

ORDINANCE 24-05

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 15 of the Hyrum City Municipal Code sets forth regulations governing buildings and construction within the municipal limits, including requirements for garbage dumpsters on construction sites; and

WHEREAS, current code does not set conditions for placement of garbage dumpster on construction sites which have been creating maintenance issues with resurfacing, plowing, cleaning roads, and utility repairs in public right-of-ways; and

WHEREAS, many dumpsters do not have markings making them difficult to be seen during night or poor visibility conditions cause safety hazards; and

WHEREAS, upon recommendation by Hyrum City Staff the Hyrum City Council has determined there is a need to amend and revise Section 15.08.095 to require a permit for the placement of garbage dumpsters on construction sites to prevent restricting the public right-of-way.

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

AN ORDINANCE AMENDING SECTION 15.08.095 CONSTRUCTION DEPOSITS - LOT IDENTIFICATION OF THE HYRUM CITY MUNICIPAL CODE TO REQUIRE CONSTRUCTION SITES TO HAVE A GARBAGE DUMPSTER PERMIT AND SETTING CONDITIONS FOR PLACEMENT OF GARBAGE DUMPSTER ON CITY RIGHTS-OF-WAY.

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

1. Section 15.08.095 of Chapter 15.08 of Title 15 of the Hyrum City Municipal Code is hereby amended as follows:

**15.08.095 Construction Deposits - Lot Identification**

A. To ensure repair of any and all damage to city property, including but not limited to, damage to sidewalks, curb and

gutters, roadways, utility systems, etc., Hyrum City requires a construction deposit for new residential or new commercial construction and residential and commercial remodel. The Hyrum City Council sets the Construction Deposit fee by resolution and such deposit will be refunded in whole or in part following final inspection and completion of landscaping requirements as required in the landscaping ordinance. All or part of the deposit may be forfeited to repair damage to city infrastructure occurring during construction in addition to failure to supply waste containment and/or occupation of building prior to receiving certificate of occupancy.

- B. Before a building is occupied a final inspection must be made and a Certificate of Occupancy given. Violation of this item will result in the forfeiture of the Contractor Deposit. All subdivision improvements must be completed, or approval given by the City Engineer, before occupancy permits will be issued for any dwellings.
- C. A garbage dumpster is required at each construction site. Violation of ~~this~~ these requirements will result in the forfeiture of all or a portion of the Contractors Deposit.
  - 1. The dumpster shall be stored on private property.
  - 2. This dumpster shall not be stored on an accepted city street or within the right of way of an accepted street without a permit issued by the City Engineer or their designee. The permit shall be for a period not to exceed XX days. The permit shall be accompanied by an exhibit detailing the placement of the dumpster.
    - a. Accepted city street means a road that has been built and dedicated for public travel and has completed the necessary warranty period.
    - b. The applicant will be charged a one-time application fee in an amount set by resolution of the City Council. The Hyrum City council may, at its discretion, establish fees by resolution for permits. Until such resolution is adopted, no fees shall be assessed.

3. If placed in any road whether accepted or not, the dumpster shall:

a. Possess reflective decals and/or be marked with traffic delineators sufficient to not constitute a driving hazard appropriate to the driving conditions.

b. Not obstruct traffic or be placed in the traveled way.

c. Never restrict the travel of emergency vehicles.

d. Be subject to winter parking restrictions.

D. The street address and lot number must be prominently posted on construction site. Construction may not begin and utility services will not be provided until address is posted. (Ord. 08-06; Ord. 05-16)

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.

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 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.

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

ADOPTION. This ordinance is hereby adopted and passed by the Hyrum City Council this 16<sup>th</sup> day of May, 2024.

HYRUM CITY

BY: \_\_\_\_\_  
Stephanie Miller  
Mayor Pro-Tempore

ATTEST:

\_\_\_\_\_  
Stephanie Fricke  
City Recorder

Posted: \_\_\_\_\_