

Title 12

BUILDINGS AND CONSTRUCTION

Chapter 12.04**SIGN CODE****Sections:**

- 12.04.010 Purpose.**
- 12.04.020 Definitions.**
- 12.04.030 Sign permit required.**
- 12.04.040 Site plan approval.**
- 12.04.050 Movable, freestanding signs.**
- 12.04.060 Animated signs.**
- 12.04.070 Clearance.**
- 12.04.080 Outdoor advertising structures.**
- 12.04.090 Exceptions.**
- 12.04.100 Signs permitted in I-1 and C-1 zones.**
- 12.04.110 Nonconforming signs.**

12.04.010 Purpose.

This chapter has been established and applies in all zones of the county. It is designed to reduce the visual congestion and distraction along public and private thoroughfares in the county and regulate the size, nature and placement of signs, unless otherwise provided. (Ord. dated 5/25/86 (part))

12.04.020 Definitions.

The following words and phrases, whenever used in this chapter, shall be construed as defined in this section.

"A-frame sign" means any sign or structure composed of two sign faces mounted or attached back-to-back in such a manner as to form a basically triangular vertical cross-section through the faces.

"Animated sign" means any sign which is designed and constructed to give its message through movement or semblance of

movement created through a sequence of progressive changes of parts, lights or degree of lighting.

"Appurtenance sign" means any sign which advertises products, services or business establishments which are located, conducted, manufactured or sold upon the same premises upon which the sign is erected.

"Freestanding sign" means any sign that is standing on or erected into the ground. Such signs are usually, but not necessarily, supported from the ground by one or more poles or posts or similar uprights, with or without braces. Any sign which is mounted into the ground, but has the supports passing through any portion of the roof of a building or structure, shall be considered to be roof sign.

"Movable, freestanding sign" means any sign not affixed to or erected into the ground.

"Nonappurtenant sign" means any sign which advertises products, services or business establishments which are not located, conducted, manufactured or sold upon the same premises upon which the sign is erected.

"Roof sign" means any sign which is erected upon or over the roof or over a parapet of any building or structure.

"Sign" means any words, lettering, parts of letters, figures, numerals, phrases, sentences, devices, designs, pictures, trade names or trademarks by which anything is made known, such as are used to designate a firm, association, corporation, profession, business or service, whether placed on the ground, rocks, trees, stumps or other natural objects, or on a building, wall, roof, frame, support, fence or other man-made structure, which are visible from any public street, public highway or public road right-of-way.

12.04.020

For the purpose of this chapter, the word sign does not include the flag, pennant or insignia of any nation, state or city, or other political unit, or of a nonprofit organization. It shall not include, further, any official notice issued by any court, public body or officer, or directional warning or information sign or structure required or authorized by law.

“Sign area” means the area of a sign that is used for display purposes, excluding the minimum frame and supports. In computing sign area, only one side of a back-to-back or double-face sign covering the same subject shall be computed when the signs are parallel or diverge from a common edge by an angle of not more than forty-five (45) degrees.

Temporary sign. Any sign, banner, pennant, valance or advertising display constructed of paper, cloth, canvas, light fabric, cardboard, wallboard or other light materials, displayed out-of-doors shall be considered to be a temporary sign and shall be permitted subject to all provisions of this chapter for a period not to exceed thirty (30) days.

No sign, handbill, poster, advertisement or notice of any kind or sort shall be fastened, placed, posted, painted or attached in any or upon any utility pole; except signs owned and erected by a public agency or erected by permission of any authorized public agency as required by law.

Any sign not located or not in a fixed position on property, within a building or car, such as an A-frame, trailer sign or pedestal type sign shall be approved for temporary use not to exceed seventy-two (72) hours; and shall be approved by the zoning enforcement officer. Furthermore, if such a moveable, temporary sign is used on

a reoccurring basis, an agreement shall be made with the city council with a fee based on the evaluation of such sign. (Ord. dated 5/25/86 (part))

12.04.030 Sign permit required.

No person shall erect any sign or outdoor advertising structure without first obtaining a sign permit from the building inspection division in accordance with the provisions of the Uniform Building Code and the Uniform Sign Code. (Ord. dated 5/25/86 (part))

12.04.040 Site plan approval.

No person shall erect any sign or outdoor advertising structure without first obtaining the approval of the zoning administrator for said sign, the giving of which shall be based upon the provisions of this chapter. (Ord. dated 5/25/86 (part))

12.04.050 Movable, freestanding signs.

Except as otherwise provided in this chapter, all movable freestanding A-frame signs are prohibited. This prohibition shall include signs mounted or painted upon vehicles or trailers which are parked in any location for the purpose of calling attention to or advertising a person, place or thing. (Ord. dated 5/25/86 (part))

12.04.060 Animated signs.

Flashing or rotating signs are permitted. Flashing shall be limited to sequential, chasing or subdued color change. No intense strobe type flashing will be permitted. Rotation shall be limited to eight revolutions per minute; provided, however, that the lights described above may not be used within three hundred (300) feet of a resi-

dence, apartment, hotel or other residential structure. (Ord. dated 5/25/86 (part))

12.04.070 Clearance.

No sign shall be erected in such a manner that any portion of the sign or its support will extend over a public or private walkway with a minimum clearance of less than nine feet. No sign shall be erected in such a manner than it protrudes into a traffic area or parking lot without a minimum clearance of fourteen (14) feet. (Ord. dated 5/25/86 (part))

12.04.080 Outdoor advertising structures.

A. Nonappurtenant advertising structures shall be regulated as shown in the table below.

Zones	Permitted	Not Permitted
I-1	X	
RA-1		X
A-1	X	
R-1		X
H-1	X	
GRF-1	X	
C-1	X	
C-2	X	
C-3	X	

B. Nonappurtenant advertising structures shall be permitted in the above zones, and shall be erected and maintained only in conformance with the following provisions:

1. Area. Each nonappurtenant outdoor advertising structure shall have a maximum area of seven hundred fifty (750) square feet per face, exclusive of border and trim.

2. Height. No such advertising structure shall exceed a height of twenty-five (25) feet.

3. Location.

a. All such nonappurtenant advertising structures shall be located behind the line of the required front yard of the zone in which it is located, and a minimum of twenty (20) feet from the nearest residential zone. Said advertising structures shall also be spaced in conformance with the following standards:

b. All sign structures shall be constructed on level ground. Signs shall be prohibited on hill tops, knolls and scenic vistas (as determined by the planning commission), natural slopes or graded slopes modified by freeway design of twenty-five (25) percent or greater.

c. All sign structures shall be set back from highway or interstate right-of-way a minimum of ten feet and a maximum one hundred twenty-five (125) feet.

i. Freeways. A minimum of one thousand seven hundred sixty (1,760) feet shall be maintained between each nonappurtenant advertising structure measured in any direction.

ii. Major Arterials and Other Highways, Streets and Roads. A minimum of one thousand five hundred (1,500) feet shall be maintained between each nonappurtenant outdoor advertising structure measured in any direction. (Major arterial as defined by the street standards of city.)

4. Number. Each nonappurtenant sign or outdoor advertising structure shall be limited to one sign face, except that two sign faces may be permitted when said faces are mounted back-to-back with faces in parallel planes at distances not exceeding four feet apart; or that two sign faces may

also be permitted when said faces are mounted in a "V" configuration, when said faces are attached at one end and having a maximum distance of thirty (30) feet apart at the other end. Two sign faces may also be permitted if the total area of two is not greater than the maximum area for one face, if both faces are supported on the same structure, and if both faces were originally erected together.

5. Construction. All nonappurtenant signs and outdoor advertising structures shall be constructed of materials prescribed by the Uniform Building Code, and construction techniques shall be approved by the chief building inspector of the city. All said nonappurtenant signs and outdoor advertising structures must be issued a building permit prior to construction.

6. Maintenance. The owner or persons in control of any sign shall be responsible for maintaining such signs including borders, trims, faces, weight-bearing and bracing structures, and surrounding grounds or environment in a litter-free and safe manner. (Ord. 1994-9-2 § 1(f); (Ord. dated 5/25/86 (part))

12.04.090 Exceptions.

This chapter shall have no application to signs used exclusively for:

A. The display of official notices used by any court or public body or official, or the posting of notices by any public officer in the performance of a duty, or by any person giving legal notice;

B. Directional, warning or information signs of a public or semipublic nature, directed and maintained by an official body or public utility;

C. Any sign of a noncommercial nature when used to protect the health, safety or

welfare of the general public. (Ord. dated 5/25/86 (part))

12.04.100 Signs permitted in I-1 and C-1 zones.

For each place of business or occupancy the following types of signs shall be permitted in conformance with the standards set forth:

A. Freestanding Signs Under Five Feet in Height. Appurtenant freestanding signs five feet or less in height shall meet the following requirements:

Number. There may be one such sign for each frontage of the property, plus one additional sign for each one hundred (100) foot increment of said frontage in excess of one hundred (100) feet. Said signs shall be placed no closer than fifty (50) feet apart. In the case of a parcel of property having multiple occupancies with a common frontage, the frontage shall be deemed to be that of the entire commonly used parcel of property and not the frontage of the individual business or occupancies.

B. Freestanding Signs Over Five Feet in Height. Appurtenant freestanding signs over five feet in height shall comply with the following provisions:

1. Number. There may be one such sign on each street frontage and one additional sign for any portion of each such frontage in excess of two hundred (200) feet. The size of any such additional sign shall be determined by counting as frontage that portion of each frontage which is in excess of two hundred (200) feet.

2. Height. No such sign shall exceed twenty-five (25) feet in height.

3. Projection. No such sign shall project over a property line, nor more than five feet into any required front yard.

C. Wall Signs and Painted Wall Signs. Except as otherwise provided in this chapter, every wall sign and painted wall sign in a commercial zone shall comply with the following requirements:

1. Number. There may be two such signs for each building face. No building shall be deemed to have more than four building faces.

2. Height. No part of any such sign shall extend above the top level of the wall upon, or in front of, which it is situated.

3. Thickness. No such sign, including any light box or structural part, shall project more than eighteen (18) inches from the face of the part of the building to which it is attached. No copy is permitted on the sides of any such sign.

D. Projecting Signs. Projecting signs in commercial zones shall comply with the following requirements:

1. Area. No projecting signs shall exceed one hundred (100) square feet in area.

2. Number: There may be no more than one projecting sign for the front of each business establishment.

3. Height. No projecting sign shall project more than five feet from the front line of the building, nor any closer than two feet to the curb and gutter.

E. Roof Signs. Roof signs in commercial zones shall comply with the following requirements:

1. Number. There shall be no more than one such sign for the roof of each business establishment.

2. Height. No part of any such sign shall extend more than five feet above the highest point of the roof.

3. Projection. No part of any such sign shall project beyond the front line of the building.

4. Support. No roof sign shall be erected in such a manner that there is any visual support.

5. Animation. No part of any such sign shall have any animation. (Ord. dated 5/25/86 (part))

12.04.110 Nonconforming signs.

All signs which have been made nonconforming by the adoption of provisions contained within this chapter shall be subject to the regulations of this section.

A. Unsafe Signs. Any sign or portion thereof declared unsafe by a proper building inspector must be restored to a safe condition or removed within thirty (30) days of mailing or otherwise given notice of the unsafe condition.

B. Alterations. A nonconforming sign shall not be reconstructed, raised, moved, placed, extended or enlarged unless said sign is changed so as to conform to all provisions of this chapter. Alterations shall also mean that changing of the text or message that the sign is conveying from one use of the premises to another use of the premises and the changing of the ownership of the sign when that ownership necessitates a change in the text or message of the sign. Alterations shall not be interpreted to include changing the text or copy on off-premises advertising signs, theater signs, outdoor bulletins or other similar signs which are designed to accommodate changeable copy.

C. Restoration. Nonconforming signs which have been allowed to deteriorate or which have been damaged by fire, explosion, act of God, act of a public enemy, or damaged by any other cause, to the extent of more than sixty (60) percent of its assessed value shall, if repaired or rebuilt, be

12.04.110

repaired or rebuilt in conformity with the regulations of this chapter or shall be removed. (Ord. dated 5/25/86 (part))

Ordinance for Adoption of the International Residential Code

Ordinance No. 2006-014

An ordinance of the **SEVIER COUNTY** adopting the 2006 edition of the *International Residential Code*, regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of detached one and two family dwellings and multiple single family dwellings (townhouses) not more than three stories in height with separate means of egress in the **SEVIER COUNTY**; providing for the issuance of permits and collection of fees.

The **COUNTY** of the **SEVIER COUNTY** does ordain as follows:

Section 1. That a certain document, three (3) copies of which are on file in the office of **COUNTY CLERKS OFFICE** of **SEVIER COUNTY**, being marked and designated as the *International Residential Code*, 2006 edition, including Appendix Chapters **A-L**, as published by the International Code Council, be and is hereby adopted as the Residential Code of the **SEVIER COUNTY**, in the State of **UTAH** for regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of detached one and two family dwellings and multiple single family dwellings (townhouses) not more than three stories in height with separate means of egress as hereby provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Residential Code on file in the office of the **SEVIER COUNTY** are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

Section 2. The following sections are hereby revised:

Section R101.1	SEVIER COUNTY
Table R301.2 (1)	SEISMIC ZONE D1-WIND 90MPH-ROOF SNOW LOAD 30LB.-FOOTINGS 30" FROST DEPTH
Section P2603.6.1	30"-30"
Section P3103.1	12" MIN.-12" MIN.-7'-7'

Section 3. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The **COUNTY** hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 4. That nothing in this ordinance or in the Residential Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 2 of this ordinance; nor shall have any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 5. That the **COUNTY CLERKS OFFICE** is hereby ordered and directed to cause this ordinance to be published.

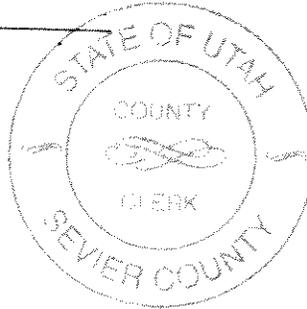
Section 6. That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect **IMMEDIATELY** from and after the date of its final passage and adoption.

Passed and adopted by unanimous vote of the Board of Commissioners of Sevier County, State of Utah, on the 20th day of March, 2006.

Ralph Oberland
Chairman

Attest:

Steve Wall
Steve Wall
County Clerk



Ordinance for Adoption of the International Plumbing Code

Ordinance No. 2006-3-13

An ordinance of the **SEVIER COUNTY** adopting the 2006 edition of the *International Plumbing Code*, regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of plumbing systems in the **SEVIER COUNTY**; providing for the issuance of permits and collection of fees.

The **COUNTY** of the **SEVIER COUNTY** does ordain as follows:

Section 1. That a certain document, three (3) copies of which are on file in the office of the **COUNTY CLERKS OFFICE** of **SEVIER COUNTY**, being marked and designated as the *International Plumbing Code*, 2006 edition, including Appendix Chapters **F-G**, as published by the International Code Council, be and is hereby adopted as the Plumbing Code of the **SEVIER COUNTY**, in the State of **UTAH** regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of plumbing systems as herein provided; providing for the issuance of permits and collection of fees therefor; and each are hereby referred to, adopted, and made a part hereof, as fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

Section 2. The following sections are hereby revised:

Section 101.1.	SEVIER COUNTY
Section 106.6.2.	1997 UBC FEE SCHEDULE
Section 106.6.3.	80%-80%
Section 108.4.	CLASS C MISDEMEANOR- \$750.00-90 DAYS
Section 108.5.	\$750.00-\$750.00
Section 305.6.1	30"-30"
Section 904.1	30"-30"

Section 3. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The **COUNTY** hereby declares that it would have passed this ordinance hereby repealed as cited in Section 2 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 4. That nothing in this ordinance or in the Plumbing Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 2 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 5. That the **COUNTY CLERKS OFFICE** is hereby ordered and directed to cause this ordinance to be published.

Section 6. That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect **IMMEDIATELY** from and after the date of its final passage and adoption.

Passed and adopted by unanimous vote of the Board of Commissioners of Sevier County, State of Utah, on the 20th day of March, 2006.

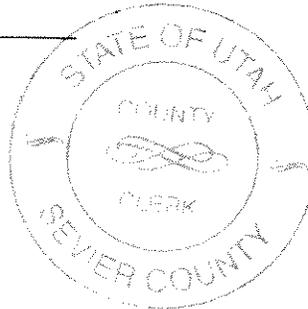
Roger Ockerson

Chairman

Attest:

Steve Wall

Steve Wall
County Clerk



Ordinance for Adoption of the International Mechanical Code

Ordinance No. 2006-3-17

An ordinance of the **SEVIER COUNTY** adopting the 2006 edition of the *International Mechanical Code*, regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems in the **SEVIER COUNTY**; providing for the issuance of permits and collection of fees.

The **COUNTY** of the **SEVIER COUNTY** does ordain as follows:

Section 1. That a certain document, three (3) copies of which are on file in the office of the **COUNTY CLERKS OFFICE** of **SEVIER COUNTY**, being marked and designated as the *International Mechanical Code*, 2006 edition, including Appendix Chapters **A-G** as published by the International Code Council, be and is hereby adopted as the Mechanical Code of the **SEVIER COUNTY** in the State of **UTAH** regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Mechanical Code on file in the office of the **SEVIER COUNTY** are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

Section 2. The following sections are hereby revised:

Section 101.1	SEVIER COUNTY
Section 106.5.2	1997 UBC FEE SCHEDULE
Section 106.5.3	80%-80%
Section 108.4	CLASS C MISDEMEANOR-\$750.00-90 DAYS
Section 108.5	\$750.00- \$750.00

Section 3. That if any section, subsection, sentence, clause, phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The **COUNTY** hereby declares that it would have passed this ordinance, and each section, subsection, clause, phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 4. That nothing in this ordinance or in the Mechanical Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 2 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 5. That the **COUNTY CLERKS OFFICE** is hereby ordered and directed to cause this ordinance to be published.

Section 6. That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect **IMMEDIATELY** from and after the date of its final passage and adoption.

Passed and adopted by unanimous vote of the Board of Commissioners of Sevier County, State of Utah, on the 20th day of March, 2006.

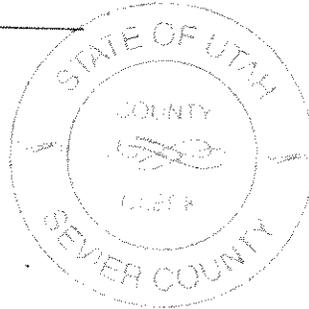
Ralph Oberlund

Chairman

Attest:

Steve Wall

Steve Wall
County Clerk



Ordinance for Adoption of the International Fuel Gas Code

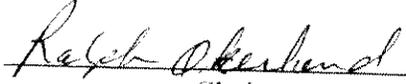
Ordinance No. 2016 3 10

An ordinance of the **SEVIER COUNTY** adopting the 2006 edition of the *International Fuel Gas Code*, regulating and governing fuel gas systems and gas-fired appliances in the **SEVIER COUNTY**; providing for the issuance of permits and collection of fees.

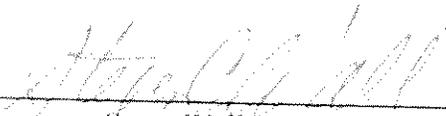
The **COUNTY** of the **SEVIER COUNTY** does ordain as follows:

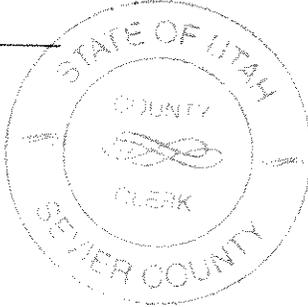
- Section 1.** That a certain document, three (3) copies of which are on file in the office of the **COUNTY CLERKS OFFICE** of the **SEVIER COUNTY**, being marked and designated as the *International Fuel Gas Code*, 2006 edition, including Appendix Chapters **B-D**, as published by the International Code Council, be and is hereby adopted as the Fuel Gas Code of the **SEVIER COUNTY**, in the State of **UTAH** for regulating and governing fuel gas systems and gas-fired appliances as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Fuel Gas Code on file in the office of the **SEVIER COUNTY** are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.
- Section 2.** The following sections are hereby revised:
- | | |
|------------------|---|
| Section 101.1 | SEVIER COUNTY |
| Section 106.5.2. | 1997 UBC FEE SCHEDULE |
| Section 106.5.3. | 80%-80% |
| Section 108.4. | CLASS C MISDEMEANOR-\$750.00-90 DAYS |
| Section 108.5. | \$750.00-\$750.00 |
- Section 3.** That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The **SEVIER COUNTY** hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.
- Section 4.** That nothing in this ordinance or in the Fuel Gas Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 2 of this ordinance; nor shall any just to legal right or remedy of any character be lost, impaired or affected by this ordinance.
- Section 5.** That the **COUNTY CLERKS OFFICE** is hereby ordered and directed to cause this ordinance to be published.
- Section 6.** That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect **IMMEDIATELY** from and after the date of its final passage and adoption.

Passed and adopted by unanimous vote of the Board of Commissioners of Sevier County, State of Utah, on the 20th day of March, 2006.


Chairman

Attest:


Steve Wall
County Clerk



Ordinance for Adoption of the International Fire Code

Ordinance No. 2006-315

An ordinance of the **SEVIER COUNTY** adopting the 2006 edition of the *International Fire Code*, regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life and property in the occupancy of buildings and premises in the **SEVIER COUNTY**; providing for the issuance of permits and collection of fees.

The **COUNTY** of the **SEVIER COUNTY** does ordain the following:

Section 1. That a certain document, three (3) copies of which are on file in the office of the **COUNTY CLERKS OFFICE** of **SEVIER COUNTY**, being marked and designated as the *International Fire Code*, 2006 edition, including Appendix Chapters **A-G**, as published by the International Code Council, be and is hereby adopted as the Fire Code of the **SEVIER COUNTY**, in the State of **UTAH** regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life and property in the property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Fire Code on file in the office of the **SEVIER COUNTY** are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

Section 2. That the following sections are hereby revised:

Section 101.1.	SEVIER COUNTY
Section 109.3.	CLASS C MISDEMEANOR, \$750.00, 90 DAYS
Section 111.4.	\$750.00-\$750.00

Section 3. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The **COUNTY** hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 4. That nothing in this ordinance or in the Fire Code hereby adopted shall be constructed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any character be lost, impaired or affected by this ordinance.

Section 5. That the **COUNTY CLERKS OFFICE** is hereby ordered and directed to cause this ordinance to be published.

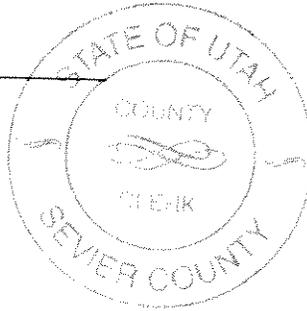
Section 6. That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect **IMMEDIATELY** from and after the date of its final passage and adoption.

Passed and adopted by unanimous vote of the Board of Commissioners of Sevier County, State of Utah, on the 20th day of March, 2006.

Ralph Okuland
Chairman

Attest:

Steve Wall
Steve Wall
County Clerk



Ordinance for Adoption of the International Energy Conservation Code

Ordinance No. 2006 3 17

An ordinance of the **SEVIER COUNTY** adopting the 2006 edition of the *International Energy Conservation Code*, regulating and governing efficient building envelopes and installation of energy efficient mechanical, lighting and power systems in the **SEVIER COUNTY**; providing for the issuance of permits and collection of fees.

The **COUNTY** of the **SEVIER COUNTY** does ordain as follows:

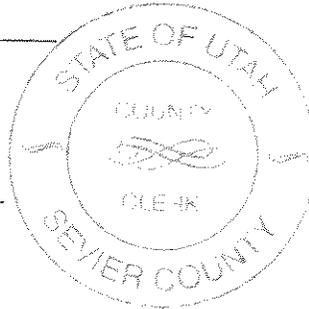
- Section 1.** That a certain document, three (3) copies of which are on file in the offices of the **COUNTY CLERKS OFFICE** of the **SEVIER COUNTY**, being marked and designated as the *International Energy Conservation Code*, 2006 edition, including **THE** Appendix, as published by the International Code Council, be and is hereby adopted as the Energy Conservation Code of the **SEVIER COUNTY**, in the State of **UTAH** for regulating and governing energy efficient building envelopes and installation of energy efficient mechanical, lighting and power systems as herein provided; providing for the issuance of permits and collection of fees therefor; each and all of the regulations, provisions, penalties, conditions and terms of said Energy Conservation Code on file in the office of the **COUNTY** are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.
- Section 2.** The following sections are hereby revised:
Section 101.1 **SEVIER COUNTY**
- Section 3.** That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The **SEVIER COUNTY** hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.
- Section 4.** That nothing in this ordinance or in the Energy Conservation Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 2 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.
- Section 5.** That the **COUNTY CLERKS OFFICE** is hereby ordered and directed to cause this ordinance to be published.
- Section 6.** That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect **IMMEDIATELY** from and after the date of its final passage and adoption.

Passed and adopted by unanimous vote of the Board of Commissioners of Sevier County, State of Utah, on the 20th day of March, 2006.

Ralph Oberlund
Chairman

Attest:

Steve Wall
Steve Wall
County Clerk



Ordinance for Adoption of the International Building Code

Ordinance No. 2006 3 107

An ordinance of the **COUNTY OF SEVIER** adopting the 2006 edition of the *International Building Code*, regulating and governing the conditions and maintenance of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use the demolition of such structures in the **SEVIER COUNTY**; providing for the issuance of permits and collection of fees.

Section 1. That a certain document, three (3) copies are on file in the office of the **COUNTY CLERKS OFFICE** of **SEVIER COUNTY**, being marked and designated as the *International Building Code*, 2006 edition, including Appendix Chapters **A-B**, as published by the International Code Council, be and is hereby adopted as the Building Code of the **SEVIER COUNTY**, the State of **UTAH** for regulating and governing the conditions and maintenance of all property, buildings and structures are safe, sanitary, and fit for occupation and use; and the condemnation of the buildings and structures unfit for human occupancy and use and the demolition of such structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Building Code on file in the office of the **SEVIER COUNTY** are hereby referred to, adopted and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

Section 2. The following sections are hereby revised:

Section 101.1	SEVIER COUNTY
Section 1612.3	SEVIER COUNTY
Section 1612.3	1978
Section 3410.2	2006

Section 3. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The **COUNTY** hereby declares that it would have passed ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 4. That nothing in this ordinance or in the Building Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or in liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 2 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 5. That the **COUNTY CLERKS OFFICE** is hereby ordered and directed to cause this ordinance to be published.

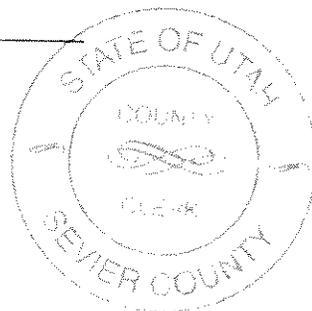
Section 6. That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect **IMMEDIATELY** from and after the date of its final passage and adoption.

Passed and adopted by unanimous vote of the Board of Commissioners of Sevier County, State of Utah, on the 20th day of March, 2006.

Ralph Oberlander
Chairman

Attest:

Steve Wall
Steve Wall
County Clerk



Ordinance for Adoption of the National Electrical Code

Ordinance No. 2004 3 H

An ordinance of the **SEVIER COUNTY** adopting the 2002 edition of the *National Electrical Code*, regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of electrical systems in the **SEVIER COUNTY**; providing for the issuance of permits and collections of fees.

The **COUNTY** of the **SEVIER COUNTY** does ordain as follows:

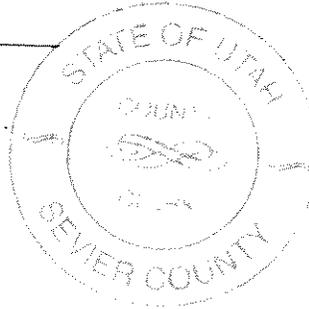
- Section 1.** That a certain document, three (3) copies of which are on file in the office of the **COUNTY CLERKS OFFICE** of **SEVIER COUNTY**, being marked and designated as the *National Electrical Code*, 2002 edition, including Annex Chapters **A-F**, as published by the International Code Council, be and is hereby adopted as the Electrical Code of the **SEVIER COUNTY** in the State of **UTAH** regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of electrical systems as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Electrical Code on file in the office of the **SEVIER COUNTY** are hereby referred to, adopted, and made a part thereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes.
- Section 2.** That if any section, subsection, sentence, clause, phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The **COUNTY** hereby declares that it would have passed this ordinance, and each section, subsection, clause, phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.
- Section 3.** That nothing in this ordinance or in the Electrical Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 2 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.
- Section 4.** That the **COUNTY CLERKS OFFICE** is hereby ordered to cause this ordinance to be published.
- Section 5.** That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect **IMMEDIATELY** from and after the date of its final passage and adoption.

Passed and adopted by unanimous vote of the Board of Commissioners of Sevier County, State of Utah, on the 20th day of March, 2006.

Rolph Oberlund
Chairman

Attest:

Steve Wall
Steve Wall
County Clerk



ORDINANCE NO. 2006-11-1

AN ORDINANCE REGULATING ROADWAY RIGHT-OF-WAY
ENCROACHMENT

WHEREAS, Sevier County is experiencing pronounced population growth and mineral development; and

WHEREAS, industrial development will require the improvement of County roads, and

WHEREAS, said growth and development necessitates frequent encroachment upon County roads for vibroseising and for the installation of utilities; and

WHEREAS, a new ordinance concerning road encroachment is necessary; and

WHEREAS, use of County road rights-of-way by utilities for power, gas, water, telephone and cable television lines have created and will continue to create conflicts and problems of access to such lines and location and alignment of new lines; and

WHEREAS, it is the declared public policy of Sevier County to permit the use of its roads by the public and by various private entities which serve the public and contribute to the economic development of the County, while minimizing the cost to the County created by such use, which creates extraordinary maintenance, improvement or repair costs, by requiring that such costs be paid by those whose use of such roadways exceeds their designed functions, or whose activities within county road rights-of-way cause damage to county roadways or other users thereof; and

NOW, THEREFORE, it is hereby ordained by the Sevier County Commission that the following is enacted as law regulating roadway right-of-way encroachment:

SECTION 1: DEFINITIONS

AASHTO means the most recent edition of A Policy on Geometric Design of Highways and Streets published by the American Association of State Highway and Transportation Officials.

Applicant means any natural person, partnership, corporation, firm, or an association of legal entity seeking to engage in activities, which would constitute an encroachment upon an existing County roadway.

Blanket Permit means an encroachment permit issued for a period of one calendar year to an applicant who of necessity may make numerous encroachments. This permit is designed to alleviate the necessity of securing a separate performance and completion bond for each encroachment.

Disproportionate Use means use or impacts exceeding the functional design specifications of an existing road, rights-of-way, and/or associated structures, or substantially expanding the normal use patterns thereof.

Encroachment means the disturbance of any roadway and/or rights-of-way.

A Class 1 Encroachment means encroachment by connection of residential driveways or private roadways, parking area or other structure affecting or altering the shoulder of the roadway, OR by installation of cattleguards.

A Class 2 Encroachment means encroachment by grading, construction, reconstruction, surfacing or resurfacing, alignment or realignment, excavation, boring or jetting, obstruction, removal of materials, vibroseising, heavy haulage, or use exceeding the function thereof, including extraordinary short-term use.

A Class 3 Encroachment means excavating, boring, jetting, cutting of pavement or other disturbance by utilities within county road right-of-way for the purpose of installing, repairing or maintenance of cables, pipelines, etc.

Encroachment Permit means the written permission given an applicant by the Supervisor conditionally authorizing an encroachment or a series of encroachments and setting forth the details specifications and limitations thereof.

Existing County Roadway means any roadway listed on the Sevier County road system in the Sevier County Road Log together with the right-of-way therefor and any other rights-of-way over which Sevier County has acquired, by any means, the right of passage.

Line means any pipeline, cable, wire or conduit used by a utility for transmission of its product or services.

Maintenance means work on a road which, although constituting an encroachment hereunder, is required to keep the same in good condition, extend its life, repair normal wear and tear, repair, replace or modify existing structures including, but not limited to, poles, culverts, pipelines, guardrails, signs or other items consistent with the existing condition and design specifications of the roadway

MUTCD means the most recent edition of Manual on Uniform Traffic Control Devices promulgated by the Federal Highway Administration of the U.S. Department of Transportation.

New Construction means any activity which changes the current condition of the roadway or rights-of-way including, but not limited to, the installation, realignment, relocation, upgrading of poles, culverts, pipelines, concrete pads or aprons, or other objects or structures in, on or under the roadway or rights-of-way, and the upgrading, construction, reconstruction, surfacing or resurfacing of a roadway and any necessary effects of such activity on the rights-of-way.

Permittee means an applicant who has received an encroachment permit.

Supervisor means the Sevier County Road Department Supervisor or her/his agent actually authorized to exercise the functions of the Supervisor under this ordinance. This term does not permit reliance upon apparent authority, apparent agency or actions by county road employees in general. The term Supervisor in this ordinance may also be referred to as he or she.

Utility means any entity providing public services, which consist of or require transportation of gas, oil, water, electricity, telecommunications, television or radio signals, or provide sewer service, through underground pipelines, cables or conduits.

Servient Estate means land adjacent to impact area under other authority.

SECTION II: PERMITS FOR ROADWAY ENCROACHMENT

1. Three classes of encroachment permits may be issued under this Ordinance:
 - 1.1 Class 1, single, short time private homeowner encroachments as defined in this ordinance.
 - 1.2 Class 2, for single, short-term encroachments, including any new construction or commercial haulage.
 - 1.3 Class 3, for single short-term encroachments by utilities for the installation, repair and/or maintenance of cables, pipelines, etc.
2. A Class 1 Permit may be obtained by completing and submitting an application in a form which shall be adopted and provided by the Sevier County Road Department and which shall require the applicant to set forth:
 - 2.1 The name, address and telephone number of the applicant.
 - 2.2 The location of the proposed encroachment or the road(s) or portion(s) thereof to be affected thereby.
 - 2.3 A description on a route map of the proposed encroachment including the purpose therefor, the type and scope of activity, the dimensions thereof, the materials to be used, the times and dates thereof, and such other information as the Supervisor shall deem pertinent.
 - 2.4 An undertaking by the applicant guaranteeing the completion of any improvements or construction proposed therein in conformance to the specifications contained in the application, and an agreement that upon failure to do so, the County may complete the same to its satisfaction and charge the costs thereof to the applicant.
 - 2.5 A non-refundable application fee in the amount set forth in the most current fee schedule issued hereunder shall accompany each application.
 - 2.6 The Supervisor shall review the application and shall within a reasonable time, either grant the same or decline it. At any time after the decision the applicant can request that the supervisor reconsider the decision. The Supervisor is authorized to waive application fees for amended applications if, in his opinion and at his sole discretion, the amended application will not entail a significant amount of additional time to review beyond that previously conducted.
 - 2.7 Applicant or their assigns, agents or contractor shall not exceed designated or existing rights-of-way. Permission is NOT given to encroach upon any privately owned property in this area.
 - 2.8 Upon granting the application, the Supervisor may impose any conditions, limit, bonds, or other guarantees he may deem necessary to protect the County or assure the compliance by the Applicant with the terms of said Permit, including liability insurance as required. The Permit shall not be issued until such bonds, guarantees, or assurances are received.
3. A Class 2 Permit may be obtained by completing and submitting an application in a form which shall be adopted and provided by the Sevier County Road Department and which shall require the applicant to set forth:
 - 3.1 The name, address and telephone number of the applicant.
 - 3.2 The location of the proposed encroachment, or the road(s) or portion(s) thereof to be affected thereby.
 - 3.3 A description on a route map of the proposed encroachment including the purpose therefor, the type and scope of activities. If haulage, enclose a route map, haul tonnage, schedules, and/or a Utility Line Agreement form provided to the Sevier County Road Department and/or such other information, as the Supervisor shall deem pertinent.
 - 3.4 An undertaking by the applicant guaranteeing the completion of any improvements or construction proposed therein in conformance to the specifications contained in the application, and agreement that upon failure to do so, the County may complete the same to its satisfaction and charge the costs thereof to the applicant.

- 3.5 Each application shall be accompanied by a non-refundable application fee in the amount set forth in the most current Fee Schedule issued hereunder.
 - 3.6 The Supervisor shall review the application and shall within a reasonable time, either grant the same or decline it. At any time after the decision the applicant can request that the supervisor reconsider the decision. The Supervisor is authorized to waive application fees for amended applications if, in his opinion and at his sole discretion, the amended application will not entail a significant amount of additional time to review beyond that previously conducted.
 - 3.7 Applicant or their assigns, agents or contractor shall not exceed designated or existing rights-of-way. Permission is NOT given to encroach upon any privately owned property in this area.
 - 3.8 Upon granting the application, the Supervisor may impose any conditions, limit, bonds, or other guarantees he may deem necessary to protect the County or assure the compliance by the Applicant with the terms of said Permit, including liability insurance as required. The Permit shall not be issued until such bonds, guarantees, or assurances are received.
4. A Class 3 permit may be obtained by completing and submitting an application in a form which shall be adopted and provided by the Sevier County Road Department and which shall require the applicant to set forth:
- 4.1 The name, address and telephone number of the applicant.
 - 4.2 The location of the proposed encroachment and/or the road(s) or portion(s) thereof to be affected thereby.
 - 4.3 A description on a route map of the proposed encroachment including the purpose therefor, the type and scope of activities. If haulage, enclose a route map, haul tonnage's, schedules, and/or a Utility Line Agreement Form provided by the Sevier County Road Department, and such other information as the Supervisor shall deem pertinent.
 - 4.4 An undertaking by the applicant guaranteeing the completion of any improvements or construction proposed therein in conformance to the specifications contained in the application, and an agreement that upon failure to do so, the County may complete the same to its satisfaction and charge the costs thereof to the applicant.
 - 4.5 Maps, plats or engineering drawings displaying the current locations in pertinent views of utility lines within the county right-of-way to be affected by the proposed encroachment and the proposed alignment of any new or replacement lines or pipelines for which the permit is requested.
 - 4.6 The Supervisor shall review all applications with a view toward eliminating or minimizing potential overlaps, conflicts or interference between utilities using the rights-of-way and may, at his discretion specify where the applicant may place its proposed line or lines in relation to existing utility lines, and may impose any additional conditions, limits, bonds, insurance, waivers or other guarantees he may deem necessary to protect the County and other utility users of the right-of-way and to assure the compliance by the Applicant with the terms of said Permit .
 - 4.7 Applicant or their assigns, agents or contractor shall not exceed designated or existing rights-of-way. Permission is NOT given to encroach upon any privately owned property in this area.
 - 4.8 A waiver by the applicant of any and all liability for damage to its lines by the County or by other utilities whose existing lines are located within the vicinity of the proposed new or replacement line.
5. Annual Blanket Permits may be obtained by completing and submitting an application in a form which shall be adopted and provided by the Sevier County Road Department and which shall require the applicant to set forth:
- 5.1 The name, address and telephone number of the applicant.
 - 5.2 The locations of the proposed encroachments, or the road(s) or portion(s) thereof to be affected thereby.

- 5.3 A description on a route map of the types of encroachments anticipated, including the purpose therefor, the type and scope of activities, route maps, haul tonnage's, schedules, and/or a Utility Line Agreement form provided by the Sevier County Road Department, and such other information as the Supervisor shall deem pertinent.
- 5.4 An undertaking by the applicant guaranteeing the completion of any improvements, construction or repairs anticipated during the period covered by the application in conformance to the specifications contained therein and an agreement that upon failure to do so, the County may complete the same to its satisfaction and charge the costs thereof to the applicant.
- 5.5 A non-refundable application fee in the amount set forth in the most current Fee Schedule issued hereunder shall accompany each application.
- 5.6 The Supervisor shall review the application and shall within a reasonable time, either grant the same or decline it. At any time after the decision the applicant can request that the supervisor reconsider the decision. The Supervisor is authorized to waive application fees for amended applications if, in his opinion and at his sole discretion, the amended application will not entail a significant amount of additional time to review beyond that previously conducted.
- 5.7 Applicant or their assigns, agents or contractor shall not exceed designated or existing rights-of-way. Permission is NOT given to encroach upon any privately owned property in this area.
- 5.8 Upon granting the application, the Supervisor may impose any conditions, limit, bonds, or other guarantees he may deem necessary to protect the County or assure the compliance by the Applicant with the terms of said Permit, including liability insurance as required. The Permit shall not be issued until such bonds, guarantees, or assurances are received. Holders of Annual Blanket Permits may, as directed by Supervisor, be required to provide a liability policy, as required by Section IV, for the period covered by the permit.

6. No permit shall be required hereunder where the encroachment involved constitutes county maintenance, as defined herein. All other aspects of this Ordinance, including, but not limited to, liability insurance, notice, fees and minimum construction standards, shall apply to any encroachment of any County roadway.

7. If the Supervisor determines that the encroachment proposed will unreasonably or excessively interfere with traffic patterns, or will disrupt use of the roads involved for an unreasonably extended period, or cause violation of County Agreements with other agencies, or cause degradation to roads or Servient Estate, or encroachment is not reasonably necessary to a legitimate activity or can be avoided by other reasonable measures he may decline a permit application absolutely. The Supervisor shall issue such denial in writing and shall state his findings with regard to the application and state his reasons for denying the application, and shall mail or deliver a copy of such denial to the applicant and to the Sevier County Board of Commissioners by submitting a written request for review within thirty days after the date the denial is mailed or delivered. The Board of Commissioners shall allow the applicant an opportunity to appear at a public meeting, either specially called or a regularly scheduled commission meeting, no later than 20 days following the filing of said request and shall render their decision no later than 10 days following such meeting.

SECTION III: BOND REQUIREMENTS

1. Whenever a bond or guarantee is required hereunder, the same shall be conditioned upon the complete restoration of the site of the encroachment, except for those holding a Class 3 (Annual Blanket) Permit, and shall be as follows:

Hard Surface Road:	\$5,000 minimum per disturbance
Gravel Surface Road:	\$3,000 minimum per disturbance
Dirt Surface Road:	\$3,000 minimum per disturbance
2. The bond for new construction, maintenance, resurfacing and/or realignment of a roadway may be integrated with a project contract bond or special agreement.

3. The Supervisor, as part of his review of each Permit Application shall determine the amount of the bond required, based upon the location, duration, and extent of the proposed encroachment together with all other pertinent factors.
4. The Road Department shall condition the granting of a permit upon the delivery and acceptance of the bond.
5. Bonds given pursuant to this Section shall remain in force and effect for a period of three years from the date the job is completed when the roadway or right-of-way is disturbed or when any object, including, but not limited to, utility lines, culverts, etc., is placed beneath the surface of the roadway or right-of-way. Bonds in all other cases remain in force for one year from the completion of the project.

SECTION IV: LIABILITY INSURANCE

The Supervisor is authorized to require, as a condition for the granting of a permit hereunder, a policy of liability insurance to be obtained by the applicant, naming Sevier County as co-insured, insuring against liability for property damage and personal injury in an amount not less than \$5,000,000, unless a different amount is specified and approved by the Supervisor, which may result from road conditions created by the encroachment. When such insurance is required, no permit shall be issued until the policy or a valid binder therefor has been delivered to the Road Department. Such insurance policy shall remain in force and effect for so long as is specified by the Supervisor, not to exceed five years after the completion of the project.

SECTION V: ENCROACHMENT PROCEDURE

1. Once an Applicant has obtained a Permit work or haulage may begin during the specified time. Said work shall progress in a prompt and orderly fashion without unnecessary delays and shall be performed in a good and workmanlike manner in accordance with the plans, specifications and conditions set forth in the encroachment permit.
2. The encroachment must be completed within the time set forth in the permit; unless extended in writing by the Supervisor the extension shall be granted for good cause upon request by the Permittee. Failure by the Permittee to complete the permitted work by the completion date shall constitute grounds for the forfeiture of its bond.
3. Excavation operations shall be conducted in such a manner that minimum interference or interruption of road traffic and/or inconvenience to residents and businesses fronting on public roads will result. Suitable, adequate and sufficient barricades as specified in the MUTCD shall be provided by the Permittee and used where necessary to prevent accidents. Barricades must be in place until all excavators' equipment is removed from the 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 as specified in the MUTCD. The County Sheriffs Office, Utah Highway Patrol, cities and towns within a ten-mile radius, and local fire departments shall be notified at least 24 hours in advance of any planned excavation requiring road closures or detours.
4. Where required by the Supervisor, haulage activities shall require continuous dust control and maintenance of the haul route to assure the safety of other users.
5. Special signing shall be required as indicated by the MUTCD. Damages to roadway will be promptly reported to the Road Supervisor.
6. All loads shall be state legal with strict observation of all applicable vehicle laws.
7. Unless otherwise agreed to by Road Supervisor all dust control maintenance, signing, repairs or preventive measure costs shall be borne by the Permittee.
8. The Permittee, its employees, contractors and associates shall be bound by conditions and agreements in effect between Sevier County and other government, private agencies or individuals, to the degree such matters are set forth in the permit or are actually known to the Permittee.

SECTION VI: EMERGENCY EXCAVATIONS

The Board of Sevier County Commissioners recognizes that from time to time emergency conditions may arise requiring encroachment upon County roadways. Should such conditions exist an applicant may;

1. Proceed with the encroachment, provided that it shall notify the Sevier County Sheriff's Office at once and make diligent efforts to notify the Supervisor as soon as possible of the situation.
2. The applicant shall apply for an appropriate encroachment permit on the next working day following the encroachment.
3. The encroachment may continue, so long as application has been made, unless and until the applicant is ordered by Supervisor to cease encroachment.
4. If an application for encroachment has been made as required in this Section, the applicant will incur no penalty, otherwise all fees will be assessed in twice the normal amount.
5. All emergency work shall be in strict compliance with all the standards set forth in this ordinance.

SECTION VII: NOTICE REGARDING MAINTENANCE

1. When encroachment for maintenance is necessary, the entity intending to engage in the encroachment shall notify the Supervisor, in writing, no later than ten (10) working days before the encroachment is made.
2. The Supervisor shall, within five (5) working days following receipt of a notice pursuant to paragraph 1. of this section, notify the party giving notice of the amount of the bond required, the necessity of any liability insurance and the amount of fees to be deposited. No work may commence until all fees have been paid and the applicant has met other requirements.

SECTION VIII: FEES

1. Fees required to be paid under this ordinance shall be fixed in an amount reasonably calculated to compensate the County for costs and time incurred in for inspecting and reviewing the plans for the intended encroachment, the work in progress and the completed project. The Supervisor is authorized and directed to prepare and distribute a schedule of fees assessable under this ordinance and to amend the same from time to time as needed to reflect changing conditions.
2. All applications, fees, bonds, insurance policies or other documents required by this Ordinance shall be delivered to the Sevier County Road Department office presently located at 650 West 2630 South, Richfield, Utah 84701.

SECTION IX: MINIMUM CONSTRUCTION STANDARDS

1. New Construction shall be completed according to the plans and specifications approved in connection with an encroachment permit issued pursuant to this ordinance.
2. All construction, maintenance and repairs following encroachments shall comply with the following minimum standards or with the minimum standards listed in the most current edition of the State of Utah Standard Specifications Manual for Road and Bridge Construction, promulgated by the State of Utah Department of Transportation.
 - 2.1. Preparation: In instances of a high use asphalt or gravel road boring under the roadway shall be required whenever possible. If the pavement, sidewalk, driveway, or other surface must be cut it shall be cut vertically along the lines forming the trench in such a manner as to prevent damage to the adjoining pavement or hard surfacing. An undercut level 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. 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 work.

2.2 Backfill:

- 2.2.1 Material for backfill will be of a select nature. All broken concrete, peat, decomposed vegetable or other similar matter WILL NOT BE integrated into the backfill materials, but removed entirely from the site. All backfill will be placed in layers not over eight (8) inches loose measure in thickness. Compaction will be accomplished by mechanical rollers, mechanical tampers or specified means. Material for back filling 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 as specified in the State of Utah Standard Specifications or AASHTO.
- 2.2.2 The density (dry) of the backfill under pavements, sidewalks, curbs, or other structures will be not less than that existing prior to excavation will. The fill shall be restored and placed in a good condition, which will prevent settling (State of Utah Standard Specifications).

2.3 Restoration of Surfaces:

- 2.3.1 General. All road 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 Permittee, unless otherwise directed by the Supervisor, in accordance with the specifications contained herein and applicable standards per State of Utah Standard Specifications and other applicable regulations governing the various types of surfaces involved.
- 2.3.2 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. All outriggers or miscellaneous gear, which may compress road surfaces, shall have pad protection at points of contact.
- 2.3.3 Time: In traffic lanes of paved roads, 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 road, sidewalk, curb, gutter, driveway and other surfaces, within five (5) days from the date of completion of the backfill except for periods when permanent paving material is not available or an extension of time is granted by Supervisor.
- 2.3.4 Safety: The Permittee shall maintain all construction or repairs at acceptable safe standards until final repair is complete and accepted.
- 2.3.5 Temporary Repair: If temporary repair has been made on paved road with gravel and a permanent repair cannot be made within the time specified above due to any of the above-mentioned conditions, then the Permittee is required to replace the gravel with cold mulch as soon as possible. Permittee is required to monitor and maintain repairs at acceptable safe standards until final repair is complete and accepted.

2.4 Restoring Bituminous, Concrete or Asphalt road surfaces:

- 2.4.1 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 (6) inches below the bottom of the bituminous or concrete surface. Normally, this will require nine (9) 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, and adding gravel, to maintain a safe,

uniform surface satisfactory to Supervisor 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 grading:

Passing 1-inch sieve.....	100%
Passing 3/4-inch sieve.....	85% - 100%
Passing No. 4 sieve.....	45% - 65%
Passing No. 10 sieve.....	30% - 50%
Passing No.200 sieve.....	5% - 10%

2.4.2 Bituminous Surface: The exposed edges of existing pavement shall be primed with Type MC-1 Bituminous material or better. Supervisor shall approve the type, grade, and mixture of the asphalt to be used for road surface replacement. The thickness shall be equal to the adjacent surface thickness but not less than three (3) inches. The complete surface shall not deviate more than one-half (1/2) inch between old and new work.

2.4.3 Concrete Surfaces: The sub-base for concrete surfaces shall be sprinkled with clean water 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 (6) inches thick. The Supervisor will approve the mixing, cement, water content, proportion, placement, and curing of the concrete. In no case shall the concrete have less compressive strength than 3,000 pounds per square inch at the end of 28 days.

2.4.4 Concrete Base, Bituminous Wearing Surfaces: This type of surfacing shall be constructed as above described.

2.4.5 Gravel Surfaces: Trenches excavated through gravel-surfaces area, such as gravel roads, shoulders and unpaved driveways, shall have the gravel restored and maintained as described in paragraph 4 of this part, except that the gravel shall be a minimum of one inch more than the existing gravel.

2.5 Relocation and Protection of Utilities: An excavator shall not interfere with any existing utility without the written consent of the Supervisor 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 a governmental entity or by a private enterprise, shall be removed to accommodate the Permittee unless the cost of such work shall 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 costs. 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, wire, 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 part 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. By Utah law the Permittee is required to be aware of the existence and location of all underground utilities and protect the same against damage.

2.6 Jetting and Boring: Jetting of pipe or utility lines shall not be used without prior express permission from the Supervisor. Any damage to road surfaces, structures or utility lines due to jetting or boring operations shall be repaired to the satisfaction of the Supervisor by the Permittee or contractor conducting such operations, or may be repaired by the County and charged to the bond of such Permittee or contractor.

to jetting or boring operations shall be repaired to the satisfaction of the Supervisor by the Permittee or contractor conducting such operations, or may be repaired by the County and charged to the bond of such Permittee or contractor.

SECTION X: NON-PERMITTED ENCROACHMENT UNLAWFUL

1. Any person making or causing an encroachment upon any Sevier County roadway, except for emergency encroachments, without having first obtained a Permit from the Supervisor as required by this Ordinance shall be guilty of a Class C Misdemeanor.
2. Any Person having obtained an encroachment permit under this Ordinance who shall fail to comply with the terms of said permit or to fulfill its conditions shall be guilty of a Class C Misdemeanor.
3. Any person who shall undertake an emergency encroachment hereunder and fails to make application for a permit on the first working day following commencement thereof shall be guilty of a Class C Misdemeanor.
4. Any entity, whether public or private, who engages agents, general contractors, or subcontractors for a project that requires roadway encroachment and permits violations of this ordinance to be committed by such agents, general contractors, or subcontractors shall be guilty of a Class C Misdemeanor.

SECTION XI: CATTLEGUARDS

1. Any person desiring to install a cattleguard on a county road must file a detailed application and request for a Class 1 Encroachment Permit with the Sevier County Road Department, stating the designation of the county road involved and the exact location of the proposed installation, and providing designs, drawings, plans and specifications for the same. The Supervisor shall review the application and shall within a reasonable time, either grant the same or decline it. If he declines the application, he shall return it to the applicant and set forth in writing attached thereto his reasons for doing so. The Supervisor is authorized to waive application fees for amended applications if, in his opinion and at his sole discretion, the amended application will not entail a significant amount of additional time to review beyond that previously conducted. Upon granting the application, the Supervisor may impose any conditions, limits, bonds, or other guarantees he may deem necessary to protect the County or assure the compliance by the Applicant with the terms of said permit.
2. The applicant will be required to supply all materials for the installation, in compliance with all material design specifications required by the Supervisor, including, but not limited to, concrete work, bases, re-bar, wings, fence posts and gates, etc., as needed.
3. The applicant will be responsible to install a side gate and connect any adjacent fences to the cattleguard.
4. The applicant shall supply the necessary labor to construct and install the cattleguard according to current specification requirements, using materials and components provided by applicant at the permitted site. In no event, however, shall the county assume liability, or be held liable, to the applicant for its performance of the construction.
5. Upon completion of the installation, the Supervisor shall inspect the same and upon his approval and acceptance, the Sevier County Road Department will assume responsibility for future maintenance of the unit as long as the road is part of the county road system.

extent such ordinance is less stringent than the provisions herein, and any clause contained herein which shall be declared, by court of competent jurisdiction, to be unconstitutional or contrary to the laws of the State of Utah, shall in no way nullify any other part of this Ordinance.

SECTION XIII: INJUNCTION

Supervisor may request initiation of the proper legal proceeding, in a court of competent jurisdiction, to obtain an injunction against any natural person, partnership, corporation, firm, association or legal entity violating this Ordinance.

SECTION XIV: LIABILITY, LOSS, OR DAMAGES

Applicant shall indemnify Sevier County from any and all liability; loss or damage Sevier County may suffer as a result of claims, demands, costs or judgments arising from such encroachment.

SECTION XV: EMERGENCY CLAUSE EFFECTIVE DATE

The Sevier County Commission finds and declares it is necessary for the immediate preservation of peace, health, and safety of the residents of Sevier County that this Ordinance becomes effective upon its passage and publication, in accordance with law, and upon a copy being deposited in the office of the Sevier County Clerk, Richfield Utah.

Passed and approved by the Board of Sevier County Commissioners at a regularly scheduled meeting of the Board on the 20th day of Nov 2006, Commissioners Doug Peterson, Gary Mason, Ralph Okerlund, Voting "aye" and none, Voting "nay"

BOARD OF SEVIER COUNTY COMMISSIONERS

By: Ralph Okerlund
Chairman

ATTEST:

Steve Wall
Sevier County Clerk

Date of Publication: 20th (day) of December (month), 2006

Fee Schedule Attachment
Effective January 1, 2007

Pursuant to SECTION VIII of the roadway right-of way encroachment ordinance the following assessable fees are subject to change from time to time as needed to reflect changing conditions.

Class I Encroachment Permit	\$25.00
Class II Encroachment Permit	\$50.00
Class II Encroachment Permit	N/C
Annual Blanket Permit	\$100.00

ORDINANCE NO. 2007-3-1

AN ORDINANCE OF SEVIER COUNTY ADOPTING THE 2006 EDITION OF THE *Utah Wildland-Urban Interface Code* AS CURRENTLY AMENDED BY THE DIVISION OF FORESTRY, FIRE AND STATE LANDS, REGULATING AND GOVERNING THE MITIGATION OF HAZARD TO LIFE AND PROPERTY FROM THE INTRUSION OF FIRE FROM WILDLAND EXPOSURES, FIRE FROM ADJACENT STRUCTURES AND PREVENTION OF STRUCTURE FIRES FROM SPREADING TO WILDLAND FUELS IN SEVIER COUNTY; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR; REPEALING ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH.

The Board of Commissioners of Sevier County, State of Utah, does ordain as follows:

Section 1. That a certain document, three (3) copies of which are on file in the office of the Clerk of Sevier County, being marked and designated as the *Utah Wildland-Urban Interface Code*, 2006 edition, including Appendix Chapters A, B, and C, as published by the International Code Council, be and is hereby adopted as the Urban-Wildland Interface Code of Sevier County, in the State of Utah for regulating and governing the mitigation of hazard to life and property from the intrusion of fire from wildland exposures, fire from adjacent structures and prevention of structure fires from spreading to wildland fuels as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Urban-Wildland Interface Code on file in the office of the Sevier County Clerk are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

Section 101.1. Insert: Sevier County

Section 3. Any ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Sevier County Commission hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 5. That nothing in this ordinance or in the *Wildland-Urban Interface Code* hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 2 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 6. That the Sevier County Clerk is hereby ordered and directed to cause this ordinance to be published and posted as required by law.

Section 7. That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted

hereby shall take effect and be in full force and effect thirty days from and after the date of its final passage and adoption.

Section 8. Specific boundaries of natural or man-made features of wildland-urban interface areas shall be as shown on the wildland area interface map. The legal description of such areas is as described as follows: All property designated in zones GRF 20R, GRF 20S and GRF 5.

COMMISSION MEMBERS VOTING FOR:

Gary Mason
Fred Cowley
Ralph Okerlund

COMMISSION MEMBERS VOTING AGAINST:

none

DATED this 19th day of March, 2007.

Ralph Okerlund
Chairman
Sevier County Commission

ATTEST:

Steven C. Wall
Steven C. Wall
Sevier County Clerk