

Wales Town

ORDINANCE NO. 2026-01

Replaces 2017-01

*AN ORDINANCE ESTABLISHING AND REGULATING WALES TOWN TRANSPORTATION SYSTEM
(ROADS AND STREETS) AND OTHER MUNICIPAL PROPERTY*

BE IT ORDAINED BY THE MAYOR AND TOWN COUNCIL OF WALES TOWN,
SANPETE COUNTY, STATE OF UTAH:

WHEREAS, Wales Town, a municipal corporation of the State of Utah, is the owner of a municipal transportation system (Roads and Streets), it is now necessary and advisable to adopt an ordinance for the controlling of said system.

NOW THEREFORE, BE IT ORDAINED AS FOLLOWS:

1. Roads and Streets Department and System:

The Roads and Streets department of the municipality is hereby created. It shall administer the operation and maintenance of the Roads and Streets system of the municipality.

2. Roads and Streets Superintendent:

There is hereby created the position of Roads and Streets Superintendent of the Roads and Streets department.

3. Duties of Roads and Streets Superintendent:

The Roads and Streets Superintendent shall manage and supervise the municipal Roads and Streets department pursuant to the provisions of this ordinance and pursuant to resolutions, rules and regulations adopted by the Town Council from time to time prescribing his powers and duties and directing the manner and frequency with which he shall make reports to the Town Council relating to the transportation system. All of the functions and activities of the Roads and Streets Superintendent shall be carried on under the direction of the Mayor.

MUNICIPAL PROPERTY GENERALLY

4. Unlawful Use

Unless authorized by permit or other written authorization issued by the municipality, or unless authority is granted by provisions of this code or other ordinance of the municipality now or hereafter enacted, it shall be a Class B misdemeanor for any person to:

A. Construct, lay, excavate, erect, operate or maintain over, under, across, in or through any property owned or controlled by this municipality any utility, canal ditch, construction or building.

B. Enter upon any property of this municipality contrary to posting or marking restricting or prohibiting use of the area.

C. Intentionally use or perform acts upon property of the municipality which materially impairs, alters, or damages the property.

5. Repair or Restoration

The governing body, in addition to any other penalty which may be imposed, may order any person who has damaged, altered or changed any property of this municipality to repair or restore the property to its original condition prior to the damage, alteration or change.

Acts exempted - It is not a violation of this chapter where any person uses the public property of this municipality in the manner or for the purpose or purposes for which such property has been made available for public use.

STREET CONSTRUCTION

6. Construction by persons

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

7. Permit required--Supervision

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

B. It is unlawful to construct a sidewalk in violation of the specifications given by a proper municipal official.

C. All sidewalks shall be constructed under the inspection of the superintendent of streets or duly authorized representative.

8. Construction of driveways or changes of construction

It is unlawful for any person to construct a driveway across a sidewalk, or cut or change the construction of sidewalk, curb, or gutter without first making written application and obtaining from the recorder/clerk a permit to do so. The acceptance of such permit shall be deemed an agreement on the part of such person to construct such driveway in accordance with specifications furnished by the municipality.

9. Building materials in street--Permit

It is unlawful for any person to occupy or use any portion of the public streets when erecting or repairing any building upon land abutting thereon, without first making application to and receiving from the governing body a permit for the occupation or use of such portions of

streets for such periods of time and under such limitations and restrictions as may be required by the governing body. Any such permit may be revoked by the governing body at any time when the holder thereof fails to comply with any rule or regulation under which it is granted, or when, in the opinion of the governing body, the public interest requires such revocation.

10. Placing or mixing sand or gravel on paved street or sidewalk

Unless a permit from the superintendent has been obtained, it is unlawful to:

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

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

11. Overflowing of water on public property

It is unlawful for any person to allow water to overflow from any ditch, canal, well, or irrigation stream onto the streets, sidewalks or property of the municipality.

12. Irrigation ditches across sidewalks

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

13. Removal of sod, earth from streets or other property

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

STREET AND SIDEWALK USE REGULATIONS

14. Placing trash or other obstruction in streets, gutters, sidewalks

It is unlawful for any person owning, occupying or having control of any premises to place, or permit to be placed upon or in the sidewalk, parking area, gutter, or on the half of the street next to such premises:

A. Any broken ware, glass, filth, rubbish, sweepings, refuse matter, ice, snow, water, garbage, ashes, tin cans or other like substances.

B. Any wagons, lumber, wood boxes, fencing, building material, dead trees, tree stumps, merchandise or other thing which shall obstruct such public street, gutter, parking area or sidewalk, or any part thereof, or the passage over and upon the same, or any part thereof, except as expressly authorized by ordinance, without the permission of the governing body first had and obtained.

C. Any permanent or temporary structure, mechanism, device, vehicle, or other thing of any kind or character except trees planted pursuant to the provisions of

applicable ordinances.

15. Openings in street

A. It is unlawful for the owner or occupant of any building having a cellar which opens upon any street or sidewalk to fail to keep the door or other covering in good repair and safe for the passage of the customary traffic on the street or sidewalk. If the owner or occupant of any such building shall neglect or refuse to repair properly any such door or covering within twenty-four (24) hours after notice from the superintendent of streets to do so, the superintendent shall forthwith cause such repairs to be made at the expense of the owner or occupant.

B. It is unlawful to construct or maintain coal holes or other openings in streets or sidewalks, except with the special permission of the governing body, and under the direction and supervision of the superintendent of streets.

16. Discharge of water on street

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

EXCAVATIONS

17. Permit required

A. No person shall make any excavation in any street, lane, or alley, or remove any pavement or other material from any street or improvement thereon without first obtaining a permit from the superintendent of streets or other authorized representative of the municipality.

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

C. Nothing contained in this chapter shall be construed to waive the franchise required for any person by the ordinances of this municipality or laws of Utah.

18. Excluded excavations

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

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

19. Subject excavations

The following types of excavations are subject to the provisions of this chapter:

Excavations for installation or repair of water lines, sewer lines, gas lines, electrical cable and conduits, telephone cable and conduits, and all other excavations for any other purpose within the street rights-of-way of the municipality or in other public places.

20. Preparation

The pavement, sidewalk, driveway, or other surface shall be cut vertically along the lines forming the trench in such a manner as to not damage the adjoining pavement or hard surfacing. An undercut bevel at the rate of one inch per foot of thickness will be provided at the proposed junction between the old and new surfaces. The portion to be removed shall be broken up in a manner that will not cause damage to the pavement outside the limits of the trench. However, any pavement damaged by operations outside the limits of the trench shall be replaced. All waste material resulting from the excavation shall be removed immediately from the site of the work.

21. Backfill

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

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

22. Restoration of surfaces

A. General. All street surfacing, curbs, gutters, sidewalks, driveways, or other hard surfaces falling in the line of the excavation which must be removed in performance of the work shall be restored in kind by the excavator, unless otherwise directed by the governing body, in accordance with the specifications contained herein governing the various types of surfaces involved.

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

C. Time. In traffic lanes of paved streets, the excavator shall provide temporary gravel surfaces or cold mulch in good condition immediately after backfill has been placed, and shall complete permanent repairs on the street, sidewalk, curb, gutter, driveway and other surfaces, within five days from the date of completion of the backfill except for periods:

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

D. Temporary Repair. If temporary repair has been made on a paved street with gravel and a permanent repair cannot be made within the time specified above due to any of the abovementioned conditions, then the excavator shall be required to replace the gravel with cold mulch as soon as possible.

23. Restoring bituminous

Concrete or asphalt street surfaces.

A. Temporary Grade Surface. Where excavations are made in paved areas, the surface shall be replaced with a temporary gravel surface. The gravel shall be placed deep enough to provide a minimum of six inches below the bottom of the bituminous or concrete surface. Normally, this will require nine inches of gravel for bituminous surfaces, twelve (12) inches of gravel for concrete, and concrete base for asphalt wearing surfaces. The gravel shall be placed in the trench at the time it is backfilled. The temporary gravel surface shall be maintained by blading, sprinkling, rolling, adding gravel, to maintain a safe, uniform surface satisfactory to the inspector until the final surface is laid. Excess material shall be removed from the premises immediately. Material for use on temporary gravel surfaces shall be obtained from sound, tough, durable gravel or rock meeting the following requirements for gradings:

Passing 1-inch sieve 100 percent

Passing 3/4-inch sieve 85%--100 percent

No. 4 sieve 45%--65 percent

Passing No. 10 sieve 30%--50 percent

Passing No. 200 sieve 5%--10 percent

B. Bituminous Surface. The exposed edges of existing pavement shall be primed with Type MC-1 bituminous material. The type, grade, and mixture of the asphalt to be used for street surface replacement shall be approved by the superintendent of streets. The thickness shall be equal to the adjacent surface thickness but not less than three inches. The complete surface shall not deviate more than one-half inch between old and new work.

24. Concrete surfaces

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

25. Concrete base, bituminous wearing surfaces

This type of surfacing shall be constructed as above described.

26. Gravel surfaces

Trenches excavated through gravel-surfaced area, such as gravel roads and shoulders and unpaved driveways, shall have the gravel restored and shall be a minimum of one inch more than the thickness of the existing gravel.

27. Protection of public during excavation project

Excavation operations shall be conducted in such a manner that a minimum amount of interference or interruption of street traffic will result. Inconvenience to residents and businesses fronting on public streets shall be minimized. Suitable, adequate and sufficient barricades shall be available and used where necessary to prevent accidents involving property or persons. Barricades must be in place until all of excavator's equipment is removed from site and excavation has been backfilled and proper temporary gravel surface is in place. From sunset to sunrise all barricades and excavations must be clearly outlined by acceptable warning lights, lanterns, flares, and other devices.

28. Revocation and protection of utilities

An excavator shall not interfere with any existing utility without the written consent of the governing body and without advance notice to the owner of the utility. If it becomes necessary to relocate an existing utility, it shall be done by its owner unless the owner otherwise directs. No utility, whether owned by the municipality or by a private enterprise, shall be moved to accommodate the permittee unless the cost of such work be borne by the permittee or an expressly written agreement is made whereby the utility owner and the excavator make other arrangements relating to such cost. The permittee shall support and protect by timbers or otherwise all pipes, conduits, poles, wires, or other apparatus which may be in any way affected by the excavation work, and shall do everything necessary to support, sustain and protect them under, over, along, or across the work. In case any of the pipes, conduits, poles, wires, or apparatus should be damaged (and for this purpose pipe coating or other encasement or devices are to be considered as part of a substructure), they shall be repaired by the agency or person owning them, but the utility owner shall be reimbursed for the expense of such repairs by the permittee. It is the intent of this 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 shall be deemed a contractual obligation which the permittee accepts upon acceptance of an excavation permit. The municipality need not be made a party to any action because of this section. The permittee shall inform itself as to the existence and location of all underground utilities and protect the same against damage.

29. Jetting pipe

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

30. Inspection and acceptance

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

1. With good and sufficient surety.
2. By a surety company authorized to transact business in the state.
3. Satisfactory to the municipal attorney in form and substance.
4. Conditioned upon the permittee's compliance with this chapter in order to secure and hold the municipality and its officers harmless against any and all claims, judgments, or other costs arising from the excavation and other work covered by the excavation permit or for which the municipality, the governing body or any municipal officer may be made liable by reason of any accident or injury to any person or property through the fault of the permittee arising out of failure to properly guard the excavation or for any other negligence of the permittee.
5. Conditioned to fill up, restore and place in good and safe condition, as near as may be to its original condition, and to the satisfaction of the municipality, all openings and excavations made in streets, and to maintain any street where excavation is made in as good condition for the period of twelve (12) months after the work shall be done, usual wear and tear excepted, as it was before the work shall have been done.

B. The amount of the surety bond or cash deposit shall be established by resolution and may be changed from time to time, but until such resolution is passed, the amount of the surety or cash deposit shall be two hundred dollars (\$200.00) and seven dollars and fifty cents (\$7.50) for each foot of street the permittee shall excavate.

31. Application for street excavation permit

It is unlawful for any person to break, excavate, tunnel, undermine, or in any manner affect the surface or base of any street or to place, deposit or leave upon any street any earth or any other excavated material obstructing or tending to interfere with the free use of the street, unless such persons shall first have obtained an excavation permit therefore from the recorder/clerk. Any public utility regulated by the state of Utah or holding a franchise from the municipality, which in the pursuit of its calling has frequent occasion to open or make excavations in streets, may, upon application, receive a general permit from the municipality to cover all excavations such utilities may make within the streets of the municipality. All permits shall be subject to revocation and the municipality may refuse to issue a permit for failure of the permittee or applicant to abide by the terms and conditions of this chapter. Excavation permits will not be requested prior to excavation in case of emergency endangering life or property, providing the municipality is notified as soon as practicable and a permit is applied for upon the next regular working day following the emergency.

32. PLANNING AND MAINTENANCE

The Wales Town Roads and Streets will be maintained by rule/policy setting the scheduled, unscheduled, and routine maintenance of the Roads and Streets; and will include a scheduled inspection procedure.

Engine Brake Restriction

33.1 DEFINITIONS:

For the purposes of this ordinance the following words and phrases are defined as follows:

1. **Engine retarding brake**" means a "Dynamic Brake", "Jake Brake", "Jacobs Brake", "C-Brake", "Compression Brake", "Paccar Brake", transmission brake or any other engine retarding brake system that alters the normal compression of the engine and subsequently releases that compression in such a manner as to emit more than 80 decibels of noise within/at a distance of more than 50 feet.

33.2 PROHIBITIONS:

It shall be unlawful for the driver of any vehicle to use or operate or cause to be used or operated within designated areas in the town limits of Wales Town, State of Utah, any engine retarding brake, compression brake, or mechanical exhaust device designed to

aid in the braking or deceleration of any vehicle that results in excessive, loud, unusual or explosive noise from such vehicle, unless such use is necessary to avoid imminent danger/emergency/to avoid injury or accident. Such prohibition shall be applicable only to those public highways or portions specifically identified in this Chapter.

33.3 AREAS OF PROHIBITION:

The prohibition set forth herein shall apply to the following public highways in Sanpete County, Utah or portions thereof:

1. US Highway 117 and 200 West within the City limits of Wales Town, Utah.

33.4 SIGNAGE :

Signs stating "VEHICLE NOISE LAWS ENFORCED" or "ENGINE BRAKE ORDINANCE ENFORCED" may be installed at locations deemed appropriate by the Utah Department of Transportation to advise motorists of the prohibitions contained in this ordinance, except that no sign stating "VEHICLE NOISE LAWS ENFORCED" or "ENGINE BRAKE ORDINANCE ENFORCED" shall be installed on a state highway without a permit from the Utah Department of Transportation. The provisions of this ordinance shall be in full force and effect even if no signs are installed.

33.5 EXCEPTIONS:

Emergency vehicles shall be exempt from the application of this ordinance.

Whereas present traffic regulations noise and traffic in areas covered by this Ordinance and it is of the utmost importance to provide for the health, safety and are inadequate to control peace of the citizens of Wales Town, Utah, an emergency is declared to exist. Therefore this Ordinance shall be in full force and effect from and after its adoption and publication.

33.6 VIOLATIONS AND PENALTIES:

Violation of this ordinance is deemed to be a county infraction. The penalty for violating any of the provisions of this Chapter shall be as set forth as follows:

Any person, firm or corporation violating this Ordinance shall be guilty of a misdemeanor and upon conviction hereof shall pay a fine not exceeding \$300.00 for each offense.

34. EFFECTIVE DATE:

Immediately after its adoption, this ordinance shall be signed by the Mayor and Town Clerk and shall take effect immediately upon its passage and as required by law.

PASSED AND APPROVED by the Town Council of the Town of Wales, this 13th day of January, 2026.

James Roberts Mayor

Date

ATTEST

Kevin Washburn, Town Clerk

Date