

## **Chapter 15**

### **Pedestrian Mall Law of Utah**

#### **10-15-1 Short title.**

This act may be cited as the "Pedestrian Mall Law of Utah."

Enacted by Chapter 2, 1966 Special Session 2

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#### **10-15-2 Legislative findings and purposes.**

The Legislature hereby finds and declares that in certain areas in municipalities within the state, and particularly in retail shopping areas thereof, there is need to separate pedestrian travel from vehicular travel and that such separation is necessary to protect the public safety or otherwise to serve the public interest and convenience. The Legislature further finds and declares that such objectives can, in part, be accomplished by the establishment of pedestrian malls pursuant to this act.

Enacted by Chapter 2, 1966 Special Session 2

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#### **10-15-3 Definitions.**

As used in this chapter:

- (1)
  - (a) "Intersection street" means any street which meets or crosses a pedestrian mall at a mall intersection but includes only those portions thereof on either side of the mall intersection which lie between the mall intersection and the first intersection of the intersecting street with a public street or highway open to vehicular traffic. If any portion of a pedestrian mall terminates on a street at a place thereon other than at a place of intersection with a public street or highway open to vehicular traffic, such intersecting street shall also include that portion of any street which lies between such place of termination and the first intersection of such street with the public street or highway open to vehicular traffic.
  - (b) "Intersecting street" also includes any other street or portion of a street which the legislative body declares to be such by resolution.
- (2) "Legislative body" means the legislative body of the municipality.
- (3) "Mall intersection" means any intersection of a street constituting a part of a pedestrian mall with any street which intersection is itself part of a pedestrian mall.
- (4) "Municipality" includes every city or town within this state.
- (5) "Pedestrian mall" means one or more streets or portions thereof, on which vehicular traffic is, or is to be, restricted in whole or in part and which is, or is to be, used exclusively or primarily for pedestrian travel.
- (6) "Street" means any public road, street, highway, alley, lane, court, way, or place of any nature open to the use of the public, excluding state highways.

Amended by Chapter 10, 1997 General Session

#### **10-15-4 Powers of legislative body of municipality.**

The legislative body of the municipalities of this state shall have the power:

- (1) to establish pedestrian malls;
- (2) to prohibit, in whole or in part, vehicular traffic on a pedestrian mall;
- (3) to pay from the general funds of the municipality, or from other available money, or from the proceeds of assessments levied on land benefited by the establishment of a pedestrian mall, the damages, if any, allowed or awarded to any property owner by reason of the establishment of the pedestrian mall;
- (4) to acquire, construct, and maintain on the municipality's streets which are established as a pedestrian mall, improvements of any kind or nature necessary or convenient to the operation of such streets as a pedestrian mall, including paving, sidewalks, curbs, gutters, sewers, drainage works, lighting facilities, fire protection facilities, flood protection facilities, water distribution facilities, vehicular parking areas, retaining walls, landscaping, tree planting, statuary, fountains, decorative structures, benches, rest rooms, child care facilities, display facilities, information booths, public assembly facilities, and other structures, works or improvements necessary or convenient to serve members of the public using such pedestrian malls, including the reconstruction or relocation of existing municipally owned works, improvements, or facilities on such municipal streets; which foregoing changes or any portions thereof, are referred to in this act as "improvements";
- (5) to pay from the general funds of the municipality or other available money, or from the proceeds of assessments levied on property benefited by any such improvements, or from the proceeds of special improvement warrants or bonds, the whole or any portion of the costs of acquisition, construction, and maintenance of such improvements in accordance with the provisions of Title 11, Chapter 42, Assessment Area Act, relating to special improvement assessments; and
- (6) to do any and all other acts or things necessary or convenient for the accomplishment of the purposes of this chapter.

Amended by Chapter 378, 2010 General Session

#### **10-15-5 Powers of acquisition and improvement.**

The legislative body of the municipalities shall also have the power to acquire by gift, purchase, eminent domain, or otherwise, land, real property or rights of way which shall become part of the municipal street established as a pedestrian mall, or which shall otherwise be used by the municipality as a part of, or for purposes connected with, a pedestrian mall, and such lands, real property or rights of way may be improved in the same manner as municipal streets may be improved. The legislative body shall also have the power to make such improvements on mall intersections and intersecting streets or upon facilities acquired for parking and other related purposes where such improvements are necessary or convenient to the operation of the mall. The acquisitions and improvements authorized by this section shall be deemed "improvements."

Enacted by Chapter 2, 1966 Special Session 2

Enacted by Chapter 2, 1966 Special Session 2

#### **10-15-6 Public hearing -- Finance requirements.**

The designation of any street as a "mall" shall be by ordinance passed and published after full investigation and ample public hearing into the necessity and advisability of the creation of a mall. The ordinance shall designate the manner in which the project is to be financed, and, if financed by levy of special taxes or special improvement warrants or bonds, shall be in accordance with the provisions of Title 11, Chapter 42, Assessment Area Act.

Amended by Chapter 360, 2008 General Session