

The Regular Meeting of the
Brian Head Town Council
www.zoom.us (link)
Via Zoom Meeting ID# 847 4193 8295

TUESDAY, OCTOBER 27, 2020 @ 1:00 PM

AGENDA

- A. CALL TO ORDER**
- B. PLEDGE ALLEGIANCE**
- C. DISCLOSURES**
- D. APPROVAL OF THE MINUTES: October 13, 2020, Town Council Meeting**
- E. REPORTS / PUBLIC INPUT ON NON-AGENDA ITEMS. Public input is limited to three (3) minutes.**
- F. AGENDA ITEMS**
 - 1. PUBLIC ART PIECE SURVEY RESULTS & DISCUSSION.** Bret Howser, Town Manager. The Council will review a survey for a public art piece for Brian Head Town.
 - 2. FOOD TRUCK DISCUSSION.** Bret Howser, Town Manager. The Council will hold a discussion on food trucks in Brian Head.
 - 3. CODE ENFORCEMENT DISCUSSION ON CONTRACTORS & PROPERTY OWNERS BUILDING/WORKING WITHOUT A PERMIT.** Wendy Dowland, Public Works. The Council will discuss enforcement options for contractors and property owners for building/working without the proper permits.
 - 4. DISCUSSION ON PROPOSED AMENDMENTS TO TITLE 8-3-3, WORKING WITHIN THE TOWN RIGHTS-OF-WAY EXEMPTION.** Aldo Biasi, Public Works Director. The Council will discuss a proposed amendment to the Town Code allowing an exemption to work within the Town rights-of-way after October 15th.
 - 5. POTENTIAL FUTURE AGENDA ITEMS.** The Council will discuss potential items for future agendas.
- G. ADJOURNMENT**

Date: October 23, 2020

Available to Board Members as per Ordinance No. 11-003 authorizes public bodies, including the Town, to establish written procedures governing the calling and holding of electronic meetings at which one or more members of the public board may participate by means of electronic communications. In compliance with the Americans with Disabilities Act, persons needing auxiliary communications aids and services for this meeting should call Brian Head Town Hall @ (435) 677-2029 at least three days in advance of the meeting.

CERTIFICATE OF POSTING

I hereby certify that I have posted copies of this agenda in three conspicuous locations; The Mall, Post Office, and the Brian Head Town Hall and have posted copies on the Utah Meeting Notice Website and the Brian Head Town website and have caused a copy of this notice to be delivered to the Daily Spectrum, a newspaper of general circulation.

Dated this 23rd day of October 2020.



Nancy Leigh, Town Clerk





STAFF REPORT TO THE TOWN COUNCIL

SUBJECT: Public Art Piece Survey Results & Discussion
AUTHOR: Nancy Leigh, Town Clerk
DEPARTMENT: Administration
DATE: October 27, 2020
TYPE OF ITEM: Discussion

SUMMARY:

Staff will present results from a recent survey asking the residents their thoughts on a public art piece located somewhere in Town that would draw visitors to Brian Head. The Council will discuss whether to direct staff to move forward with a request for proposals for an art piece for Brian Head.

BACKGROUND:

During the Fiscal Year 2020 Strategic Planning Retreat, Council identified an action step to solicit the public for ideas for a public art piece for the Town. This was an effort to boost the local economy. Another action step was identified to issue a request for proposals (RFP) for the art piece.

ANALYSIS:

Staff created a survey that was sent to the residents, property owners, and business owners asking them three questions:

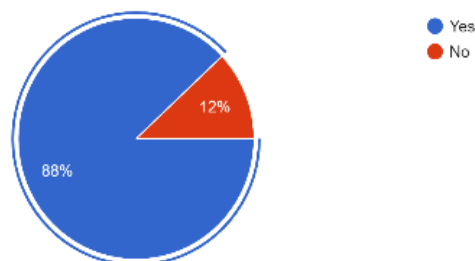
1. Do you feel Brian Head's local economy might benefit from a public art piece or program?
2. Where should a public art piece be located? We identified two locations: Bristlecone Pond/Park and the meadow south of Town Hall along with an option for other locations.
3. What do you see the art piece looking like? What are your creative suggestions for a unique public art piece or program for Brian Head? This is where we let the public submit their suggestions.



Below are the survey results as of Thursday, October 22, 2020. Staff will update the Council with any new survey information during Tuesday's Council meeting.

Question 1:

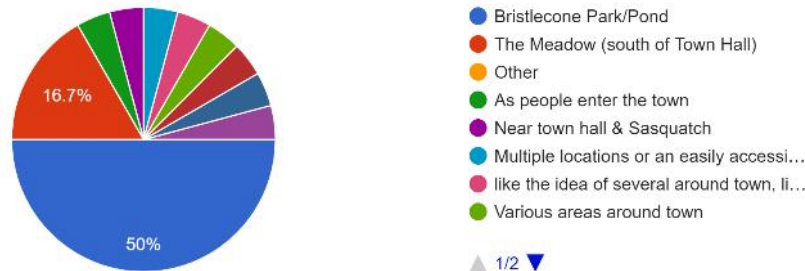
Do you feel Brian Head's local economy might benefit from an iconic public art piece or program?
25 responses



Question 2:

Where should a public art piece be located?

24 responses



Question 3:

What do you see the art piece looking like? What are your creative suggestions for a unique public art piece or program for Brian Head?

This question received 24 responses in which we have summarized:

1. Animals such as sculptures, painted and made from recycled materials located at multiple locations.
2. Recreation pieces such as large skis, snowboards, and wagons that could be interactive for the public and in multiple locations.
3. Signage that lets people know that Brian Head is a year-round resort town.
4. Sculptures that are made from recycled materials or breath fire and/or erupt fire at certain times.
5. Giant cuckoo clocks using a local bird instead of the traditional bid. An interactive clock tower.
6. Chair lift with four chairs representing the four seasons of recreation.
7. A giant snowflake windmill that produces electric power.
8. Ski – Snowboard trees with chair lifts by each.
9. Arch made of old skis.
10. Historic backdrop with old school ski lifts to sit on.
11. Chairs/benches with skis as backrests made from cast and each chair highlight one of Brian Head's unique recreational features.
12. The old steam engine from Steam Engine Meadows subdivision.
13. Statutes of a hiker, skier,
14. Some do not believe we need anything or the money to be spent on more important projects.

The entire survey is attached if you would like to read all of the comments.

FINANCIAL IMPLICATIONS:

N/A

BOARD/COMMISSION RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends the Council direct staff to issue an RFP for an art piece. Council will need to determine what type of art piece they would like to see.

PROPOSED MOTION:

No motion necessary. Direction to staff for an RFP.

ATTACHMENTS:

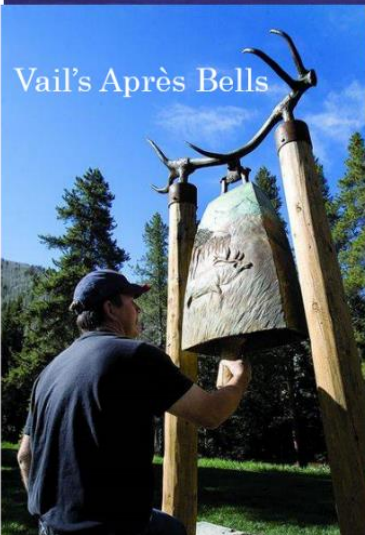
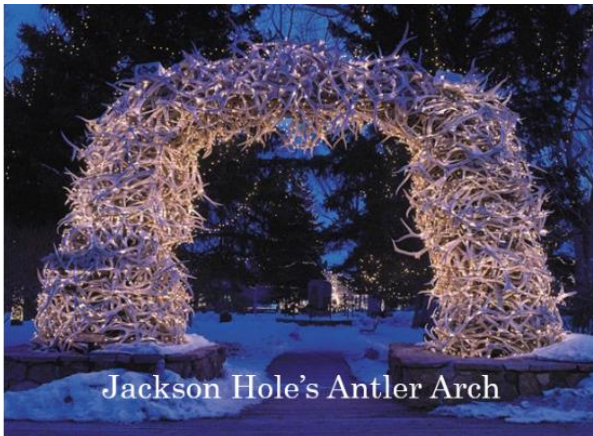
A – Public Art Piece Survey Results

Help us Sculpt a More Scenic Brian Head

The Brian Head Town Council recently reviewed several potential economic development initiatives the Town might consider to make the area more attractive for visitors. One such idea was to commission a public art piece that would be iconic in nature – something that inspire selfies that will be splashed all over social media and make people think, “I’ve got to go to Brian Head and see that...”

Some of examples would include: A prime example would be Jackson Hole’s Antler Arch – a staple on postcards and selfies for many decades. But other examples are more interactive, such as Vail’s Après Bells – which are spread out over town and are tied to a tradition of ringing in après ski each afternoon in the ski season. Park City’s “Moose on the Loose” involves several moose sculptures all over town (some dressed up, some with murals painted on them, and some of which change locations from time to time).

This survey is to help us determine if some kind of public art effort might work in Brian Head. We’re looking for creative ideas for an iconic art piece that would make Brian Head unique from other cities and resorts, something that will draw the visitors to visit Brian Head. To get some creative juices flowing, we listed some examples of what other cities/resorts have done, but don’t let that stop you from coming up with something altogether different. We’re looking for all types of ideas:



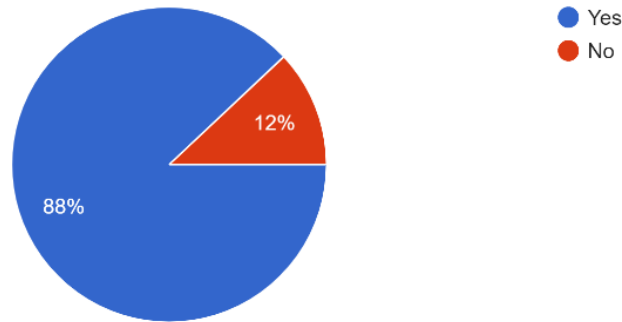
Now that we have your attention, we would love for you to share some of your ideas with us to help us come up with an iconic artwork that is uniquely Brian Head.

Survey Questions:

Question 1:

Do you feel Brian Head's local economy might benefit from an iconic public art piece or program?

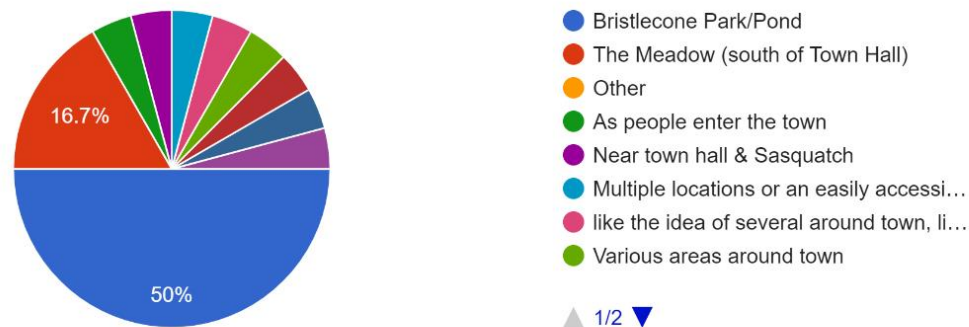
25 responses



Question 2:

Where should a public art piece be located?

24 responses



Question 3:

What do you see the art piece looking like? What are your creative suggestions for a unique public art piece or program for Brian Head?

24 responses

- Deers? Moose? Bears? A local animal?
- Many towns have large painted animals. For example, West Yellowstone has painted buffalos throughout the town. Others have painted horses. In Oregon, they have painted seals. Everyone here loves our foxes so what if we had different painted fox sculptures around town. One at the pond, one at giant steps, one at Navajo?
- I suggest we do something related to the night sky - out of all the things "Brianhead", Cedar Breaks and the crystal-clear night sky are unique in the world - thanks for asking...
- a sculpture which represents biking, skiing, and hiking
- A single piece won't do anything, but many pieces will provide another reason to visit
- A large bald eagle soaring over Brian Head Peak looking down over the quaint family centered town of Brian Head
- Sheep, sheep farming is a historic part of the mountain so something to do with sheep.

- My kids would love to see a giant Sasquatch that's made entirely out of recycled material. If not a Sasquatch, they said whatever is made should be constructed from recycled material. What a fun project for the city
- how about a huge pair of skis standing 50 ft high. They would be crisscrossed. People could stand under them and take photos. Ok maybe 30 FT.
- Something that promotes the fact that we are at such a high altitude. That's something people would post on social media. Like possibly something that says "highest xxx in the xxx". Then "ski-ride-hike-bike-camp-paddle-fish-EXPLORE! So people know we are year round and there's something for everyone to do. That's just a simple (and very affordable) sign idea. For art, I think something similar to what they have in Cedar City and Parowan, where they have things like the wagons and other settler type pieces would be cool and keeping in the spirit of the local area. Make them big and something people can climb up on and get inside of. Let them be in multiple places throughout town and have each one lead to another and let there be a story that gets told as you move from piece to piece. Have them lit up at night so they glow and attract attention even in the evening. Maybe the lights create shadows that spell something out. Maybe the story is of a local Indian tribe instead and there is a big tee pee without the material and a giant animal they may have worshipped (or eaten) at the next stop, then a huge horse or weapon...you get the point. Or, maybe go the energy route and have some type of energy centering sculpture or a make a wish medallion you lay in or burn the paper with your worries on it eternal flame - all large. Maybe do all 3 in different places. It's about creating an identity and campaign we can market and then having the art pieces play into that. Are we a settlers or Indian town or an energy force town (think Taos) or something else. What's our identity? What would attract people? Our resources are the stuff listed above - our altitude and the plethora of activities that we offer YEAR ROUND. Maybe focus on how Brian Head allows for amazing ACTION based activities and we market it like ACTIVATE , ELEVATE, REJUVENATE yourself in Brian Head, Utah! Activities for everyone, year round! Get out! Get activated! in Brian Head, UT. Focus your energy on fun! Create our identity as THE ENERGY CENTER OF UTAH! Use those all as the tag lines for the City over the course of a 10 year marketing campaign. Always listing the numerous activities we offer (beyond just seasonal skiing) so people see or hear it in every ad. Maybe the pieces are interactive sculptures that are themed around activate, elevate, and rejuvenate. Like the activate one is some type of energy themed sculpture where it looks like you're holding a lightening bolt when you take the picture at certain times of the day based on where the sun is (but always looks great), and the elevate one makes you look like you're sitting on a huge cliff just from the camera angle, and the rejuvenate is...I'm out of ideas for that one, but again, you get the picture. All with the city's name and marketing. Maybe the three words get symbols assigned and those are part of the logo for the City. The art pieces and the City identity that is created by them should be something that attracts people from all over. Like because of the highest peak we have a special ENERGY in Brian Head where you find your natural self through activities, family time, and relaxation. Focus a lot on family time as that's something we have over larger places like Park City or Vegas (the closets competitors for the families expendable income). People never get quality family time in those locales because there is never any down time. A stand alone piece that would be a huge hit is large sculpture of something that breathes fire or erupts fire at certain times of the day/week but also looks cool when it's not. Maybe it shoots out lasers instead of fire (downside to lasers is they are only fun at night). Maybe lasers at night and fire during the day to save on cost. Like the giant fire breathing praying mantis that is at the entrance to Downtown Container Park in Las Vegas. It gets ENORMOUS social media posts. Tony Hsieh re-developed that part of Downtown Las Vegas and brought the fire breathing sculpture from Burning Man. He has just relocated to Park City, UT buying up a bunch of businesses and over \$100 million in real estate there. It will be fun to see what his impact is on Park City, creatively and commerce wise. Make sure the sculptures or whatever the pieces that are eventually created are able to be mobile (like disconnected and moved on a trailer if need be, even if a crane is needed) just in case a new location is chosen for them eventually. ***As a side note, can someone work on some type of activity or show plan for 4th of July now, so that if fireworks get cancelled people still come up the mountain to celebrate? It's such a huge weekend for Brian Head but commerce gets impacted when fireworks get cancelled. People will stop making Brian Head a family 4th of July destination each year if there isn't something special happening to allow kids and adults to celebrate somehow without fireworks. Think along the lines of a large glow parade using glow sticks. Or hire the legitimate laser company out of Salt Lake City to create a laser show each year (a better effort than the last attempt). Multiple ski resorts already hire the company for 4th of July laser shows. Or even something simple like colored spotlights on the mountain creating a show. Or lit up drones from a drone show company. Or a glow parade night ride on the chairlifts for a few hours where the chair lifts are all light up glowing. Even something like "the worlds biggest 4th of July BBQ would help, and would raise money. With judging of the different BBQ trucks or vendors. Like a 4th of July food truck fest even that culminates in a concert of patriotic songs only at 9pm. Even if people can't see the concert they'll be able to hear the music throughout town. Heck why not just do a small fair entry 4th with small rides and stuff? We have the numbers of people coming up the mountain that day, why not let the City make a bunch of money off of it? Just anything to make the evening of the 4th have ANY kind of

special event culmination as a community in the event fireworks are cancelled. Cut the exceptionally long fireworks show in half (everyone' would still be really happy and would get used to it after the first year) to fund the backup activity. All just random thoughts that were train of thought and written down as quickly as they came. Thank you all SO much for what you do for our town!

- Something interactive
- Bronze Snowboarder, Biker, and Hiker
- A giant clock, possibly a giant cuckoo clock (maybe using a local bird like the clarks nutcracker) that is mechanized like the ones they have in Europe. It becomes a spectacle at certain times of the day that people will travel far to see. See <https://theculturetrip.com/europe/germany/articles/the-most-famous-cuckoo-clocks-in-germany/> <https://www.greatvaluevacations.com/travel-inspiration/famous-clocks-of-europe>
- Interactive art Like a clock tower you can climb to top and take selfies of the views. Or Art that will be interesting in winter or summer like a snowflake windmill that produces Electric power.
- a short chair lift with 4 chairs with representatives of the 4 seasons; i.e. Mtn. bikers, skiers, hikers, fishermen etc.
- something local, like red rocks, bristlecone, aspen or sheep
- Ski -snowboard trees (shape like pine/Xmas tree) maybe with lift chairs by each for photos
- A GIANT old-fashioned chair lift (branded with Brian Head) 2) An arch made of a variety of old skis (similar to Jackson Hole's antler arch) 3) A number of stag statues — each one different, painted by local Utah artists — placed throughout town.
- Unique historic backdrop with old school ski lift to sit on for pictures
- I don't think we need one
- I think the money could be spent for more important projects
- Chairs and/or benches with skis as a backrest, these should be cast and not wood. Each chair should highlight one of Brian Head's unique features (skiing, hiking, fishing, hunting, snowboarding, etc.)
- We need more shops :/ something for the non-sporty... coffee shop, boutiques, more restaurants. Everyone is always asking for these things. I LOVE what you guys did with the pond and the trail around it, it's wonderful Thank you
- How is this artwork being paid for? Has someone donated money for the project or are we (the taxpayers) the ones footing the bill?
- Maybe a Huge chairlift that folks could sit on and take photos. Something like "Edith-Ann" from the Lily Tomlin days



STAFF REPORT TO THE TOWN COUNCIL

SUBJECT: Code Enforcement Discussion – Owner vs Contractor
AUTHOR: Wendy Dowland
DEPARTMENT: Building / Administration
DATE: October 27, 2020
TYPE OF ITEM: Discussion

SUMMARY:

The Town Council will discuss procedures regarding owners and/or contractors doing work without a required permit.

BACKGROUND:

Staff was asked to research whether or not the property owner should be held responsible and cited for working without a permit or if the contractor should be the one responsible and cited for working without a permit.

ANALYSIS:

Staff contacted Cedar City, Iron County and St. George regarding how they address someone working without a permit. In all cases, the jurisdiction places a stop work order on the property and the owner or contractor is charged 2x the fee (or more) when the proper permit is obtained. Work may not resume until a permit is issued.

According to Utah state law, *if there is a contractor on the job, it is his or her responsibility to obtain the proper permits and handle any inspections.* It is important to understand that if an owner hires a contractor and obtains the permit themselves, the owner is liable for the work being done and not the contractor. If an owner hires a contractor, he should ensure that the proper permits and inspections are being done in order to avoid delayed consequences (insurance claim denial, resell disclosure, or additional taxes imposed by assessor). If anything is built that does not comply with zoning ordinances or building codes, the Town can order that the work be demolished or levy a fine on the project.

If a contractor is caught working without the proper licensing, a claim should be filed with the Department of Occupational Licensing (DOPL) for investigation and disciplinary action.

FINANCIAL IMPLICATIONS:

N/A

BOARD/COMMISSION RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Discussion Item

PROPOSED MOTION:

No motion necessary, discussion item.

ATTACHMENTS:

None



STAFF REPORT TO THE TOWN COUNCIL

SUBJECT: Discussion on Code Amendment to Title 8-3-3 Building Development – Working within the Rights-of-Way
AUTHOR: Aldo Biasi, Public Works Director
DEPARTMENT: Public Works
DATE: October 27, 2020
TYPE OF ITEM: Discussion

SUMMARY:

The Council will discuss proposed changes to the Town Code, Title 8, Building and Development Regulations, Chapter 3, Excavations, Encroachments, and Structures within Rights of Way. Section 8-3-3 (listed under attachments) which defines the winter season for the construction of underground utilities inside the Town Right of Way. Staff is recommending changes to this section of the code for clarification purposes and flexibility for both staff and contractors.

BACKGROUND:

Due to the extent of the mild weather (which is changing quickly), the staff has been approached by contractors asking if they could be permitted to extend their work season in Town's rights-of-way past the current cutoff date of October 15th. In the past, due to this section, the staff has not granted any extensions of digging in the rights-of-way past the cutoff date unless deemed an emergency. Although, it has been generally understood that the Public Works Director or his/her designee would be able to override this code and allow digging depending on weather or other circumstances. The following section of Town Code Title 8-3-3 states:

No permits for road excavations or other excavations within ten feet (10') of the edge of the Town road shall be issued during the winter season, except in emergency situations. For the purposes of this section, "winter season" begins October 15 of each year and ends on May 15 of the succeeding year

ANALYSIS:

Due to the increase of construction on the mountain, staff recommends making the following changes to the Code:

No permits for road excavations or other excavations within ten feet (10') of the edge of the Town ~~road~~ rights-of-way shall be issued during the winter season (October 1st to May 15th succeeding year), except in the following situations

- Emergency situations that are threatening life or destruction of property.
- Approval of an extension by the Public Work Director or his/her designee. Extensions will be made on a case by case basis, which will include requirements that the contractor must adhere to (such as a schedule of work).
- All permits must be submitted and approved no later than September 30th if a contractor wishes to extend work into the winter season.
- All extended work must be completed no later than October 15th unless approval has been granted to continue past the cutoff date.

- All permits (normal and extensions) can be revoked if deemed necessary by the Public Works Director or his/her designee with a 24-hour notice to the contractor.

These proposed changes to the Town Code will give staff the flexibility to work with contractors on years such as this one where there has been a good run of mild weather and would also give staff a way to stop work easier if the weather is changing earlier than September 30th. By changing the dates and requiring extension applications to be submitted by September 30th it will remind Contractors that they have work to finish on the Mountain before winter. All normal permits that are working in the Town's rights-of-way will be required to be completed by September 30th.

FINANCIAL IMPLICATIONS:

N/A

BOARD/COMMISSION RECOMMENDATION:

N/A

STAFF RECOMMENDATION:

Staff recommends Council direct staff to make the following changes to the Town Code listed above and bring back an ordinance for adoption.

PROPOSED MOTION:

Discussion item only.

ATTACHMENTS:

A - Town Code Title 8-8-3: (current)

Title 8 – Building & Development Regulations

Chapter 3

EXCAVATIONS, ENCROACHMENTS AND STRUCTURES WITHIN RIGHTS OF WAY

8-3-1: COMPLIANCE, PERMIT REQUIRED:

8-3-2: EXCEPTION FOR EMERGENCY CONDITIONS:

8-3-3: WINTER SEASON:

8-3-4: APPLICATION FOR PERMIT:

8-3-5: TERM OF PERMIT:

8-3-6: FEES:

8-3-7: COMPLETION BOND:

8-3-8: ENGINEERING STANDARDS AND REQUIREMENTS:

8-3-9: SUPERVISION AND INSPECTION:

8-3-10: FAILURE TO COMPLY:

8-3-11: PENALTY:

8-3-1: COMPLIANCE, PERMIT REQUIRED:

- A. It shall be unlawful for any person, firm, public utility or corporation to place, make, enlarge or change any excavation, driveway, encroachment or structure within the right of way of any town road without complying with the provisions of these regulations and obtaining a permit as provided for herein.
- B. It shall be unlawful, and punishable as provided for herein, to make any excavation or to place any encroachment or structure in any town right of way not described in the approved permit application or which exceeds in size the dimensions, or which does not conform to the conditions described in said application. (Ord. 07-014, 11-13-2007)

8-3-2: EXCEPTION FOR EMERGENCY CONDITIONS:

Emergency excavations and encroachments may be commenced without prior permit if the reason for the excavation or encroachment is to prevent loss of life or damage to property which appears to be imminent if the action is delayed by waiting to secure said permits. In such emergency situations, those making the excavation or encroachment must contact the Public Works Director's office and/or the town engineer's office at the earliest possible time, but in no case later than the first working day following the emergency work in order to secure a formal

permit. None of the provisions of these specifications are waived for emergency situations except for the prior permit requirement. (Ord. 07-014, 11-13-2007)

8-3-3: WINTER SEASON:

No permits for road excavations or other excavations within ten feet (10') of the edge of a town road shall be issued during the winter season, except in emergency situations. For the purposes of this section, "winter season" begins October 15 each year and ends May 15 of the succeeding year. (Ord. 07-014, 11-13-2007)

8-3-4: APPLICATION FOR PERMIT:

Applications for all permits shall be made by the person, firm, public utility or corporation actually doing the work. Applications for all permits shall be made to the Public Works Director's office as provided, and shall describe the excavation, encroachment, structure or driveway, and shall have a drawing of the location of the intended excavation, encroachment, structure or driveway, the pertinent dimensions thereof, the purpose therefor, the person, firm, public utility or corporation doing the actual work, and the name of the person, firm, public utility or corporation for whom or by which the work is being done, and shall contain an agreement that the applicant will comply with all ordinances and laws of the town and the state relating to the work to be done. A traffic control plan, conforming to the manual of uniform traffic control devices (MUTCD), shall be submitted with all applications which involve excavations within a town road right of way. The application shall also provide for an agreement that the applicant shall indemnify the town for any loss, liability or damage that may result from or because of the making, placement, existence or manner of guarding or constructing any such excavation, encroachment, structure or driveway. (Ord. 07-014, 11-13-2007)

8-3-5: TERM OF PERMIT:

All permits issued pursuant to these regulations shall be valid for a period of sixty (60) days from issuance, except that no permit shall extend into the winter season as outlined in section [8-3-3](#) of this chapter. A copy of the permit issued shall be made available by the applicant at all times when work is under way. (Ord. 07-014, 11-13-2007)

8-3-6: FEES:

A review fee, in the current amount as identified in the consolidated fee schedule, shall accompany each application for a permit, unless other fee payment arrangements have been approved by the town. (Ord. 07-014, 11-13-2007)

8-3-7: COMPLETION BOND:

- A. Required: Applicants shall provide a completion bond to the town in the amount as identified in the consolidated fee schedule at the time the permit is approved. This may be cash, a letter of credit from an FDIC insured financial institution, or a corporate surety bond. The bond shall be valid for a period of two (2) years from the date of the construction inspection to guarantee that the condition of any permit, together with any restorative works, is completed properly (the "guarantee period"). The bond will be released upon recommendation of the town engineer and/or the Public Works Director.
- B. Continual Annual Bond: Applicants for permits may secure a continual annual bond in lieu of separate bonds for each excavation. Applications for continual bonds shall be made before December 31 of each year and shall be valid for the next calendar year and be valid for a period of two (2) years.
- C. Exception: Those public entities which are regulated by the state public service commission are exempt from the bonding requirements of this section, but shall still be required to obtain a permit prior to making any excavation. (Ord. 07-014, 11-13-2007)

8-3-8: ENGINEERING STANDARDS AND REQUIREMENTS:

Specific engineering standards and requirements for the enforcement of these regulations are attached to ordinance 07-014 and on file in the town office. (Ord. 07-014, 11-13-2007; amd. 2010 Code)

8-3-9: SUPERVISION AND INSPECTION:

- A. Required: The Public Works Director, or his designee, shall from time to time inspect, or cause to be inspected, all work done pursuant to permits to ensure compliance with the provisions of these regulations. Notification shall be given to the Public Works Director, or his designee, at least twenty four (24) hours prior to the commencement of any work. The completion bond shall not be released until an inspection shows compliance with all applicable provisions of these regulations.
- B. Driveway Encroachments: Driveway encroachments require the following inspections to ensure compliance with the standards set out in these regulations:
 - 1. Staking Inspection: A stake or marker shall be placed at each corner of the encroachment as it intersects the road or street, and at each intersection of the driveway as it crosses the right of way or easement line. The front property corners shall also be set and marked with survey markers. This inspection is required prior to the encroachment permit being approved. The Public Works Director's office must receive at least twenty four (24) hours' notice prior to requested inspection.
 - 2. Rough Grade Inspection: An inspection of the rough grade driveway is required prior to receiving a footing inspection by the building department. The driveway must be graded

to a point that the inspector can determine compliance with these regulations and the land management code. The footing elevation/garage floor elevation must be established prior to requesting an inspection. The Public Works Director's office must receive at least twenty four (24) hours' notice prior to requested inspections.

3. Pre-surfacing Inspection: An inspection of the driveway is required prior to surfacing (soft or hard) the driveway to determine compliance with these regulations and the land management code. In no case can a certificate of occupancy be issued without the pre-surfacing inspection, and the driveway being in compliance with this chapter and the land management code. (Ord. 07-014, 11-13-2007)

8-3-10: FAILURE TO COMPLY:

In the event of failure on the part of any person, firm, public utility or corporation to comply fully with the provisions of these regulations, law enforcement authorities and/or the Public Works Director are authorized to:

- A. Initiate action by citation or information under section [8-3-11](#) of this chapter and/or proceed to forfeit the bond; or
- B. Remove such encroachment, driveway or structure from the right of way or require such person, firm or corporation to remove the same; or
- C. Give written notice to such person, firm, public utility or corporation to remove such encroachment, driveway or structure from the right of way. Such notice may be served either by personal service or by mailing the notice to the person, firm, public utility or corporation by registered mail and posting a copy thereof on such encroachment, driveway or structure for a period of ten (10) days. If such encroachment, driveway or structure is not removed within ten (10) days after the notice is complete, said authorities may remove the same at the expense of the person, firm or corporation and recover costs and expenses, and also the sum of one hundred dollars (\$100.00) for each day the same remained within the right of way after notice was complete, in an action for that purpose; or
- D. If such person, firm, public utility or corporation disputes or denies the existence of such encroachment, driveway or structure, or refuses to remove or permit its removal, said authorities may bring an action to abate the same as a nuisance, and if judgment is recovered by said authorities, there shall also be recovered, in addition to having the same abated, the costs of action and the sum of one hundred dollars (\$100.00) for every day such nuisance remained within the right of way after notice was given for its removal in the manner provided in subsection B of this Section; or
- E. Revoke, suspend, terminate, impose conditions on, or modify, in whole or in part, any permit issued to such person, firm, public utility or corporation. (Ord. 07-014, 11-13-2007)

8-3-11: PENALTY:

Any person who violates the provisions of this chapter is guilty of a class C misdemeanor and a one hundred dollar (\$100.00) fine per day. Each day of a continuing violation shall be deemed a separate offense. (Ord. 07-014, 11-13-2007)