

ORDINANCE NO. 2013-14

CACHE COUNTY, UTAH

AMENDMENTS TO TITLES 10 AND 12

AN ORDINANCE AMENDING AND SUPERSEDING CHAPTERS 4, 8, 12, AND 16 OF TITLE 10 AND CHAPTERS 1 AND 2 OF TITLE 12 OF THE CACHE COUNTY ORDINANCE REGARDING PARKING, VEHICLE, AND ROADWAY STANDARDS

WHEREAS, the State of Utah has authorized Cache County to adopt Land Use Ordinances and Maps, and;

WHEREAS, the purpose of this ordinance is to provide fair, consistent, and equitable land use regulations for all land owners, and;

WHEREAS, the purpose of this ordinance is to provide clarity and ease of use of the County's Zoning Ordinance for all citizens, and;

WHEREAS, on September 5, 2013 at 6:00 P.M., the Planning Commission held a public hearing for the amendments to Title 12, which meeting was preceded by all required legal notice and at which time all interested parties were given the opportunity to provide written or oral comment concerning the proposed rezone, and;

WHEREAS, on October 3, 2013, the Planning Commission recommended the approval of said amendments and forwarded such recommendation to the County Council for final action, and;

WHEREAS, the County Council caused notice of the hearing and the amendments to Titles 10 and 12 of the Cache County Ordinance to be advertised at least ten (10) days before the date of the public hearing in *The Herald Journal*, a newspaper of general circulation in Cache County, and;

WHEREAS, on September 24, 2013, at 6:00 P.M., the County Council held a public hearing to consider any comments regarding the proposed amendments to Titles 10 and 12 of the Cache County Ordinance. The County Council accepted all comments, and;

WHEREAS, the Cache County Council has determined that it is both necessary and appropriate for the County to amend and implement these ordinances.

NOW, THEREFORE, BE IT ORDAINED by the County Legislative Body of Cache County that Chapters 4, 8, 12, and 16 of Title 10 and Chapters 1 and 2 of Title 12 of the Cache County Ordinance are hereby amended and superseded as follows:

1. STATUTORY AUTHORITY

The statutory authority for enacting this ordinance is Utah Code Annotated Sections 17-27a Part 1 and Part 3 (1953, as amended to date).

Disclaimer: This is provided for informational purposes only. The formatting of this ordinance may vary from the official hard copy. In the case of any discrepancy between this ordinance and the official hard copy, the official hard copy will prevail.

2. PURPOSE OF PROVISIONS

The purpose of this ordinance is to amend and supersede Chapters 4, 8, 12, and 16 of Title 10 and Chapters 1 and 2 of Title 12 of the Cache County Ordinance regarding parking, vehicle, and roadway standards, and to insure compatibility with surrounding land uses, conformity with the Cache County Comprehensive Plan, consistency with the characteristics and purposes stated for the zones, and protection, preservation and promotion of the public interest, health, safety, convenience, comfort, prosperity and general welfare.

3. FINDINGS

- A. The amendments to Titles 10 and 12 of the Cache County Ordinance are in conformity with Utah Code Annotated, §17-27a Part 5 (1953, as amended), which requires compliance with standards set forth in an applicable ordinance.
- B. The amendments to Title 10 and 12 of the Cache County Ordinance are necessary to establish accurate standards for parking, vehicles, and roadways.
- C. It is in the interest of the public and the citizens of Cache County that the proposed amendments to Title 10 and 12 of the Cache County Ordinance be approved.

4. EXHIBITS

- A. Title 10, Chapters 4, 8, 12, and 16 of the Cache County Ordinance is amended as follows: See Exhibit A
- B. Title 12, Chapters 1 and 2 of the Cache County Ordinance is amended as follows: See Exhibit B

5. PRIOR ORDINANCES, RESOLUTIONS, POLICIES AND ACTIONS SUPERSEDED.

This ordinance amends and supersedes Chapters 4, 8, 12, and 16 of Title 10 and Chapters 1 and 2 of Title 12 of the Cache County Ordinance, and all prior ordinances, resolutions, policies, and actions of the Cache County Council to the extent that the provisions of such prior ordinances, resolutions, policies, or actions are in conflict with this ordinance. In all other respects, such prior ordinances, resolutions, policies, and actions shall remain in full force and effect.

6. EFFECTIVE DATE.

This ordinance takes effect on October 23rd, 2013. Following its passage but prior to the effective date, a copy of the ordinance shall be deposited with the County Clerk and a short summary of the ordinance shall be published in a newspaper of general circulation within the County as required by law.

APPROVED AND ADOPTED this 8th day of October, 2013.

	In Favor	Against	Abstained	Absent
Potter				
Buttars				
White				
Petersen				
Robison				
Yeates				
Zilles				
Total				

CACHE COUNTY COUNCIL:

ATTEST:

Val Potter, Chair
Cache County Council

Jill Zollinger
Cache County Clerk

Publication Date:

_____, 2013

Disclaimer: This is provided for informational purposes only. The formatting of this ordinance may vary from the official hard copy. In the case of any discrepancy between this ordinance and the official hard copy, the official hard copy will prevail.

TITLE 10 – PARKING AND VEHICLES

10.04 – Reserved

10.08 PARKING REGULATIONS

10.08.010: DEFINITION:

The term "county facilities" means lands owned and under the supervision and control of Cache County Corporation. It specifically includes those areas designated and made available for off street parking purposes for the public at large in areas surrounding the Cache County Courthouse and Administration Building, Cache County Sherriff's Complex, Cache County Senior Center, Cache County Road Shops, the County Fairgrounds, and all other facilities and properties owned and operated by the County.

10.08.020: COUNTY EXECUTIVE TO REGULATE:

The County Executive is authorized to place upon the parking areas surrounding County facilities , signs regulating all parking, including regulations pertaining to the maximum duration for which parking is allowed, periods of time when parking may be prohibited, or in areas where specified or restricted parking is allowed, and designate certain spaces for county, state and federal employees or other matters pertaining to the efficient regulation control of public parking areas. The County Executive or designee shall have the authority to enforce parking restrictions that are placed on all County facilities.

10.12 – Reserved

10.16 – Reserved

10.20 – No Change

TITLE 12 – RIGHTS OF WAY, ROADWAYS, AND TRANSPORTATION FACILITIES

12.01: PUBLIC ROADWAYS AND RIGHTS OF WAY

12.01.010: RIGHTS OF WAY AND ROADWAY AUTHORITY

A. Acceptance of Rights of Way, Easements, and Roadways

- a. The County Council shall authorize the County Executive to accept, accept with conditions, or reject any new rights of way or easements for incorporation into the County's roadway or trail network. All such actions shall be made at a noticed public meeting.
- b. The County Executive shall have the authority to accept, accept with conditions, or reject the dedication of existing roadways or additional right of way width on existing roadways.
- c. The County Executive shall have the authority to provide the final acceptance of all new roadways, bridges, or other transportation facilities within County rights of way or easements. All such facilities shall meet the current standard of construction as outline in this Title and any applicable policies.
- d. The acceptance of any right of way, easement, or roadway made by the County Executive shall be made by executive order and filed with the County Clerk.

B. Closure of Roads

- a. The County Executive shall have the authority to place restrictions for the use of or complete closures on roadways, bridges, and other county facilities to address safety concerns, load limitations, or potential damage to roadway surfaces. This also includes temporary closures for construction or other improvements.
- b. The County Council shall have the authority to place ongoing, seasonal restrictions on roadways based on the inability to provide snow removal, potential damage to roadways during certain periods of the year, or other safety or access concerns.
- c. The County Council shall have the authority to abandon or alter rights of way in compliance with Utah Code Ann. 17-27a-208 and 72-3-108.
- d. The County executive may impose time specific restrictions on certain mountain roads lying within the unincorporated areas of Cache County, designated by the division of parks and recreation as groomed snowmobile trails, for use by snowmobiles during the winter months, and are to be groomed by the state division of parks and recreation as snowmobile trails.
- e. No individual, corporation, government agency, or any other entity, or person(s) shall obstruct or attempt to limit access to a county road. The public shall have access to county roads unless they are temporarily restricted for an emergency, for construction projects, for seasonal restriction as authorized by the county council, or for any other reason deemed appropriate by the County Executive. No locks of any kind may be placed upon a gate restricting a county road without the approval of the County Council. Cattle guards may be placed across a county road with the permission of the County Executive, when necessary to keep livestock contained.

12.01.020: SIGNAGE AUTHORITY:

The county executive is authorized to establish speed limits, exercise the regulatory powers as provided in Utah Code Annotated section 41-6a-603, and authorize and supervise the erection and maintenance of traffic control devices upon roads, highways, rights of way, and easements under county jurisdiction in the manner provided by and consistent with state law.

- A. The County Executive shall issue an executive order, to be filed with the County Clerk, for the posting of the all regulatory signs including:
 - a. Speed Limit
 - b. Stop and Yield

- c. Load Limitations
- B. The County Road Department shall have the authority to maintain, replace, and upgrade all existing signs as needed and to post informational and warning signs including:
 - a. Hazard Placards
 - b. Advanced Warning
 - c. Temporary or Construction Related Signage
- C. Any roadway that does not have a posted speed limit shall have a speed limit of 45 mph.

12.01.030: MOTOR VEHICLE USAGE:

It is unlawful for any person to operate any type of motor vehicle, including, but not limited to, automobiles, motorcycles, trail bikes, dune buggies, motor scooters, jeeps, trucks or other motorized vehicles, on any land within the unincorporated area of Cache County, except:

- A. Upon a highway, roadway, or trail open to the public for use by such motor vehicles.
- B. Upon private property if the operator of such vehicle obtains written permission from the person in lawful possession of the property. Written permission must be maintained in the individual's possession while utilizing the private land.
- C. Upon private property used for residential purposes where such vehicles are there at the express or implied invitation of the owner or persons in lawful possession of the property.
- D. Emergency vehicles when responding to emergency.
- E. Vehicles operated by public officials or servants when on official business.

12.01.040: PRIVATE PROPERTY:

Any property owner who owns lands adjacent to a public road, may place signs indicating that the land adjacent to the public road is private property. Each landowner will be limited to two (2) such signs, and said signs shall be no smaller than twelve inches by sixteen inches (12" x 16") and no larger than twenty four inches by thirty two inches (24" x 32") and placed no higher than five feet (5') at the highest point of the sign.

12.01.050: DAMAGE TO ROADWAYS:

- A. **WATER:** It is unlawful for any person to damage or cause to be damaged any county road right of way, or other public facility/signage by permitting irrigation waters, groundwater, storm water, or other drainage waters to enter upon or damage such road.
- B. **EQUIPMENT:** It is unlawful for any person to damage or cause to be damaged any county road, right of way, or other public facility/signage with construction equipment, vehicles, or farm implements. This includes, but is not limited to, leaving or depositing unapproved material on the roadway surface, unapproved work within the right of way, or the removal of signage/safety equipment.

12.01.060: PENALTIES:

Notwithstanding any other penalties provided by law, any person violating any of the terms of this Title shall be deemed guilty of a class B misdemeanor, and shall be liable for the cost of any corrective actions necessary to repair damage to County facilities.

12.02: ROADWAY STANDARDS**12.02.010: STANDARDS:**

- A. **Standards Adopted:** The County Council shall adopt a "Manual Of Roadway Design and Construction Standards" (hereinafter "Standard") relating to the standards and requirements for the construction of roadways, accesses, and any and all development within county rights of way. The standard shall provide the requirements for the development of all roadways for development, county improvements, or for modification made to roadways by other entities. The

standard shall be on file with the county clerk and available for reference in the development services office.

- B. Intent: The intent of this chapter is to provide for the equitable development of roadways utilizing standard engineering and construction practices and to provide for safe and efficient access to homes, businesses, and for through travelers.
- C. Violation: A violation of the Standard shall be a violation of this Title.
- D. Roadway Construction and Design Standards: The county shall maintain within the standard a roadway classification system with requirements for the construction of each road by type.

**TABLE 12.02.010
TYPICAL ROADWAY SECTIONS¹**

	Public Roadways					
	Private ⁶	Mountain Road ^{1,2,6}	Rural ⁶	Local	Collector	Arterial
Planned:						
Planned design limits - approximate ADT	Under 30	Under 30	Under 30	30 - 1,500	1,500 - 5,000	Over 5,000
Minimum width (feet):						
Lane width ³	10	12	10	10	11	12
Right of way	33	66	66	66	80	100
Median turn lane ⁴	-	-	-	12	12	14
Shoulder (each side)	0	0	2	5	6	8
Paved width of shoulder	0	0	0	1	3	3
Clear Zone ⁷	0	5	7	7	10	10
Road surface material ⁵	Gravel (A)	Gravel (A)	Gravel (A)	Paved (B)	Paved (B)	Paved (C)

Notes:

- 1.Single lane roads may be permitted for mountain roadways.
- 2.Single lane roads do not provide adequate levels of service to development and may be required to meet the rural road standard, provide pullouts, or other improvements as deemed necessary to provide adequate service provision in compliance with this standard, this code, and the latest edition of the international fire code.
- 3.Minimum roadway is 2 lanes of traffic unless otherwise specified.
- 4.Provided only where needed as determined by the county engineer or a traffic impact study.
- 5.Refer to appendix table A-8, Typical Cross Section Structural Values.
- 6.No commercial or industrial development shall be permitted.
- 7 See Section 5.4

(Ord. 2011-12, 9-13-2011, eff. 9-27-2011)

12.02.020: DEVELOPMENT OF ROADWAYS:

- A. The streets or roads in a new subdivision or development shall connect to a county road, a maintained road system or an improved state highway, or an improved city street. Where an off site connection is necessary to provide access to such a road or highway, the developer shall acquire the rights of way and construct the improvements required at their expense.
- B. Where land abutting an existing substandard street or road is subdivided or developed, the developer shall dedicate any necessary additional rights of way and improve the adjacent roadway to conform to the county's standard.
- C. It is unlawful for any person to commence work upon or within any county right of way until a permit has been granted in conformance with the standard.
- D. The county shall cause any entity working within the county right of way or on county facilities to pay any and all associated cost for review of design/construction documents, traffic impact studies, inspections of improvements, or any other costs associated with the improvement of county facilities. All fees shall be adopted by the council within a fee schedule. (Ord. 2011-12, 9-13-2011, eff. 9-27-2011)

Footnotes - Click any footnote link to go back to its reference.

[Footnote 1:](#) See "Manual of Roadway Design and Construction Standards" for further details.