

TOWN OF TRENTON

ORDINANCE NO. 2026 - 05-01

AN ORDINANCE DEFINING THE WIDTH OF A TOWN RIGHT-OF-WAY WHEN ESTABLISHED BY PUBLIC USE OR WHEN THERE IS NO OTHER WRITTEN RECORD

WHEREAS, Utah Code § 72-5-104 provides for the establishment of public rights-of-way through ten years of continuous public use (“public use ROW”);

WHEREAS, Utah Code § 72-5-108 provides that when a public use ROW is established, its width may be set by the applicable highway authority;

WHEREAS, the Town Council has determined that many of the public streets and rights-of-way located in Trenton Town (the “Town”) have been established as public use ROWs and consequently do not ^{have} a width that is defined by any written instrument;

WHEREAS, the Town Council has determined that it is in the best interests of the residents of the Town to set and appoint the width of such public use ROWs located within the Town so as to ensure adequate space for transportation infrastructure, utilities, drainage, and public safety and to protect public access and support future improvements;

NOW, THEREFORE, BE IT ORDAINED, by the Trenton Town Council, Cache County, State of Utah, as follows:

SECTION 1. PURPOSE

The purpose of this Ordinance is to establish a standard right-of-way width for all existing public use ROWs within Trenton Town to ensure adequate space for: safe vehicular and pedestrian travel, public utilities and infrastructure, drainage and stormwater management, and future roadway improvements and maintenance.

SECTION 2. DEFINITIONS

For the purposes of this Ordinance:

A. **Public Use Right-of-Way (“Public Use ROW”)** means a right-of-way which has been dedicated to the public through ten years of continuous public use as provided in Utah Code § 72-5-104 and any other public right-of-way for which there is not an instrument in record title providing a defined width of the right-of-way in writing.

B. **Public Right-of-Way (“Public ROW”)** means a right-of-way, easement, or fee simple parcel which has been dedicated, granted, or conveyed to the Town for the purpose of a public highway, street or road, and includes a Public Use ROW or other right-of-way or fee simple parcel dedicated, granted, or conveyed by any other method whatsoever including, without limitation, those created by statute, regulation, ordinance, or a written instrument such as a plat, dedication, deed, or grant of easement, of any kind and nature.

C. **Centerline** means the midpoint between the surface edges of an Existing Road.

D. **Existing Road** means the asphalt, gravel, dirt or other improved or unimproved surface of a Public ROW.

SECTION 3. ESTABLISHMENT OF RIGHT-OF-WAY WIDTH FOR PUBLIC USE ROWS

A. A standard right-of-way is hereby established for all Public Use ROWs within Trenton Town.

B. The right-of-way shall extend **thirty-three (33) feet in each direction from the centerline** of the Existing Road, for a total width of **sixty-six (66) feet**.

C. This right-of-way width shall apply whether or not the full width is currently improved or in use.

D. This Section 3 applies to all Public Use ROWs which now exist, and which may exist in the future, within the municipal boundaries of Trenton Town.

E. This Section 3 does not apply to other Public ROWs which are defined in writing by an instrument in record title such as a plat, deed, or grant of easement. Where existing legal documentation establishes a greater or lesser right-of-way width, the written instrument shall govern.

SECTION 4. USE AND PROTECTION OF RIGHT-OF-WAY

A. The established right-of-way for any Public ROW may be used for any public purpose including, without limitation, any of the following: roadway and shoulder improvements, sidewalks, trails, and pedestrian facilities, utilities including water, sewer, power, gas, and communications, and drainage facilities and stormwater management.

B. No person may place structures, fences, landscaping, or other obstructions within a Public ROW without written approval from the Town.

C. In addition to any other remedy available to the Town in law or equity, the Town may remove any structures, fences, landscaping, or other obstructions of any kind placed within a

Public ROW in violation of this Section after reasonable notice to the owner, except in cases where the obstruction is a matter of public health or safety at which point the Town may remove it immediately and provide notice of the removal to the owner. The person or entity responsible for placing any obstruction of any kind in violation of this Ordinance shall be financially responsible for the costs of removal and shall indemnify the Town against the same within 30 days of notice from the Town. Any person or entity who receives a notice of requirement to indemnify the Town may appeal the notice to the Town Council by filing a request for appeal with the Town Clerk within seven days of the date of the notice. The Town Council may cancel, modify, or uphold the notice after a reasonable hearing on the matter. If the Town Council modifies or upholds the amounts stated in the notice, the appellant shall pay the modified or upheld amounts within fifteen days of the day the Council's decision is provided to the appellant.

SECTION 5. ADMINISTRATION

The Town Engineer, Public Works Director, or other official designated by the Town Council by resolution shall: interpret and enforce this Ordinance, determine centerline locations where necessary, and maintain maps or records of Public ROW boundaries within the Town.

SECTION 6. CONFLICTS AND SEVERABILITY

A. To the extent of any conflict between this Ordinance and any other ordinance(s) or regulation(s) of the Town, the provisions of this Ordinance shall be controlling.

B. The sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable. If any such section, paragraph, sentence, clause, or phrase shall be declared invalid or unconstitutional by the valid judgment or decree of a Court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any of the remaining sections, paragraphs, sentences, clauses, or phrases of this Ordinance.

SECTION 7. EFFECTIVE DATE

This Ordinance shall take effect upon adoption and publication as required by law.

PASSED and ADOPTED by the TRENTON TOWN COUNCIL THIS 5 DAY OF May, 2026.

TRENTON TOWN



By: Erick Simmonds, Mayor