

**YAVAPAI COUNTY ORDINANCE NO. 2001-1**

**REGULATING OBSTRUCTIONS, EXCAVATION, AND USE OF  
PUBLICLY MAINTAINED ROADS**

WHEREAS, publicly maintained roads within the unincorporated limits of Yavapai County are used for purposes other than public ingress and egress; and

WHEREAS, Yavapai County can impose restrictions and limitations on the use of publicly maintained roads pursuant to A.R.S. §11-251(4) and A.R.S. §40-283(B) to protect the public safety and welfare;

NOW, THEREFORE, it is ordered by the Yavapai County Board of Supervisors as follows:

**A. DEFINITIONS**

1. "Publicly maintained road" means the entire width of the right-of-way for any road under the exclusive control of the Yavapai County Board of Supervisors, whether held by deed, easement, dedication, or other claim of right, including bridges, and which have been included in the County road maintenance system.

2. "Encroachment" shall include any obstruction whether temporary or permanent unless expressly authorized by law, any sign, any landscaping, any new driveway or other road connection, the diversion of waters, any excavation whether or not conducted under a valid franchise, culvert installations whether new or replacement, and any other construction.

3. "Roadway prism" shall include the traveled road surface, shoulders and ditches.

**B. GENERAL PROVISIONS**

1. No encroachment within a publicly maintained road is allowed without a written permit from the County Engineer, except by authorized County employees, contractors acting under a County contract, and new subdivision improvements for which Yavapai County holds financial assurances. No permittee shall violate the terms and conditions of a permit without written authorization from the County Engineer.

2. No vehicle shall be operated or any other activity conducted on any concrete or asphaltic concrete surface in a fashion which damages the road surface or base without a permit from the County Engineer unless the use is specifically authorized by law.

3. No vehicle in excess of the A.D.O.T. limits for weight, length, width and height shall travel on a public road without a permit from A.D.O.T. No vehicle in excess of a County weight limit shall travel on a publicly maintained road without a permit from the County Engineer.

4. The County Engineer is authorized and instructed to prepare specifications and application and permit forms detailing the conditions and restrictions under which the encroachment is allowed.

5. Any permit issued is revokable at will should it be necessary to protect the public safety or to allow road expansion.

6. The County Engineer is authorized and directed to charge a permit fee in an amount authorized by the Board of Supervisors. The fee shall be specified on the permit. No utility franchised by the County under A.R.S. §40-283 and which pays a franchise fee based on gross sales as agreed to by the Board of Supervisors, shall be required to pay a permit fee.

7. Emergency encroachments, including excavation for public utility repairs necessary to protect the public safety, are allowed without a permit provided a permit is applied for the next working day, all traffic control and safety devices necessary are used, and final repairs are not performed until authorized by the County Engineer.

8. In the event an obstruction of a publicly maintained road occurs within the road prism without a permit so as to cause an immediate public hazard, the County may remove the obstruction and seek reimbursements of the costs involved from the responsible person. In all other cases, the provisions of A.R.S. §28-7054 apply.

#### C. SPECIAL PROVISIONS RELATING TO EXCAVATION AND CONSTRUCTION

1. The County Engineer shall prepare specifications to be included in publicly maintained road excavation and construction permits. The specifications shall include, but not be limited to the following:

a. Traffic control including signs specified in the Manual on Uniform Traffic Control Devices.

b. Procedures for repairing road cuts.

c. A requirement for 95% backfill compaction within the roadway prism.

d. A provision prohibiting pavement cuts for a period of five (5) years after completion or reconstruction of the pavement.

e. A requirement that any repair shall restore the road to the same or better condition.

2. A permit to excavate or construct shall be valid for 30 days from the date it is issued. Permittees shall notify the Engineering Division 24 hours prior to commencing work and no later than the next business day after completion. A copy of the permit shall be available at the location of the work, and shall be made available to the Engineering inspector upon request.

#### D. SPECIAL PROVISIONS RELATING TO UTILITIES

1. All utilities must be installed a minimum of 36 inches below the finished surface. Cable television cables shall be installed as specified by County franchise. In the event there are special public safety concerns in the opinion of the County Engineer, three-dimensional, as-built drawings may be required upon completion of construction. Yavapai County shall not be liable for damages caused to utilities installed at a depth of less than 36 inches.

2. In the event a public utility line within the roadway prism becomes exposed or prevents roadway maintenance, the County Engineer may require that the line be lowered or moved without expense to the County.

3. Pursuant to A.R.S. §40-283(B) the requirements in this Ordinance supersede the provisions of any utility franchise.

#### E. VARIANCES

The County Engineer is authorized to grant variances from the restrictions and conditions specified herein provided the public safety and welfare will be protected.

#### F. REMEDIES

1. In the event the conditions of a permit are violated or a permit is not obtained, the County Engineer may suspend the permit, if any, and order that all work cease until the violation is corrected or a permit obtained. If the work is abandoned and not repaired to County specifications, the County may repair the work and recover the costs of repair from the person responsible.

2. Any person commencing work without a permit shall be required to obtain a permit and shall pay twice the usual permit fee.

#### G. REPEALER

This Ordinance repeals Ordinance 1994-1 and any portion of any resolution, rule or regulation conflicting with this Ordinance.

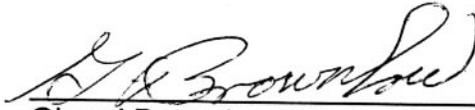
H. PENALTIES

Any person who is convicted of a violation of this Ordinance is guilty of a class I misdemeanor.

I. EFFECTIVE DATE

This Ordinance shall be effective 30 days after its approval by the Yavapai County Board of Supervisors.

PASSED AND ADOPTED BY THE YAVAPAI COUNTY BOARD OF SUPERVISORS this 4th day of June, 2001.



\_\_\_\_\_  
Gheral Brownlow, Chairman  
Board of Supervisors  
Yavapai County, Arizona

ATTEST:



\_\_\_\_\_  
Bev Staddon, Clerk  
Board of Supervisors  
Yavapai County, Arizona