

## CHAPTER 16. STREETS AND SIDEWALKS

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### Article 16-1. Damage and Obstructions

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#### 16-1-1. Damaging streets and sidewalks.

It shall be unlawful to damage or cause to be damaged any street, curb, gutter or sidewalk in the City without a permit to do work on such street, curb, gutter or sidewalk.

(Ord. No. 661, Revised, 04/10/90)

#### 16-1-2. Flooding.

It shall be unlawful to cause irrigation water to flow over any street, curb, gutter, or sidewalk or to cause such water to flow onto the property of another without that property owner's permission.

(Ord. No. 661, Revised, 04/10/90)

#### 16-1-3. Obstructing streets and sidewalks.

It shall be unlawful to obstruct any street or sidewalk or any portion thereof in such a way that vehicular or pedestrian traffic cannot pass or must make a detour around the obstruction. This provision shall not apply, however, to work being done in a street or sidewalk with a lawful permit.

(Ord. No. 661, Revised, 04/10/90)

#### 16-1-4. Cutting back vegetation overhanging public right of way.

Owners and occupants of real property abutting any public street, curb, gutter, or sidewalk shall keep trimmed or cut back all vegetation which overhangs or grows onto such street, curb, gutter or sidewalk and which impedes or interferes with pedestrian or vehicular traffic or obstructs the vision of drivers of vehicles. If any owner or occupant fails to do so within three (3) days of receiving written notice from the City of a violation of this section, the City may cut back the

vegetation and may charge the owner or occupant for the costs of doing so.

(Ord. No. 661, Revised, 04/10/90)

#### 16-1-5. Debris, dirt.

It shall be unlawful to place or spill without immediately cleaning up any material or debris on a public street. It shall also be unlawful for the driver of any vehicle to track mud or dirt onto a public street. Upon notification by the City of any violation of this section, the violator shall within twelve (12) hours clean the street or shall be liable to the City for the costs of doing so. The provision prohibiting the placing of materials in the streets shall not apply during clean-up periods established by the City, provided the materials are placed according to any directions from the City and do not obstruct traffic; nor shall the provision apply to persons doing work authorized by the City which requires the placing of materials in the street.

(Ord. No. 661, Revised, 04/10/90)

#### 16-1-6. Clearing sidewalks.

A. **Generally.** The owners, occupants, tenants, and lessees of all real property shall keep the public sidewalks, curbs, and gutters abutting the property free from debris, dirt, rocks, weeds, snow, and ice.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-09-0023, Amended 10/27/2009)

B. **Snow and ice.** Snow and ice removed from sidewalks, curbs, gutters and driveways may be placed in the street as long as such placement complies with Sections 16-1-3 and 23-2-3(A)(1) & (3), does not obstruct the vision of drivers, and does not cover or impede access to a fire hydrant, storm drain, sump, or inlet. Snow and ice in parking lots shall be contained on site and not be placed in the street.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-09-0023, Amended 10/27/2009)

#### 16-1-7. Repairing vehicles.

It shall be unlawful to repair any vehicle on a public street in such a manner as to spill debris, oil or grease onto the street. Anyone violating this section, in addition to suffering the criminal penalty, shall be responsible for removing or cleaning up the spilled material or shall pay the City the costs of doing so.

(Ord. No. 661, Revised, 04/10/90)

**Article 16-2. Construction**

- 16-2-1. Permit required.**
- 16-2-2. Permit application.**
- 16-2-3. Fees.**
- 16-2-4. Contractors to be approved; prerequisite.**
- 16-2-5. Grounds for denying permit.**
- 16-2-6. Compliance with the permit.**
- 16-2-7. Safety.**
- 16-2-8. Unlawful to remove barricades.**
- 16-2-9. Exemption for emergency work.**
- 16-2-10. Violations.**

**16-2-1. Permit required.**

It shall be unlawful to do any construction or excavation work on any street, curb, gutter, or sidewalk in the City without a permit from the City to do so. A contract with the City to do such work shall be deemed to fulfill the permit requirement. A permit from the State Highway Department to do work on any state road within the City shall also satisfy the permit requirement of this section with respect to any work on state roads only.

(Ord. No. 661, Revised, 04/10/90)

**16-2-2. Permit application.**

The application for a permit required by Section 16-2-1 shall be signed by the contractor desiring to do the work or his duly authorized agent, and shall provide that the contractor agrees to complete the work in accordance with City construction standards and specifications without any cost to the City.

(Ord. No. 661, Revised, 04/10/90)

**16-2-3. Fees.**

A permit fee and an inspection fee shall be paid to the City prior to the issuance of a permit. All fees shall be as established by resolution of the City Council.

(Ord. No. 661, Revised, 04/10/90)

**16-2-4. Contractors to be approved; prerequisite.**

All contractors shall be approved by the City prior to the issuance of any permits. Approval shall be issued annually upon the submission of the following:

A. A current Utah State Contractor's license. Work will be restricted to that covered by the license.

(Ord. No. 661, Revised, 04/10/90)

B. Proof of comprehensive general liability insurance. The amount of insurance required shall be the amount required by the bid documents. If no bid documents are involved, the amount of insurance required shall be the amount required by City policy.

(Ord. No. 661, Revised, 04/10/90)

C. A statement that the contractor shall hold harmless, indemnify and defend the City and its officers and employees from any and all liability claims, losses or damages arising or alleged to arise from the work covered by any permit but not including the sole negligence of the City or its officers or employees.

(Ord. No. 661, Revised, 04/10/90)

**16-2-5. Grounds for denying permit.**

The City shall have complete discretion to grant or deny a permit. Consistent problems with a contractor with compliance with this Article or with work performance or quality may result in denial of a permit by the City.

(Ord. No. 661, Revised, 04/10/90)

**16-2-6. Compliance with the permit.**

The contractor shall perform in accordance with the terms of the permit and the specifications in effect at the date of the permit. Time limits may be a condition of the permit.

(Ord. No. 661, Revised, 04/10/90)

**16-2-7. Safety.**

It shall be unlawful for any person performing work on any street or sidewalk to leave the work unfinished or in a dangerous condition without placing appropriate barricades and warning devices around the work area to avoid damage to vehicles and injury to persons. All persons working on any street or sidewalk shall also comply with all applicable federal, state, and local safety regulations.

(Ord. No. 661, Revised, 04/10/90)

**16-2-8. Unlawful to remove barricades.**

It shall be unlawful for any person to remove barricades or warning devices placed pursuant to Section 16-2-7 without authorization from the contractor or the City to do so.

(Ord. No. 661, Revised, 04/10/90)

**16-2-9. Exemption for emergency work.**

Nothing in this article shall be construed to prevent the making of excavations or the performance of work which is necessary for the preservation of life or property or for making emergency repairs, provided that the person performing such work shall apply to the City for a permit on the first working day of the City after the work is commenced.

(Ord. No. 661, Revised, 04/10/90)

**16-2-10. Violations.**

Any violation of this chapter shall be a Class C Misdemeanor, punishable by a fine not to exceed five

hundred dollars (\$500.00) or by imprisonment of up to ninety (90) days, or by both such fine and imprisonment.  
(Ord. No. 661, Revised, 04/10/90)

**Article 16-3. Access onto Streets**

**16-3-1. Placement of Driveways.**

**16-3-2. Exceptions.**

**16-3-1. Placement of Driveways.**

Vehicular access from all non-residential uses onto any street shall be provided according to the following provisions, unless otherwise provided in this Article:

A. Driveways or curb cuts shall be located at least one hundred feet (100') from the point of intersection of two (2) streets. For purposes of this section, the point of intersection shall be the point closest to the property where the right-of-way lines of the respective streets intersect. This distance shall be measured from the point of intersection to the edge of the driveway or curb cut closest to the intersection.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-05-0017, Amended, 5/24/2005)

B. Each parcel of property, except for corner lots or lots having at least two hundred feet (200') of frontage on one street shall have a maximum of one (1) driveway. Corner lots may have one (1) driveway on each street, provided all other provisions of this Article are met. Parcels with at least two hundred feet (200') of frontage on one street (including corner lots) may have a maximum of two (2) driveways on that street.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-05-0017, Amended, 5/24/2005)

C. The minimum distance between any two (2) driveways shall be twenty feet (20').

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-05-0017, Amended, 5/24/2005)

D. The minimum width of a driveway shall be twenty-four feet (24'), and the maximum width of a driveway shall be forty feet (40').

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-05-0017, Amended, 5/24/2005)

E. The design and construction of all driveways shall comply with the City of Orem Construction Standards and Specifications.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-05-0017, Amended, 5/24/2005)

**16-3-2. Exceptions.**

A. If a non-residential lot does not have sufficient frontage to allow a driveway one hundred feet (100') from an intersection, a driveway shall be allowed at the point farthest away from the intersection. For a corner lot, an exception under this subsection (A) shall only be allowed where neither side abutting a street has sufficient frontage to comply with the distance requirement and in such case, an exception shall be allowed for only one side of the corner lot.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-05-0017, Amended, 5/24/2005)

B. Existing driveways in violation of Section 16-3-1 shall be allowed to remain until there is an amendment to the site plan. When the site is changed pursuant to an amended site plan, driveways shall be modified to conform to Section 16-3-1.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-05-0017, Amended, 5/24/2005)

C. The City Engineer may waive or modify the requirements of this Article 16-3 if the City Engineer finds that (1) special circumstances attached to the property or the location of existing improvements on the property would make it unreasonably difficult to develop the property in accordance with Article 16-3, or (2) traffic safety and efficiency would not be compromised with the modification. In determining whether traffic safety and efficiency would be compromised, the City Engineer may consider the existence of traffic control devices, the grade of the streets, the angle and curvature of the intersection, the location of existing or proposed site improvements, the average number of daily trips on the streets comprising the intersection, the eighty-fifth percentile speeds, the condition of existing public improvements, the classification of the street, the agency with jurisdiction over the public right of way, and any other factors relevant to traffic safety. The City Engineer's determination shall be based on the most current transportation guidelines found in A Policy on Geometric Design of Highways and Streets produced by the American Association of State Highway and Transportation Officials (AASHTO), the Traffic Engineering Handbook produced by the Institute of Transportation Engineers (ITE), the Orem Transportation Master Plan, and/or other documented contemporary references or guidelines used in the transportation industry. Any modification of the requirements of this section shall be made in writing and shall set forth the findings upon which the decision is based.

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-05-0017, Amended, 5/24/2005)

D. Any decision of the City Engineer made pursuant to an application to waive or modify the requirements of Article 16-3 under subsection (C) above, may be appealed to the City Council. The City Council shall conduct a de novo review of any such appeal and may affirm, reverse or modify the decision of the City Engineer after considering the same criteria and factors listed in subsection (C).

(Ord. No. 661, Revised, 04/10/90; Ord. No. O-05-0017, Amended, 5/24/2005)

**Article 16-4. Repealed and Reenacted in  
Chapter 23**

**16-4-1. Repealed.**

**16-4-2. Repealed.**

**16-4-3. Repealed.**

**16-4-4. Repealed.**

**16-4-1. Repealed.**

(Ord. No. O-93-0003, Enacted, 02/02/93; Ord. No. O-96-0006, Rep&ReEn, 03/26/96, 23-2-1)

**16-4-2. Repealed.**

(Ord. No. O-93-0003, Enacted, 02/02/93; Ord. No. O-96-0006, Rep&ReEn, 03/26/96, 23-2-2)

**16-4-3. Repealed.**

(Ord. No. O-93-0003, Enacted, 02/02/93; Ord. No. O-96-0006, Rep&ReEn, 03/26/96, 23-2-3)

**16-4-4. Repealed.**

(Ord. No. O-93-0003, Enacted, 02/02/93; Ord. No. O-96-0006, Rep&ReEn, 03/26/96, 23-2-4)