

ORDINANCE 23-05

WHEREAS, on January 6, 1994, the Hyrum City Council passed and posted an ordinance adopting the "Hyrum City Municipal Code", a recodification of municipal ordinances encompassing the "Revised Ordinances of Hyrum City" and ordinances adopted through July 15, 1993; and

WHEREAS, Title 10 of the Hyrum City Municipal Code is known as the Vehicles and Traffic Ordinance of Hyrum city and sets forth those regulation governing vehicle traffic regulations and restrictions; and

WHEREAS, the City Council finds it necessary to protect the safety of other kinds of traffic, pedestrians, neighborhood residents, and property to restrict certain kinds of vehicles and traffic on some city streets; and

WEREAS, the City Council finds that vehicular weight is an inadequate tool to define a class and use of a vehicle to determine an appropriate level of restriction to apply to vehicles traveling through a densely populated residential neighborhood.

NOW, THEREFORE, the Hyrum City Council hereby adopts, passes, and publishes the following:

AN ORDINANCE AMENDING SECTIONS 10.040.020, AND 10.08.010, AND ADDING SECTION 10.18.020 OF CHAPTER 10.18 OF TITLE 10 (THE VEHICLES AND TRAFFIC ORDINANCE) OF THE HYRUM CITY MUNICIPAL CODE REGARDING RESTRICTING THE USE OF CERTAIN STREETS AND/OR SEGMENTS OF STREETS.

BE IT ORDAINED, by the City Council of Hyrum City, Cache County, State of Utah, as follows:

1. Section 10.04.020 of Title 10 of the Hyrum City Municipal Code is hereby amended to read as follows:

10.04.020 Definitions

Unless the context otherwise requires, all references in the traffic code to:

1. "State Road Commission" or "State Department of Transportation" mean this municipality and its officers, departments, agencies and agents;

2. **"Local authorities"** mean the governing body of this municipality;
3. **"Department of Public Safety of the State of Utah"** mean the chief of police of this municipality or his agent; and
4. **"Magistrate"** shall mean the justice of the peace or judge of this municipality. (Prior code § 11-322) Definitions: For the purposes of this section the follow definitions will apply:
5. **"Agricultural Vehicle"** A vehicle licensed to operate in the state and the vehicle operator is required by the state to possess a Commercial Drivers License (CDL) and the vehicle is designed and used to transport grain and/or other feed for livestock.
6. **"Commercial Vehicle"** A vehicle licensed to operate in the state with an apportion plate (otherwise known as a pro-rated plate) or a vehicle engaged in intra-state commercial activity and/or and the vehicle operator is required by the state to possess a CDL.
7. **"Exempted Vehicle"** A vehicle licensed to operate in the state with an exempt plate.
8. **"Through Traffic"** Vehicular traffic where the point of origin and the destination are located outside of a defined area.

2. Section 10.08.010 of Title 10 of the Hyrum City Municipal Code is hereby amended to read as follows:

10.08.010 Violation-Penalty.

Any person violating, causing or permitting violation of any provision of Chapters 10.04, 10.12, 10.16 and 10.18 of this code shall be guilty of a misdemeanor. Notwithstanding other language or provisions in the State of Utah Traffic Rules and Regulations, 1983 Edition, and subsequent editions, adopted, any violator of Chapters 10.04, 10.12, 10.16, and 10.18 of this code, upon conviction, shall be punished by a fine of not more than two hundred ninety-nine dollars or by a jail sentence not to exceed six months, or by both a fine and jail sentence; provided, that minimum sentences and all other sanctions consistent with the aforementioned guidelines and contained in the 1983 code edition, and subsequent editions, are incorporated here in this section by reference. (Ord. 83-07 § 2: prior code § 11-327)

3. Section 10.18.020 of Chapter 10.18 of Title 10 of the Hyrum City Municipal Code is hereby added to read as follows:

Chapter 10.18

VEHICLE WEIGHT AND OTHER TRAFFIC RESTRICTIONS

Sections:

10.18.020 Restricting use of Certain Streets and/or
Segments of streets

10.18.020 Restricting use of Certain Streets and/or Segments of streets.

The governing body may restrict use of certain streets, and/or segments of streets, within the municipality by certain class, definition, or kind of traffic when such traffic, in the opinion of the governing body, poses a threat to other classes or kinds of traffic, pedestrians, or neighborhood residents. All such restrictions shall be made by resolution and will be clearly posted at the entrance to the street or part thereof affected by these regulations.

4. REPEALER. All ordinances, resolutions, and zoning maps of the City, or parts thereof inconsistent herewith, are hereby repealed, but only to the extent of such inconsistency. This repealer shall not be construed as reviving any law, order, resolution or ordinance or part thereof.

5. DECLARATION OF SEVERABILITY. Should any provision, clause, or paragraph of this ordinance or the application thereof to any person or circumstance be declared by a court of competent jurisdiction to be invalid, in whole or in part, such invalidity shall not affect the other provisions or applications of this ordinance, the zoning map, or the Hyrum City Municipal Code to which these amendments apply. The valid part of any provision, clause, or paragraph of this ordinance shall be given independence from the invalid provisions or applications and to this end the parts, sections, and subsections of this ordinance, together with the regulations contained therein, are hereby declared to be severable.

6. EFFECTIVE DATE. This ordinance shall become effective upon posting three(3) copies in three (3) public places within Hyrum City.

7. ADOPTION. This ordinance is hereby adopted and passed by the Hyrum City Council this 3rd day of August, 2023.

Hyrum City

BY: _____
Stephanie Miller
Mayor

ATTEST:

Stephanie Fricke
City Recorder

Posted: _____