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16.1 General Provisions

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16.1.1 Purpose

This Title is designed and enacted for the purpose of promoting the safety and health of those persons using and traveling the Huntsville Town streets and right-of-ways and for the purpose of protecting the roads and right-of-ways themselves within Huntsville Town and for the purpose of preventing unauthorized damage and unnecessary crossings and excavations, and for the supervising of necessary damage, crossings and excavations on said streets and right-of-ways and providing for the proper repair of streets and right-of-ways where necessary crossings must be made. The street and right-of-way work conducted by Huntsville Town shall be exempt from certain of the requirements of this Title.

16.1.2 Definitions

Huntsville Town street right-of-way is defined as any right-of-way owned by Huntsville Town, whether as a result of a deed, dedication, or other formal conveyance, or as a result of long, accustomed usage as a means of passage. May also be referred to as the ‘Public Way’ in this Title.

Streets includes both hard-surfaced and other surfaces including alleys, roads, public ways, public squares, sidewalks, gutters and culverts, crosswalks, intersections, edges of roads from the roadway to the property line.

Vehicle includes all motor vehicles and trailers.

Work Site Restoration means and includes the restoring of the original ground or paved hard surface area to comply with Public Works Standards and Technical Specifications of Huntsville Town, and includes but is not limited to repair, cleanup, backfilling, compaction, and stabilization, paving and other work necessary to place the site in acceptable condition following the conclusion of the work, or the expiration or revocation of the permit.

16.2 Public Way Excavation

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16.2.1 Excavation and Structures Prohibited

No public way of any Huntsville Town road shall be dug up or excavated and no approach, road, driveway, pole, pipeline, conduit, sewer, ditch, culvert, billboard, advertising sign, or other structure or object of any kind or character shall be placed, constructed or maintained within any such public way except as permitted by and in accordance with the Ordinances of Huntsville Town (reference Title 17).

16.2.2 Establishment of the Huntsville Town Roads Authority

Unless otherwise appointed by the Huntsville Town Council, the individual who is to serve as the Huntsville Town Roads Authority will be the Huntsville Town Engineer. The individual may also serve as the Excavation Official. The Huntsville Town Council may appoint another individual or agency to serve as the Huntsville Town Roads Authority at their discretion. The responsibilities of the Huntsville Town Roads Authority are described in this document.

16.2.3 Permit Required

It is unlawful for any person to tunnel under or to make any excavation in any street, alley or other public place (which shall include all areas within the Huntsville Town Right-of-Ways) in Huntsville Town without complying with the provisions of this Title and obtaining an **Excavation Permit** therefore, and paying the fee as required in this Title and established by resolution. Huntsville Town is exempted from requiring a permit.

An emergency excavation may be made without prior permit if the reason for the excavation is to prevent loss of life or damage to property that appears to be imminent if the excavation is delayed by waiting to contact the Huntsville Town Excavation Official. In such emergency situations the excavation parties shall contact the Huntsville Town Excavation Official on the first working day following the excavation and complete and secure a formal permit. None of the provisions of these specifications are waived for emergency situations except for prior permit requirements.

The Huntsville Town Excavation Official may deny the issuance of permits to contractors, utility companies, or other Permit Applicants who have shown by past performance and in the opinion of the Huntsville Town Roads Authority they will not consistently conform to the Huntsville Town adopted Engineering Regulations, Specifications, Design Standards, or the requirements of this Title.

16.2.4 Permit Application

Applications for such permits to excavate in any street, alley or other public place (which shall include all areas within the Huntsville Town Right-of-Ways) in Huntsville Town shall be made to the Huntsville Town Excavation Official.

- A. Each application for a permit shall show the following:
1. The name, address, and phone number of the person desiring a permit. If the applicant is a co-partnership, the names and addresses of all the partners; and if a corporation, the names and addresses of the manager or person authorized to act for and in behalf of the corporation; if a limited liability corporation, it's managing member; if a limited liability partnership, it's general partner. Each of these is obligated to the responsibilities set forth in this Ordinance.
 2. The name and address of the person who will do the actual digging, tunneling, trenching and backfilling or construction work.
 3. The starting date and estimated completion date.
 4. Mechanical means or method by which the street, highway or roadway is to be trenched and backfilled.
 5. The exact location, with a complete description, of the place where the cut is to be made in or along or across the roadway or highway, with a plan showing the details of the proposed excavation.
 6. A signed agreement whereby the petitioner contracts with Huntsville Town, and whereby his contractor, if he has one, also contracts, that they will abide by this ordinance.
 7. A plan to maintain the safe and effective flow of pedestrian and vehicular traffic on the Public Way affected by the work.
- B. The Huntsville Town Excavation Official may require, as part of the permit application, and prior to the issuing of the permit, adequate engineering drawings that will clearly indicate the extent of work to be done.

The Huntsville Town Excavation Official may request the Huntsville Town Roads Authority review the drawings. The Huntsville Town Roads Authority may require that these drawings be prepared under the direction of a Professional Engineer, Licensed in the State of Utah, and the drawings must comply with the Huntsville Town Public Works Standards and Technical Specifications, and should show the following information:

1. Plans and profiles, where gradient lines are involved.
 2. Elevations (assumed or local sea level datum) showing depth of pipe lines, and in the case of irrigation and drainage facilities, relationship of existing flow-lines, etc.
 3. Scale of drawings.
 4. Location of excavation from nearest street intersection and street numbers thereof.
 5. Title block.
 6. Applicant's name.
 7. Name of person preparing the drawings
 8. Pipe line sizes and dimensions of structures, or
 9. as required by the Huntsville Town Roads Authority
- C. Permit Duration and Time Limits. Completion Period - the completion time will be specified on the permit by the Huntsville Town Roads Authority. Requests for extension of time, together with reasons therefore, will be submitted to the Huntsville Town Roads Authority for approval. Such approval shall be based upon factors reasonably related to the work to be performed under the permit. Such factors may include, in addition to other factors related to the work to be performed, the following:
1. The scope of work to be performed under the permit;
 2. Maintaining the safe and effective flow of pedestrian and vehicular traffic on the Public Way affected by the work;
 3. Protecting the existing improvements to the Public Way impacted by the work;
 4. The season of the year during which the work is to be performed as well as the current weather and its impact on public safety and the use of the Public Way by the public;

5. The use of the Public Way under consideration for extraordinary events anticipated by Huntsville Town.

The length of the extension requested by the Permittee shall be subject to the approval of the Huntsville Town Roads Authority.

- D. **Assignment of Permits.** Permits shall not be transferable or assignable, and work shall not be performed under a permit in any place other than that specified in the permit. Nothing herein contained shall prevent a Permittee from subcontracting the work to be performed under a permit; provided, however, that the holder of the permit shall be and remain responsible for the performance of the work under the permit, and for all bonding, insurance and all other requirements of the ordinance under said permit.
- E. **Agreement to Comply.** The Permit shall contain an agreement that the applicant will comply with all Titles and laws of Huntsville Town and the state relating to the work to be done.
- F. **Construction plan drawings or sketches shall be submitted before proposed work shall be approved.** This is not required for repair of existing facilities. Construction revisions shall be documented with as-constructed plans. The proposed installation shall be tied by survey to nearest permanent-type marker, such as right of way, street intersection, section corners, U. S. Geological Survey and coast and Geodetic Triangulation Stations. Ties to road stations when survey work has been completed shall also be accepted. The tolerance of error in these ties may not exceed one (1) minute in direction and two (2) inches in distance. Any field changes made during construction shall be noted and corrected prints furnished the Huntsville Town Excavation Official or his authorized representative within twelve (12) calendar days after completion of construction.

16.2.5 Work without Permit Penalty

A person found doing any work in the public way without having obtained a permit, as provided in this Title, shall be required to pay a penalty fee equal to four (4) times the normal permit fee. Also, a stop order may be issued by Huntsville Town directed to any Person or Persons doing or causing any work to be done in the public way without a required permit.

16.2.6 Fees

The fees for excavation in the public right-of-ways and roads of Huntsville Town will be established by a resolution of the Huntsville Town Council.

16.2.7 Insurance Requirements

- A. No such permit shall be issued unless and until the applicant therefore has posted with the Huntsville Town Roads Authority's Office a **Certificate of Insurance** in a company authorized to issue insurance by the State, evidencing that such applicant has a comprehensive general liability and property damage policy that includes contractual liability coverage with minimum limits of Five Hundred Thousand Dollars (\$500,000) for injuries, including accidental death, to any one persons in any occurrence; in an amount not less than Five Hundred Thousand Dollars (\$500,000) on account of injuries sustained by two or more persons in any one occurrence, and property damage insurance in an amount not less than Two Hundred Fifty Thousand Dollars (\$250,000) for any one occurrence. The insurance policies shall further contain the following provisions:
 1. To indemnify, save harmless and defend Huntsville Town and its officers and employees against any claim or loss, damage or expense, sustained on account of damages to persons or property occurring by reason of an excavation made by the Permittee, his subcontractor or agent, whether or not the excavation has been filled or resurfaced, and whether or not the surface has been opened to public travel;
 2. To indemnify, save harmless and defend Huntsville Town from any and all liability for Huntsville Town's own negligence occurring by reason of the opening or excavation. This indemnification agreement covering Huntsville Town's liability for its own negligence shall not apply to injuries or

- damages sustained Huntsville Town employees are present at the excavation pouring cement or asphalt therein;
3. To indemnify, hold harmless and defend Huntsville Town, and its officers and employees against any claim or loss, damage or expense sustained on account of damages occurring by reason of failure to maintain proper barricades and/or lights as required from the time of the opening of the excavation until the excavation is surfaced and opened for travel;
 4. Naming Huntsville Town as an additional insured and providing that thirty (30) days notice shall be given to Huntsville Town prior to termination of the policy, for any reason. Prior to cancellation of insurance, the Permittee shall forthwith close the excavation and complete all worksite restoration work.
 5. Any Failure to comply with reporting provisions of the policy shall not affect coverage provided to Huntsville Town, its employees, officers, officials, agents, volunteers, and assigns.
 6. Underwriters shall have no right of recovery or subrogation against Huntsville Town, it being the intent of the parties that the insurance policy so affected shall protect both parties and be primary coverage for any and all losses covered by the described insurance.
 7. The insurance companies issuing the policy or policies shall have no recourse against Huntsville Town for payment of any premiums due or for any assessments under any form of any policy.
 8. Each insurance policy shall be endorsed to state that the coverage shall not be suspended, voided, canceled, or reduced in coverage or in limits, except after thirty (30) days' prior written notice by certified mail, return receipt requested sent to Huntsville Town.
 9. Each policy shall be endorsed to indemnify, save harmless and defend Huntsville Town and its officers and employees against any claim or loss, damage or expense sustained on account of damages to Persons or property occurring by reason of permit work done by the Permittee, his/her subcontractor or agent, whether or not the work has been completed and whether or not the right-of-way has been opened to public travel.
 10. Each policy shall be endorsed to indemnify, hold harmless and defend Huntsville Town, and its officers and employees against any claim or loss, damage or expense sustained by any Person occurring by reason of doing any work pursuant to the permit including, but not limited to falling objects or failure to maintain proper barricades and/or lights as required from the time work begins until the work is completed and right-of-way is opened for public use.
- B. Insurance is to be placed with insurers with an AM Best rating of no less than an A carrier, with a rating of "7" or higher.
- C. If any of the required policies are, or at any time become, unsatisfactory to Huntsville Town as to form or substance, or if a company issuing any such policy is, or at any time becomes, unsatisfactory to Huntsville Town, the Permittee shall promptly obtain a new policy, submit the same to Huntsville Town for approval, and thereafter submit verification of coverage as required by Huntsville Town. Upon failure to furnish, deliver and maintain such insurance as provided herein, Huntsville Town may declare the permit to be in default and pursue any and all remedies Huntsville Town may have at law or in equity, including those actions outlined in this Title.
- D. The Permittee shall include all subcontractors as insured under its policies or shall furnish separate certificates and endorsements for each subcontractor. All coverage for subcontractors shall be subject to all of the requirements stated herein.
- E. Any deductibles or self-insured retentions shall be declared to and approved by Huntsville Town. At the option of Huntsville Town, either the insurer shall reduce or eliminate such deductibles or self-insured retentions as respects Huntsville Town, its employees, officers, officials, agents, volunteers or assigns, or the Permittee shall procure a bond, in a form acceptable to Huntsville Town, guaranteeing payment of losses and related investigations, claim administration, and defense expenses.
- F. A Provider may be relieved of the obligation of submitting certificates of insurance under the circumstance that such company shall submit satisfactory evidence in advance that:

1. It is insured in the amounts set forth in this Title, or has complied with State requirements to become self-insured. Public utilities may submit annually evidence of insurance coverage in lieu of individual submissions for each permit; and
2. Said coverage provides to Huntsville Town the same scope of coverage that would otherwise be provided by a separate policy as required by this Title; or
3. The work to be performed under the permit issued to the Applicant is to be performed by Huntsville Town, in which case insurance or other risk transfer issues shall be negotiated between Huntsville Town and the Applicant by separate agreement.

16.2.8 Completion Bond

- A. The Huntsville Town Road Authority may require that no such Excavation Permit shall be issued unless and until the applicant has posted with the Huntsville Town Excavation Official a **Completion Bond**, the amount of which is to be approved by the Huntsville Town Roads Authority. The amount of the bond shall be sufficient to reasonably insure the proper restoration of the ground and the laying or resurfacing of pavement, if any such pavement is necessary. Should the applicant fail to perform, the expense to Huntsville Town of restoring the surface of the ground and pavement shall be deducted from the bond and the balance shall be returned to the applicant without interest after the tunnel or excavation is restored. A separate completion bond shall not be required, however, where the restoration of the ground and the laying of the pavement is specifically granted under the provisions of another bond. The bond shall further guarantee the restoration of the worksite for a period of two (2) years from the completion date of the restoration, reasonable wear and tear excepted.
- B. Except as noted in this Ordinance, each Applicant, before being issued a permit, may be required to provide Huntsville Town with an acceptable security (this may include a corporate surety bond, cash bond or letter of credit, as determined by Huntsville Town) in the amount of \$10,000 to guarantee faithful performance of the work authorized by a permit granted pursuant to this Title. The amount of the security required may be increased or decreased at the discretion of the Huntsville Town Excavation Official whenever it appears that the amount and cost of the work to be performed, and not satisfactorily completed, may vary from the amount of security otherwise required under this Title. The form of the security and the entity issuing the security shall be subject to the approval of the Huntsville Town Attorney.
- C. Public utilities franchised by the Huntsville Town shall not be required to file any security or bond if such requirement is expressly waived in the franchise documents.
- D. The security required by this Section shall be conditioned as follows:
 1. That the Permittee shall fully comply with the requirements of the Huntsville Town Titles and Regulations, specifications and standards promulgated by Huntsville Town relative to work in the Public Way, and respond to Huntsville Town in damages for failure to conform therewith;
 2. That after work is commenced, the Permittee shall proceed with diligence and expedition and shall promptly complete such work and restore the Public Way to construction Specifications, so as not to obstruct the public place or travel thereon more than is reasonably necessary;
 3. That the Permittee shall guarantee the materials and workmanship for a period of two (2) years from completion of such work, with reasonable wear and tear excepted; and
 4. That unless authorized by the Huntsville Town Roads Authority on the permit, all paving, resurfacing or replacement of street facilities on major or collector streets shall be done in conformance with the regulations contained herein within three calendar days, and within seven calendar days from the time the excavation commences on all other streets, except as provided for during excavation in winter or during weather conditions which do not allow paving according to Engineering Regulations. In winter, a temporary patch must be provided. In all excavations, restoration or pavement surfaces shall be made immediately after backfilling is completed or concrete is cured. If work is expected to exceed the above duration, the Permittee shall submit a detailed construction schedule for approval. The schedule will address means and methods to minimize traffic disruption and complete the construction as soon as reasonably possible.

16.2.9 Application Requirements for Districts

Water conservancy districts, sewage districts, special service districts or other entities that under certain circumstances are or may be exempt from bonding provisions, shall make application, as required in this chapter, before proceeding to make excavations in any street, alley or other public place in the Huntsville Town. Such districts or other entities shall comply with all requirements of this Title pertaining to the restoration of a cut surface to its original condition and shall indemnify Huntsville Town for any loss, liability or other damage resulting from the making of any excavation, and shall also pay all fees required by this Title and established by resolution. Where lateral cuts are made by any such district or entity for customer connections to the works of the district or other entity, a fee shall be paid in accordance with this Title, either by such district or entity (if it makes the excavation and/or connection), or by the customer for whom the excavation or cut is made. The districts shall further guarantee the restoration of the worksite for a period of two (2) years starting from the completion date of the restoration, reasonable wear and tear excepted.

16.2.10 Manner of Excavation

- A. It is unlawful to make any excavation or tunnel in any way contrary to or at variances with the terms of the permit obtained. Proper bracing shall be maintained to prevent the collapse of adjoining ground. No portion of an excavation below the surface shall extend beyond the opening at the surface.
- B. No injury shall be done to any pipes, cables or conduits in the making of such excavation or tunnels. Notice shall be given to the Huntsville Town Roads Authority and other persons maintaining such pipes, cables or conduits that are or may be endangered or affected by the making of any excavation or tunnel before such pipes, cables or conduits shall be disturbed.
- C. No unnecessary damage or injury shall be done to any tree or shrub or the roots thereof without Huntsville Town Excavation Official authorization.
- D. If possible, all utility lines will be placed parallel to the roadway centerline and the top of the pipe or utility line must be 3 feet below the surface. If the Permittee shows that these guidelines would be unreasonably costly or impossible to comply with, written approval may be requested from the Huntsville Town Engineer to waive one or both of these requirements. To the extent feasible and practical, utility line road crossings shall be on a line generally 90 degrees to the road alignment.
- E. New transverse utility lines under roads shall be permitted for placement by boring. Trenching shall not be allowed unless prior knowledge of ground conditions or demonstrated attempts to bore prove impossible and must be approval by the Huntsville Town Roads Authority in advance. Jetted boring will not be allowed unless approved by the Huntsville Town Roads Authority.
- F. All utility cuts in the road will be saw cut only unless approved by the Huntsville Town Roads Authority such as in the case of an emergency. Edges shall be straight, uniform, and tacked before replacement of asphalt with emulsified asphalt SS-1H or approved equivalent. In the event of an emergency, the cut may be made by spade jackhammer and the edges straightened by saw after backfilling.
- G. No cleated track equipment will be allowed to operate on, or across, paved surfaces unless protective padding is used. Street padding or rubber tired equipment may be used for excavating and backfilling. The applicant, and/or his contractor will be fully responsible for any damage to seal coats or other wearing surfaces.

16.2.11 Sidewalk and curb ramps

If any sidewalk or curb ramp is blocked by excavation work, a temporary sidewalk or curb ramp shall be constructed or provided that shall be safe for travel and convenient for users.

16.2.12 Inspections

- A. Generally, inspections will be made to insure that all work done under the Excavation Permit is performed in a good workmanlike manner. The Huntsville Town Roads Authority and Excavation Official or their duly authorized representatives shall make the inspections.
- B. During Construction, the Huntsville Town Roads Authority, or their duly authorized representative may make inspections at any time during the construction period. If the work is not progressing satisfactorily for the protection of Huntsville Town and the people of the Huntsville Town, or if any part of the work is found to be sub-standard and not in accordance with these specifications, then the inspector will notify the person or persons responsible. If corrective action is not taken, the Huntsville Town Roads Authority shall be authorized to employ a third party contractor to finish the work in a good and professional manner, and any and all costs and expenses for same shall be immediately paid by the applicant to the Huntsville Town, or a claim will be made on the applicant’s bond, at the Huntsville Town Roads Authority’s option, and after consulting with the Huntsville Town Council.
- C. Finally, the applicant and/or his contractor will notify the Huntsville Town Roads Authority when the work has been completed. The permittee will request a final inspection of the place of excavation. The Huntsville Town Roads Authority, or their duly authorized representative shall make the final inspection.

16.2.13 Backfill Requirements

Material for backfill under paved areas shall be of a select nature. All large broken concrete, peat, decomposed vegetable matter and similar materials obtained from the excavation shall be removed from the site prior to the beginning of backfilling. All backfill shall be placed in layers or lifts consistent with the nature of the soil involved. Compaction shall be obtained by mechanical rollers, tampers or other improved means. Material used for backfilling shall be properly moistened or watered to the correct moisture content to insure proper compaction. Jetting, internal vibrating methods of compacting sand fill, or similar methods of compacting sand or similar granular, free-draining materials will be permitted. No frozen material shall be used for backfill under paved surfaces. The intent of this provision is to insure that the dry density of the backfill under pavements, sidewalks, curbs or other structures shall be not less than that of the surrounding undisturbed soil. The required percentage of compaction is: eighty-five percent (85%) on the public way outside of the road and shoulder; ninety-five percent (95%) on the road and shoulder.

Road base shall be placed in the last lift of all utility cuts and be a minimum of 12 inches deep. All material within 3 feet of the roadway surface shall be a granular material meeting A-1-a AASHTO M-145 specifications (non-plastic):

Sieve Size	% Passing
37.5mm	100
25mm	95-100
12.5mm	25-60
4.75mm	0-10

The final 12 inches shall be untreated base course (road base):

Sieve Size	% Passing (dry weights)
35mm	100
12.5mm	79-91
4.75mm	49-61
1.18mm	27-35
0.75mm	7-11

All unsuitable material shall be removed from the Huntsville Town right-of-way at the Permittee's expense. Trenches may be left down 3 inches for patching if prior approval is given by the Huntsville Town Roads Authority. All cuts remain the responsibility of the contractor until they reach 95% compaction. Once utility work has been

completed and road base has been replaced and compacted, pavement cuts shall be patched by a professional patching crew and paid for by the Permittee. The Huntsville Town Roads Authority may require flowable fill be used to protect other utilities.

Under pavement or other surface improvements shall have an in place density of at least a minimum of 95% of laboratory standard maximum dry density, as determined by AASHTO-180 (ASTM D-1557). In shoulder and other areas, the in place density shall be a minimum of 92%. All compaction shall be done in one foot lifts. Each layer shall be evenly spread. Permittee shall pay the costs associated with gradation, proctor, and compaction tests, as required by the Huntsville Town Roads Authority.

Upon completion of any public work, the Huntsville Town Engineer may require a compaction test, to be paid for by the contractor. No patching shall commence until successfully passing compaction testing. More than one test may be required depending on the size, shape, and location of the cut. This determination will be made by the Huntsville Town Roads Authority.

The Permittee shall have a professional patching crew repair all road cuts. Asphalt shall be replaced to a depth of 4 inches or existing depth, whichever is greater. Asphalt shall be a Utah Department of Transportation asphalt cement PA 64-34 approved design. Any exception shall be approved in writing by the Huntsville Town Roads Authority prior to start of work. The Huntsville Town Roads Authority may require an independent testing lab to verify compaction and mix design parameters at the Permittee's expense. Any work or materials not meeting the specifications as outlined will be replaced at the Permittee's expense. Permittee will be responsible for a period of two (2) years. If the patching fails, the Permittee will be responsible for all costs associated with its repair.

The permittee and/or contractor are responsible for all cleanup of the construction area before patching is done.

16.2.14 Restoration of Surface and Protection of Utilities Required

- A. Any person making any excavation or tunnel in or under any public street, alley or other public place in Huntsville Town shall, at his own expense, restore the surface to its same type and depth of pavement as that which is adjoining, including the gravel base material with a four inch (4") minimum compacted asphalt hot plant mix. Refills shall be properly tamped down, and any bracing in such tunnel or excavation shall be left in the ground. All restoration shall conform to the standards and regulations promulgated by the Huntsville Town Roads Authority, and all restorations shall be accomplished within seventy-two hours from the time of the excavation, unless additional time is granted in writing by the Huntsville Town Roads Authority.

If, within the preceding three (3) years, Huntsville Town has resurfaced the pavement with either asphalt, chip seal, or slurry seal, the Permittee shall be responsible for resurfacing the entire width of the excavated pavement, from curb to curb, or edge to edge, as the case may be. Such resurfacing shall be made with asphalt, chip seal, or slurry seal, as determined by the Huntsville Town Roads Authority and shall conform to Huntsville Town standards and specification.

- B. The Huntsville Town Roads Authority has authority to suspend operations under excavation permits where, in his judgment, climatic changes would prevent proper restoration of pavement surfaces.
- C. Restoration shall be a T-cut; this requires the excavator to restore the road surface a minimum of one (1) foot on each side of a cut.
- D. If a cut is more than one quarter (1/4) of the road surface, the excavator must overlay the entire road surface.
- E. Relocation And Protection Of Utilities. The holder of an excavation permit shall not interfere with any existing utility without the written consent of the administrative authority and the owner of the utility. If it becomes necessary to relocate an existing utility, this shall be done by its owner. No utility owned by Huntsville Town shall be moved to accommodate the Permittee, unless the cost of such work is borne by the Permittee. The cost of moving privately owned utilities shall be similarly borne by the Permittee, unless it makes other arrangements with the person owning the utility. 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 do everything necessary to support, sustain and protect them under, over, along or across such work. In case any 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 and the expense of such repairs shall be charged to the Permittee. It is the intent of this section 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 is a contractual obligation of the Permittee. The only exception will be such instances where damage is exclusively due to the negligence of the owning utility. Huntsville Town shall not be made a party to any action because of this section. The Permittee shall inform itself as to the existence and location of all underground utilities and protect the same against damage.

Any entity owning, managing, or operating a utility within, under, along, over, or across a Huntsville Town right-of-way, shall hereafter have full responsibility for the repair, replacement, or relocation of the utility where a relocation is needed as a result of reconstruction, realignment, or future road construction.

F. Restoration of Property and Existing Improvements:

1. Where excavations are made in paved areas, the surface shall be replaced with a temporary gravel surface until such time as the permanent repairs are completed.
2. The Permittee shall, at its own expense, restore the surface of any Public Way to its original condition and replace any removed or damaged pavement with the same type and depth of pavement as that which is adjoining, including the gravel base material. All restoration shall conform to the Engineering Regulations, Design Standards and Specifications established by Huntsville Town and shall be accomplished within the time limits set forth in the permit, unless additional time is granted in writing by Huntsville Town. Where excavations are made in paved areas, the surface shall be replaced with a temporary gravel surface until such time as the permanent repairs are completed.
3. At any time a Permittee disturbs the yard, residence or the real or Personal property of a private Property Owner or the Town, such Permittee shall insure that such property is returned, replaced and/or restored to a condition that is comparable to the condition that existed prior to the commencement of the work.
4. The costs associated with the disturbance and the return, replacement and/or restoration shall be borne by the Permittee. Further, a Permittee shall reimburse a Property Owner or Huntsville Town, for any actual damage caused by the Permittee, its subcontractor, or its independent contractor, in connection with the disturbance of such property. However, nothing in this section shall require the Permittee to pay a subscriber or private Property Owner when that subscriber or private Property Owner requests that the Permittee remove, replace or relocate improvements associated with the service provided by the Permittee to the Property Owner and when the Permittee exercises due care in the performance of that service, or when the subscriber or private Property Owner provided false information to the Permittee on which the Permittee relied to its detriment.
5. Existing drainage channels, such as gutters or ditches, shall be kept free of dirt or other debris so that natural flow will not be interrupted. When it is necessary to block or otherwise interrupt flow of the drainage channel, a method of rerouting the flow must be submitted to the Huntsville Town Engineer for approval prior to the blockage of the channel.
6. The requirements imposed upon the Permittee extend to any subcontractor or independent contractor that the Permittee might employ to perform the tasks pursuant to the permit.

16.2.15 Failure to Comply

If the person doing the actual excavating work or other person for whom the work is being done shall fail to restore the surface to its original condition in accordance with the standards required in this chapter, or to request that the Huntsville Town Roads Authority do so within forty-eight hours after the receipt of written notice from the Huntsville Town Excavation Official, the Huntsville Town Roads Authority may authorize and employ the necessary assistance to restore the surface to its original condition. The Huntsville Town Roads Authority shall prepare an itemized statement of all expenses incurred in such restoration and shall mail or hand deliver a copy thereof to the contractor and to the person for whom the work was done and to the bond holder, demanding payment

within twenty days of the date of mailing. The notice shall be deemed delivered when hand delivered or mailed by certified mail, addressed to the last known address of the Permittee.

A. Failure to perform:

1. Any permit may be revoked or suspended and a stop order issued by Huntsville Town, after notice to the Permittee for:
 - a. Violation of any condition of the permit, the security, or of any provision of this Title;
 - b. Violation of any provision of any other title of Huntsville Town or law relating to the work; or
 - c. Existence of any condition or the doing of any act, which does constitute, may constitute, or cause a condition endangering life or property.
2. A suspension or revocation by Huntsville Town, and a stop order, shall take effect immediately upon entry thereof by Huntsville Town and notice to the Person performing the work in the Public Way. Notice to the Person performing the work shall be accomplished when Huntsville Town has posted a stop work order at the location of the work and written notice has been mailed, return receipt requested, to the address indicated by the Permittee on the permit.
3. Whenever Huntsville Town finds that a default has occurred in the performance of any term or condition of the permit, written notice thereof may be given to the principal and to the surety on the bond, if there is a surety bond. Such notice shall state the work to be done, the estimated cost thereof, and the period of time deemed by the Huntsville Town Excavation Official to be reasonably necessary for the completion of the work.
4. In the event that the surety (or principal), within a reasonable time following the giving of such notice (taking into consideration the exigencies of the situation, the nature of the work, the requirements of public safety and for the protection of Persons and property), fails either to commence and cause the required work to be performed with due diligence, or to indemnify Huntsville Town for the cost of doing the work, as set forth in the notice, Huntsville Town may perform the work, at the discretion of the Huntsville Town Roads Authority, with Huntsville Town forces or contract forces or both, and suit may be commenced by the Huntsville Town Attorney against the contractor and bonding company and such other Persons as may be liable, to recover the entire amount due to Huntsville Town, including attorney fees, on account thereof. In the event that cash has been deposited, the cost of performing the work may be charged against the amount deposited, and suit brought for the balance due, if any.

B. Failure to Conform to Design Standards. For failure to conform to the Public Works Standards and Technical Specifications adopted by Huntsville Town, the Huntsville Town Excavation Official may:

1. Suspend or revoke the permit;
2. Issue a stop order;
3. Order removal and replacement of faulty work;
4. Require an extended warranty period; and/or
5. Negotiate a cash settlement to be applied toward future maintenance costs.

16.2.16 Collection of Expenses by Lawsuit

In the event collection of Huntsville Town's expenses must be made in court, Huntsville Town shall sue and receive judgment for all expenses incurred in the restoration of the property, together with reasonable attorney's fees, interest and court costs. Huntsville Town shall execute upon such judgment in the manner provided by law.

16.2.17 Protection of the Public

- A. Signs – Information and warning signs, portable or semi-portable, will be provided at the place of excavation to inform and warn the public and must meet MUTCD standards. The name of the applicant and/or his contractor shall appear on said signs, together with telephone numbers to permit sheriff's patrols, inspectors

and others to call responsible individuals in cases of accidents, injuries, mal-function of lights, or similar reasons.

- B. Barricades – All barricades, obstructions, and soft shoulders shall be marked in a conspicuous manner.
- C. Lights – Adequate warning lights will be used between sunset and sunrise.
- D. Detours – Safe and proper detours will be provided and maintained during construction.
- E. Flagmen – Flagmen will be provided where the free flow of traffic is interfered with. The flagmen will be equipped with plainly visible flags and/or signs with which to signal traffic.
- F. Notification of Road Closure – Where it becomes necessary to close a road for any period of time, the applicant and/or his contractor shall notify the Huntsville Town Roads Authority, and the Huntsville Town Roads Authority will notify the Weber County Sheriff, Fire Department, School buses, Postal Department, and other local agencies using the said road. Where feasible, the public shall be notified at least 24 hours in advance of a road to be closed.
- G. Maintenance – The place of excavation shall be maintained at all times in such a manner as to cause the least amount of inconvenience to the public.
- H. It shall be unlawful for any Person to maliciously or wantonly or without authorization and legal cause, extinguish, remove or diminish any light illuminating any barricade or excavation, or to tear down, remove or in any manner alter any rail, fence or barricade protecting any excavation or other construction site.

16.2.18 Adjacent Property Excavation

Adjacent property owners may landscape the public rights-of-way adjacent to their property (a.k.a. the ‘verge’, the section of Town road not paved) without a permit under the following conditions:

- A. Blue Stakes shall be called for all excavations over twelve (12) inches deep and excavation permits will be acquired per Title 17.
- B. Trees, shrubs, structures or other items planted or placed beyond the property lines of the property owners (within the verge) shall be in compliance with Title 8.

16.2.19 Conflict with Governing Provisions.

Should there be a conflict between the provisions of this Title and the provisions of any other ordinance, agreement, franchise, or other document governing the excavation of a Public Way, the more restrictive provisions of the aforesaid documents shall apply.

16.3 Construction Of New Roads

- 16.3.1 Scope
- 16.3.2 Construction Drawings
- 16.3.3 Preconstruction Conference
- 16.3.4 Inspection
- 16.3.5 Construction Testing

16.3.1 Scope

This section defines the general requirements for improvements to be built by a subdivider. All construction shall meet the Public Works Standards and Technical Specifications adopted by Huntsville Town.

The improvements shall include all street improvements in front of all lots along all dedicated streets to a connection with existing improvements of the same kind or to the boundary or the subdivision nearest existing improvements. Design must provide for future extension to adjacent development and to be compatible with the contour of the ground for proper drainage. All water lines and any other buried conduit shall be installed to the boundary lines of the subdivision.

16.3.2 Construction Drawings

Complete and detailed construction plans and drawings of improvements shall be submitted to the Huntsville Town Roads Authority for review prior to receiving final plat approval from the County Engineer and commencing construction. No construction shall be started until plans have been checked and approved by the Huntsville Town Roads Authority.

Each set of plans shall be accompanied by a separate sheet of details for special structures which are to be constructed and are not covered by the Public Works Standards and Technical Specifications. All structures shall be designed in accordance with the minimum Weber County Standards.

The blueprint construction plans shall be submitted in duplicate (minimum) with one (1) set to be retained by the Huntsville Town Roads Authority and one set returned to the Subdivider. This approved set shall be kept available at the construction site. A reproducible copy of all drawings shall be submitted to the Huntsville Town Roads Authority at the time of the preconstruction conference. Prior to final acceptance by Huntsville Town, the subdivider shall submit to the Huntsville Town Roads Authority information showing the "as construction" locations of the improvements.

16.3.3 Preconstruction Conference

A preconstruction conference shall be held before any excavation or other work is begun in the subdivision. The meeting will be held in the Huntsville Town Road Authority's Office and will include:

- A. the Huntsville Town Roads Authority and the Huntsville Town Engineer, if not one and the same
- B. the Developer or Subdivider;
- C. the Subdivision Engineer;
- D. all Contractors and Subcontractors involved with installing the subdivision improvements;
- E. the Huntsville Town Culinary Water Department Superintendent;
- F. a representative from the Huntsville Town Surveyor's Office and
- G. Representatives of other local Utility Companies as required.

Items pertaining to the construction and inspection of the subdivision improvements will be discussed.

16.3.4 Inspection

All construction work involving the installation of improvements in a subdivision shall be subject to inspection by the Huntsville Town Roads Authority. It shall be the responsibility of the person responsible for construction to insure that inspections take place where and when required. Certain types of construction shall have continuous inspection, while others may have only periodic inspections. The Huntsville Town Culinary Water Department may also perform inspection of their respective improvements.

- A. Continuous inspection may be required on the following types of work:
 - 1. Laying of street surfacing
 - 2. Placing of concrete for curb and gutter, sidewalks, and other structures
 - 3. Laying of sewer pipe, drainage pipe, water pipe, valves, hydrants and testing

- B. Periodic inspections shall be required on the following:
 - 1. Street grading and gravel base
 - 2. Excavations for curb and gutter and sidewalks
 - 3. Excavations for structures
 - 4. Trenches for laying pipe
 - 5. Forms for curb and gutter, sidewalks and structures

On construction requiring continuous inspection, no work shall be done except in the presence or by permission of the Huntsville Town Roads Authority and/or the Huntsville Town Culinary Water Operator.

Requests for inspections shall be made to Huntsville Town by the person responsible for the construction. Requests for inspection on work requiring continuous inspection shall be made three (3) working days prior to the commencing of the work. Notice shall also be given one day in advance of the starting of work requiring periodic inspection, unless specific approval is given otherwise.

An inspection shall be made by the Huntsville Town Roads Authority after all construction work is completed. Any faulty or defective work shall be corrected by the persons responsible for the work within a period of thirty (30) days of the date of the Huntsville Town Road Authority's Inspection Report defining the faulty or defective work.

16.3.5 Construction Testing

All in-place density testing shall be arranged for by the Contractor or the Subdivider by a Certified Testing Facility, the cost of which will be covered by Contractor or the Subdivider. The cost of obtaining necessary soil "proctors", asphalt extractions, gradations, "Marshall" asphalt densities, and concrete test cylinders shall be billed to and paid directly by the Subdivider.

16.4 Utilities**16.4.1 Responsibilities of Utilities****16.4.1 Responsibilities of Utilities**

Any person owning, managing, or operating a utility within, under, along, over or across a Huntsville Town Road or Right-Of-Way, shall hereinafter have full responsibility for the repair, replacement or relocation of the utility where the utility is damaged or a relocation is needed as a result of a rebuilding, reconstruction or realignment of a Huntsville Town Road or Right-Of-Way. Within five (5) days after notice from Huntsville Town, the person owning, managing or operating such utility shall make all the necessary repairs and relocations at their own expense. If the person fails so to do Huntsville Town may have the work done and the person shall be obligated to pay for it.

16.5 Vehicles Damaging Roads

16.5.1 Prohibition of Road Damaging Vehicles

16.5.2 Road Repairs - Liability

16.5.3 Penalty

16.5.1 Prohibition of Road Damaging Vehicles

It shall be unlawful for any person to drive, operate or move any vehicle upon or across any Huntsville Town roads, if such vehicle has on the periphery of any of road wheels, any lug, flange, cleat, ridge, bolt, or any projection of metal or wood which projects radially beyond the tread or traffic surface of the tire, unless the road is protected by putting down solid planks or other suitable material, or by attachments to the wheels so as to prevent such vehicles from damaging the road, except that this prohibition shall not apply to tractors or tractor engines equipped with what is known as caterpillar treads, when such caterpillar does not contain any projection of any kind likely to injure the surface of the roads; provided further that it shall be permissible to use tire chains of reasonable proportions upon any vehicle when required for safety because of snow, ice or other conditions tending to cause a vehicle to slide or skid.

16.5.2 Road Repairs - Liability

All injuries to oiled and "black top" roads within Huntsville Town shall be immediately repaired at the expense of the person, company or corporation responsible for such injury; said repairs to be made under the supervision and to the satisfaction of the Huntsville Town Roads Authority.

16.5.3 Penalty

Any person, firm or Corporation who shall violate any of the provisions of this ordinance shall be guilty of a Class C misdemeanor, and upon conviction shall be punished as provided by the laws of the State of Utah for Class C misdemeanors.

16.6 Adoption Of Official Street Map

16.6.1 Official Map Showing New streets or Alteration in the Present Streets

16.6.2 No Building Permits for Buildings or Structures within Mapped Street Lines or Boundaries

16.6.3 Appeals to the Appeal Authority

16.6.1 Official Map Showing New streets or Alteration in the Present Streets

The Huntsville Town Council may from time to time adopt, pursuant to the law, an **Official Huntsville Town Street Map** of the whole or any part or parts of Huntsville Town theretofore existing and established by law as public streets. Such Official Map may also show the location of the lines of streets on plats of subdivisions which shall have been recommended by the Huntsville Town Planning Commission and adopted by the Huntsville Town Council.

The Huntsville Town Council may make, from time to time, other amendments (additions to or modifications of the Official Huntsville Town Street Map) by placing thereon the lines of proposed new streets or street extensions, widenings, narrowings, or vacations which have been accurately surveyed and definitely located; provided, however, that before taking any such action the Huntsville Town Council shall hold a public hearing hereon and provided, further, that such amendment of the Official Map shall be submitted to the Huntsville Town Planning Commission for its recommendations. In the event of such Huntsville Town Planning Commission recommendation, such amendment shall require the favorable vote of not less than a majority of the entire membership of the Huntsville Town Council. The placing of any street or street lines upon the Official Huntsville Town Street Map shall not in and of itself constitute or be deemed to constitute the opening or establishment of any street or the taking or acceptance of any land for land for street purposes. Upon adoption of the resolution creating the Official Huntsville Town Street Map, or making any Official Huntsville Town Street Map Amendments therein by resolution, the Huntsville Town Council shall direct that said **Official Huntsville Town Street Map Ordinance** or **Official Huntsville Town Street Map Amendment Resolutions** be recorded in the office of the Weber County Recorder.

16.6.2 No Building Permits for Buildings or Structures within Mapped Street Lines or Boundaries

No building permit shall be issued for any building or structure or part thereof on any land located between the mapped lines of any street as shown on any Official Huntsville Town Street Map adopted by resolution of the Huntsville Town Council. No building permit shall be issued for any building or structure or part thereof on any land bordering a street for which an Official Map has been adopted unless the requirements for the zoning, as specified in the Huntsville Town Land Use Planning Title, are met, measured from the mapped lines of said street as shown on the Official Huntsville Town Street Map.

16.6.3 Appeals to the Appeal Authority

- A. Any owner of land within or bordering a street for which an official map has been adopted and for which a building permit has been refused by the Huntsville Town Building Official, may appeal to the Appeal Authority (formerly the Board of Adjustment) appointed by the Huntsville Town Council.
- B. The Appeal Authority shall have the power to authorize the grant of a permit for a building or structure or part thereof within or adjoining any mapped street location upon finding that:
 1. That the property of the appellant of which such mapped street location forms a part which will not yield a reasonable return to the owner unless such permit be granted; or
 2. That balancing of interest of Huntsville Town in preserving the interest of the owner in the use and benefits of the property, the grant of such permit is required by a consideration of justice and equity.
- C. Before taking any action, the Appeal Authority shall hold a public hearing thereon.

- D. In the event that the Appeal Authority decides to authorize a building permit, it shall have the power to specify the exact location, yard and ground area, height and other details and conditions of extent and character as it may determine, and also the duration of the building, structure or part thereof to be permitted.

16.7 Winter Snow Removal

16.7.1 Snow Removal from Huntsville Town Streets

16.7.2 Snow Removal from Sidewalks and Private Driveways

16.7.3 Vehicle Parking on Huntsville Town Roads During and After Snow Storm

16.7.4 Removal of Public Nuisance Vehicles

16.7.5 Violators to be Cited

16.7.1 Snow Removal from Huntsville Town Streets

It is the responsibility of Huntsville Town through its Roads Department to remove snow from traveled Huntsville Town streets. The snow shall be pushed off the streets and in to the roadside drainage ditch channels or shoulders and toward the curb gutter and onto the parking strip as far as possible in commercial areas. The snow is removed with priority being given to public facilities, major streets with heavy user access, and higher intensity residential and commercial areas.

16.7.2 Snow Removal from Sidewalks and Private Driveways

It is the responsibility of the abutting property owner/resident to remove the snow from sidewalks (if they exist) and private driveway openings onto Huntsville Town streets. For reasons of public safety and convenience, sidewalks shall be cleared of snow within 24 hours of the end of a snow storm.

In clearing driveway openings, snow shall be placed on the same side of the street as the driveway opening where possible, so as not to restrict traffic movement or create a hazardous condition. Snow from the length of private driveways shall not be pushed onto a paved Huntsville Town street, but must remain on private property or on the parking strip or within the shoulder of the Huntsville Town paved street so as not to impede the street traffic movement.

16.7.3 Vehicle Parking on Huntsville Town Roads During and After Snow Storm

In order to adequately remove snow and to avoid property damage as far as possible, it is necessary to keep the Huntsville Town streets clear of all parked vehicles and other obstacles stationed on or adjacent to the street. Therefore, when snow removal becomes necessary, no person who owns or has possession, custody, or control of any vehicle or other object shall park or place such vehicle or object upon or immediately adjacent to any street between 4 a.m. and 12 noon of any day, except for authorized emergency service personnel. Any such vehicle or object so parked or placed, is declared a public nuisance.

16.7.4 Removal of Public Nuisance Vehicles

The Weber County Sheriff or any Officer of Huntsville Town is hereby authorized to abate any public nuisance vehicle or object on Huntsville Roads or Rights-Of-Way by moving, removing, or causing to be removed, or by impounding said vehicle or object. For every vehicle so impounded a written report shall be forwarded to the Weber County Sheriff's Office, with a description of the vehicle, date, time, and place of removal, the reason for the removal, and location where vehicle is stored.

16.7.5 Violators to be Cited

Persons who violate, cause, or permit the violating of any of the rules and regulations outlined herein shall be deemed to have caused a traffic condition considered hazardous to the life and safety of the residents of Huntsville Town and shall be guilty of a Class C misdemeanor and shall be punished as provided by law. Such persons shall be deemed to be guilty of a separate offense for each and every day of violation after being cited.



This Building Codes Ordinance shall take effect upon approval by the Huntsville Town Council.

PASSED and ADOPTED this 21st day of February 2008.

Mayor, James C. McKay

ATTEST:

Dated this 21st day of February 2008.

Clerk/Recorder, Gail Ahlstrom

Vote of the Town Council	yea	nay
Council Member Ferre	___	___
Council Member Johnson	___	___
Council Member Sorensen	<u>excused</u>	___
Council Member Truett	___	___
Mayor McKay	___	___