

CITY OF MOAB ORDINANCE NO. 2019-22

An ordinance authorizing the City to require a traffic control plan and authorizing the City to recover its costs for traffic control associated with events, construction activities, or other activities affecting public rights-of-way

The following describe the intent and purpose of this ordinance:

- a. The City has seen an increase in activities that are likely to impact public rights-of-way. As construction and public events have increased, so too have traffic impacts.
- b. The City has a compelling public interest to assure pedestrian, bicyclist, and motorist safety, and to prevent dangerous conditions from affecting public rights-of-way.
- c. Pursuant to U.C.A. § 10-8-11 and § 10-8-69 municipalities have the authority to regulate activities that affect public streets.
- d. The City finds that this ordinance is necessary to prevent traffic hazards and threats to public safety.

THEREFORE, the Moab Municipal Code is amended with the adoption of the following new section.

10.4.260 Traffic Control Plan, Cost Reimbursement.

A. As used in this section, a responsible person means a property owner, contractor, developer, event sponsor, or other person engaging in activity that is likely to impact public rights-of-way or likely to cause pedestrian, bicycle, or motor vehicle safety problems.

B. If, in the judgment of the City, construction activities, events, or other activities are likely to generate significant impacts on traffic, public safety, or public rights-of-way the City may require that responsible persons submit a Traffic Control Plan (TCP), or City staff may generate its own TCP. If applicable, a TCP may be combined with an encroachment or excavation permit, as authorized by MMC 13.08.090, special event permits under MMC Title 4, or with other permits issued by the City.

C. TCP requirements may include, but are not limited to: flaggers; signage; parking restrictions; barricades; striping; altered speed limits; one-way streets; traffic signals; lighting; limitations upon access or turning movements; limitations on the timing of activities; or such other measures or requirements as may reasonably address the impacts of any activity within or adjacent to public rights-of-way.

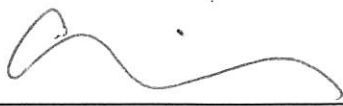
D. The City Engineer may review, modify, or approve a TCP as dictated by the circumstances. An approved TCP shall be in writing and issued to the responsible person. Once approved, responsible persons performing activities within or adjacent to public rights-of-way shall comply with all requirements of the TCP.

E. Responsible persons performing activities within or adjacent to public rights-of-way shall procure and continuously maintain those traffic control measures mandated by the TCP. If a responsible person subject to a TCP should fail or refuse to comply with its terms the City, in addition to all other remedies provided in this Chapter, may: i) elect to implement traffic control measures and the responsible person(s) shall be liable to reimburse the City for all such implementation costs; and/or ii) if applicable, issue notice and revoke other permits (e.g. building permits, special event permits, or the like) associated with the activity. Prior to invoking such remedies the City shall deliver written notice to the responsible person(s) identifying the violation(s) and allowing that party a reasonable period of time of not less than five (5) days in which to cure or abate the problem. No written notice or cure period is required in the case of conditions that present an immediate risk to public health or safety.

F. In addition to, or in lieu of other remedies under this Chapter, the City may maintain a civil action against all responsible persons to recover all of its actual costs associated with implementing or assuring compliance with a TCP. In any civil action the City shall be entitled to recover its reasonable attorney fees and court costs in addition to monetary or other relief.

This ordinance was approved by the affirmative vote of a majority of the City Council on August 13, 2019. This ordinance will take effect immediately upon passage.

City of Moab

By:  _____

Emily Niehaus, Mayor

Attest:

By:  _____

Sommar Johnson, Recorder

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Date