

ORDINANCE NO. O-53-2025

AN ORDINANCE OF EAGLE MOUNTAIN CITY, UTAH, REPEALING AND REENACTING THE EAGLE MOUNTAIN MUNICIPAL CODE SECTION 15.10.280 RELATED TO TRAFFIC CONTROL AND ROAD CLOSURE PERMITS

PREAMBLE

WHEREAS, Eagle Mountain City has experienced recurring issues with construction activities in the public right-of-way, including unapproved closures, inadequate traffic control plans, insufficient notification, and improper or unsafe traffic control setups; and

WHEREAS, these issues have created safety concerns for residents, motorists, pedestrians, and school traffic, and have required significant staff time to respond to and correct non-compliant installations; and

WHEREAS, the City Council finds it necessary to update EMMC 15.10.280 to establish a formal Traffic Control and Road Closure Permit process to ensure proper planning, advance approval, notification, and consistent traffic control standards; and

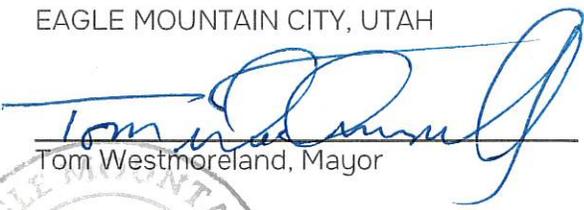
WHEREAS, the proposed amendment assigns responsibility to the permittee for maintaining compliant traffic control, regardless of subcontractor performance, and provides enforcement measures to support compliance and protect public safety.

BE IT ORDAINED by the City Council of Eagle Mountain City, Utah:

1. **Repeal and Reenactment.** Eagle Mountain Municipal Code Section 15.10.280 is hereby repealed in its entirety and reenacted as set forth in **Exhibit A**, incorporated herein by reference, to establish a Traffic Control and Road Closure Permit and associated requirements.
2. This Ordinance shall take effect upon its first posting or publication.

ADOPTED by the City Council of Eagle Mountain City, Utah, this 18th day of November, 2025.

EAGLE MOUNTAIN CITY, UTAH


Tom Westmoreland, Mayor

ATTEST:


Gina L. Olsen
City Recorder

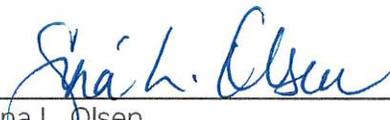


CERTIFICATION

The above ordinance was adopted by the City Council of Eagle Mountain City on the 18th day of November, 2025.

Those voting yes:	Those voting no:	Those excused:	Those abstaining:
<input checked="" type="checkbox"/> Donna Burnham	<input type="checkbox"/> Donna Burnham	<input type="checkbox"/> Donna Burnham	<input type="checkbox"/> Donna Burnham
<input checked="" type="checkbox"/> Melissa Clark	<input type="checkbox"/> Melissa Clark	<input type="checkbox"/> Melissa Clark	<input type="checkbox"/> Melissa Clark
<input checked="" type="checkbox"/> Jared Gray	<input type="checkbox"/> Jared Gray	<input type="checkbox"/> Jared Gray	<input type="checkbox"/> Jared Gray
<input checked="" type="checkbox"/> Rich Wood	<input type="checkbox"/> Rich Wood	<input type="checkbox"/> Rich Wood	<input type="checkbox"/> Rich Wood
<input checked="" type="checkbox"/> Brett Wright	<input type="checkbox"/> Brett Wright	<input type="checkbox"/> Brett Wright	<input type="checkbox"/> Brett Wright





Gina L. Olsen
City Recorder

Posted on January 7, 26 by LM.

Exhibit A

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<input type="checkbox"/> Brett Wright			

Gina L. Olsen
City Recorder

Posted on _____ by _____.

Exhibit A



Section 15.10.280 – Traffic Control and Road Closures

A. Permit Required.

It shall be unlawful to perform any road closure, lane closure, lane shift, lane reduction, sidewalk/trail work, or shoulder work within the public right-of-way without first obtaining a traffic control and road closure permit from the City. A permit is required for any activity impacting public travel, access, or circulation, including temporary or partial closures. Any violation of this section shall be a class B misdemeanor.

B. Traffic Control Plan and Application Submittal.

1. A traffic control plan shall be submitted to the City for review and approval no less than seven (7) calendar days prior to any scheduled work within the public right-of-way.
2. All traffic control plans shall comply with the most recent edition of the Utah MUTCD and applicable City standards.
3. Work shall not commence until the City has reviewed and approved the traffic control plan and issued a permit.
4. Notification of the City Engineer, or designee, shall be provided a minimum of three (3) business days (Monday through Friday) prior to the start of the activity. Example: If work is scheduled to begin on a Monday, notification must be provided no later than the preceding Wednesday.
5. Contractors shall be responsible for maintaining approved traffic control in good working order and in compliance with applicable standards for the duration of the work.

C. Permit Fees.

1. A non-refundable base application fee shall be charged for each permit.
2. The base fee shall cover up to fourteen (14) calendar days of permitted closure activity.
3. A weekly occupancy fee shall be assessed for each additional week, or portion thereof, beyond the initial fourteen (14) calendar days.
4. The base and occupancy fees shall be established by resolution of the City Council and set forth in the City's Consolidated Fee Schedule.
5. Permit fees shall be paid in full prior to permit issuance. Additional occupancy fees for extended durations may be invoiced during or after project completion.
6. Fee Adjustments. The City may, at the sole discretion of the City Engineer or designee, waive or reduce permit fees for projects that are limited in scope, duration, or impact and do not materially affect traffic operations, roadway capacity, or public access. Any such fee adjustment shall be documented in the permit file and shall not set precedent for future projects.
7. Permit OVERRUNS. If the duration of work, road closure, or lane impact will exceed the approved permit duration, the permittee shall be required to file for a permit extension prior to the expiration of the original permit. The original base application fee shall be waived for such extensions; however, the permittee shall be responsible for all applicable additional weekly occupancy fees as set forth in the City's Consolidated Fee Schedule. If work continues beyond the approved permit duration without an approved extension, the permittee shall be subject to:



- a. Assessment of additional weekly occupancy fees for the overrun period; and
- b. A penalty of \$1,000 per location per day, which may be invoiced or deducted in accordance with Section E and F of this code.
- c. Additional overrun fees may be assessed and invoiced after the fact by the City Engineer or designee. Failure to pay such fees or penalties within thirty (30) calendar days shall constitute a violation of this section and may result in stop-work orders or denial of future permits.

D. Notification and Compliance.

1. Any road or lane closure, lane shift, lane reduction, sidewalk/trail work, or shoulder work requires prior approval and payment of applicable fees.
2. The contractor is responsible for timely communication with the City regarding all traffic control activities, including any changes to approved schedules or conditions in the field.
3. In the event that traffic control devices are displaced, damaged, worn, or rendered ineffective due to severe weather conditions, the contractor shall inspect and restore all devices to proper working order within twelve (12) hours. If the displacement creates an immediate hazard, the contractor shall respond as soon as practicable to mitigate the hazard.
4. The permit shall be kept on site and made available for inspection at all times.
5. Detour and Shoulder Traffic Responsibility. When traffic is detoured from the primary travel lane to an alternate route, including shoulders, side streets, or temporary bypasses, the contractor shall be responsible for maintaining the condition of the detour route for the full duration of the closure. The contractor shall furnish all materials, equipment, and labor necessary to ensure the detour remains safe, passable, and drivable for all users, including passenger vehicles, trucks, and emergency vehicles. This includes, but is not limited to, grading, dust control, pothole repair, and temporary surfacing. Failure to maintain the detour route or temporary shoulder traffic surface in a safe and drivable condition shall constitute a violation of this section and shall be subject to penalties as outlined in Section E.

E. Penalties for Non-Compliance.

1. It shall be unlawful to perform any road closure, lane closure, lane shift, lane reduction, sidewalk/trail work, or shoulder work within the public right-of-way in violation of an approved traffic control plan or this section.
2. Written warning. For a first-time or minor violation of this section, the City may, in its discretion, issue a written warning to the contractor in lieu of an immediate penalty or criminal prosecution. The written warning shall identify the nature of the violation, the location, and the corrective action required. The contractor shall correct the violation within twenty-four (24) hours of issuance, or within a timeframe determined by the City based on the severity of the violation. If the violation is not corrected within the required timeframe, or if similar violations occur thereafter, monetary penalties shall be assessed in accordance with this section.
3. Monetary penalties. A penalty of \$1,000 per location per day may be assessed for each violation of traffic control or road closure requirements.
4. Definition of "Location." For purposes of penalty calculation under this section, a 'location' shall mean:



- a. Each intersection impacted by traffic control measures; or
 - b. Each continuous segment of roadway not exceeding five hundred (500) feet in length.
 - c. Multiple impacted intersections or segments shall each constitute a separate location for the purposes of penalty calculation.
5. Clarifying Location Examples. Examples of separate locations may include, but are not limited to:
- a. Each intersection or approach with a lane closure or shift;
 - b. Each 500-foot segment of roadway under closure or traffic control; and
 - c. Separate shoulders or travel directions impacted along the same corridor.
6. There shall be no maximum penalty limit per project; each location and each day shall constitute a separate and distinct violation.
7. Notification of Penalties. The City shall notify the contractor of each violation within three (3) business days of the violation by email, accompanied by photographic evidence documenting the violation at each location. Each day that the condition persists shall constitute a separate and distinct violation.
8. Penalties may be assessed in addition to any other remedies available to the City, including suspension or revocation of permits, issuance of stop work orders, or recovery of actual costs incurred by the City.
9. Unauthorized Obstruction of the Right-of-Way.

It shall be unlawful to obstruct or block any public road, lane, sidewalk/trail, or shoulder area without prior authorization under a valid traffic control permit. Such obstructions include, but are not limited to, stockpiling of materials, parking or staging of construction vehicles or equipment, delivery vehicles, or any other activity that restricts public travel or access. For a first-time or minor violation of this subsection, the City may issue a written warning in accordance with Section E.2 (Written Warning). If the violation is not corrected within the required timeframe or if subsequent violations occur, monetary penalties shall be imposed in accordance with Section E (Penalties for Non-Compliance). Following the issuance of a written warning, any continued or repeated obstruction shall be subject to a penalty of \$1,000 per location per day. Each day and each location of unauthorized obstruction shall constitute a separate violation, and penalties may be invoiced or deducted in accordance with the provisions of Section E and Section F of this code.

F. Payment of Penalties.

1. All penalties assessed under this section shall be due and payable to the City within thirty (30) calendar days of issuance of notice of violation or penalty invoice.
2. If payment is not received within the required time frame, the City may, at its sole discretion:
 - a. Deduct the penalty amount from any payments, reimbursements, or other funds owed to the contractor;
 - b. Withhold or reduce any future payments on the project; or
 - c. Pursue recovery of the penalty amount through legal action or other lawful means.
3. Deduction or withholding of penalty amounts shall not be considered retainage and shall not relieve the contractor of its obligation to pay all penalties in full.
4. All penalty payments shall be separate and in addition to any retainage, fees, or other contractual obligations related to the project.



G. Additional Enforcement Provisions.

1. **Contractor Responsibility.** For the purposes of this section, “contractor” or “responsible party” shall mean the permittee, contractor, subcontractor, utility company, or any other entity performing work within the public right-of-way. The permittee shall be responsible for compliance with this section by all parties performing work under the authority of the permit.
2. **MUTCD Compliance.** Traffic control devices shall be installed, maintained, and operated in accordance with the latest edition of the Utah MUTCD at all times. Failure to maintain compliance shall constitute a violation under this section.
3. **City Authority to Correct.** If the contractor fails to correct noncompliant or unsafe traffic control within the required time frame, the City may, at its discretion, deploy its own resources or a third party to remedy the condition. All associated costs shall be billed to the contractor and may be deducted from any project funds or pursued through other legal means.
4. **Stop Work Orders.** In addition to any penalties assessed, the City may issue an immediate stop-work order for any project it finds to be in violation of this section when the violation poses a threat to public safety. Work may not resume until all deficiencies have been corrected to the satisfaction of the City.
5. **Coordination with Other Projects.** All work and traffic control activities shall be coordinated with adjacent projects, utilities, and developments to minimize overlapping impacts. Failure to coordinate resulting in unsafe or conflicting traffic control may be considered a violation under this section.
6. **Appeal Process.** Any contractor or permittee who receives a penalty notice may submit a written appeal to the City Engineer or designee within ten (10) business days of the notice. The appeal shall be made in writing and filed with the City Engineer. The appeal shall contain the date(s) of the violation(s), the location(s) of the violation(s), and the signature of the appellant. The appellant shall file a statement of all facts, reasons, and legal authority in support of the appeal. The City Engineer shall issue a written decision granting or denying the appeal and stating the grounds for denial and evidence relied upon.