

CHAPTER 11. SIDEWALKS

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4-11-1. Building permits for curb, gutter, sidewalks, and appurtenances.

It is unlawful for any person to construct any sidewalk, curb, gutter, or appurtenances within a public right-of-way without first having grades and lines thereof reviewed and approved by the City and without first obtaining a building permit. The acceptance of the permit shall be deemed an agreement upon the part of the person accepting the permit to construct the sidewalk, curb, gutter, and appurtenances in accordance with the specifications, regulations, and ordinances of Tooele City. (Ord. 2018-11, 09-05-2018) (Ord. 2006-05, 01-18-2006) (Ord. 1980-23, 06-12-1980)

4-11-2. Specifications for sidewalks, curb and gutters, driveway approaches, and appurtenances.

All sidewalks, curb and gutters, driveway approaches, and all appurtenances thereto shall conform to the specifications and standards set forth in Title 4 Chapter 8 of the Tooele City Code and the Tooele City Right-of-Way Specifications Administrative Policy. (Ord. 2018-11, 09-05-2018) (Ord. 2015-07, 03-18-

2015) (Ord. 2006-05, 01-18-2006) (Ord. 1993-21, 10-20-1993) (Ord. 1991-04, 06-11-1991)

4-11-3. Supervision.

All public sidewalks shall be constructed under the inspection and supervision of the Public Works Director or designee.

(Ord. 2018-11, 09-05-2018) (Ord. 2015-07, 03-18-2015) (Ord. 2006-05, 01-18-2006) (Ord. 1978-01, 01-09-1978)

4-11-4. Definitions. (Repealed. Ord. 2018-11, 09-05-2018)

4-11-5. Repairs. (Repealed. Ord. 2018-11, 09-05-2018)

4-11-6. Expense of repairs. (Repealed. Ord. 2018-11, 09-05-2018)

4-11-7. New sidewalk - Special Improvement District.

Whenever a report of the Public Works Director, or designee, regarding any sidewalk finds that the construction of a new sidewalk is necessary, the City may elect to give notice pursuant to the provisions of the special improvement district ordinances of the City or the statutes of the state of Utah for the construction of new sidewalk and the removal of the old.

(Ord. 2018-11, 09-05-2018) (Ord. 2015-07, 03-18-2015) (Ord. 2006-05, 01-18-2006) (Ord. 1978-01, 01-09-1978)

4-11-8. Property owners responsible for sidewalk repair. (Repealed. Ord. 2018-11, 09-05-2018)

4-11-9. Sidewalks and trees.

The Director of Community Development shall review and approve the species and type of trees which may be placed in the right-of-way park strip or on private property adjacent to public sidewalks.

(Ord. 2018-11, 09-05-2018) (Ord. 2015-07, 03-18-2015) (Ord. 2006-05, 01-18-2006) (Ord. 1978-01, 01-09-1978)

4-11-10. Openings in sidewalks.

It is unlawful to construct or maintain any open holes or other openings in any sidewalks regardless of whether they are covered with gateways, doors, or other passages. This provision shall not be interpreted to prevent the erection of utility poles, water meter boxes, or mail boxes within the first 1 foot of property inside the curb line.

(Ord. 2018-11, 09-05-2018) (Ord. 2015-07, 03-18-2015) (Ord. 1978-01, 01-09-1978)

4-11-11. Water from roof not to be discharged upon

sidewalks.

It is unlawful for any person owning, occupying, or having control of any premises to suffer or permit water from the roof or eaves of any house, building, or structure, or from any other source under the control of such person, to be discharged upon the surface of any sidewalk. (Ord. 2018-11, 09-05-2018) (Ord. 2015-07, 03-18-2015) (Ord. 1978-01, 01-09-1978)

4-11-12. Receiving goods.

It is unlawful for any person to place or keep, or suffer to be placed or kept, upon any sidewalk any goods, wares, or merchandise except as allowed in Section 7-16-3 Note 4. (Ord. 2018-11, 09-05-2018) (Ord. 2015-07, 03-18-2015) (Ord. 2012-22, 12-05-2012) (Ord. 1978-01, 01-09-1978)

4-11-13. Driving or riding upon sidewalks.

It is unlawful for any person to drive a self-propelled or motorized vehicle or to lead, drive, or ride any animal upon any public sidewalk, except to cross the sidewalk at established street crossings. (Ord. 2018-11, 09-05-2018) (Ord. 2015-07, 03-18-2015) (Ord. 2006-05, 01-18-2006) (Ord. 1978-01, 01-09-1978)

4-11-14. Games on sidewalks or streets.

It is unlawful for any person to obstruct any sidewalk or street by playing games thereon, or to obstruct the free travel of any pedestrian or vehicle. (Ord. 2018-11, 09-05-2018) (Ord. 2015-07, 03-18-2015) (Ord. 1978-01, 01-09-1978)

4-11-15. Snow to be removed from public sidewalks - Obstructing right-of-way with snow prohibited - Failure to comply - Civil penalties.

(1) It is unlawful for any person owning or exercising control over any real property abutting any public sidewalk to fail to remove or cause to be removed from such sidewalk all hail, snow, or sleet falling thereon, or ice forming thereon, within 24 hours after such hail, snow, or sleet has ceased falling or ice has formed.

(2) It is unlawful for any person to place or propel, or cause to be placed or propelled, snow, ice, hail, or sleet into the public way or in any manner which poses a hazard to vehicular or pedestrian traffic.

(3) Any person who fails to comply with this Section shall be liable for a civil penalty in the amount of \$50 per violation, which penalty shall be in addition to other penalties provided by law.

(4) For purposes of this Section:

(a) "person" shall include, but not be limited to, individuals, corporations, partnerships, associations, organizations, groups, and other entities; and,

(b) "public way" shall include, but not be

limited to, sidewalks, roadways, alleys, and other courses traveled by the public.

(Ord. 2018-11, 09-05-2018) (Ord. 2015-07, 03-18-2015) (Ord. 2014-04, 02-05-2014) (Ord. 2006-05, 01-18-2006) (Ord. 1997-14, 03-19-97) (Ord. 1978-1, 01-09-78)

4-11-16. Unlawful to clog gutters.

It is unlawful for any person to deposit dirt, leaves, or other debris in any gutter so as to prevent or hinder the flow of water therein or so as to provide for the carriage of debris by the water flowing therein.

(Ord. 2018-11, 09-05-2018) (Ord. 2015-07, 03-18-2015) (Ord. 1978-01, 01-09-1978)

4-11-17. Sidewalks to be swept in front of retail businesses.

It is unlawful for the owner, occupant, lessee, or agent of any commercial, retail, or professional establishment within the City of Tooele to fail to cause the sidewalk abutting the establishment to remain swept clean.

(Ord. 2018-11, 09-05-2018) (Ord. 2015-07, 03-18-2015) (Ord. 2006-05, 01-18-2006) (Ord. 1978-01, 01-09-1978)

4-11-18. Encroachments.

It is unlawful for any fence, building, or other structure to encroach upon any street or sidewalk within Tooele City. The City may exercise all legal rights to require the encroachment to be removed. If the person responsible for the encroachment is not known, a notice requiring removal may be posted by the City on the encroachment and on all major buildings located adjacent to the encroachment. Should the encroachment, in the opinion of the Mayor, constitute a hazard to traffic or to life, health, or property, the same may be removed immediately by the City and the cost thereof levied upon the owner. For any encroachment not removed by the owner pursuant to notice, the City may remove the same at the owner's expense, levying the cost thereof against the premises as part of the ad valorem property taxes.

(Ord. 2018-11, 09-05-2018) (Ord. 2015-07, 03-18-2015) (Ord. 1978-01, 01-09-1978)

4-11-19. Obstructions.

(1) No person shall place or cause to be placed anywhere upon a public street or sidewalk, and no person owning, occupying, or having control of any premises shall, after reasonable notice by the City of Tooele, suffer to be or remain in front of the sidewalk or the half of the street next to any premises:

(a) any broken ware, glass, filth, dirt, gravel, rubbish, refuse, garbage, ashes, cans, or other like substances;

(b) any vehicles, lumber, wood, boxes,

fencing, building material, merchandise, or other thing which obstructs the public street or sidewalk, or any part thereof, without the permission of the Mayor; or,

(c) any goods, wares, merchandise for sale or show, or otherwise beyond the front line of the lot where goods, wares, or merchandise are sold or offered for sale, except as allowed in Section 7-16-3 Note 4.

(2) No person shall place or cause to be placed anywhere upon any street or sidewalk any earthen materials before, during, or after construction for the intended or unintended purpose of:

(a) temporary or permanent storage of those materials;

(b) bridging of the curb and gutter or sidewalk;

(c) blocking clogging, or otherwise hindering the movement or flow of storm water or the travel of pedestrian or vehicle traffic; or,

(d) any other purpose that could reasonably cause any damage or obstruction to public or private infrastructure.

(3) All obstructions placed anywhere upon a public street or sidewalk contrary to this Section or to Section 7-16-3 Note 4 are a threat to the public health and safety and may be removed, confiscated, and disposed of immediately by the City.

(4) No person shall place or cause to be placed anywhere upon a public street, sidewalk, or within a street right-of-way a dumpster, garbage or refuse collection container, storage container, or other similar structure or device before, during, or after construction of a structure on an adjacent property. All such structures or devices, when allowed, shall be located on properties adjacent to the right-of-way for which the structure or device is serving.

(Ord. 2019-01, 02-13-2019) (Ord. 2018-11, 09-05-2018) (Ord. 2015-07, 03-18-2015) (Ord. 2014-05, 02-05-2014) (Ord. 2012-22, 12-05-2012) (Ord. 1978-01, 01-09-1978)

4-11-20. Varieties of trees.

It is unlawful to plant any species of tree within any public right-of-way which is not on the Tooele City Street Tree Selection Guide. No trees shall be planted in park strips of less than four feet in width. The Tooele City Street Tree Selection Guide shall be available from the Community Development and Public Works Departments and may be updated when deemed necessary and appropriate by the Directors.

(Ord. 2023-22, 06-07-2023) (Ord. 2018-11, 09-05-2018) (Ord. 2015-07, 03-18-2015) (Ord. 2006-05, 01-18-2006) (Ord. 1978-01, 01-09-1978)

4-11-21. Civil Penalties.

(1) A violation of any provision of this Chapter shall be a civil infraction punishable by the following fines:

(a) \$50 for a first violation;

(b) \$100 for a second similar violation;

(c) \$250 for a third or subsequent violation.

(2) Failure to pay fines in full within 30 days of a citation shall allow Tooele City to invoice outstanding fines through City utility billing.

(Ord. 2020-13, 04-15-2020) (Ord. 2019-01, 02-13-2019)

4-11-22. Appeals.

Appeals of civil infraction citations issued pursuant to this Chapter shall be to the Administrative Hearing Officer under Chapter 1-28 of this Code.

(Ord. 2020-13, 04-15-2020)