

**CITY OF SARATOGA SPRINGS
CITY COUNCIL WORK SESSION
Tuesday, February 7, 2017 - 6:30 P.M.**

City of Saratoga Springs City Offices
1307 North Commerce Drive, Suite 200, Saratoga Springs, Utah 84045

CITY COUNCIL WORK SESSION AGENDA

1. UDOT Redwood Road Widening Discussion Re:
 - a. Relocation of the existing “Pioneer Crossing” sign;
 - b. Possibility of allowing night and weekend work during various phases of construction.
2. Agenda Review:
 - a. City Council policy agenda items.
 - b. Future City Council policy and work session agenda items.
3. Adjourn to Policy Session.

SARATOGA SPRINGS

Councilmembers may participate in this meeting electronically via video or telephonic conferencing.
The order of the agenda items are subject to change by order of the Mayor.

In compliance with the Americans with Disabilities Act, individuals needing special accommodations (including auxiliary communicative aids and services) during this meeting should notify the City Recorder at 766-9793 at least one day prior to the meeting.

SR-68; Saratoga Springs to Stillwater

SUBJECT: Noise Ordinance Exemption for Nighttime Highway Construction Work

OVERVIEW: UDOT is proposing to widen and reconstruct Redwood Road (SR-68), south of Pioneer Crossing, through Saratoga Springs under three separate contracts from 2017 to 2018 (see Attachment A). The project's will also construct a displaced left-turn/continuous flow intersection (CFI) at Pioneer Crossing and SR-68, install or modify signals, enhance active transportation, and resurface SR-68 south of Stillwater Drive for approximately 10 miles.

During the 2016 General Session, UDOT was granted the authority under Senate Bill 177 (see Attachment B) to coordinate exemptions with local government regarding noise policies or ordinances related to nighttime highway construction noise.

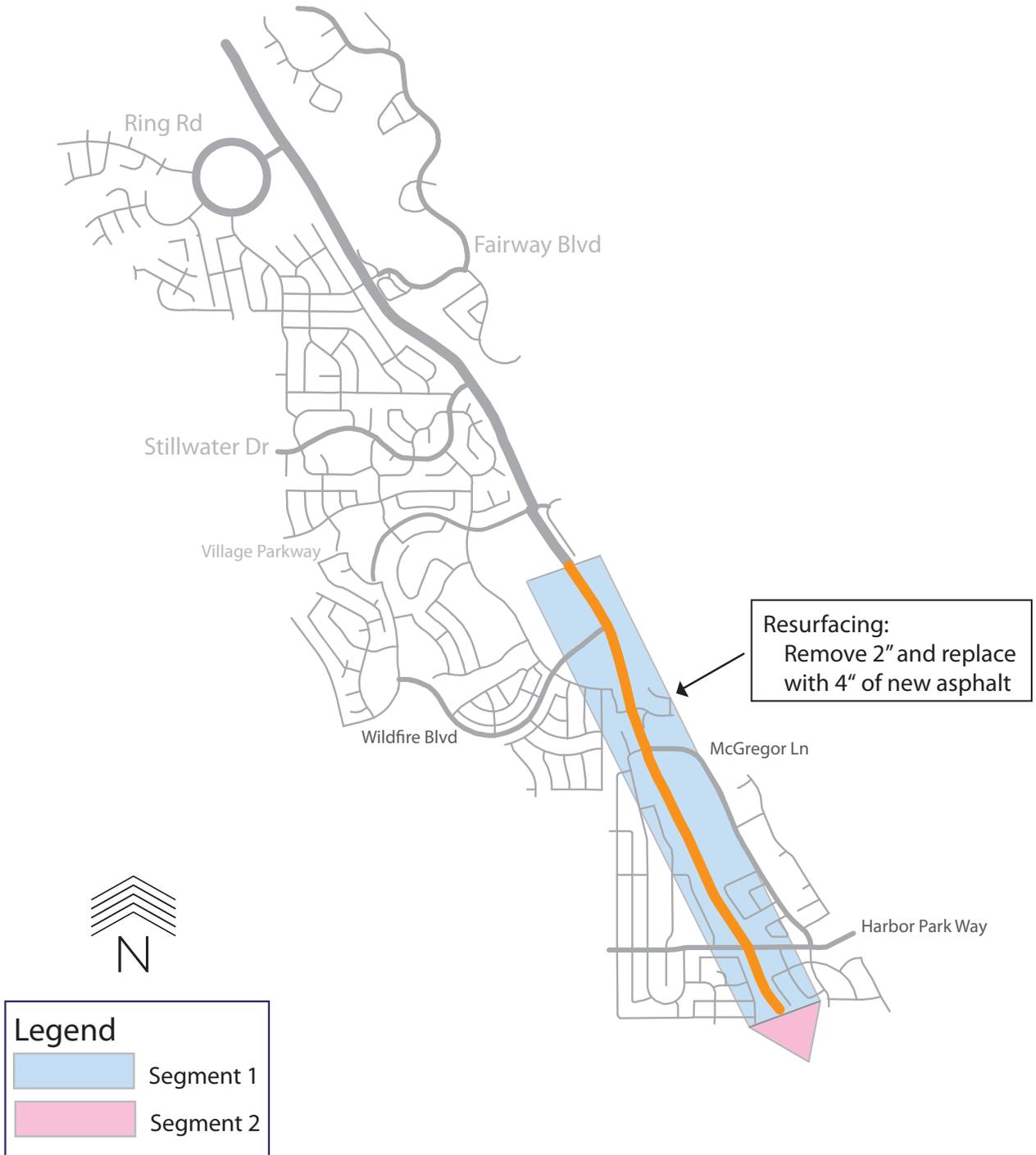
CONDITIONS: As SB 177 relates to this UDOT project (where the normal posted speed limit is below 55 miles per hour), UDOT will:

- a) Provide a minimum of a 48-hour written notice of construction activities to properties adjacent to the nighttime construction work.
- b) Establish that a net community benefit exists, including for motorists, to conduct nighttime construction activities for the roadway. The benefits for or this project will include:
 - i. Earlier completion of construction.
 - ii. A reduction of daytime traffic delays during construction.
 - iii. Improved safety for construction workers and the traveling public.
- c) Institute best management noise reduction practices determined by UDOT in consultation with Saratoga Springs, which would include:
 - i. Restrict saw cutting and jackhammering during nighttime construction work.

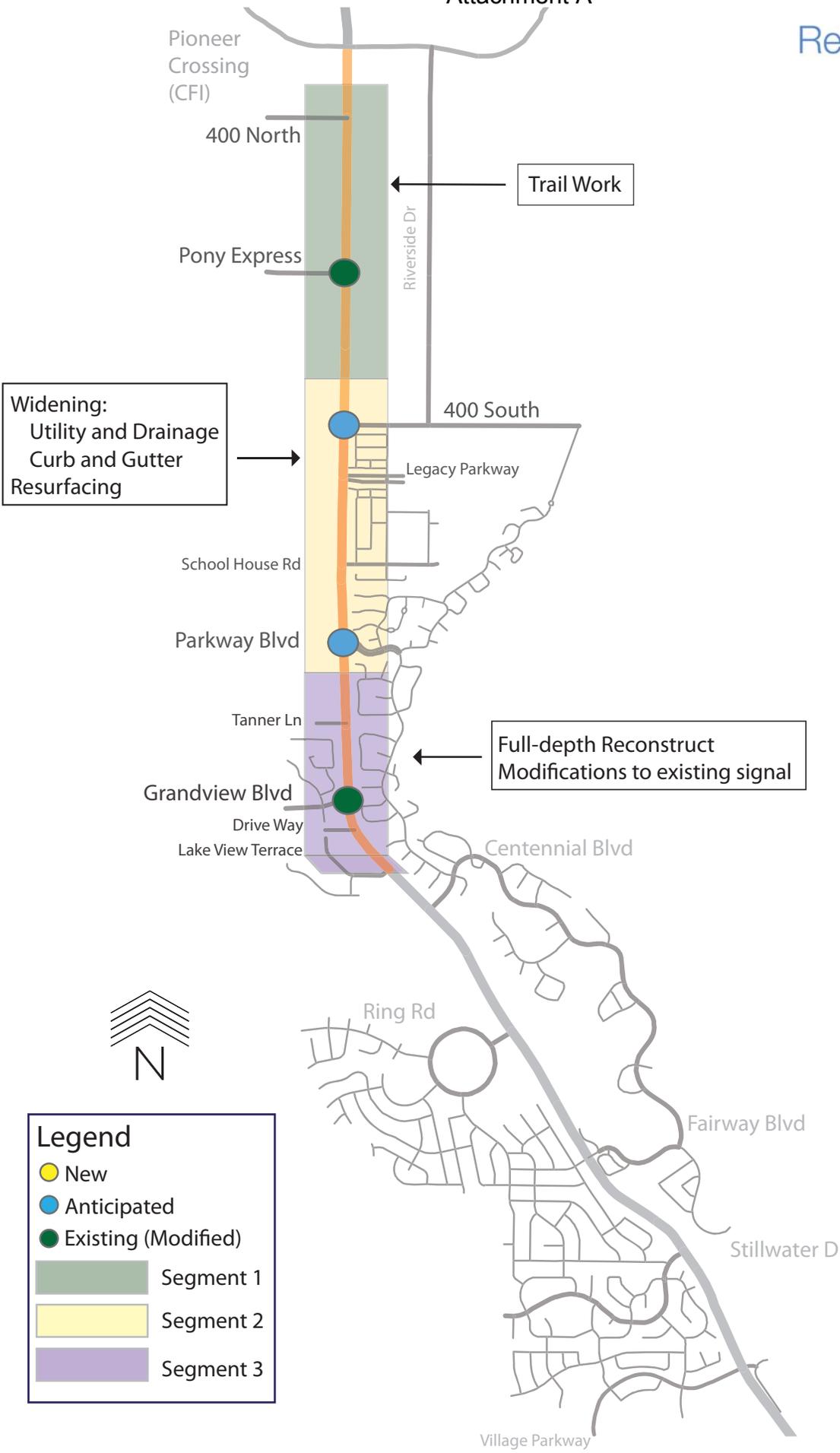
Additionally, UDOT proposes to brief the City Council regularly during active construction and provide updates regarding public feedback received.

ACTION: In accordance with SB 177 and the conditions listed above, UDOT seeks concurrence from the Saratoga Springs City Council to provide an exemption to and suspend the City noise ordinance (City Code 10.10.07; see Attachment C) for the duration of work under these three contracts.

Project 1



Attachment A



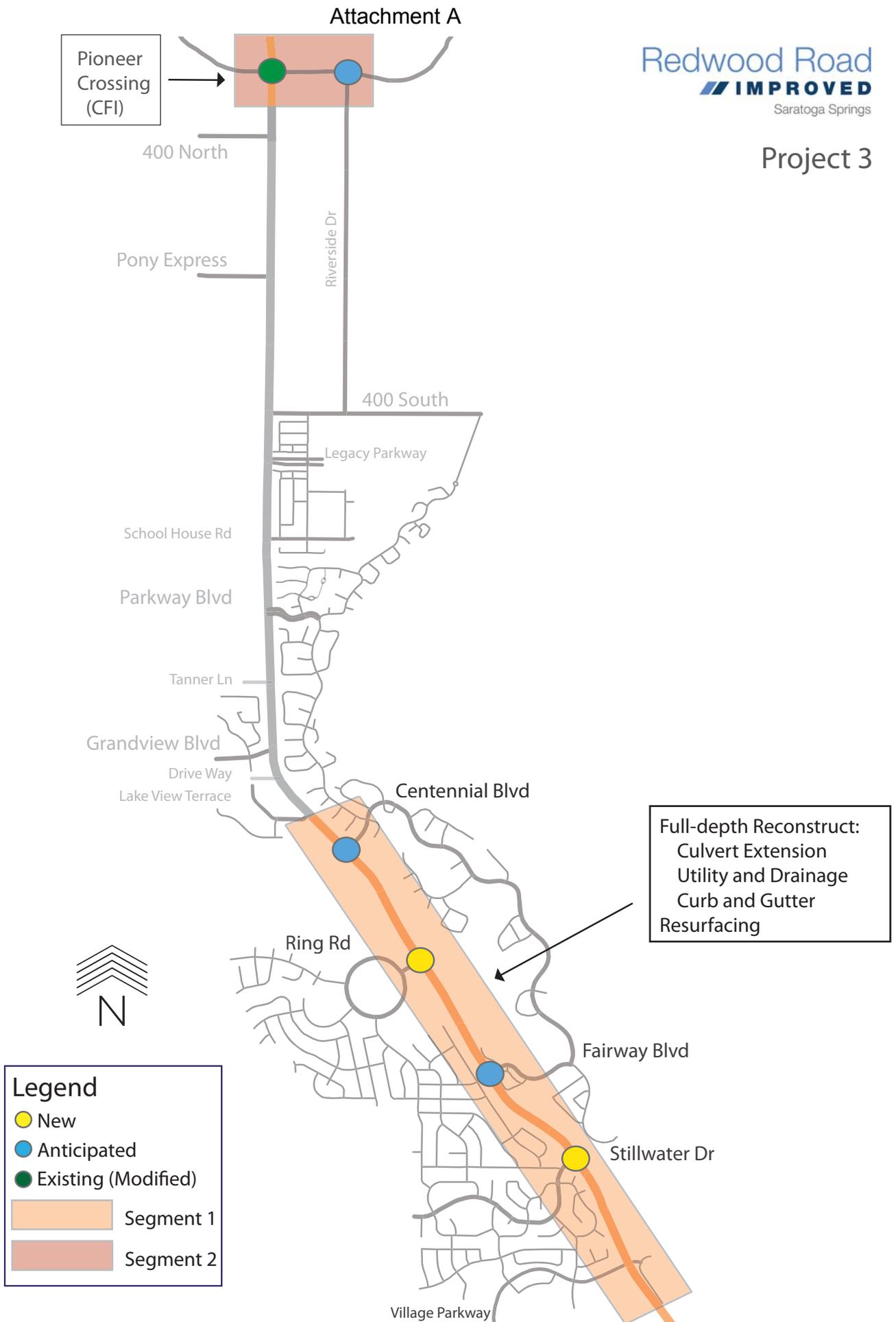
Widening:
 Utility and Drainage
 Curb and Gutter
 Resurfacing

Trail Work

Full-depth Reconstruct
 Modifications to existing signal

Legend

- New
- Anticipated
- Existing (Modified)
- Segment 1
- Segment 2
- Segment 3



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S.B. 177

NIGHTTIME HIGHWAY CONSTRUCTION NOISE

AMENDMENTS

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Kevin T. Van Tassell

House Sponsor: Johnny Anderson

LONG TITLE

General Description:

This bill modifies the Transportation Code by enacting provisions relating to nighttime highway construction noise.

Highlighted Provisions:

This bill:

- ▶ provides definitions;
- ▶ provides that certain state highway construction projects are exempt from any noise ordinance, regulation, or standard of a local jurisdictional authority;
- ▶ provides that certain state highway construction projects are exempt from noise standards of any local jurisdictional authority if the department meets certain requirements;
- ▶ requires a local jurisdictional authority or local government to issue a nighttime highway construction noise permit to the Department of Transportation in certain circumstances; and
- ▶ grants the Department of Transportation rulemaking authority to make rules establishing a procedure for a local jurisdictional authority or local government to appeal the decision of the department to conduct nighttime highway construction on roads in certain circumstances.

Money Appropriated in this Bill:

None

Other Special Clauses:

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30 None

31 **Utah Code Sections Affected:**

32 ENACTS:

33 **72-6-112.5**, Utah Code Annotated 1953



35 *Be it enacted by the Legislature of the state of Utah:*

36 Section 1. Section **72-6-112.5** is enacted to read:

37 **72-6-112.5. Definitions -- Nighttime highway construction noise -- Exemptions --**

38 **Permits.**

39 (1) As used in this section:

40 (a) (i) "Front row receptor" means a noise-sensitive residential receptor that is:

41 (A) immediately adjacent to a transportation facility; or

42 (B) within 800 feet of a transportation facility that is within a commercial or

43 industrialized area.

44 (ii) "Front row receptor" includes a residence that is contiguous to a property

45 immediately adjacent to a transportation facility in a residential area.

46 (b) "Nighttime highway construction" means highway construction occurring between

47 the hours of 10:00 p.m. and 7:00 a.m.

48 (2) A state highway construction project conducted on a road where the normal posted

49 speed limit is 55 miles per hour or greater is exempt from any noise ordinance, regulation, or

50 standard of a local jurisdictional authority.

51 (3) A state highway construction project conducted on a road where the normal posted

52 speed limit is less than 55 miles per hour is exempt from any noise ordinance, regulation, or

53 standard of a local jurisdictional authority if the department:

54 (a) provides reasonable written notice at least 48 hours in advance of any required

55 nighttime highway construction to each residential dwelling located within front row receptors

56 of the activity;

57 (b) determines a net community, including traveler community, benefit exists to

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58 conduct nighttime highway construction after considering the following:

59 (i) public health;

60 (ii) project completion time;

61 (iii) air quality;

62 (iv) traffic;

63 (v) economics;

64 (vi) safety; and

65 (vii) local jurisdiction concerns; and

66 (c) institutes best management noise reduction practices, as determined by the

67 department, for front row receptors, in consultation with local government or the local

68 jurisdictional authority for all nighttime highway construction, which may include:

69 (i) equipment maintenance;

70 (ii) noise shielding;

71 (iii) scheduling the most noise intrusive activities during the day; and

72 (iv) other noise mitigation methods.

73 (4) (a) Subject to Subsection (2) or (3), a state highway project shall secure required

74 noise permits from the local jurisdictional authority to conduct nighttime highway construction.

75 (b) To the extent practical, the department shall coordinate with the local jurisdictional

76 authority during the pre-construction phase of a project to address noise exemption conditions.

77 (5) A local jurisdictional authority shall issue a nighttime highway construction noise

78 permit without additional requirements to the department at the request of the department or

79 the department's designated project agent if the requirements of Subsections (2) and (3) are

80 met.

81 (6) (a) For the exemption provided in Subsection (3) and in accordance with Title 63G,

82 Chapter 3, Utah Administrative Rulemaking Act, the department shall make rules establishing

83 procedures:

84 (i) for a local jurisdictional authority or local government to appeal the decision of the

85 department to conduct nighttime highway construction on roads where the normal posted speed

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86 limit is less than 55 miles per hour; and

87 (ii) for the local jurisdictional authority to request that the department enforce the terms
88 of a noise permit.

89 (b) After review and upon receiving a written notice from a local jurisdictional
90 authority that the conditions for the noise exemption permit are not met, the department shall
91 take corrective action to ensure nighttime highway construction activities meet requirements of
92 the local permit.



- Home
- Business ▾
- Contact
- Departments ▾
- Government ▾
- Resident/Community ▾
- Transparency ▾

In Transparency:

10.10 Public Nuisances

- Building Permits
- City Budget
- **City Code**
 - Title 1 - General Provisions
 - Title 2 - Government Organization
 - Title 3 - Administrative Code
 - Title 4 - Reserved
 - Title 5 - Business Regulations
 - Title 6 - Finance, Taxation, and Purchasing
 - Title 7 - Assessments and Fees
 - Title 8 - Public Utilities and Services
 - Title 9 - Animals
 - **Title 10 - Public Peace, Safety, Welfare, and Morals**
 - Title 11 - Reserved
 - Title 12 - Reserved
 - Title 13 - Traffic and Parking
 - Title 14 - Health and Sanitation
 - Title 15 - Reserved
 - Title 16 - Fire and Police Department
 - Title 17 - Reserved
 - Title 18 - Building and Construction
 - Title 19 - Land Development Code
 - Title 20 - Administrative Code Enforcement
- City Contracts and Bids Awarded
- City Council Bylaws
- City Council Meeting Agendas and Minutes
- Contact Your City Manager
- Contact Your Elected Officials
- Financial Reports / Independent Audits
- Request a Record (GRAMA)
- Tax Information
- Vested Rights and Proposition 6

Sections:

- 10.10.01. Purpose**
- 10.10.02. Examination an Inspection of Property**
- 10.10.03. Definitions**
- 10.10.04. Property Nuisance Described**
- 10.10.05. Firearms**
- 10.10.06. Fugitive Dust**
- 10.10.07. Noise**
- 10.10.08. Parking**
- 10.10.09. Abatement/Violation – Notice to Owner/Costs**
- 10.10.10. Penalties**
- 10.10.11. Violation Appeal Procedure**
- 10.10.12. Mitigating Circumstances**
- 10.10.13. Collection of Civil Penalties**

10.10.01. Purpose.

1. The City of Saratoga Springs has a responsibility to its residents and business owners to promote conditions that are beneficial to the health, safety, and welfare of the entire community. The existence of public nuisances may have a detrimental effect on residents, property, and the overall aesthetic quality of the City. The abatement of these conditions is in the best interest of the City, residents, and business owners.
2. The purpose of the Chapter is to provide a comprehensive method for identification of certain public nuisances within the City, encourage compliance where a public nuisance exists, and to establish the authority to abate and recover costs of abatement when the responsible party fails to comply.
3. The provisions adopted in this ordinance shall not be exclusive but shall be cumulative and complementary to any other provisions of the City Code and County, State, and Federal laws. Nothing in this ordinance shall be read, interpreted, or construed so as to limit any existing right or power of the City to pursue abatement of or abate any and all public nuisances.
4. This ordinance shall apply to any and all properties within the City limits of Saratoga Springs.

10.10.02. Examination an Inspection of Property.

1. The City Manager shall act as an Inspector or designate and delegate power under this ordinance to an appointee, the responsibility of Inspector.
2. The Inspector of the City is authorized to make observations based on conditions in plain view from public property or from the property of a complaining witness, and nothing in this Section shall be construed to prevent the Inspector from entering on property to deliver a notice to the occupant of the property.

10.10.03. Definitions.

1. **"Abate"** means to repair, replace, remove, destroy, correct, or otherwise remedy a condition which constitutes a nuisance by such means, in such a manner, and to such an extent as the Inspector determines is necessary in the interest of the general health, safety, and welfare of the community.
2. **"Abatement"** means the removal, stoppage, or destruction of that which causes a nuisance.
3. **"Dynamic Braking Device"** means a 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.

12. Leaving any garbage can or refuse container in the street, other than on collection day, for more than forty-eight hours after the collection day.
13. Any building or structure that is a public nuisance under common law.

10.10.05. Firearms.

1. It shall be unlawful for any person, except peace officers in the pursuit of their lawful duties or private citizens acting in legitimate self-defense or other legally justified defense, to discharge any firearm within the municipal boundaries of the City of Saratoga Springs.
2. This Section shall not prevent the firing of firearms at any rifle, pistol, or shotgun range lawfully designated by the Saratoga Springs City Council.

10.10.06. Fugitive Dust.

1. It shall be unlawful for any person to cause, suffer, allow, or permit the emission of fugitive particulate matter from any process, including any material handling or storage activity, which is in violation of the fugitive emissions and fugitive dust standards set forth by the Utah Air Quality Board.
2. It shall be unlawful for any person to cause, suffer, allow, or permit a building or its appurtenances or open areas to be used, constructed, repaired, altered, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Dust and other types of particulates shall be kept to a minimum by such measures as wetting down, covering, landscaping, paving, treating, or by other reasonable terms.
3. It shall be unlawful for any person to cause, suffer, allow, or permit the repair, construction, or reconstruction of a roadway or an alley without taking reasonable precautions to prevent particulate matter from becoming airborne. Dust and other particulate shall be kept to a minimum by employing temporary paving, wetting down, detouring, or by other reasonable means. Soil or other material shall be promptly removed which has been transported onto paved streets by trucking or earth moving equipment, erosion by water, or by other means.

10.10.07. Noise.

1. **Unlawful Noise.** It shall be unlawful for any person or group to cause, permit, maintain, or allow the creation of any noise disturbance including the following situations or conditions:
 - a. Any horn or signaling device sounded on any truck, automobile, or motorcycle except to signal or warn of danger as provided in the Vehicle Code of the State of Utah.
 - b. Any motor vehicle operated without an exhaust system equipped with a muffler or other noise dissipative device.
 - c. Any construction work performed on any construction site in a residential zone, including construction traffic, between the hours of 10 p.m. through 7 a.m. or before 9 a.m. on Sundays. In all other zones, it shall be unlawful to perform or cause to be performed, construction work between the hours of 10 p.m. through 6 a.m. The Building Official or City Engineer may authorize extended hours for the construction operations or procedures that, by their nature, require continuous operation or on projects that are in isolated areas and where the extended hours do not impact upon adjoining property owners.
 - d. Any power equipment operated in residential or commercial zones, including: power saw, sander, lawn mower, garden equipment, or snow removal equipment between the hours of 10 p.m. through 7 a.m. or before 9 a.m. on Sundays.
 - e. Any use by a motor vehicle of a compression release engine brake, dynamic braking device, or Jake Brake, except to avoid imminent danger. This shall not apply to emergency vehicles.
 - f. Any recreational vehicle, watercraft, or snowmobile operated during the hours of 10 p.m. through 7 a.m. or before 9 a.m. on Sundays.
2. **Noise Levels.** It shall be unlawful for any person to group or cause, permit, maintain, or allow the creation of any noise that is in excess of 65 decibels measured by a sound level meter at a distance of at least twenty-five feet from the source, if upon public property, or twenty-five feet from the property line if the noise is resonating on private property. The following noise shall be exempt from this ordinance:
 - a. Any noise from safety signals or warning devices.
 - b. Any noise resulting from any authorized emergency vehicle when responding to an emergency call or in time of an emergency.
 - c. Any noise resulting from any authorized emergency work.
 - d. Any noise resulting from lawful fireworks and noisemakers used for celebration of an official holiday including any City sponsored event.
 - e. Any noise resulting from the maintenance of City parks.
 - f. Any noise resulting from snow plowing or removal services.
3. **Suspending of Noise Restrictions.** Requests for suspending the noise restrictions in this ordinance may be made and granted by the City Council. Upon the City Council granting relief, any condition outlined and agreed upon shall be complied with by the applicant; otherwise, this ordinance shall be in full force.

4. **Enforcement of Noise Nuisances.** The City Inspector or law enforcement personnel shall be responsible for the administration of the noise portion of this ordinance.

10.10.08. Parking.

1. It shall be unlawful to park, place, store, abandon, or otherwise leave any non-motorized vehicle or any un-mounted or unattached camper, boat, boat trailer, utility trailer, camp trailer, or any other type of trailer, on any public street, alley, sidewalk, or right-of-way at any time
2. It shall be unlawful to park or store any vehicle in a front or side yard in a residentially zoned neighborhood, except on a driveway or a paved area intended and approved for parking or behind a solid fence or wall, six feet in height.
3. It shall be unlawful to park or store construction equipment or machinery of any type or description on property except while excavation, construction, or demolition operations, covered by an active building permit, are in progress on the subject property or an adjoining property or where the property is zoned for the storage of construction equipment and/or machinery.
4. It shall be unlawful to operate any motor vehicle within the city limits of Saratoga Springs with a Dynamic Braking Device engaged, except for the aversion of immediate and imminent danger.

10.10.09. Abatement/Violation – Notice to Owner/Costs.

1. Emergency Abatement shall be executed when the Inspector determines that a violation constitutes an immediate or imminent peril to public health or safety. The City or a contractor of the City will abate the violation by removal, demolition, repair, or other acts with or without notice to the owner, agent, or occupant of the property. The abatement shall be at the expense of the person causing, committing, or maintaining the violation or the owner of the property on which it is occurring.
2. **Violation – Notice to Owner.** Upon determination that a violation of the provisions of this Section of the ordinance exists, the Inspector shall ascertain the name of the owner and a description of the premises where the violation exists. The Inspector shall serve notice in writing upon the owner or occupant of such property, either personally or by certified mail, postage prepaid, addressed to the owner or occupant at the last known post office address as disclosed by the records of the county assessor, requiring such owner or occupant, as the case may be, to eradicate, destroy, or remove the weeds, refuse, objects, or structures causing the violation within such time as the Inspector may designate, which shall be no less than ten days from the date of service of such notice.
3. **Property Cleaned by City.** If any owner or occupant of property described in the notice provided in this Section of the ordinance fails to abate the nuisance or destroy and remove such weeds, refuse, waste, objects, or structures in accordance with such notice, the Inspector is authorized to employ necessary assistance and cause such weeds, refuse, waste, objects, or structures to be destroyed or removed at the expense of the City. The Inspector shall prepare an itemized statement of all expenses incurred in the removal and destruction of same and shall mail a copy thereof to the owner demanding payment within twenty days of the date of mailing. Such notice shall be deemed delivered when mailed by registered mail and addressed to the last known address of the property owner.
4. In the event the owner fails to make payment of the amount set forth in such statement to the City Treasurer within twenty days of the date of mailing, the City may cause suit to be brought in an appropriate court of law or pursue remedies as provided in the Utah Code.
5. In the event collection of expenses of destruction and removal are pursued through the court, the City shall sue for and receive judgment for all expenses of destruction and removal, together with reasonable attorney's fees, interest at a rate of eighteen percent, and court costs, and shall execute upon such judgment in the manner provided by law.
6. In the event collection of expenses of destruction and removal are pursued as provided in the Utah Code, the provisions of this Section apply.
7. Upon receipt of the itemized statement of the costs of destroying or removing the weeds, refuse, objects, or structures, the City Treasurer shall forthwith mail one copy to the owner of the land from which the same was removed, together with a notice that objection in writing to the City may be made within fourteen days to the whole or any part of the statement so filed. The City Treasurer shall, at the same time, deliver a copy of the statement to the City Recorder.
8. If objections to any statement are filed with the City, a date for hearing shall be set, giving notice thereof. Upon the hearing of the matter, the City shall fix and determine the actual cost of destruction or removal and report the findings to the City Treasurer.
9. If no objection to the items of the account is made within fourteen days of the date of mailing, the City Treasurer shall comply with the requirements of the Utah Code.

10.10.10. Penalties.

1. Any person who violates the provisions of this ordinance shall be subject to criminal and civil penalties as set forth in this Section of the ordinance.
2. Violation of the provisions of any section of this ordinance is punishable as a class B misdemeanor upon conviction. The provisions of any section of this ordinance may also be



CITY OF SARATOGA SPRINGS

Memo

To: Mayor, City Council and/or Planning Commission
From: Planning Department
Date: January 30, 2017
Meeting Date: February 7, 2017
Re: New Applications & Resubmittals

New Projects:

- 01.03.17 Maverik at Redwood-Ring Concept (SE Corner of Redwood Rd & Ring Rd)
- 10.03.17 Advanced Rooter and Drain Service Home Occupation (4084 Montego Dr)
- 01.05.17 US Bank- Smith's Marketplace Permanent Sign Permit (1320 N. Redwood Rd Store #207)
- 01.09.17 Fairway Townhomes Concept Plan (110 East Fairway Blvd)
- 01.13.17 Mt. Saratoga Village Plan 1 (1200 W. Pony Express Pkwy)
- 01.13.17 Mt. Saratoga Village Plan 2 (1200 W. Talus Ridge Dr)
- 01.13.17 Mt. Saratoga Village Plan 2 Preliminary Plat Phase 2 (1200 W. Talus Ridge Dr)
- 01.18.17 River Bend Phase 4 Final Plat (1125 North River View Dr)
- 01.18.17 River Bend Phase 5 Final Plat (Approx 1125 North Riverside Dr)
- 01.20.17 Saratoga Springers Change of Use Permit (17 W. Hillcrest Rd)
- 01.20.17 Jacobs Ranch Plat K Concept (Northwest of Ring Rd)
- 01.20.17 Mt. Saratoga Village 1 Phase 1 Preliminary Plat (1200 W. Talus Ridge Dr)
- 01.24.17 Lexington Green Rezone & Concept (NW Corner of Pony Express & Foothill Rd)

Resubmittals & Supplemental Submittals:

- 01.03.17 Fox Hollow N. 5 Preliminary Plat (Village Blvd & Redwood Rd)
- 01.03.17 Legacy Farms VP3 A-E Final (400 S. Redwood Rd)
- 01.04.17 Fox Hollow Second MDA Amendment Rezone & GPA (Village Pkwy & Redwood Rd)
- 01.06.17 Jordan View Landing Phase 2 Final Plat (1590 N & 400 E)
- 01.06.17 River Bend Phase 3A Plat Amendment (Approx. 130 E. River Bend Rd)
- 01.10.17 Maverik at Redwood-Pony Express Concept (Redwood Rd & Pony Express)
- 01.10.17 Legacy Farms VP4 Plats 4A-4D Preliminary (400 S. Redwood Rd)
- 01.17.17 Towne Storage-China Chefs Plat Amendment (1531 W. Exchange Dr)
- 01.17.17 Jordan View Landing Phase 1 Final Plat (400 E. Alhambra Dr)
- 01.17.17 Jordan View Landing Phase 2 Final Plat (1590 N & 400 E)
- 01.18.17 Fox Hollow N.4 Concept Plan (Redwood & Wildlife)
- 01.18.17 Riverbend Phase 3B Condominium Project Final Plat (150 E. River Bend Rd)
- 01.18.17 Harvest Village Site Plan Major Amendment (164 W 2000 N- Harvest Hills)

- 01.25.17 Catalina Bay Phase 2 Final Plat (McGregor Lane)
- 01.26.17 Pro Walmart SC- Verizon Cell Site Minor Amendment (1461 North 400 East)
- 01.26.17 Legacy Farms VP3 A-E Final (400 S. Redwood Rd)

Staff Approvals:

- US Bank Sign (The Crossing)
- Legacy Farms VP 1-5 & CP Minor Amendment
- Barbershop Dread Temporary Use Permit (Sign, 1978 N. Redwood Rd.)Saratoga Springers Change of Use Permit (17 W. Hillcrest Road)