

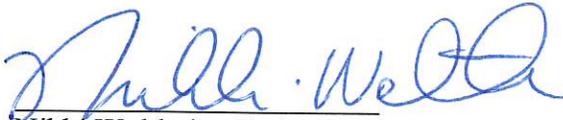


ORDINANCE ACTION

TO: Huntsville Town
FROM: Huntsville Town Council
DATE: July 31, 2024
RE: Ordinance 2024-6-20 Amendments to Title 14
Transportation Code

The Huntsville Town Council approved Ordinance 2024-6-20 with various amendments to Title 14 Transportation Code.

This ordinance reinforces OHV use and routes, allows for toll roads, clarifies snowplow procedures, and adds a Jake Brake noise ordinance for HWY 39. A copy of the ordinance can be found on our website and at the Town Hall.



Nikki Wolthuis, Clerk

**HUNTSVILLE TOWN
ORDINANCE 2024-6-20**

TRANSPORTATION CODE

AN ORDINANCE OF HUNTSVILLE TOWN, UTAH, REPEALING AND RE-ENACTING TITLE 14 OF THE HUNTSVILLE TOWN CODE TO BE ENTITLED “TRANSPORTATION CODE”; SEVERABILITY; AND PROVIDE AN EFFECTIVE DATE.

WHEREAS, Huntsville Town (hereafter “Town”) is a municipal corporation, duly organized and existing under the laws of the state of Utah;

WHEREAS, *Utah Code Annotated* §10-8-8, 1953 as amended, authorizes the Town to “lay out, establish, open, alter, widen, narrow, extend, grade, pave or otherwise improve streets”;

WHEREAS, *Utah Code Annotated* §10-8-11, 1953 as amended, empowers the Town to regulate “the use of streets, avenues, alleys, sidewalks, crosswalks, parks and public grounds, prevent and remove obstructions and encroachments thereon, and provide for the lighting and sprinkling of the same”;

WHEREAS, *Utah Code Annotated* §10-8-84, 1953 as amended, grants the Town broad authority to provide for safety and preserve health, and promote prosperity, improve morals, peace and good order, comfort, convenience, and for the protection of property;

WHEREAS, *Utah Code Annotated* §10-8-60, 1953 as amended, grants the Town broad authority to declare what shall be a nuisance, abate the same, and to impose fines for such nuisances;

WHEREAS, the Town is the “Highway Authority” under state law for certain roads within its jurisdiction;

WHEREAS, the Town Council desires to adopt a “Transportation Code”;

NOW, THEREFORE, be it ordained by the Town Council of Huntsville, Utah as follows:

Section 1: Repealer. Any word, sentence, paragraph, or phrase inconsistent with this Ordinance is hereby repealed and any reference thereto is hereby vacated.

Section 2: Adoption. Title 14 is hereby repealed and re-enacted to read as follows:

**Title 14
Transportation**

Chapters:

- 14.01 General Provisions**
- 14.03 Traffic Control Regulations**
- 14.05 Operational Restrictions**
- 14.07 Winter Snow Removal**

- 14.09 Speed Limits**
- 14.11 Towing and Impound**
- 14.13 Stopping and Parking Regulations**
- 14.15 Pedestrians**
- 14.17 Penalties and Procedures**

**Chapter 14.01
General Provisions**

Sections:

- 14.01.010 Definitions.**
- 14.01.020 Highway Authority.**
- 14.01.030 Applicability.**
- 14.01.040 Traffic Control Devices.**
- 14.01.050 Motor Vehicle Code.**

14.01.010 Definitions.

In addition to the definitions of the municipal code, this Chapter adopts the applicable definitions set forth in Title 72 and Title 41 of the Utah Code Annotated.

1. "Director" means the Public Works Director of the Town.
2. "Road" means any street, highway, alley, or other similar term identifying transportation along a right-of-way, whether dedicated or prescriptive. Depending on the context or state law, road may be limited to roads where the Town is the highway authority, or all roads in the Town.
3. "Town" means the municipal corporate limits of Huntsville, Utah.

14.01.020 Highway Authority and Administration.

The Town is the highway authority for all roads under its jurisdiction. This Title is administered by the Director and may require in collaboration with the Mayor, Town Council, Town Engineer or any consultant employed by the Town as the case may be.

14.01.030 Applicability.

All vehicles using the roads in the Town shall be subject to the provisions of this Title. This Title also applies to every person operating a transportation device, or utilizing an animal upon a roadway, except for those that by their nature have no application.

14.01.040 Traffic Control Devices.

The Director, who may consult with the Town Engineer, shall install and maintain traffic control devices as necessary to carry out the provisions of this Title or otherwise regulate, warn, or guide traffic. Traffic control devices should generally conform to the most current publication of the Manual on Uniform Traffic Control Devices (MUTCD), published by the Federal Highway Administration (FHWA), as adapted and applied by the Town.

14.01.050 State Motor Vehicle Code.

The provisions of Title 41 and Title 76, Utah Code Annotated, as amended, are hereby adopted and incorporated herein by this reference as part of the Huntsville Town Code as if set forth fully herein, except those statutory references that do not come within the jurisdiction of the classification of the Town under state law, or the jurisdiction of the justice court designated by the Town.

**Chapter 14.03
Traffic Control Regulations**

Sections:

- 14.03.010 Compliance with Traffic Control Devices.**
- 14.03.020 Unauthorized Signs or Devices Prohibited.**
- 14.03.030 Obstruction Prohibited.**
- 14.03.040 Crosswalks, Safety Zones, and Traffic Lanes.**
- 14.03.050 One-Way Roads.**
- 14.03.060 Size, Weight, and Route Restrictions.**
- 14.03.070 Truck Routes.**
- 14.03.080 Limited Access Roads and Toll Roads.**
- 14.03.090 Dynamic Braking Devices.**

14.03.010 Compliance with Traffic Control Devices.

Subject to the exceptions granted drivers of authorized emergency vehicles, no person shall disobey the instructions of any applicable traffic control device placed in accordance with this Title unless otherwise directed by an appropriate law enforcement officer. Traffic control devices must be properly installed and maintained at the time and place of the alleged violation in order to be enforceable. Each traffic control device must be sufficiently legible, visible and understandable by a reasonable person.

14.03.020 Unauthorized Signs and Devices Prohibited.

The accumulation of non-traffic signs or devices can distract drivers, cause accidents, injuries, and otherwise threaten public safety. Any sign, signal, light, or marking is determined to be a public nuisance may be abated or removed without notice to the owner. No person shall place, maintain or display upon or in view of any road any sign, signal, light, marking or other device:

1. That purports to be, imitates or resembles an official traffic control device, railroad sign or signal, or authorized emergency flashing light.
2. That attempts to direct the movement of traffic.
3. That hides from view or interferes with the effectiveness of any official traffic device or any railroad sign or signal.
4. That is of such brilliant illumination and so positioned as to be in danger of blinding or dazzling a driver on any adjacent road.

14.03.030 Obstruction Prohibited.

1. **Obstructions Generally.** It is unlawful for persons owning or occupying property adjacent to any road to permit any tree, plant, shrub, sign, vehicle, fence, or other obstacle of any kind located on said property to block any traffic control device to the vision of oncoming motorists or to obscure the vision of oncoming traffic so as to constitute a traffic hazard. It is unlawful for anyone to place or plant any object beyond the property line in Town alleyways. The Director may determine, upon investigation, that a traffic hazard exists and notify the owner or occupant to immediately remove the hazard or allow up to ten (10) days for removal depending upon the severity of the obstruction.
2. **Repairs.** It is unlawful to conduct any vehicle service or make repairs of any kind in any right-of-way or road, except in case of a bona fide emergency.
3. **Mailbox Standards.** The following standards applies for the location and type of mailboxes and/or newspaper boxes (“boxes”) on the public right-of-way:
 - a. Location and material type shall conform with the current standard regulations of the Department of Transportation and the U.S. Postal Service.
 - b. The mailbox shall be positioned so as not to interfere or obstruct the flow of traffic and to avoid being damaged by snow plows and other vehicles.
 - c. Relocation by road construction shall meet current standards and regulation.
 - d. Boxes which constitute a traffic hazard shall be removed or altered by the owner to conform to current standards and regulations, such removal or alteration shall be at the expense of the owner.
 - e. The owner is subject to all liability related to boxes, including but not limited to: placement, construction materials, and maintenance.

14.03.040 Crosswalks, Safety Zones, and Traffic Lanes.

The Director may designate and maintain, upon appropriate investigation where there is particular danger to pedestrians, any crosswalks along with the applicable devices, marks, or lines upon the surface of the road. The Director may also establish safety zones of such kind and character and at such places as deemed necessary for the protection of the public. The Director may designate traffic lanes on roads at places deemed advisable.

14.03.050 One-Way Roads.

The Town Council may approve the Director to designate and mark roads as one-way, requiring that all vehicles thereon move in one specific direction.

14.03.060 Size, Weight, and Route Restrictions.

The current vehicle size and weight standards as set forth in state code apply to Town roads. The Director may upon designation and posting appropriate traffic control devices at each end of that portion of the road affected:

1. Prohibit the operation of vehicles upon any Town road or impose restrictions as to the weight of vehicles thereon for a period of time for a road project, emergency, or otherwise.

2. Prohibit the operations of vehicles on any Town road whenever such might be damaged by deterioration or climatic conditions.
3. Prohibit or limit the operation of trucks or commercial vehicles, including imposing weight limitations on certain roads and designating truck routes.
4. Review and issue travel permits on Town roads to move a vehicle restricted for weight and size where a written application is submitted, and good cause shown.

14.03.070 Truck Routes.

Subject to the appropriate traffic control device no commercial vehicle, semi-truck, or semi-trailer shall operate on any Town roads, except where the Town Council has approved a designated as a truck route or for local delivery within the Town.

14.03.080 Limited Access Roads and Toll Roads

The Town Council may approve the Director to designate and regulate limited-access roads and facilities. The Director may further prohibit or limit the use on limited access highway by pedestrians, animals, transportation devices, or traffic. A person operating a vehicle may not enter, exit, or cross a limited-access road, except at designated points where access is permitted. Barriers or fencing may be installed or maintained by the Director to prevent unauthorized access. No person may connect to or intersect with a limited access road or facility without approval of the Town Council.

Where necessary due to accelerated damage from greater than average use of a Huntsville road, said road may be declared a toll road by the Huntsville Town Council. The operator of a vehicle traveling on a Huntsville Town toll road shall pay the toll set by resolution of the Huntsville Town Council. The Huntsville Town toll may be instituted during any portion of the year when guilty of an infraction. Penalty set by resolution.

14.03.090 Noise Ordinance – Dynamic Braking Devices Restricted.

It is unlawful for any person to operate any motor vehicle with a dynamic braking device engaged on Town roads, except for the aversion of imminent danger. A dynamic braking device includes, but is not limited to: Jacob brake, engine brake, compression break, or other device used primarily on trucks for the conversion of the engine from an internal combustion engine to an air compressor for the purpose of braking without the use of wheel brakes. This section applies to State Route 39 subject to the state placement of signs under this noise ordinance.

**Chapter 14.05
Operational Restrictions**

Sections:

- 14.05.010 Operation Interference Prohibited.**
- 14.05.020 Negligent Collision.**
- 14.05.030 Transportation Devices.**

14.05.010 Operation Interference Prohibited.

No driver or other person shall engage in any conduct that interferes with the safe control and operation of a vehicle in motion.

14.05.020 Negligent Collision

It is unlawful to operate a vehicle with such lack of due care as to cause the same to collide with any vehicle, person, or object.

14.05.030 Transportation Devices.

1. Permitted Devices. In addition to duly licensed and registered motorized vehicles authorized on the Town road surface, the following are classified as “transportation devices” permitted to be operated on the public right-of-way within the Town:
 - a. Off-highway vehicle (OHV).
 - b. Golf cart.
 - c. Low-speed vehicle.
 - d. Motorized wheelchair.
 - e. Electric personal assistive mobility device.
 - f. Electric assisted or standard bicycle.
 - g. Motor assisted scooter.
2. Operation. The following applies to transportation devices:
 - a. The definitions and any regulations in state law apply to each specific transportation device.
 - b. Operator must be of sufficient age to properly operate a transportation device, and comply with applicable traffic regulations. A person under age 16 may not operate and an owner may not give that person permission to operate an OHV, golf cart, or class 3 electric bike on Huntsville streets or roads.
 - c. Transportation devices are prohibited on Huntsville roads and streets between the hours of 10 p.m. and 8 a.m. from March 1 to October 31, and
 - d. Transportation devices are prohibited on Huntsville roads and streets between the hours of 9 p.m. to 8 a.m. from November 1 to February 28 (February 29 during a leap year).
 - e. First Street or 100 South is excluded as a designated street for OHVs or other transportation devices but may be crossed to gain access to or from a private or public area designated for OHVs.
 - f. OHVs and other transportation devices except bicycles shall not be operated on shoulders of the roads or the verge, with the exception of snowmobiles when there is inadequate snow coverage on the street or road.
 - g. Operator assumes all risk and liability for operation of a transportation device.
 - h. OHVs, golf carts, and class 3 electric bikes shall not be operated on the sidewalk.
 - i. The Town Council may designate additional limitations by vote and will post signs for the additional requirements.

Chapter 14.07

Winter Snow Removal

Sections:

- 14.07.010 Snow Removal on Town Roads.**
- 14.07.020 Snow Removal on Sidewalks.**
- 14.07.030 Winter Parking Restrictions.**
- 14.07.040 Nuisance Vehicle.**
- 14.07.050 Interfering with Snow Removal.**

14.07.010 Snow Removal on Town Roads.

The Director is responsible for snow removal on Town roads, except where otherwise provided. Snow removal from roads is prioritized in the following order:

1. Arterial roads.
2. Collector roads.
3. Residential roads.

14.07.020 Snow Removal on Sidewalks and Private Property.

1. Responsibility. It is the responsibility of the abutting property owner to remove snow from sidewalks and driveway approaches accessing the road within twenty-four (24) hours of the end of a snowstorm event.

Placement. Snow from private property shall remain on private property. In clearing driveway openings, snow shall be placed on the same side of the street as the driveway opening where possible, so as not to restrict traffic movement or create a hazardous condition. Snow from the length of private driveways shall not be pushed onto a paved Huntsville Town street but must remain on private property or on the parking strip or within the shoulder of the Huntsville Town paved street so as not to impede the street traffic movement.

14.07.030 Winter Parking Restrictions.

It shall be unlawful for any person who owns or has possession, custody, or control of any vehicle, or other object, to park or place such item or property upon, or in, any street of the Town from October 31 to May 1 when snow removal is imminent. Prohibited hours of parking will be from 12 hours before the time of the projected arrival of an imminent snowstorm, as broadcast over any commercial radio or television station, and the time the streets have been plowed or otherwise treated by the Town. Parking may be additionally prohibited for snow removal purposes when determined necessary by Town or law enforcement personnel. This section shall not apply to authorized emergency personnel acting in the scope of their duties.

14.07.040 Nuisance Vehicle.

Law enforcement is hereby authorized to abate any vehicle, trailer, or object in violation of this Chapter by moving, removing, causing to be removed, or impound the same.

14.07.050 Interfering with Snow Removal.

When a Town official, employee, or contractor is engaged in snow removal on behalf of the Town, it unlawful for any person to:

1. Communicate a threat to commit an assault or any violent felony towards the snow plow operator, or another, in the course of the snow plow operator's duties.
2. Interfere, harm, injure, damage, or destroy the snow plow operator or their equipment.
3. Remove a snow plow operator from their vehicle, or remove any part, component, bolt, or piece from any snow plow equipment unless authorized to do so by the Town.

4. Place or maintain in place any obstruction, blockade, barrier, equipment, fence, object, item, or other change in, upon, or across the public right-of-way without first receiving written permission from the Town.
5. Stand or place any item on or in front of a snow plow operator in the course of their duties.
6. Throw or otherwise propel snow or any other substance or object at a snow plow operator in the course of their duties.
7. Otherwise inhibit or attempt to inhibit the operation of a snow plow operator in the course of their duties.

Chapter 14.09 Speed Limits

Section:

- 14.09.010 Speed Limits Established.**
14.09.020 Impeding Traffic.

14.09.010 Speed Limits Established.

The Director may establish speed limits in accordance with Utah Code 41-6a-603, as amended.

14.09.020 Impeding Traffic.

No person shall operate a vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation or because upon a grade or in compliance with law. The Director may determine and post a minimum speed limit on certain roads.

Chapter 14.11 Towing and Impound

Sections:

- 14.11.010 Declaration of Nuisance Vehicle.**
14.11.020 Towing Zones.
14.11.030 Procedure.

14.11.010 Declaration of Nuisance Vehicle.

In accordance with Utah Code §10-8-60, as amended, any vehicle described below is hereby

determined to be a public nuisance subject to immediate abatement by the Town or by law enforcement:

1. Any unattended vehicle stopped, stationed, or parked in violation of any of the provisions of this Title, or other law.
2. Any vehicle found upon the road with faulty or defective equipment.
3. Any vehicle left unattended upon any bridge, road, or other location in the Town where such vehicle constitutes an obstruction, hazard, or blocks access.
4. Any vehicle parked on a closed or restricted road.
5. Any vehicle parked in a road construction area where such vehicle constitutes an obstruction to the construction project.
6. Any disabled or inoperable vehicle on a road.
7. A vehicle the person or persons in charge of the vehicle are by reason of physical injury incapacitated to such an extent as to be unable to provide for its custody or removal.
8. A vehicle on public property that is not designated for parking or parked in public parking area more than twenty-four (24) hours.
9. Any vehicle on the road or public property where the person or persons in charge of the vehicle are taken into custody by a law enforcement under such circumstances as would leave such vehicle unattended.
10. Any vehicle found parked in such a manner to constitute a fire hazard or an obstruction to firefighting apparatus, including marked or reasonably identifiable hydrants.
11. Any vehicle that met the circumstances set forth in Utah Code §41-1a-1101, as amended.

14.11.020 Towing Zones.

In accordance with Utah Code §41-6a-1406, the Director may establish towing zones on applicable Town roads where necessary.

14.11.030 Procedure.

The removal, towing, and/or impoundment of any vehicle, trailer, or object by the Town, law enforcement, or towing agent shall be completed in accordance with the procedure of the applicable state law. Any applicable appeals may be made in accordance with the appeal procedure set forth in the Municipal Code or other applicable governing law.

**Chapter 14.13
Stopping and Parking**

Sections:

- 14.13.010 Traffic Control.**
- 14.13.020 Traffic Markings.**
- 14.13.030 Parking.**
- 14.13.040 Commercial Parking.**
- 14.13.050 Commercial Restrictions.**
- 14.13.060 Liability.**

14.13.010 Traffic Control.

The Director shall cause traffic control devices to be erected to regulate, warn, and guide all

types of traffic on Town roads.

14.13.020 Traffic Markings.

When appropriate traffic markings may be placed on the road or curb. Any person operating a vehicle shall comply with the appropriate traffic marking. Traffic markings are not required where signs are duly posted, unless required by applicable law. The Director is authorized to place and maintain appropriate traffic markings. Curb traffic markings apply as follows:

1. "Red" means no stopping, standing, or parking at any time.
2. "Yellow" means a restricted zone where stopping, standing, or parking are limited to certain times as designated.
3. "Blue" means parking for a person with a disability who has the proper display or license plate.
4. "White" means loading or unloading zone.

14.13.030 Parking.

The Director may place signs and/or markings on all Town roads to prohibit or restrict stopping, standing, or parking. The Director may also prohibit, restrict, or regulate the stopping, standing, or parking on any property the Town owns or operates. The following are prohibited from parking on any road at any time:

1. Any recreational vehicle, boat, or trailer of any kind.
2. Any dump truck, heavy equipment, or other object of any kind, except use for on a bona fide utility project, Town project, road project, or development permitted by the Town.

14.13.040 Commercial Parking.

1. Commercial Vehicles. No commercial vehicle, semi-truck, semi-trailer, or storage container shall be allowed to be parked on any road for a period in excess of two (2) hours, except while actually loading or unloading.
2. Location. No commercial vehicle with a rated capacity of one and one-half (1½) tons or more, or in excess of eighteen thousand (18,000) pounds gross vehicle weight shall be parked on any road closer than thirty (30) feet to any driveway, unless it is the driveway being serviced.
3. Presumption. For the purposes of this Section a commercial vehicle is deemed parked, even when the motor is running, if the commercial vehicle is left unattended by the driver for more than fifteen (15) minutes, except when unloading or loading.

14.13.050 Commercial Restrictions.

It is unlawful to park any vehicle or trailer of any kind on any road for the purpose of displaying it for sale or commercial advertising.

14.13.060 Liability.

Where any vehicle is illegally parked it constitutes a rebuttable presumption that the registered owner was in control of the vehicle at the time it was parked.

**Chapter 14.15
Pedestrians**

Sections:

- 14.15.010 Driver Caution.**
- 14.15.020 Crossings.**
- 14.15.030 Right-of-Way.**
- 14.15.040 Standing Prohibited.**

14.15.010 Driver Caution.

Every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any road, shall give warning by sounding the horn when necessary, and shall exercise proper precaution upon observing any pedestrian, transportation device, animal, or other object on any road.

14.15.020 Crossings.

Each intersection is considered a crosswalk regardless of whether marked or unmarked, or whether traffic control is in operation or not in operation. The driver of a vehicle shall yield the right-of-way, slow down, and/or stop if necessary to permit any pedestrian to cross the road within a crosswalk. Pedestrians shall not suddenly leave a curb or other place of safety to walk or run into traffic where it is impossible for the driver to yield. If any vehicle is stopped at a crosswalk or intersection to permit a pedestrian to cross the road, the driver of any other vehicle approaching shall not overtake and pass the stopped vehicle on any side.

14.15.030 Right-of-Way.

Every pedestrian crossing a road at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall do so only if no crosswalk exists within a reasonable distance to the desired point of crossing. When so crossing, the pedestrian shall yield the right-of-way to all vehicles upon the roadway.

14.15.040 Stopping or Standing Prohibited.

The Director may designate a pedestrian "Limited Access Area" to restrict or prohibit pedestrian traffic from stopping, standing, or loitering where public safety necessitates.

**Chapter 14.17
Penalties and Procedures**

Sections:

- 14.17.010 Violation Penalties.**
- 14.17.020 Procedures.**

14.17.010 Violation Penalties.

Any violations of this Title where governed by state law shall be in accordance with the penalties prescribed by the applicable state law. All other violations of this Title shall be an "infraction" subject to a fine not to exceed \$1,000, or the applicable bail schedule as applied by the applicable court. The penalties and procedures in this Title do not apply to public officials or employees in the course of their duties or where otherwise permitted by law.

14.17.020 Procedures.

Any person who violates this Title may be issued a citation or information for the violation(s) subject to the procedure afforded by law and the applicable court. The penalties and procedures in this Title do not apply to public officials or employees in the course of their duties or where otherwise permitted by law

Section 3: Severability. If a court of competent jurisdiction determines that any part of this Ordinance is unconstitutional or invalid, then such portion of this Ordinance, or specific application of this Ordinance, shall be severed from the remainder, which remainder shall continue in full force and effect.

Section 4: Effective date. This Ordinance take effect immediately as provided by law.

PASSED AND ADOPTED by the Town Council on this 10 day of July, 2024.



RICHARD SORENSEN, Mayor



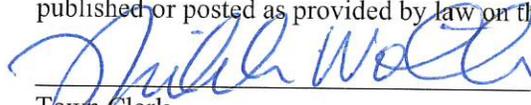
ATTEST:


Town Clerk

RECORDED this 31 day of July, 2024.
PUBLISHED OR POSTED this 31 day of July, 2024.

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

In accordance with Utah Code Annotated §10-3-713, 1953 as amended, I, the Town Clerk of Huntsville Town, Utah, hereby certify that the foregoing Ordinance was duly passed and published or posted as provided by law on the date referenced.

 DATE: July 31, 2024
Town Clerk