

DAGGETT COUNTY ORDINANCE NO. 90-3

AN ORDINANCE RELATING TO ROAD CUTS AND
INSTALLATION OF CATTLE GUARDS

WHEREAS, The Board of County commissioners have decided to adopt this ordinance to permit the installation and maintenance of cattle guards on county roads, and

WHEREAS, it is in the Best interest of the public and the public safety and well-being to pass the following ordinance.

NOW THEREFORE, the Board of County Commissioners of Daggett County, ordain as follows:

1. Except as provided for herein and in conformance with previous ordinances, Class II roads shall not be cut. All utility installations beneath the paved or improved portion of the roadway shall be accomplished by either jacking, boring or water jetting beneath the roadbed at a depth approved by the county building inspector. In those rare cases where penetration beneath the roadbed would be a practical impossibility, the person or entity desiring to place a utility beneath the roadbed shall apply to the county building inspector for approval to cut a class II road. Such request shall be reviewed individually. If upon review of the application, the building inspector finds that penetration beneath the roadbed is a practical impossibility, and that the installation of the utility at that location is in the best interest of the residents of the county, the building inspector may grant the road to be cut. Restoration shall not be less than required under this ordinance.

2. The amount of permit fees and bonding requirements for projects in the county roads, or rights-of-ways covered by this act shall be set from time to time by resolution of the county commission. Any party desiring to do any work upon or in a county road or right-of-way shall first obtain an easement where required, and shall post with the county building inspector a performance bond, in accordance with the provisions of such resolution. All such bonds shall be in force for a reasonable period of time or as determined by the county commission, after the completion of all work on the project. In the event the county road is damaged and the road or right-of-way is not properly repaired, at least to its original condition, the county may then use the proceeds from the bond to pay the cost of repairing the road and or the right-of-way. In the event the bond is not sufficient to complete the repairs, the party listed on the permit shall be liable for all cost and expenses in excess of the bond.

3. Those governmental and business entities whose regular course of business involves frequent road cuts may apply to the county commission for authorization to post a standing bond to cover

all repairs of work to be done within county rights-of-ways, in lieu of posting a separate bond for each separate permit. The amount of such standing bond shall be set by the county commission and shall cover all repairs by said entity for a period of two years after all work on the repair or project is completed. Such standing bonds shall apply to cuts across a county right-of-way and shall not relieve any entity of the obligation to post such bond as may be required by the county commission for a cut along the run of any county road. The posting of such bond shall not relieve any entity of the requirements to obtain permit from the county building inspector for each separate road cut or right-of-way disturbance made by the entity.

4. Any person, firm, corporation, public utility or other entity desiring to install utility lines, including but not limited to water lines, sewer lines, gas lines, electrical lines, telephone lines, and cable television lines, or do any other construction work within roads or rights-of-way maintained by Daggett County, shall first obtain from the county building inspector an easement, and a permit. The easement shall be given without warranty as to title. To obtain the easement and their permit, the party or entity desiring to do the construction, must first file with the county commission the proposed easement form to be signed, together with a plat showing the location of the construction. Upon approval of the easement, shall then post with the county building inspector the proper bond as set forth in this ordinance and then shall obtain proper permits.

CATTLE GUARDS

1. Except as provided for herein below, cattle guards shall not be installed within roads maintained by Daggett County without first obtaining a permit and submitting the required fees and bond for the same from the county building inspector.

2. Any person, firm, corporation desiring to install a cattle guard in a county maintained road, shall first file a plat with the building inspector showing:

a. The proposed location of the cattle guard.

b. That the installation of the cattle guard will not create a hazard for the public.

c. That the cattle guard shall conform to the directional and grade of the road.

d. That the same shall be an approved design of the United States Department of the Interior Bureau of Land Management, Drawing No. 02-881-4, or a design as indicated on the attached Utah Department of Transportation Drawing No. 760-1, which attached hereto and made a part hereof by reference.

e. That proper caution signs shall be placed to indicate the presence of a cattle guard and livestock on the right-of-way when circumstances require.

3. The permittee, or owner shall be responsible to install and maintain the physical structure of the cattle guard in a safe and operable condition as determined by the county building inspector to help insure safety for the public.

4. Keeping the cattle guard clean of debris shall be considered as part of the normal road maintenance performed by the county road department.

5. If at any time, the owner abandons his responsibility of maintaining the cattle guard and it becomes a hazard to the public, as determined by the county commissioners, the county shall have the right to remove the cattle guard and repair the road, at which time Daggett County has the right to compensation.

Violation of this act shall be punishable as a misdemeanor by an imposition of a fine in a sum not to exceed \$299.00 or by being sentenced to serve a term not exceeding six months in the county jail or both.

This ordinance shall take effect fifteen (15) days after its passage and publication as required by law.

Passed by the Board of County Commissioners of Daggett County, State of Utah this 19th day of June 1990.

/s/ Laray Sadlier
Laray Sadlier, Chairman

ATTEST:

/s/ Gene Briggs
Gene Briggs, Clerk

/s/ Elbert J. Steinaker Jr.
Elbert Steinaker, Commissioner

/s/ Dick Bennett
Dick Bennett, Commissioner