of this title, shall be deemed to be such repairs as shall exceed ten percent and not exceed fifty percent of the cost of laying a cement sidewalk over a given surface.

9.01.080 New Work Defined

New work, under the provisions of this title, shall be deemed to be all sidewalk construction work, which shall exceed fifty percent of the cost of laying a cement sidewalk over a given surface.

9.02

STREET EXCAVATIONS

Sections:

9.02.010 Defects to be Reported and Repaired.

9.02.020 City Engineer to Authorize.

9.02.030 Permit Required-Bond Required-Specifications Listed Generally.

9.02.040 Deposit-Fees.

9.02.050 Restoration of Surface.

9.02.060 Barricades-Lights.

9.02.070 Building Material on Street-Permit-Bond.

9.02.080 Building Material on Street-Additional Bond.

9.02.090 Fence and Walk Around Street Used For Building Purposes-Bridging Walk.

9.02.100 Mixing Mortar on Pavement.

9.02.110 Scaffold Over Street Permit Revocation Bond Fee.

9.02.010 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 by him at once communicated to the supervisor of streets.

9.02.020 City Engineer to Authorize

It shall be unlawful for any person in the employ of the city to make or cause to be made an excavation in any public street, or to remove any gravel or other similar thing from any street, unless he, or the head of the department under whose direction the work is

being done, has first been authorized by the city engineer to make such excavation, and of the time when and the place when such excavation shall be made.

9.02.030 Permit Required-Bond Required-Specifications Listed Generally

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 engineer. No permit for any street excavation shall be issued until written application therefore has been made to the city engineer, signed by the party making the excavation or by the party at whose instance it is to be made or until the applicant has filed with the city engineer a board of indemnity to the city, with sureties to be approved by the city council, conditioned that the person making the excavation will erect and maintain about said excavation, and until the street is restored to its normal condition, sufficient guards, signals, barricades and lights to prevent accident, and will, as soon as may be after completion of said work, restore said street to the same condition in which it existed prior to said excavation and will remove rocks, dirt and rubbish from the street, and will save the city harmless from any and all claims, liabilities, demands or damages, for any and all injuries to person or property arising in any manner out of or by reason of any such excavations. Such bond shall be in the sum of ten thousand (\$10,000.00) dollars for excavations in all streets, provided, however, that any person or utility operation in or using any of the streets under a franchise or any person or utility who is in the pursuit of his or its regular calling has frequent occasion to open or make excavations in the public streets, shall file a bond with corporate surety in the sum of ten thousand (\$10,000.00) dollars conditioned as above, to cover all excavations made for a period of two years from the date of filing, but permits for excavations, except for the replacement of railway rails, and ties, in unpaved streets, must be applied for and issued before it shall be lawful to make any such excavations. In excavating through asphalt or concrete or beneath stone blocks, the excavation shall be cut perpendicularly at the sides and ends from the surface in full width of all excavations to the necessary depth, tunnels being made only as directed by the city engineer. In backfilling, the excavated material shall be used and sprinkled and thoroughly tamped, a sufficient amount of water being used to properly settle the material. The backfilling shall be

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completed flush with the surface of the ground and leveled off, barricades and all dirt, rocks, and rubbish being removed from the street. After the backfilling is completed and the street cleared, the person doing the work shall immediately notify the city engineer of its completion, but such person shall not be relieved of responsibility until the surfacing shall have been completed.

Resurfacing of pavement or sidewalks where excavations have been made shall be done by the city under the supervision of the city engineer, payment therefore being made from fees collected in issuing permits for excavations as provided in this title.

9.02.040 Deposits-Fees

The city engineer shall collect a fifty dollar deposit upon issuing any street excavation permit. After the excavation is complete, the square footage will be measured and the following charges will be made. The balance of the deposit will be refunded to the depositor.

For making any cuts in concrete street pavement - each square foot or part thereof - \$1.00.

For making any cuts in cement sidewalk - each square foot or part thereof - .75.

For making any cuts in oil or asphalt pavement - each square foot or part thereof - .50.

For making any cuts in dust-laying oil, gravel - each square foot or part thereof - .25.

There shall be a minimal charge for each cut - \$5.00.

9.02.050 Restoration of Surface

It shall be unlawful for any person having made an excavation in any street, whether under a permit or otherwise, to fail, neglect or refuse for a period of five days after notice from the supervisor of streets and irrigation, to restore said street to its normal condition.

9.02.060 Barricades-Lights

It shall be unlawful for any person, by or for whom any excavation is made in a public street for any purpose to fail to cause a barricade, rail or other sufficient fence to be placed so as to enclose such excavation, together with the dirt, gravel or other

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material thrown therefrom, and to maintain such barricade during the whole time for which such excavation continues; and it shall be unlawful for any person to fail to have lighted lanterns or some other proper manner over or near the excavation, and over and near the dirt, gravel or other material taken therefrom, and so kept from the beginning of twilight through the whole of every night during all the time such excavation exists. It shall be unlawful for any person maliciously or wantonly, and without legal cause to extinguish, remove or diminish said lights or to tear them down or remove any rail, fence or barricade fixed in accordance with the provisions of this section.

9.02.070 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 engineer, 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 feet from the curb line, and 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 good required such revocation. No such person shall be granted until the applicant therefore shall have given a bond in the sum of one thousand (\$1,000.00) dollars to be approved by the commissioner of streets. Such bond shall run to Payson City, and to any person injured by reason of the failure of the principal therein to comply with the provision of this section and Section 9.02.060. 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, and all such rubbish shall be carried away by the person to whom the permit is granted, at such times as the city council or the city engineer 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 supervisor of streets.

9.02.080 Building Material on Street-Additional Bond

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Whenever, in the opinion of the commissioner of streets, the bond provided for in the preceding section shall be deemed inadequate for the protection of the city and the public, said commissioner may require the bond to be in any sum not exceeding five thousand (\$5,000.00) dollars.

9.02.100 Mixing Mortar on Pavement

It shall be unlawful to place or pile, or to cause to permit to be placed or piled, any sand, gravel, lime, cement, mortar, plaster, concrete, or any other substance or mixture or to allow the same to remain in any portion of any paved street or sidewalk in Payson City; or to make or mix, or to cause or permit to be made or mixed, any mortar, plaster, concrete or any other like substance or mixture or any portion of any paved street or sidewalk in Payson City. Provided, that in cases where work is being done on buildings or pavements, the city council may grant the person or contractor doing such work permission to mix cement, concrete or building materials in tight boxes, or on tightly joined boards, on such pavements or walk under such restrictions as the city council may deem proper.

9.02.090 Fence and Walk Around Street Used For Building Purposes-Bridging Walk

It shall be unlawful for any person to occupy any portion of any street while erecting or repairing a building, or making an excavation, for any other purpose, even with the permit provided for in the last preceding section, unless he shall first build around the portion of the street to be occupied a tight board fence, at least six feet high, surrounded by a good substantial board walk, at least six feet in width. Said fence shall be made of clean lumber, dressed on the side facing the street, and at no time shall said fence have thereon any painted, printed or other advertisements. All opening in said fence must be provided with gates opening inward. When any building of two or more stories in height is being erected within the fire limits of this city, and shall have reached the top of the first story thereof, then any such building is being repaired above the first story thereof said building shall at once be removed, and the sidewalk abutting said building at once restored to the use of pedestrians, and said last named sidewalk bridged or covered at the height not less than nine feet above the line of said sidewalk and ten feet wide, with lumber or timber of sufficient strength to protect pedestrians from injury or by falling materials, tools or appliances, and to the approval of the supervisor of streets or building inspector as the case may be. Any person so occupying any portion of any street shall be responsible to the city for all injuries sustained by any person in consequence of any failure to strictly comply with the provisions of this section.

9.02.110 Scaffold Over Street Permit Revocation Bond Fee

It shall be unlawful for any person to erect, build, maintain, swing, or use any scaffold, ladder or staging over or upon any street or sidewalk for the purpose of cleaning, repairing, or servicing of any awning, canopy or sign, or for any other purpose without first obtaining from the city engineer a permit for the occupation and use of said street or sidewalk for such purpose, and for such periods of time and under such limitations and regulations as may be required or promulgated by the city engineer when the holder thereof fails to comply with any ordinance, rule or regulation under which it is granted or when, in the opinion of the city engineer, public convenience and safety require such revocation provided further that when, in the opinion of the city engineer, the welfare and convenience of the public will be best served, a continuing permit, revocable as hereinbefore provided, may be issued for the sole purpose of cleaning and servicing awnings and signs.

It shall be unlawful for any person to place upon any building, fence or other structure, such building, fence, or other structure being within two feet of any sidewalk in this city, any paint or other substance without first erecting and maintaining above such sidewalk, or between the same and such building, fence or other structure, as the case may be, a barrier sufficient to protect pedestrians from such paint or other substance falling upon them or from coming in contact with such paint or other substance.

No permit shall be granted until the applicant therefore shall have placed on file with the city council for the benefit of the city and the public a surety bond to be approved by the city council in the sum of one thousand (\$1,000.00) dollars, provided that any time the city council shall deem the said bond inadequate for the protection of the city or the public, said city council may require the bond to be in any sum not exceeding five thousand (\$5,000.00) dollars. Said bond shall run to Payson City and to any person injured and shall be conditioned for the payment of all damages that may be adjudged against

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said principal or surety, and shall have the city harmless from any and all claims, liabilities, or demands, arising from any bodily injury or death at any time resulting therefrom, and any damage to or destruction of property arising in any manner out of the operations being performed under the permit.

Permits issued under this section shall be nontransferable and any holder of a permit allowing any other person except his duly appointed employees or agents to use said permit shall be guilty of a misdemeanor and shall have his permit revoked.

For the issuance of a permit provided for in this section, the city engineer shall collect a fee of one dollar provided where a fee is required for a permit for the erection of any sign, no additional fee shall be collected for the permit required for in this section.

The provisions of this section shall not apply to the utility department of Payson City while engaged in the construction, operation, maintenance, servicing or removal of street lights, lamps, standards, and equipment erected or used for the lighting of any street or alley.

9.03

ENCROACHMENTS

Sections:

- 9.03.010 Building Extending Over Street.**
- 9.03.020 Fence or Building Encroaching-Required Removal.**
- 9.03.030 Notice to Remove.**
- 9.03.040 Removal By Owner.**
- 9.03.050 Denial of Encroachment.**
- 9.03.060 Removal by City-Penalty.**
- 9.03.070 Violation.**

9.03.010 Building Extending Over Street

It shall be unlawful for any person to maintain or construct or place, or cause to be placed any building, bay, or oriel window, which shall extend over the street line of any lot.

9.03.020 Fence or Building Encroaching Requiring Removal.

If any street or sidewalk is encroached upon by a fence, building, bay or oriel window, or otherwise,

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the city building inspector shall, in writing, require the same to be removed.

9.03.030 Notice to Remove

Notice in writing must be given to the occupant or owner of the land, and person causing or owning the encroachment, either personally or by mail, postage prepaid, addressed to the last known post office address as disclosed by the county assessor, said notice to specify the width of the street between the property lines in front of the encroachment, the place and extent of the encroachment, and requiring him to remove the same within ten days thereafter.

9.03.040 Removal by Owner

It shall be unlawful for any person who caused, owns or controls said encroachment, to fail to remove, or commence to remove and diligently prosecute its removal prior to the expiration of the ten days from the service of said notice. If the encroachment is such as to effectually obstruct and prevent the use of the sidewalk for pedestrians or the street for vehicles, the city building inspector must forthwith remove the same.

9.03.050 Denial of Encroachment

If the encroachment is denied, the owner, occupant or person controlling the matter or thing charged with being an encroachment, refuses either to remove or permit the removal thereof, the city council may direct the city attorney to commence an action for the removal of the same, or abating it as a nuisance. If judgment is recovered for the city, in addition to having said encroachment removed or abated, there shall also be recovered ten dollars fee for every day such encroachment remained after notice was given for its removal.

9.03.060 Removal by City-Penalty

If the encroachment is not denied, but is not removed for five days after the notice is complete the city building inspector may remove the same at the expense of the owner, occupant or person controlling the same, and recover his costs and expense, and also for each day the same remained after the notice was complete, the sum of ten dollars, in an action for that purpose.

9.03.070 Violation

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Any person violating any of the provisions of this chapter is guilty of a misdemeanor.

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to hide or obscure the number, and so that the number will be clearly perceptible from a distance of one hundred and fifty feet; upon application being made to the city engineer, he shall issue a certificate giving the correct street number for said house or building for which he shall charge and receive the sum of fifty cents.

9.04

STREET NAMING AND BUILDING ADDRESSES

Sections:

- 9.04.010 Names of Streets**
- 9.04.020 House Numbering-Marking**
- 9.04.030 System to be Followed**

9.04.030 System to be Followed

The city engineer, in numbering houses upon the streets of the city, shall adhere in all respects to the following system of numeration, allowing fifty numbers to each side of all coordinated streets within the city limits; the initial points shall be the intersection of Main Street and Utah Avenue, and the numbering shall extend East and West, and North and South, the even numbers always on the right hand, and the odd number always on the left hand, looking away from the initial point.

9.04.010 Names of Streets

All the streets of Payson City shall be known by names as follows:

Beginning at the intersection of Main Street and Utah Avenue, each street shall be named as follows: One block west of Main Street shall be known as 100 West Street; two blocks west of Main Street shall be known as 200 West Street, and so on, with the numbers progressing at each intersection as far as the city limits: The same shall be done going east of Main Street. One block north of Utah Avenue shall be known as 100 North Street; two blocks north of Utah Avenue shall be known as 200 North Street, and so on to the city limits; the same being done going to the south of Utah Avenue.

9.05

MASTER STREET PLAN

Sections:

- 9.05.010 Map Established-Filed.**
- 9.05.020 Building on Mapped Streets-Permit Refusal.**
- 9.05.030 Building on Mapped Streets-Permit Authorized.**
- 9.05.040 Street Grades-Established.**

Names of streets may be changed by Ordinance.

9.04.020 House Numbering-Marking

It shall be unlawful for any person to erect a house or building within the city limits without numbering such house or building with the number designated by the city engineer, or for the occupant of any house or building, or for the owner or agent of any unoccupied habitable house or building to fail for a longer period than ten days after notice from the city engineer so to do; to number such house or building with the number designated by him. When such number has been designated by the city engineer, the owner or occupant of such house or building shall cause a painted, carved or cast duplicate of such number at least three inches in height and of a shade opposite to the background upon which the number is mounted to be placed in a conspicuous position upon the front of such house, or building, in a permanent, stationary and durable manner unobstructed by all times by vines, screens, or anything that would tend

9.05.010 Map Established-Filed

There is hereby established an official map of Payson City. Shown on the official map are the existing public streets in Payson City. The map is drawn to a scale of 1:2000 and is filed in the office of the city recorder.

9.05.020 Building on Mapped Street-Permit Refusal

For the purpose of preserving the integrity of the official map of Payson City, no permit shall be issued for any building or structure or any part of a building or structure on any land located between the mapped lines of any street as shown on the official map of Payson City.

9.05.030 Building on Mapped Street-Permit Authorized

This chapter shall be subject to the following provisions:

The Board of Adjustments finds: (1) that the property of the appellant of which such mapped street location forms a part will not yield a reasonable return to the owner unless such permit be granted, or (2) that balancing of interest of the municipality in preserving the integrity of the official map and the interest of the owner in the use and benefits of the property, the grant of such permit is required by consideration of justice and equity. Before taking any such action, the board of adjustment decides to authorize a building permit, it shall have the power to specify the exact location, ground area, height, and other details and conditions of extent and character and also the duration of the building, structure or part thereof, to be permitted.

9.05.040 Street Grades-Established

Whenever it shall be deemed advisable to establish a grade on any street where no grade has been theretofore established, or to change any established grade, the city engineer shall cause the necessary survey to be made and prepare and submit to the city council a profile map of such proposed grade with his recommendations concerning the same. When any such profile map shall have been approved and adopted by a majority of the city council as a correct map of the grade on such street, the action of the council shall be endorsed on said map by the city recorder and said map shall then be filed in the office of the city engineer and the grade on any such street shall thereafter be considered as established as shown on such profile map. It shall be unlawful for any person to erect or construct or to commence the erection or construction of any building or other structure upon the line of any street where the grade of said street has already been established, without first making application to the city engineer to indicate the grade of the street upon which said building or other structure is to be erected, or thereafter to build to any grade other than that indicated by the engineer.

9.06

RAILROAD CONSTRUCTION

Sections:

Payson City Streets and Sidewalks Ordinance

9.06.010 Construction and Maintenance Generally.

9.06.020 Construct Arches-Conform to Grades-Plank Between Rails.

9.06.030 Notice of Obstruction-Compliance.

9.06.040 City Council May Grant Permission to Other Company to Cross Tracks.

9.06.010 Construction and Maintenance Generally

All persons constructing railroads within the city limits shall be subject to the following regulations: They shall, at their own expense, construct and keep a good repair all water ducts, sewers, drains, street crossings, or receiving basins, and all fixtures connected therewith, and with the distribution of water in the city, which may be affected by them. The construction, alterations and repairs must be done under the direction of the proper city officials and subject to the approval of the city council.

9.06.020 Construct Arches-Conform to Grade Plank Between Rails

All railroad companies shall, at their own expense, construct arches and bridges for the cross streets, no existing or hereafter opened, intersecting the embankment or excavation of the railroads; they shall also make such grades, or excavations as, in the opinion of the city council, may be required, to make the passage over the railroad embankments easy and convenient for all the purposes for which streets are usually used; and they shall make such drains and sewers as their embankments and excavations may make necessary. Such companies shall make their railroad tracks conform to what is, or may hereafter be the established grade of the street or place through which their railroads pass; and no company shall have the right to take up, remove, carry away, or cause or permit to be taken up, removed, or carried away, any rock, gravel, earth, or other material from any street or public place, for any purpose, except by permission of the city council, and under the direction of the commissioner of streets. All railroad companies shall plank between all rails and for two feet on either side of the outer rail, on all streets that are not paved and that cross the said tracks, said planking to be for the full width of said cross streets and sidewalks, unless otherwise directed by the city council.

9.06.030 Notice of Obstruction Compliance

If, at any time after the commencement of the construction of any railroad, it shall appear to the city council that any part thereof shall constitute an obstruction or impediment to the ordinary use of any street or place, or that it is being operated contrary to the regulations of the city, the railroad company shall, on notice from the city council, and within the time therein specified, provided a remedy satisfactory to said council. Should the company neglect or refuse to obey the directions of such notice, the city council may, upon the expiration of the time limited in such notice, cause the obstruction or impediment to be removed, and the street or place restored at the expense of the railroad company.

9.06.040 City Council May Grant Permission to Other Company to Cross Tracks

Noting in any ordinance or resolution granting a right of way, or franchise for a railroad shall be construed to prohibit the city council from granting permission to any other railroad company to cross any railroad track already laid, and when any railroad shall intersect any other railroad, the rails of each shall be so cut or altered as to permit the cars to pass without obstruction. It shall be unlawful for any person to willfully obstruct any railroad in the manner herein provided. The tracks of all railroads shall be laid in the center of the streets unless otherwise directed by the city council.

9-07
PARKING REGULATIONS

Sections:

9.07.010 Snow Removal From Streets

9.07.010 Snow Removal From Streets

1. 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.

2. 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.

3. 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, or driveway, or any part thereof.

(a) The Superintendent of the Street Department 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 Superintendent 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 Superintendent 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 (3) shall not apply to removal of snow from sidewalks fronting private property which 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.

4. "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 that said violation is permitted to continue will be considered a separate offense