

**Title 1**  
**General Provisions**

Chapters:

1.04	General Provisions .....	1 - 1
1.08	General Penalty .....	1 - 4

# Title 1

## General Provisions

<b>Chapter 1.04 - General Provisions .....</b>	<b>1 - 1</b>
1.04.010 Definitions. ....	1 - 1
1.04.020 Title of Office. ....	1 - 2
1.04.030 Interpretation of Language. ....	1 - 2
1.04.040 Grammatical Interpretation. ....	1 - 2
1.04.050 Acts by Agents. ....	1 - 2
1.04.060 Prohibited Acts Include Causing and Permitting. ....	1 - 2
1.04.070 Computation of Time. ....	1 - 2
1.04.080 Construction. ....	1 - 2
1.04.090 Repeal Not to Revive Ordinances. ....	1 - 3
1.04.100 Severability.....	1 - 3
 <b>Chapter 1.08 - General Penalty.....</b>	 <b>1 - 4</b>
1.08.010 Classification of Offenses--Violation--Penalty. ....	1 - 4

## Chapter 1.04 - General Provisions

**1.04.010 Definitions.** The following words and phrases, whenever used in the ordinances of the City of Pleasant View, shall be construed as defined in this section unless from the context a different meaning is intended or unless a different meaning is specifically defined and more particularly directed to the use of such words or phrases:

A. "City" or "town" each means the City of Pleasant View, Utah, or the area within the territorial limits of the City of Pleasant View, Utah, and such territory outside Pleasant View over which the city has jurisdiction or control by virtue of any constitutional or statutory provision.

B. "Council" means the City Council of the City of Pleasant View. "All its members" or (all councilmen) means the total number of councilmen holding office.

C. "County" means the County of Weber.

D. "Law" denotes applicable federal law, the Constitution and statutes of the State of Utah, the ordinances of the City of Pleasant View, and, when appropriate any and all rules and regulations which may be promulgated thereunder.

E. "May" is permissive.

F. "Month" means a calendar month.

G. "Must" and "shall" are each mandatory.

H. "Oath" includes an affirmation or declaration in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent to the words "affirm" and "affirmed".

I. "Owner", applied to a building or land, includes any part owner, joint owner, tenant in common, joint tenant, tenant by the entirety, of the whole or a part of such building or land.

J. "Person" includes a natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization or the manager, lessee, agent, servant, officer or employee of any of them.

K. "Personal property" includes money, goods, chattels, things in action and evidences of debt.

L. "Preceding" and "following" means next before and next after, respectively.

M. "Property" includes real and personal property.

N. "Real property" includes lands, tenements and hereditaments.

O. "Sidewalk" means that portion of a street between the curb line and the adjacent property line intended for the use of pedestrians.

P. "State" means the State of Utah.

Q. "Street" includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs or other public ways into the city which have been or may hereafter by dedicated and open to public use, or such other public property so designated in any law of this state.

R. "Tenant" and "occupant", applied to a building or land, include any

person who occupies the whole or a part of such building or land, whether alone or with others.

S. "Written" includes printed, typewritten, mimeographed, multigraphed, or otherwise reproduced in permanent visible form.

T. "Year" means calendar year. (Ord. 87-1.04 §1, 1987)

**1.04.020 Title of Office.** Use of the title of any officer, employee, department, board or commission means that officer, employee, department, board or commission of the city. (Ord. 87-1.04 §2, 1987)

**1.04.030 Interpretation of Language.** All words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning. (Ord. 87- 1.04 §3, 1987)

**1.04.040 Grammatical Interpretation.** The following grammatical rules shall apply in the ordinances of the city, unless it is apparent from the context that a different construction is intended:

A. Gender. Each gender includes the masculine, feminine and neuter genders.

B. Singular and Plural. The singular number includes the plural and the plural includes the singular.

C. Tenses. Words used in the present tense include the past and the future tenses and vice versa, unless manifestly inapplicable. (Ord. 87-1.04 §4, 1987)

**1.04.050 Acts by Agents.** When an act is required by an ordinance, the same being such that it may be done as well by an agent as by the principal, such requirement shall be construed to include all such acts performed by an authorized agent. (Ord. 87-1.04 §5, 1987)

**1.04.060 Prohibited Acts Include Causing and Permitting.** Whenever in the ordinances of the city, any act or omission is made unlawful, it shall include causing, allowing, permitting, aiding, abetting, suffering or concealing the fact of such act or omission. (Ord. 87-1.04 §6, 1987)

**1.04.070 Computation of Time.** Except when otherwise provided, the time within which an act is required to be done shall be computed by excluding the first day and including the last day, unless the last day is Sunday or a holiday, in which case it shall also be excluded. (Ord. 87-1.04 §7, 1987)

**1.04.080 Construction.** The provisions of the ordinances of the city, and all proceedings under them are to be construed with a view to effect their objects and to promote justice. (Ord. 87-1.04 §8, 1987)

**1.04.090 Repeal Not to Revive Ordinances.** The repeal of an ordinance shall not repeal the repealing clause of an ordinance or revive any ordinance which has been repealed thereby. (Ord. 87-1.04 §9, 1987)

**1.04.100 Severability.** It is hereby declared to be the intention of the governing body that the sections, paragraphs, sentences, clauses and phrases of this code are severable, and if any phrase, clause, sentence, paragraph or section of this code shall be declared unconstitutional or without effect by any final judgement or decree of a court of competent jurisdiction, such judgement or decree shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this code. (Ord. 96-11, dated 6/11/97)

## Chapter 1.08 - General Penalty<sup>1</sup>

### 1.08.010 Classification of Offenses--Violation--Penalty.

A. The city shall have authority to classify violations of its ordinances as one of the following classes of offenses:

1. Class B misdemeanors;
2. Class C misdemeanors;
3. Infractions.

B. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of any ordinance of Pleasant View is guilty of a class B misdemeanor, except in cases where a different penalty is prescribed by any ordinance of the city, and upon conviction thereof shall be fined or imprisoned as provided in this chapter.

C. Each such person is guilty of a separate offense of each and every day during any portion of which any violation of any provision of the ordinances of the city is committed, continued or permitted by any such person, and he/she is punishable accordingly.

D. Whenever an officer, agent or servant of a corporation acting within the scope of his office or employment by such corporation violates any ordinance, the guilty knowledge, intent and malice, if any, of such officer, agent or servant shall be imputed to the corporation, and the corporation and its officer, agent or servant, as the case may be, shall be jointly and severally liable to prosecution and conviction for such offense. If a corporation is convicted of a misdemeanor, it shall be punished by a fine in any amount not exceeding one thousand dollars.

1. Penalty for a class B misdemeanor may include: imprisonment for a term not exceeding six months, or a fine not exceeding one thousand dollars, or both fine and imprisonment;

2. Penalty for a class C misdemeanor may include: imprisonment for a term not exceeding ninety days, or a fine not exceeding five hundred dollars, or both fine and imprisonment.

3. Penalty for an infraction may not include imprisonment, but whenever a person is convicted of an infraction and no punishment is specified, the person may be fined not more than five hundred dollars. (Ord. 87-1.12, 1987: Ord. 87-1.08, 1987: prior Code §20-1-3)

---

<sup>1</sup> Statutory references: UCA 10-8-84, 76-3-104

## Title 2

### Administration and Personnel

Chapters:

2.04	City Council.....	2 - 1
2.06	City Administrator .....	2 - 2
2.07	Assistant City Administrator .....	2 - 5
2.08	City Officers Generally .....	2 - 6
2.12	Chief of Police .....	2 - 7
2.16	Justice of the Peace .....	2 - 8
2.20	Licensing Department.....	2 - 9
2.24	Board of Equalization.....	2 - 11
2.28	Elections .....	2 - 12
2.32	Purchasing System – Disposition of Property .....	2 - 13
2.33	Purchasing System .....	2 - 14

## Title 2

### Administration and Personnel

<b>Chapter 2.04 - City Council .....</b>	<b>2 - 1</b>
2.04.010 Meetings. ....	2 - 1
2.04.020 Deadline for City Council Agenda Items. ....	2 - 1
 <b>Chapter 2.06 - City Administrator .....</b>	 <b>2 - 2</b>
2.06.010 Office Created .....	2 - 2
2.06.020 Appointment.....	2 - 2
2.06.030 Residence.....	2 - 2
2.06.040 Term of Office.....	2 - 2
2.06.050 Resignation.....	2 - 2
2.06.060 Compensation .....	2 - 2
2.06.070 Other Employment.....	2 - 2
2.06.080 Powers and Duties .....	2 - 2
2.06.090 Powers of Mayor Not Delegated .....	2 - 4
2.06.100 Fidelity Bond .....	2 - 4
2.06.110 Acting City Administrator .....	2 - 4
 <b>Chapter 2.07 - Assistant City Administrator.....</b>	 <b>2 - 5</b>
2.07.010 Office Created .....	2 - 5
2.07.020 Appointment Office Created .....	2 - 5
 <b>Chapter 2.08 - City Officers Generally .....</b>	 <b>2 - 6</b>
2.08.010 Residence Requirement. ....	2 - 6
2.08.020 Residence Requirement for City Recorder. ....	2 - 6
 <b>Chapter 2.12 - Chief of Police .....</b>	 <b>2 - 7</b>
2.12.010 Appointment. ....	2 - 7
2.12.020 Oath. ....	2 - 7
2.12.030 Salary. ....	2 - 7
2.12.040 Duties. ....	2 - 7
 <b>Chapter 2.16 - Justice of the Peace .....</b>	 <b>2 - 8</b>
2.16.010 Appointment. ....	2 - 8
2.16.020 Oath-Compensation. ....	2 - 8
2.16.030 Jurisdiction-Duties. ....	2 - 8
 <b>Chapter 2.20 - Licensing Department.....</b>	 <b>2 - 9</b>
2.20.010 Department and Personnel. ....	2 - 9
2.20.020 Official Bonds. ....	2 - 9
2.20.030 City Recorder-Duties. ....	2 - 9
2.20.040 License Index. ....	2 - 9



2.20.050 Assessment-Roll. ....	2 - 9
2.20.060 Assessment-Validity. ....	2 - 10
2.20.070 City Recorder-Deputies-Powers. ....	2 - 10
2.20.080 Ex-Officio Deputies. ....	2 - 10
2.20.090 Inspections. ....	2 - 10
<b>Chapter 2.24 - Board of Equalization .....</b>	<b>2 - 11</b>
2.24.010 Creation. ....	2 - 11
2.24.020 Meetings. ....	2 - 11
<b>Chapter 2.28 - Elections .....</b>	<b>2 - 12</b>
2.28.010 Primary Election System.....	2 - 12
<b>Chapter 2.32 - Purchasing System - Disposition of Property .....</b>	<b>2 - 13</b>
2.32.070 Public Property Disposal or Lease. ....	2 - 13
2.32.080 Disposal of Real Property Procedures. ....	2 - 13
<b>Chapter 2.33 - Purchasing Policy .....</b>	<b>2 - 14</b>
2.33.010 Purchasing Agents.....	2 - 14
2.33.020 Purchasing Agent Duties and Powers.....	2 - 14
2.33.030 Summary of the Purchasing Procedure and Levels of Authority .....	2 - 15
2.33.040 Purchases Requiring City Council Approval .....	2 - 15
2.33.050 Purchases Not Requiring Price Quotations .....	2 - 15
2.33.060 Purchases Requiring Informal Price Quotation.....	2 - 15
2.33.070 Purchases Requiring Formal Price Quotation.....	2 - 16
2.33.080 Purchases Requiring Sealed Bids.....	2 - 16
2.33.090 Use of Competitive Sealed Proposal in Lieu of Bids .....	2 - 17
2.33.100 Competitive Bidding Requirements - Exemptions.....	2 - 18
2.33.110 Cost-Plus-a-Percentage-of-Cost Contract Prohibited.....	2 - 18
2.33.120 Circumstances Justifying Award of Contract Without Competition .....	2 - 19
2.33.130 Cancellation and Rejection of Bids .....	2 - 19
2.33.140 Unauthorized Purchases .....	2 - 19
2.33.150 Interlocal Agreements-Contracts for Commodities or Services .....	2 - 19
2.33.160 Ethics in Public Contacting.....	2 - 19
2.33.170 Personal Purchases .....	2 - 20
2.33.180 Appeals.....	2 - 20
2.33.190 Violations .....	2 - 20
Form Informal Price Quotation Record form .....	2 - 22
Form Price Quotation Request form.....	2 - 23



## **Chapter 2.04 - City Council**

**2.04.010 Meetings.** The city council may conduct two regular meetings which typically are held on the second and fourth Tuesday of each month at the City Office at 520 W. Elberta Drive, Pleasant View, Utah, which meetings typically begin promptly at six p.m., but if the meeting date is a legal holiday then the meeting will be canceled, or another date be set for the meeting. (Ord.2013-3, dated 8/27/13; prior code: Ord. 78-2 §1, 1978)

**2.04.020 Deadline for City Council Agenda Items.** All proposed city council agenda items must be submitted to the city recorder by 12:00 P.M. the Friday before city council. (Ord.2013-3, dated 8/27/13; prior code: Ord. 93-M, 10/12/93)

## Chapter 2.06 – City Administrator

**2.06.010 Office Created.** Pursuant to Utah Code Annotated § 10-3-830 (1953, as amended), there is hereby created the office of City Administrator of Pleasant View, Utah. This shall not be the alternate council-manager form of government authorized by Utah Code Annotated § 10-3-1201 et seq. The terms “City Administrator” and “City Manager” shall be interchangeable. (Ord.2005-3, dated 3/8/05)

**2.06.020 Appointment.** The Mayor shall appoint the City Administrator with the advice and consent of the City Council. Pursuant to Utah Code Ann. § 10-3-402, the Mayor may vote on the appointment of the City Administrator. Once approved by the governing body, the Mayor, on behalf of the City, shall sign the contract entered into with the City Administrator, which shall set forth the term of office, salary, benefits, duties, and termination of the City Administrator. (Ord.2005-3, dated 3/8/05)

**2.06.030 Residence.** The City Administrator need not be a resident or a qualified elector of the City at the time of his or her appointment or thereafter. (Ord.2005-3, dated 3/8/05)

**2.06.040 Term of Office.** The City Administrator shall serve at the pleasure of the governing body, except that the governing body may employ the City Administrator for a term not to exceed three (3) years. The term of employment may be renewed. Any person serving as City Administrator under this section may be removed at any time and with or without cause by a majority vote of the governing body. Pursuant to Utah Code Ann. § 10-3-402, the Mayor may vote on the dismissal of the City Administrator. (Ord.2005-3, dated 3/8/05)

**2.06.050 Resignation.** Before voluntarily resigning from the position of City Administrator, the City Administrator shall give the governing body no less than thirty (30) days notice in writing of his or her intent to resign. (Ord.2005-3, dated 3/8/05)

**2.06.060 Compensation.** The salary, fringe benefits, and other compensation of the City Administrator shall be set from time to time by the City Council. (Ord.2005-3, dated 3/8/05)

**2.06.070 Other Employment.** The City Administrator shall not accept any outside employment or work without prior authorization by the Mayor. (Ord.2005-3, dated 3/8/05)

**2.06.080 Powers and Duties.** Pursuant to the authority outlined in Utah Code Annotated § 10-3-830 (1953, as amended), the following powers, duties, and obligations are delegated to the City Administrator:

(a) The City Administrator shall report to and be under the direct control and supervision of the Mayor.

(b) The City Administrator shall be the City’s chief administrative officer who shall oversee all of the City’s day-to-day operations including, without limitation, directing and

supervising the administration of all departments, offices, and agencies of the City, except as otherwise provided by law.

(c) All City employees, through their respective Department Heads, shall report to the City Administrator.

(d) The City Administrator shall have authority to examine and inspect the books, records, and official papers of any office, department, agency, board, or commission of the City and make investigations and require reports from all personnel.

(e) The City Administrator shall have authority to hire, discipline, suspend, or remove any City employee, except an Appointed Employee or Department Head, in accordance with the City's adopted personnel policies. The City Administrator may make recommendations to the Mayor about hiring, disciplining, suspending, or removing an Appointed Employee or Department Head.

(f) The City Administrator may be required to attend meetings of the governing body with the right to take part in the discussion but not to vote. The City Administrator shall cause the appropriate staff members to also attend the meetings of the governing body, the Planning Commission, and the Board of Adjustments.

(g) The City Administrator shall prepare or cause to be prepared and submit the annual budget and proposal for capital improvements to the governing body; and keep the governing body advised no less than quarterly as to the financial condition and needs of the City.

(h) The City Administrator shall maintain a long range plan for the City, which will be used in draft form to formulate the annual budget and which will be finalized and presented for approval by the governing body no later than May 1 of each fiscal year. The plan shall include a mission statement, goals, and measurable objectives for each department or function. Such plan shall also take into consideration the governing body's policy objectives for the operation of city government, ordinances, resolutions, and approved budgets. These goals and objectives will be realistically attainable and represent initiative and innovation for improvement. If additional funding is required for attainment, the amount and suggested source will be identified.

(i) The City Administrator shall facilitate the expansion of the City's economic base by promoting commercial development in the City. This may include, without limitation, fully implementing the City's Redevelopment Agency (RDA) and Economic Development Agency (EDA) processes.

(j) The City Administrator shall research and write, or cause to be researched and written, applications for grants to provide additional funding sources for the City.

(k) The City Administrator shall provide administrative support to the Planning Commission and City Council in planning and development issues of the City, both residential and commercial.

(l) The City Administrator shall oversee and promote the City's public relations and communications through, without limitation, further developing and maintaining the City's website, preparing and reviewing media releases and public announcements, and overseeing and managing City-wide special events.

(m) The City Administrator shall manage the buildings, equipment, and other physical holdings of the City to maximize the productivity of City employees and to ensure the health, safety, and welfare of the community.

(n) The City Administrator may present to the governing body any proposed

adoption, repeal, or alteration of any policy, procedure, resolution, ordinance, or law.

(o) The City Administrator shall promptly notify the Mayor and the City Council of any emergency existing in the City or any department.

(p) The City Administrator shall faithfully oversee the execution and enforcement of all applicable laws, ordinances, rules, and regulations, and see that all franchises, leases, permits, contracts, licenses, and privileges granted by the City are observed.

(q) The City Administrator shall carry out the policies and programs established by the governing body and shall perform such other duties as may be required from time to time by the Pleasant View Municipal Code or by the governing body through ordinance or resolution.

(r) All other administrative powers, authority, and duties not expressly delegated herein to the City Administrator are reserved by and to the governing body. (Ord.2005-3, dated 3/8/05)

**2.06.090 Powers of Mayor Not Delegated.** Notwithstanding the powers and duties enumerated in subsection 2.06.080, above, the legislative and judicial powers of the Mayor, his or her position as chairman of the City Council, and any ex officio position he or she holds, shall not be delegated to the City Administrator. (Ord.2005-3, dated 3/8/05)

**2.06.100 Fidelity Bond.** Before taking office, the City Administrator shall furnish a fidelity bond in an amount to be determined by the City Council, conditioned upon the faithful performance of his or her duties, with a corporation licensed to do business in the State of Utah as surety. Such bond shall be filed with the City Recorder after being approved by the City Council and the premium for such bond shall be paid by the City. (Ord.2005-3, dated 3/8/05)

**2.06.110 Acting City Administrator.** In the event the City Administrator shall be absent from the City or incapacitated from performing his or her duties, the Assistant City Administrator, an officer or other person designated by the Mayor may be authorized to act as Acting City Administrator during such absence or incapacity; provided, however, that if such absence or incapacity shall extend for a period of ten or more consecutive days, such designation shall be subject to the approval of the City Council. (Ord.2013-3, dated 8/27/13; prior code: Ord.2005-3, dated 3/8/05)

## **Chapter 2.07 – Assistant City Administrator**

**2.07.010 Office Created.** Pursuant to Utah Code Annotated § 10-3-830 (1953, as amended), there is hereby created the office of Assistant City Administrator of Pleasant View, Utah. This shall not be the alternate council-manager form of government authorized by Utah Code Annotated § 10-3-1201 et seq. The terms “Assistant City Administrator” and “Assistant City Manager” shall be interchangeable. (Ord.2013-3, dated 8/27/13; prior code: Ord.2009-1, dated 2/10/09)

**2.07.020 Appointment.** In the absence of a City Administrator, the office of the Assistant City Administrator shall have all the duties and responsibilities as assigned in Chapter 2.06 with the exceptions of those specifically determined by the governing body. (Ord.2013-3, dated 8/27/13; prior code: Ord.2009-1, dated 2/10/09)

## **Chapter 2.08 - City Officers Generally**

### **2.08.010 Residence Requirement.**

A. The chief of police of Pleasant View shall reside within the city limits during their continuance in office:

B. Should he/she move from the city during office, he/she shall immediately resign and another be appointed pursuant to applicable law. (Ord.2005-8, dated 7/26/05; Ord.2003-8, dated 7/8/03 & Ord. 83-1, 1983)

### **2.08.020 Residence Requirement for Justice of Peace and City Recorder.** The justice of peace, city recorder, and city treasurer are not required to reside within the city limits during the continuance in office. (Ord.2005-8, dated 7/26/05, Ord.2003-8, dated 7/8/03 & Ord 93-2, 1/12/93)



## Chapter 2.12 - Chief of Police

**2.12.010 Appointment.** The city council may remove the chief from office without cause, without charges being pressed, and without trial but with opportunity to be heard, whenever, in the opinion of the mayor with advice and consent of the city council, the good of the police service in the community will be served thereby; and the action of the mayor in making such removal shall be final and conclusive. Upon the making of such a resolution, the city recorder shall forthwith notify the chief in writing of his removal, and from the time of such notification, which time shall commence from the date appearing thereon, the person so removed shall in no case be entitled to any continuing salary or compensation whatsoever. (Ord. 2013-3, dated 8/27/13; prior codes: Ord. 87-2.12 (part), 1987 & §18-1-1)

**2.12.020 Oath.** Before assuming the duties of his office, the chief of police shall take and subscribe to the constitutional oath of office. (Ord. 87-2.12 (part), 1987: prior code §18-1-2)

**2.12.030 Salary.** The city police officers shall receive as compensation for their services such sum or sums as the city council shall from time to time prescribe. The salary may be changed at any time by the city council upon proper notice to the city police officers. (Ord. 87-2.12 (part), 1987: prior code §18-1-3)

**2.12.040 Duties.** The chief and such officers as he/she hires shall suppress all riots, disturbances and breaches of the peace, and shall apprehend the person(s) committing any offense against the laws of the State of Utah or the ordinances or regulations of the city, for the preservation of the peace and good order, and the protection of the rights of property of all persons within the jurisdiction of the city. He/she shall receive and safely keep all prisoners committed to this custody, and shall file and preserve every process or commitment, and keep a record of all persons committed to the county jail showing date of arrest, offense charged, terms of commitment and the name of each prisoner and shall perform such other acts and duties as the city council shall from time to time direct. (Ord. 87-2.12 (part), 1987: prior code §18-1-4)

## Chapter 2.16 - Justice of the Peace <sup>1</sup>

**2.16.010 Appointment.** The city council shall appoint a competent person to act as the city justice of the peace. (Ord. 87-2.16 §2(part), 1987: prior code §18-2-1)

**2.16.020 Oath-Compensation.** Before assuming the duties of his office, the justice of the peace shall take and subscribe to the oath of office. The justice of the peace shall receive the fees prescribed by the laws of the state, as set out in Section 78-5-29, UCA. (Ord. 87-2.16 §2 (part), 1987: prior code §18-2-2)

**2.16.030 Jurisdiction-Duties.** The duties and jurisdiction of the justice of the peace shall be as prescribed by the laws of the state. (Ord. 87-2.16 §2(part), 1987: prior code §18-2-3)

---

<sup>1</sup> Statutory references: UCA 77-6-1 thru 77-6-9 and 78-5-29

## Chapter 2.20 - Licensing Department

**2.20.010 Department and Personnel.** There is created the city license department which shall function under and be directly responsible to the city council. The city council shall appoint a city recorder and such other employees in the license department as the city council may consider necessary. (Prior code §15-1-1)

**2.20.020 Official Bonds.**

A. The city recorder shall give a bond to the city in the sum of five thousand dollars conditioned on the faithful performance of his duties and proper accounting of all funds coming into his hands or under his control by virtue of his office in the license department.

B. The city council may require any employee of the license department to give a bond running in favor of the city in such an amount as the city council may designate. (Prior code §15-1-2)

**2.20.030 City Recorder-Duties.** The city recorder shall assess each license for business in the city in accordance with the provisions of this section and chapter, and shall receive all license fees provided for by this chapter, the assessment shall be based upon the rates established in this chapter or any other chapter fixing license fees, and license fees shall be payable annually in advance, except as provided in this chapter, and shall be effective from the first day of January of each year, until the thirty-first day of December of the same year. (Prior code §15-1-3)

**2.20.040 License Index.** The city recorder shall keep and maintain a suitable index containing the names of each licensee, and the names of each class of licenses, which index shall be arranged alphabetically. (Prior code §15 1-4)

**2.20.050 Assessment-Roll.**

A. Before the first day of January of each year the city recorder must submit to the city council an assessment roll, which shall contain the names and addresses of all persons, firms, corporations or associations whom he/she deems to come within and be subject to the license provisions of this chapter or any other chapter dealing with the subject of licensing for business within the city. The assessment roll shall also include the amount proposed to be assessed against each business on the roll, and shall indicate the date on which notice was given to the prospective licensee of the amount proposed to be assessed against him.

B. The city recorder shall submit an affidavit to the effect that he/she has made diligent inquiry to ascertain the names and addresses of all persons within the corporate limits of the city, who should be subject to a license assessment as provided in this chapter; that all persons have been assessed in accordance with the rates established by this chapter; that notice of intent to assess has been mailed to each licensee prior to the thirty-first of December and that he/she has faithfully complied with all the duties imposed on him by the city council.

(Prior code §15-1-5)

**2.20.060 Assessment-Validity.** Failure of the city recorder to submit to the city council the information required by Section 2.20.050 shall not in any way affect the validity of any assessments made in accordance with the provisions of this chapter. (Prior code §15-1-6)

**2.20.070 City Recorder-Deputies-Powers.**

A. The city recorder and all of his deputies shall have the following powers for the purpose of discharging the duties imposed upon them by the terms of this chapter.

B. To enter free of charge at any reasonable time any place of business, or to stop any vehicle for which a license is required by this chapter, to examine and inspect the place or vehicle, and to demand the exhibition of a valid license for the then current term from any person engaged or employed in the transaction of such business or the operation of such vehicle. It is made a duty of the city recorder and all of his deputies to cause complaints to be filed against all persons found by him to be violating any of the provisions of this chapter. (Prior code §15-1-7)

**2.20.080 Ex-Officio Deputies.** The city chief of police and city building inspector are appointed ex-officio license deputies, and in addition to their several duties in their regular offices or positions, they are authorized to examine all places of business subject to this chapter as their regular duties shall bring them into contact with, and shall insure that all such businesses are operating under a valid license and are transacting business in accordance with the terms of the license, and shall report any violations discovered thereby to the city recorder or his deputies. (Prior code §15-1-8)

**2.20.090 Inspections.** In addition to the initial inspection of all businesses licensed by the city council, a periodic inspection shall be made by representatives of the license department, city chief of police, city building inspector, or other officials of the city as the nature of each business licensed, according to the provisions of this chapter shall require. (Prior code §15-1-9)

## **Chapter 2.24 - Board of Equalization**

**2.24.010 Creation.** The city council is constituted the board of license equalization for the equalization of license rates. The board shall have the authority to examine any and all assessments made by the city recorder and to hear complaints of persons aggrieved by the their license assessments, and to make any changes in the same as the board in its sole discretion shall find to be illegal, unequal or unjust, provided however, that any adjustments made by the board shall be entered in detail in the record of license assessment kept by the city recorder and the board shall approve in writing all such entries before the city recorder. The city council, acting as the board of license equalization, shall meet following the city council's second regularly scheduled meeting in January and July, or as needed. (Ord. 87-2.24, 1987: prior code §15-2-1)

**2.24.020 Meetings.**

A. The board shall meet twice yearly. The first meeting shall be held not later than the second Monday in January of each year and the board shall continue in session from time to time until the business of license equalization shall be disposed of, but not later than the second Monday of February of the same year.

B. The second meeting shall be held during the month of July of each year commencing not later than the first day of July, and shall continue in session from time to time until its business is disposed of, but not later than the last day of July of the same year.

C. All complaints relating to assessments made after the close of the board's business at either meeting must be presented to the board at the next semi-annual meeting, or be forever barred. (Prior code §15-2-2)

## **Chapter 2.28 - Elections**

### **2.28.010 Primary Election System.**

A. Election for mayor and council members shall be conducted according to the municipal election section of the Utah Code, reference 20A-9-404(1) and (2).

B. This ordinance provides for the candidates for mayor and council members to be nominated at a primary election if required. A primary election will be held only when the number of candidates filing for an office exceeds twice the number to be elected. The candidates nominated at the primary election plus candidates that were not required to run in the primary are to be placed on the November ballot.

C. All ordinances of this city which are inconsistent with the provision of this ordinance are hereby repealed. (Ord 95-5, 4/9/1995 prior code: Ord. 81-3 §1, 1981)

## Chapter 2.32 - Purchasing System – Distribution of Property

(Rescinded October 28, 2008, except for Section 2.32.070)

**2.32.070 Public Property Disposal or Lease.** All disposals, leases, and/or subleases of public property of the city shall be made, as nearly as possible, under the same conditions and limitations as required by this chapter in the purchase of public property, but the city council may also authorize, at its discretion;

A. The sale of any such property at public auction if it deems such a sale desirable and in the best interest of the city. Significant parcels of real property are subject to the requirements of Section 2.32.080 DISPOSAL OF REAL PROPERTY PROCEDURES prior to auction; or

B. The lease or sublease of any such property at a properly advertised public hearing under such terms and conditions as it may deem are desirable, fair and appropriate, considering intended land use and equivalent property tax value, and in the best interest of the city. (Ordinance 2014-2, dated 2/18/14 prior codes: Res 2008-15, dated 10/28/08, Res 93-J, 6/22/93, and Ord. 79-7 §8, 1979)

**2.32.080 Disposal of Real Property Procedures.** The disposal of a significant parcel of real property shall follow the procedures set forth in Utah Code Annotated Section 10-8-2.

A. Definition: For the purposes of this chapter, a “significant parcel” is defined as a parcel of real property, or combination of contiguous parcels having a market value in excess of \$25,000; or, a parcel of real property, or a combination of contiguous parcels, having a size in excess of one-half acre.

B. Notice: Reasonable notice of the proposed conveyance of a significant parcel of real property shall be the following:

1. Notice of the public hearing shall be provided at least fourteen (14) days prior to the meeting. The notice shall contain the date, time and place of the public hearing, and a brief description of the location of the property and purpose of the disposal. Such notice shall be published at least once prior to the hearing in a newspaper of general circulation of the City, posted on the City’s website and posted at Pleasant View City Offices. (Ordinance 2014-2, dated 2/18/14)

## **Chapter 2.33 - Purchasing Policy**

**2.33.010 Purchasing Agents.** Department heads are hereby appointed as purchasing agents for the departments over which they have direct responsibility. The City Recorder may act as purchasing agent for all functions not overseen directly by a department head. The City Administrator has purchasing agent authority for all City functions and departments. (Ord.2009-9, dated 6/23/09; prior code: Ord.2008-15, dated 10/28/08)

**2.33.020 Purchasing Agent Duties and Powers.**

A. All purchasing agents shall administer the purchasing system provided by this chapter. By the provisions in this chapter and by other applicable laws, the purchasing agents shall perform the duties and have powers concerning purchasing matters as follows:

1. Administer and maintain the purchasing system and other rules and regulations established by this chapter and its authority;
2. Encourage competition: discourage uniform bidding and endeavor to obtain as full and open competition as possible on all purchases and sales;
3. Negotiate and recommend execution of contracts for the purchase of supplies, equipment and contractual services;
4. Supervise the inspection of all supplies and equipment to assure conformance with specifications;
5. Transfer surplus or unused supplies and equipment between departments as needed;
6. Maintaining a bidders' list, vendor's catalog file and other records needed for the efficient operation of the purchasing system;
7. Authorize purchases and payments of all goods, supplies and contractual services needed by the city and any agency or department which derives its support wholly or in part from the city.
8. Exploit the possibilities of buying "in bulk" so as to take full advantage of discounts;
9. Maintain adequate appropriation balance, a sufficient fund balance existing in the line item appropriation of the account number against which the purchase order is to be charged;
10. Authorized to approve change orders through a signed written order. Change orders with an increase in the contract or bid amount is subject to city council approval. (Ord.2008-15, dated 10/28/08)



**2.33.030 Summary of the purchasing procedure and levels of authority for purchases at various prices.**

AMOUNTS	LEVEL OF AUTHORITY
\$0 - \$999	Does not require a Price Quotation. Any purchasing agent of the city can purchase.
\$1,000 - \$10,000	Requires an Informal Price Quotation.
\$10,001 - \$25,000	Require Formal Price Quotation.
\$25,001 - \$50,000	Requires Sealed Bids by invitation.
\$50,001 and above	Requires Sealed Bids and newspaper advertisement.
\$10,001 and above requires City council approval	

(Ord.2009-9, dated 6/23/09; prior code: Ord.2008-15, dated 10/28/08)

**2.33.040 Purchases Requiring City Council Approval.** The city council shall approve one-time machinery and equipment purchases \$10,001 and above. (Ord.2009-9, dated 6/23/09; prior code: Ord.2008-15, dated 10/28/08)

**2.33.050 Purchases Not Requiring Price Quotation.** A Price Quotation is not required for purchases up to \$999 per item. Purchases shall not be artificially divided so as to constitute a small purchase under this section. (Ord.2008-15, dated 10/28/08)

**2.33.060 Purchases Requiring Informal Price Quotation.** Informal Price Quotations are required for purchases between \$1,000 and \$10,000. Informal price quotations shall be obtained by telephone from at least three vendors. Quotations shall be recorded on an "Informal Price Quotation Record". One copy of the quotation record shall remain with the department and one copy shall be attached to the invoice for payment. When it is determined the vendor is a sole source supplier, the "Informal Price Quotation Record" shall contain information on how the determination of sole source was made. If three vendors were called and only one had the product, the record shall contain the names of the vendors contacted. Reasons for including less than three quotations shall be stated on the record. The "Informal Price Quotation Records" may be reused as long as the price charged by the vendor remains the same as the price quoted. The quotation shall be redone when the vendor's price changes or annually, whichever comes first. State of Utah contract prices may be used in lieu of

obtaining price quotations. (Ord.2009-9, dated 6/23/09; prior code: Ord.2008-15, dated 10/28/08)

**2.33.070 Purchases Requiring Formal Price Quotation.** Formal Price Quotations are required for purchases between \$10,001 and \$25,000 and obtained through a "Request for Quotation Form" ten working days prior to the order date. Prior to seeking a "Request for Quotation", action of the city council shall be required to approve the purchase. Copies of the quotations and award shall be kept on file with the requesting department and attached to the invoice for payment. State of Utah contract prices may be used in lieu of obtaining price quotations. (Ord.2009-9, dated 6/23/09; prior code: Ord.2008-15, dated 10/28/08)

**2.33.080 Purchases Requiring Sealed Bids.** Sealed Bids are required for purchases above \$25,001 and annual contracts.

A. Procedure for obtaining sealed bids:

1. Prior to seeking sealed bids, action of the city shall be required to approve the purchase or annual contract

2. State of Utah contract prices may be used in lieu of obtaining sealed bids.

3. An invitation for bids shall be issued. The invitation shall include a purchase description, all contractual terms and conditions applicable to the procurement, state where blank bids and specifications may be secured, and the time and place for opening bids. The form and amount of the bond shall be described in the notice inviting bids.

a. For purchases between \$25,001 and 50,000, public notice of the invitation for bids shall be given a reasonable time prior to the date set forth therein for the opening of bids. The notice may include publication in a newspaper of general circulation.

b. For purchases above \$50,001, public notice of the invitation for bids shall be published at least ten days before the opening of the bids. The notice shall be published at least once in a newspaper of general circulation.

4. Bids shall be opened publicly in the presence of two or more witnesses, one being the city recorder, at the time and place designated in the invitation for bids. The amount of each bid and any relevant information, together with the name of each bidder, shall be recorded. The record and each bid shall be open to public inspection.

5. Bids shall be unconditionally accepted without alteration or correction, except as authorized in the policy. Bids shall be evaluated by the requesting department based on the requirements set forth in the invitation for bids.

6. Corrections or withdrawal of inadvertently erroneous bids before or after award, or cancellation of awards or contracts based on such bid mistakes, shall be permitted. After bid opening, no changes in bid prices or other provisions of bids prejudicial to the interest of the city or

fair competition shall be permitted. All decisions to permit the correction or withdrawal of bids or to cancel awards or contracts based on bid mistakes shall be supported by a written determination made by the requesting department.

7. Contracts shall be awarded by the city council to the lowest responsible bidder whose bid meets all the following requirements.

a. The ability, capacity and skill of the bidder to perform the contract or provide the service required;

b. Whether the bidder can perform the contract or provide the service promptly, or within the time specified, without delay or interference;

c. The character, integrity, reputation, judgment, experience and efficiency of the bidder;

d. The quality of performance of previous contracts or services;

e. The previous and existing compliance by the bidder with laws and ordinances relating to the contract or service;

f. The sufficiency of the financial resources and ability of the contractor to provide the service;

g. The quality, availability and adaptability of the supplies, or contractual services to the particular use required;

h. The ability of the bidder to provide future maintenance and service for the use of the subject of the contract.

8. Award to Other than Lowest Bidder. When the award is not given to the lowest bidder, a full and complete statement of the reasons for placing the order elsewhere shall be prepared by the purchasing agent and filed with the other papers relating to the transaction.

9. Performance Bonds. Before entering a contract, the city council shall have the authority to require a performance bond in such an amount as it shall find reasonably necessary to protect the best interests of the city. The form and amount of the bond shall be described in the notice inviting bids. The city understands that the state requires performance and payment bonds in every situation but allows the city the ability to waive the performance and payment bond requirements. As part of the bid process, the city may waive the requirement for performance and payment bonds. The waiver may be made by the city council for reasons found in 2.33.080 (7). When there is a waiver made, the city council shall clearly state the reasons for the waiver of the performance and payment bond requirements.

10. Received bids shall be kept on file in the requesting department. A summary of the bids and award shall be attached to invoice for payment. (Ord.2017-5, dated 2/28/17 and Ord.2008-15, dated 10/28/08)

**2.33.090 Use of Competitive Sealed Proposal in Lieu of Bids.** When it is determined that the use of competitive sealed bidding is either not practicable or not advantageous to the City, a contract may be entered into by competitive sealed proposals. Competitive sealed proposals are most appropriately used for

professional service-type contracts i.e. attorney, architect, engineering, etc. subject to city council approval.

A. Procedures for obtaining competitive sealed proposals are as follows:

1. Proposals shall be solicited through a request for proposals.

Public notice of the request for proposals shall be given at least fourteen days prior to the advertised date of the opening of the proposals.

2. Proposals shall be opened so as to avoid disclosure of contents to competing offerors during the process of negotiation. A register of proposals shall be prepared and shall be open for public inspection after contract award.

3. The request for proposal shall state the relative importance of price and other evaluating factors.

4. Offerors shall be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals, and revisions may be permitted after submissions and prior to award for the purpose of obtaining best and final offers. In conducting discussions, there shall be no disclosure of any information derived from proposals submitted by competing offerors.

5. Award shall be made to the person or firm whose proposal is determined, in writing, to be the most advantageous to the city, taking into consideration price and the evaluation factors set forth in the request for proposals. The contract file shall contain the basis on which the award is made. (Ord.2008-15, dated 10/28/08)

### **2.33.100 Competitive Bidding Requirements-Exemptions.**

A. Auction-Closeout, Bankruptcy Sales. If the purchasing agent determined that supplies, materials or equipment can be purchased at any public auction, closeout sale bankruptcy sale or other similar sale, and if a majority of the city council at a regular or special meeting concurs in such determination and makes a finding that a purchase at any such auction or sale will be made at a cost below the market cost in the community, contract or contracts may be let, or the purchase made without complying with the competitive bidding requirements of this chapter.

B. Exchanges. Exchanges of supplies, material or equipment between the city and any other public agency which are not for sale or auction shall be by mutual agreement of the respective public agencies and approved by the city council.

C. Emergency Purchases. In case of apparent emergency which requires immediate purchase of supplies or contractual services, the purchasing agent shall be empowered to secure at the lowest obtainable price, any supplies or contractual services regardless of amount of the expenditure. A full report of the circumstances of an emergency purchase shall be filed with the city council. In case of actual emergency the purchasing agent or any representative of that department, may purchase directly any supplies whose immediate procurement is essential to prevent delays in the work of the department which may vitally affect the life, health or convenience of any employee or citizen of the city. The

representative of the department shall send to the purchasing agent a full written report of the circumstances of the emergency. The report shall be filed with the council as provided. (Ord.2008-15, dated 10/28/08)

**2.33.110 Cost-plus-a-percentage-of-cost contract prohibited.** Subject to the limitations of this chapter, any type of contract which will promote the best interests of the city may be used; provided that the use of a cost-plus-a-percentage-of-cost contract is prohibited. A cost-reimbursement contract may be used only when a determination is made in writing that such contract is likely to be less costly to the city than any other type or that is impracticable to obtain the supplies, services, or construction required except under such a contract. (Ord.2008-15, dated 10/28/08)

**2.33.120 Circumstances Justifying Award of Contract Without Competition.** A contract may be awarded for a supply, services, or construction item without competition when the purchasing agent determines in writing and recorded on an Informal Price Quotation Record that there is only one source for the required supply, service, or construction item; or the award to a supplier, service provider, or contractor is a condition of a donation that will fund the full cost of the supply, service, or construction item. (Ord.2008-15, dated 10/28/08)

**2.33.130 Cancellation and rejection of Bids.** An invitation for bids, a request for proposals, or other solicitation may be canceled, or any or all bids or proposals may be rejected, in whole or in part, as may be specified in the solicitation, when it is in the best interest of the city. There reasons shall be made part of the contract file. (Ord.2008-15, dated 10/28/08)

**2.33.140 Unauthorized Purchases.** Except as provided in this chapter, it shall be unlawful for any city officer or officers or employees to order the purchase of any supplies or make any contract within the purview of this chapter other than through or with the tentative approval of the appropriate purchasing agent and the city council when appropriate and any purchase ordered or contract made contrary to the provisions of this chapter shall not receive approval by the appropriate officials, and the city shall not be bound thereby. Utah State Code prohibits officers and employees of the city from incurring expenditures and encumbrances in excess of the total appropriation for any department. Prior approval for a budget adjustment must be received before purchase is made for any item which will put a department in violation of the budget. (Ord.2008-15, dated 10/28/08)

**2.33.150 Interlocal Agreements-Contracts for Commodities or Services.** The city shall have the power to enter into joint purchase agreements with any or all other public agencies within the state for the purchase of any commodity or service, wherein it is determined by the city council to be in the best interest of the city. (Ord.2008-15, dated 10/28/08)

**2.33.160 Ethics in Public Contracting.**

A. Any purchase order to contract within the purview of this chapter in which any officer or employee of the city is financially interested, directly or indirectly, shall be void, except that before the execution of a purchase order or contract the council shall have the authority to waive compliance with this section when it finds such action to be in the best interests of the city.

B. Any person involved in making purchasing decisions is guilty of a felony if the person asks, receives, or offers to receive any emolument, gratuity, contributions, loan, or reward, or any promise thereof, either for the person's own use or the use or benefit of any other person or organization from any person or organization interested in selling to the city. (Ord.2008-15, dated 10/28/08)

**2.33.170 Personal Purchases.**

A. Purchases of supplies or equipment for the personal use of an official or employee of the city shall be made only when the item or items are required as part of a worker's equipment and are necessary to the successful performance of the duties of such city official or employee. Other personal purchases shall not be permitted and will be cause for disciplinary action.

B. Personal Liability. Purchases made by employees of the city without direct authorization from the city council or purchasing agent shall become the personal obligation of the employees. Such purchases, unless ratified by the purchasing agent or city council as provided in this chapter shall be grounds for disciplinary action, including dismissal. (Ord.2008-15, dated 10/28/08)

**2.33.180 Appeals.**

A. Any actual or prospective bidder, offeror, or contractor who is aggrieved in connection with the solicitation or award of a contract may appeal to the purchasing agent. Any appeal shall be submitted in writing within five working days after the aggrieved person knows or should have known of the facts.

B. The purchasing agent shall promptly issue a written decision regarding any appeal, if it is not settled by a mutual agreement. The decision shall state the reasons for the action taken and inform the protestor, contractor, or prospective contractor of the right to appeal to the city council.

C. The city council shall be the final appeal on the city level.

D. All further appeals shall be handled as provided in section 63-56-58 through 64 of the Utah Code. (Ord.2008-15, dated 10/28/08)

**2.33.190 Violations.**

A. Conflicts of Interest. No member of the city council, or a city employee may be interested directly or indirectly in any contract entered into by the city. A violation of this provision shall be cause for removal or other disciplinary action.

B. Collusion Among Bidders. Any agreement or collusion among bidders or prospective bidders, in restraint of freedom of competition, by agreement to bid a fixed price, or otherwise, shall render the bids of such bidders void.

C. Advance Disclosures. Any disclosure in advance of the opening of bids whether in response to advertising or an informal request for bids, made or

permitted by a member of the city council or a city employee shall render void the advertisement or request for bids.

D. Gifts and Gratuities. The acceptance or soliciting by any official or employee of the city of any gift, gratuity, favor, entertainment, loan or item of monetary value from any person, persons or company seeking to obtain business with the City of Pleasant View, or from any person, persons or company within or outside the City of Pleasant View employment whose interests may be affected by the employees' or any official performance or nonperformance of official duties is prohibited. Gifts or gratuities will not be accepted except under circumstances allowed by the Utah Employee Ethics Act, U.C.A. § 67-16-1 et seq. The following exceptions are allowed:

1. An occasional nonpecuniary gift, having a value of not in excess of \$50;
2. Gifts collected for sponsored city functions;
3. An award publicly presented in recognition of public services;
4. Any bona fide loan made in the ordinary course of business; or
5. A political campaign contribution. (Ord.2008-15, dated 10/28/08)

**INFORMAL PRICE QUOTATION RECORD  
(Pleasant View City)**

Department: \_\_\_\_\_

Date: \_\_\_\_\_

Item Description:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Quantity: \_\_\_\_\_

\* \* \* \* \*

**If using State of Utah Contract Pricing:**

Contract Number: _____
Effective Dates of Contract: _____
Vendor: _____
State Purchasing Agent Contacted: _____

**OR**

**If using Informal Price Quotation Pricing:**

Vendor	Phone #	Person Contacted	Price Quote

\* \* \* \* \*

Comments:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Purchasing Agent Signature: \_\_\_\_\_ Date: \_\_\_\_\_



**PRICE QUOTATION REQUEST  
for  
Pleasant View City**

Pleasant View City is seeking a Price Quotation for the following item(s):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_.

Price Quotations will be accepted until: \_\_\_\_\_ Quantity: \_\_\_\_\_

\* \* \* \* \*

Company Name: \_\_\_\_\_

Address: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Contact numbers: \_\_\_\_\_

Specify Name Brand of Item: \_\_\_\_\_

Variations to Specifications or Comments (attach additional sheets if necessary):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Price Quote: \_\_\_\_\_

Price Quote Honored Through: \_\_\_\_\_

Approximate Delivery Date: \_\_\_\_\_

Authorized Signature: \_\_\_\_\_ Date: \_\_\_\_\_

**Please submit this Price Quote to:**

**Pleasant View City**

**Attn: \_\_\_\_\_**

**520 W Elberta Drive**

**Pleasant View City, Utah 84414**

**1-801-782-0539**

**or Fax to:**

**or e-mail to:**

\_\_\_\_\_

***This is not an order. Pleasant View City reserves the right to accept or reject this quote, or any portion thereof, and call for new quotes.***

**Thank You.**

## **Title 3**

### **Revenue and Finance**

Chapters:

3.04	Sales and Use Tax Ordinance .....	3 - 1
3.08	Utility Revenue Tax.....	3 - 3
3.10	Municipal Energy Sales & Use Tax.....	3 - 4
3.12	Telecommunications Right-Of-Way Ordinance ....	3 - 8
3.14	Franchise Agreement .....	3 - 23
3.16	Municipal Telecommunications License Tax .....	3 - 30



## Title 3

### Revenue and Finance

<b>Chapter 3.04 - Sales and Use Tax Ordinance .....</b>	<b>3 - 1</b>
3.04.010 Purpose. ....	3 - 1
3.04.020 Effective Date. ....	3 - 1
3.04.030 Sales and Use Tax. ....	3 - 1
3.04.040 Penalties. ....	3 - 2
3.04.050 Severability. ....	3 - 2
 <b>Chapter 3.08 - Utility Revenue Tax .....</b>	 <b>3 - 3</b>
3.08.010 Definitions. ....	3 - 3
3.08.020 Levied. ....	3 - 3
3.08.030 Collection-Accounting. ....	3 - 3
3.08.040 Applicability of Provisions. ....	3 - 3
 <b>Chapter 3.10 - Municipal Energy Sales &amp; Use Tax .....</b>	 <b>3 - 4</b>
3.10.010 Purpose .....	3 - 4
3.10.020 Definitions .....	3 - 4
3.10.030 Municipal Energy Sales & Use Tax .....	3 - 4
3.10.040 Exemptions from the Energy Sales & Use Tax .....	3 - 5
3.10.050 No Effect upon Existing Franchises .....	3 - 6
3.10.060 Tax Collection Contract with State Tax Commission.....	3 - 6
3.10.070 Incorp. of Part 1, Chapter 12, Title 59, Utah Code w/ Amendments	3 - 7
3.10.080 No Additional License to Collect the Sale & Use Tax Use Required	3 - 7
3.10.090 Effective Date .....	3 - 7
 <b>Chapter 3.12 - Telecommunications Right-Of-Way Ordinance .....</b>	 <b>3 - 8</b>
3.12.010 Declaration of Findings and Intent; Scope of Ordinance .....	3 - 9
3.12.020 Defined Terms .....	3 - 11
3.12.030 Franchise Required .....	3 - 11
3.12.040 Compensation and Other Payments .....	3 - 12
3.12.050 Franchise Applications .....	3 - 13
3.12.060 Construction and Technical Requirements .....	3 - 14
3.12.070 Franchise, License, Transfer or Sale .....	3 - 16
3.12.080 Oversight and Regulation .....	3 - 17
3.12.090 Rights of City .....	3 - 18
3.12.100 Obligation to Notify .....	3 - 19
3.12.110 General Provisions .....	3 - 19
3.12.120 Federal, State and City Jurisdiction .....	3 - 20
3.12.130 Telecommunications Franchise Application .....	3 - 20

<b>Chapter 3.14 - Franchise Agreement.....</b>	<b>3 - 23</b>
Article 1. Franchise Agreement and Ordinance.....	3 - 23
Article 2. Franchise Fee .....	3 - 24
Article 3. Term and Renewal .....	3 - 24
Article 4. Public Use Rights .....	3 - 25
Article 5. Police Powers.....	3 - 25
Article 6. Changing Conditions and Severability.....	3 - 25
Article 7. Early Termination, Revocation of Franchise and Other Remedies.....	3 - 26
Article 8. Parties Designees .....	3 - 27
Article 9. Insurance and Indemnification .....	3 - 27
Article 10. General Provisions .....	3 - 28
 <b>Chapter 3.16 - Municipal Telecommunications License Tax.....</b>	 <b>3 - 30</b>
3.16.010 Definitions .....	3 - 30
3.16.020 Levy of Tax.....	3 - 32
3.16.030 Rate.....	3 - 32
3.16.040 Rate Limitation and Exemption Therefrom.....	3 - 32
3.16.050 Effective Date of Tax Levy .....	3 - 32
3.16.060 Changes in Rate or Repeal of the Tax .....	3 - 32
3.16.070 Interlocal Agreement for Collection of the Tax .....	3 - 32
3.16.080 Procedures for Taxes Erroneously Recovered from Customers ..	3 - 32
3.16.090 Repeal of Inconsistent Taxes and Fees .....	3 - 32

## Chapter 3.04 - Sales and Use Tax Ordinance

**3.04.010 Purpose.** The 48th Session of the Utah Legislature of Utah has authorized the counties and municipalities of the State of Utah to enact sales and use tax ordinances imposing a one percent tax. It is the purpose of this ordinance to conform the Sales and Use Tax of the municipality to the requirements of the Sales and Use Tax Act, Chapter 12 of Title 59, Utah Code Annotated, 1953, as currently amended.  
(Ord 90-1, 1/30/90; prior code Ord 86-2, §2, 1986)

**3.04.020 Effective Date.** This ordinance shall become effective as of 12:01 o'clock a.m., January 1, 1990. (Ord 90-1, 1/30/90 prior code: Ord 86-2, §3, 1986)

### 3.04.030 Sales and Use Tax.

#### A. Retail Tax

1. From and after the effective date of this ordinance, there is levied and there shall be collected and paid a tax upon every retail sale of tangible personal property, services and meals made within the municipality at the rate of one percent.

2. An excise tax is hereby imposed on the storage, use, or other consumption in this municipality of tangible personal property from any retailer on or after the operative date of this ordinance at the rate of one percent of the sales of the property.

3. For the purpose of this ordinance all retail sales shall be presumed to have been consummated at the place of business delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. In the event a retailer has no permanent place of business, the place or places at which the retail sales are consummated shall be as determined under the rules and regulations prescribed by and adopted by the State Tax Commission.  
(Repeal part Ord 97-9, 6/10/98)

#### B. Sales Tax

1. Except as hereinafter provided, and except insofar as they are inconsistent with the provisions of the Sales and Use Tax Act, all of the provisions of Chapter 12, Title 59, Utah Code Annotated, 1953, as amended, and in force and effect on the effective date of this ordinance, insofar as they relate to sales taxes, excepting Sections 59-12-101 and 59-12-119 thereof, are hereby adopted and made a part of the ordinance as through fully set forth herein.

2. Wherever, and to the extent that in Chapter 12 of Title 59, Utah Code Annotated, 1953, the State of Utah is named or referred to as the taxing agency, the name of this municipality shall be substituted therefor. Nothing in subparagraph (B) shall be deemed to require substitution of the name of the municipality for the word "State" when that word is used as part of the title of the State Tax Commission, or of the Constitution of the State of Utah, nor shall the name of the municipality be substituted for that of the State in any section when the result of that substitution would require action to be taken by or against the municipality or any agency thereof, rather than by or against the State Tax Commission in

performing the functions incident to the administration or operation of the ordinance.

3. If an annual license has been issued to a retailer under Section 59-12-106 of the said Utah Code Annotated, 1953, an additional license shall not be required by reason of this section.

4. There shall be excluded from the purchase price paid or changed by which the tax is measured:

a. The amount of any sales or use tax imposed by the State of Utah upon a retailer of consumer;

b. The gross receipts from the sale of or the cost of storage, use or other consumption of tangible personal property upon which a sales or use tax has become due by reason of the sale transaction to any other municipality and any county in the State of Utah, under the sales or use tax ordinance enacted by that county or municipality in accordance with the Sales and Use Tax act. (Ord. 90-1, 1/30/90 prior code: Ord 86-2, 1986)

**3.04.040 Penalties.** Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punishable by a fine in an amount less than \$300.00 or imprisonment for a period of not more than six months, or by both such fine and imprisonment. (Ord. 90-1, 1/30/90 prior code: Ord 86-2, 1986)

**3.04.050 Severability.** If any section, subsection, sentence, clause, phrase or portion of this ordinance, including but not limited to any exemption is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. It is the intention of the city council that each separate provision of this ordinance shall be deemed independent of all other provisions herein. (Ord 90-1, 1/30/90)

## Chapter 3.08 - Utility Revenue Tax

**3.08.010 Definitions.** For purposes of this chapter, the following words and phrases shall have the meanings set out in this section:

A. "Basic local exchange service revenue" means revenues received from the furnishing of telecommunications and access to the telecommunications network to either business, residential or other customers whether on a flat rate or measured basis, by means of an access line; but shall not include revenues obtained by the telephone public utility company from the provision of terminal telephone equipment services (such as basic telephone sets, private branch exchanges and key telephone systems), or from other telephone equipment which is obtainable from both the telephone company and other suppliers.

B. "Gross revenue" means revenue derived from the sale and use of public utility services; provided that the term as applied to telephone services shall be construed to mean basic local exchange service revenue.

C. "In connection with public utilities" means to trade in products or service within the same market area as a public utility.

D. "Public utility" means an entity so defined under Title 54 of UCA, 1953, as amended, which supplies electric, gas or telephone services of any kind or in any manner within the city.

E. "Public utility services" means the sale or use of electrical power and energy, natural gas and local exchange telephone service. (Ord. 85-9 §1, 1985)

**3.08.020 Levied.** An annual revenue tax equal to six percent of the gross revenue derived from the sale and use of public utility services within the city is levied upon the business of every person, company or entity engaged in the business of supplying electric, gas or telephone services within the city in competition with public utilities. (Ord 99-9, 5/25/99 & Ord. 85-9 §2, 1985)

**3.08.030 Collection - Accounting.** Within forty-five days after the close of each quarter in a calendar year, any public utility or person, company or entity in competition with public utilities shall file with the city recorder a report of its gross revenue derived from within the city, together with a computation of the tax levied under this chapter against the public utility or person, company or entity in competition with public utilities. At the same time such report is filed, the public utility or person, company or entity in competition with public utilities shall pay to the city treasurer the amount of the tax. (Ord. 85-9 §3, 1985)

**3.08.040 Applicability of Provisions.** This tax shall apply to all gross revenue from a public utility or person, company or entity in competition with public utilities from billings made after July, 1985, and shall continue until repealed or otherwise modified. (Ord. 85-9 §4, 1985)



## Chapter 3.10 - Municipal Energy Sales & Use Tax

### 3.10.010 Purpose.

1. It is the intent of Pleasant View City to repeal everything relating to electricity and natural gas energy sources in Chapter 3.08 - Utility Revenue Tax.

2. It is also the intent of Pleasant View City to repeal the last sentence of Chapter 3.04 (3.04.030.A.3) - Sales and Use Tax Ordinance, which states: "Public utilities as defined by Title 54, Utah Code Annotated, 1953, shall not be obligated to determine the place or places within any county or municipality where public utilizes services are rendered, but the place of sale or the sales tax revenue arising from such service allocable to the city shall be as determined by the State Tax Commission pursuant to an appropriate formula and other rules and regulations to be prescribed and adopted by it."

3. It is the intent of Pleasant View City to adopt the municipal energy sales and use tax, pursuant to, and in conformance with, Utah Code Ann. §10-1-301 et seq. "The Municipal Energy Sales and Use Tax Act". (Ord 97-9, 6/10/97)

### 3.10.020 Definitions.

1. "Consumer" means a person who acquires taxable energy for any use that is subject to the Municipal Energy Sales and Use Tax.

2. "Contractual Franchise Fee" means:

- a. a fee;
  - i. Provided for in a franchise agreement; and
  - ii. That is consideration for the franchise agreement; or
- b.
  - i. A fee similar to subsection (2)(a); or
  - ii. Any combination of subsection (2)(a) or (2)(b).

3. a. "Delivered Value" means the fair market value of the taxable energy delivered for sales or use in the municipality and includes:

- i. The value of the energy itself; and
- ii. Any transportation, freight, customer demand charges, service charges, or other costs typically incurred in providing taxable energy in usable form to each class of customer in the municipality,

b. "Delivered Value" does not include the amount of a tax paid under Part 1 or Part 2 of Chapter 12, Title 59 of the Utah Code Annotated.

4. "Energy Supplier" means a person supplying taxable energy, except for persons supplying a de minimus amount of taxable energy, if such persons are excluded by rule promulgated by the State Tax Commission.

5. "Franchise Agreement" means a franchise or an ordinance, contract, or agreement granting a franchise.

6. "Franchise Tax" mean:

- a. A franchise tax
- b. A tax similar to a franchise tax; or
- c. Any combination of subsections (a) or (b).

7. "Person" includes any individual, firm, partnership, joint venture, association, corporation, estate, trust, business trust, receiver, syndicated, this state, any county,

city, municipality, district, or other local governmental entity of the state, or any group or combination acting as a unit.

8. "Sale" means any transfer of title, exchange, or barter, conditional or otherwise, in any manner, of taxable energy for a consideration. It includes:

- a. Installment and credit sales;
- b. Any closed transaction constituting a sale;
- c. Any transaction under which right to acquire, use or consume taxable energy is granted under a lease or contract and the transfer would be taxable if an outright sale were made.

9. "Storage" means any keeping or retention of taxable energy in this City for any purpose except sale in the regular course of business.

10. a. "Use" means the exercise of any right or power over taxable energy incident to the ownership or the leasing of the taxable energy.

b. "Use" does not include the sale, display, demonstration, or trial of the taxable energy in the regular course of business and held for resale.

11. "Taxable Energy" means gas and electricity. (Ord 97-9, 6/10/97)

### **3.10.030 Municipal Energy Sales and Use Tax.**

A. There is hereby levied, subject to the provisions of this chapter, a tax on every sale or use of taxable energy made within Pleasant View City equaling six percent (6%) of the delivered value of the taxable energy to the consumer. This tax shall be known as the Municipal Energy Sales and Use Tax.

1. The tax shall be calculated on the delivered value of the taxable energy to the consumer.

2. The tax shall be in addition to any sales or use tax on taxable energy imposed by Pleasant View City authorized by Title 59, Chapter 12, Part 2 of the Utah Code Annotated, The Local Sales and Use Tax Act. (Ord 99-8, 5/25/99 & Ord 97-9, 6/10/97)

### **3.10.040 Exemptions from the Municipal Energy Sales and Use Tax.**

1. No exemptions are granted from the Municipal Energy Sales and Use Tax except as expressly provided in Utah Code Ann ' 10-1-305(2)(b); notwithstanding an exemption granted by §59-1-104 of the Utah Code.

2. The following are exempt from the Municipal Energy Sales and Use Tax, pursuant to Utah Code Ann. §10-1-305(2)(b):

- a. Sales and use of aviation fuel, motor fuel, and special fuels subject to taxation under Title 59, Chapter 13 or the Utah Code Annotated;
- b. Sales and use of taxable energy that is exempt from taxation under federal law, the United States Constitution, or the Utah Constitution;
- c. Sales and use of taxable energy purchased or stored for resales;
- d. Sales or use of taxable energy to a person, if the primary use of the taxable energy is for use in compounding or producing taxable energy or a fuel subject to taxation under Title 59, Chapter 13 of the Utah Code Annotated;
- e. Taxable energy brought into the state by a nonresident for the nonresident's own personal use or enjoyment while within the state, except taxable energy purchase for use in the state by a nonresident living or working in the state at the time of purchase;

- f. The sale or use of taxable energy for any purpose other than as a fuel or energy; and
  - g. The sale of taxable energy for use outside the boundaries of Pleasant View City.
- 3. The sale, storage, use, or other consumption of taxable energy is exempt from the Municipal Energy Sales and Use Tax levied by this Chapter, provided:
  - a. The delivered value of the taxable energy has been subject to a municipal energy sales or use tax levied by another municipality within the state authorized by Title 59, Chapter 12, Part 3 of the Utah Code Annotated; and
  - b. Pleasant View City is paid the difference between the tax paid to the other municipality and the tax that would otherwise be due under this Chapter, if the tax due under this Chapter exceeds the tax paid to the other municipality. (Ord 97-9, 6/10/97)

### **3.10.050 No Effect upon Existing Franchises - Credit for Franchise Fees.**

- 1. This Chapter shall not alter any existing franchise agreements between Pleasant View City and energy suppliers.
- 2. There is a credit against the tax due from any consumer in the amount of a contractual franchise fee paid if:
  - a. The energy supplier pays the contractual franchise fee to Pleasant View City pursuant to a franchise agreement in effect on July 1, 1997;
  - b. The contractual franchise fee is passed through by the energy supplier to a consumer as a separately itemized charge; and
  - c. The energy supplier has accepted the franchise. (Ord 97-9, 6/10/97)

### **3.10.060 Tax Collection Contract with State Tax Commission.**

- 1. On or before the effective date of this Chapter, the City shall contract with the State Tax Commission to perform all functions incident to the administration and collection of the Municipal Energy Sales and Use Tax, in accordance with this Chapter. The Mayor, is hereby authorized to enter agreements with the State Tax Commission that may be necessary to the continued administration and operation of the Municipal Energy Sales and Use Tax Ordinance enacted by this Chapter.
- 2. An energy supplier shall pay the Municipal Energy Sales and Use Tax revenues collected from consumers directly to Pleasant View City monthly if:
  - a. Pleasant View City is the energy supplier; or
  - b.
    - i. The energy supplier estimates that the municipal energy sales and use tax collected annually from its Utah consumers equals \$1,000,000 or more, and
    - ii. The energy supplier collects the Municipal Energy Sales and Use Tax.
- 3. An energy supplier paying the Municipal Energy Sales and Use Tax directly to Pleasant View City may deduct any contractual franchise fees collected by the energy supplier qualifying as a credit and remit the net tax less any amount the energy supplier retains as authorized by ' 10-1-307(4), Utah Code Annotated. (Ord 97-9, 6/10/97)

**3.10.070 Incorporation of Part 1, Chapter 12, Title 59, Utah Code, including Amendments.**

1. a. Except as herein provided, and except insofar as they are inconsistent with the provisions of Title 10, Chapter 1, Part 3, Municipal Energy Sales and Use Tax Act, as well as this Chapter, all of the provisions of Part 1, Chapter 12, Title 59 of the Utah Code Annotated 1953, as amended, and in force and effect on the effective date of this Chapter, insofar as they relate to sales and use taxes, excepting Sections 59-12-101 and 59-12-119 thereof, and excepting for the amount of the sales and use taxes levied therein, are hereby adopted and made a part of this Chapter as if fully set forth herein.

b. Wherever, and to the extent that in Part 1, Chapter 12, Title 59, Utah Code Annotated 1953, as amended, the State of Utah is named or referred to as the "taxing agency", the name of Pleasant View City shall be substituted, insofar as is necessary for the purposes of that part, as well as Part 3, Chapter 1, Title 10, Utah Code Annotated 1953, as amended. Nothing in this subparagraph (b) shall be deemed to require substitution of the name Pleasant View City for the word "State" when that word is used as part of the title of the State Tax Commission, or of the Constitution of Utah, nor shall the name of Pleasant View City be substituted for that of the State in any section when the result of such a substitution would require action to be taken by or against Pleasant View City or any agency thereof, rather than by or against the State Tax Commission in performing the functions incident to the administration or operation of this Chapter.

c. Any amendments made to Part 1, Chapter 12, Title 59, Utah Code Annotated 1953, as amended, which would be applicable to Pleasant View City for the purposes of carrying out this Chapter are hereby incorporated herein by reference and shall be effective upon the date that they are effective as a Utah statute. (Ord 97-9, 6/10/97)

**3.10.080 No Additional License to Collect the Municipal Energy Sales and Use Tax Required - No Additional License or Reporting Requirements.**

No additional license to collect or report the Municipal Energy Sales and Use Tax levied by this Chapter is required, provided the energy supplier collecting the tax has a license issued under Section 59-12-106, Utah Code Annotated. (Ord 97-9, 6/10/97)

**3.10.090 Effective Date.**

This Chapter is effective June 30, 1997. The Municipal Energy Sales and Use Tax shall be levied beginning 12:01 A. M., July 1, 1997. (Ord 97-9, 6/10/97)

## **CHAPTER 3.12 - TELECOMMUNICATIONS RIGHTS-OF-WAY ORDINANCE**

(Exhibit "A" of the Franchise Agreement, Chapter 3.14)

### **3.12.010 -- DECLARATION OF FINDINGS AND INTENT; SCOPE OF ORDINANCE**

#### **A. Declaration of Finding and Intent.**

1. **Findings Regarding Rights-of-Way.** The City of finds that the Rights-of-Way within the City:
  - (a) are critical to the travel and transport of persons and property in the business and social life of the City;
  - (b) are intended for public uses and must be managed and controlled consistent with that intent;
  - (c) can be partially occupied by the facilities of utilities and other public service entities delivering utility and public services rendered for profit, to the enhancement of the health, welfare, and general economic well-being of the City and its citizens; and
  - (d) are a unique and physically limited resource requiring proper management to maximize the efficiency and to minimize the costs to the taxpayers of the foregoing uses and to minimize the inconvenience to and negative effects upon the public from such facilities' construction, placement, relocation, and maintenance in the Rights-of-Way.
2. **Finding Regarding Compensation.** The City finds that the City should receive fair and reasonable compensation for use of the Rights-of-Way.
3. **Finding Regarding Local Concern.** The City finds that while Telecommunications Systems are in part an extension of interstate commerce, their operations also involve Rights-of-Way, municipal franchising, and vital business and community service, which are of local concern.
4. **Finding Regarding Promotion of Telecommunications Services.** The City finds that it is in the best interests of its taxpayers and citizens to promote the rapid development of Telecommunications Services, on a nondiscrimination basis, responsive to community and public interest, and to assure availability for municipal, educational and community services.
5. **Findings Regarding Franchise Standards.** The City finds that it is in the interests of the public to Franchise and to establish standards for franchising Providers in a manner that:
  - (a) fairly and reasonably compensates the City on a competitively neutral and non-discriminatory basis as provided herein;
  - (b) encourages competition by establishing terms and conditions under which Providers may use the Rights-of-Way to serve the public;
  - (c) fully protects the public *interests* and the City from any harm that may flow from such commercial use of Rights-of-Way;
  - (d) protects the police powers and Rights-of-Way management authority of the City, in a manner consistent with federal and state law;
  - (e) otherwise protects the public interests in the development and use of the City infrastructure;

- (f) protects the public's investment in improvements in the Rights-of-Way; and
- (g) ensures that no barriers to entry of Telecommunications Providers are created and that such franchising is accomplished in a manner that does not prohibit or have the effect of prohibiting Telecommunication Services, within the meaning of the Telecommunications Act of 1996 ("Act") [P.L. No. 104-104].

**6. Power to Manage Rights-of-Way.** The City adopts this Telecommunications Ordinance pursuant to its power to manage the Rights-of-Way, pursuant to common law, the Utah Constitution and statutory authority, and receive fair and reasonable compensation for the use of Rights-of-Way by Providers as expressly set forth by Section 253 of the Act.

**B. Scope of Ordinance.** This Ordinance shall provide the basic local scheme for Providers of Telecommunications Services and Systems that require the use of the Rights-of-Way, including Providers of both the System and Service, those Providers of the System only, and those Providers who do not build the System but who only provide Services. This Ordinance shall apply to all future Providers and to all Providers in the City prior to the effective date of this Ordinance, whether operating with or without a Franchise as set forth in Section 12.2.

**C. Excluded Activity.**

1. **Wireless Services.** This Ordinance shall not apply to Personal Wireless Service Facilities.
2. **Provisions Applicable to Excluded Providers.** Providers excused by other law that prohibits the City from requiring a Franchise shall not be required to obtain a Franchise, but all of the requirements imposed by this Ordinance through the exercise of the City's police power and not preempted by other law shall be applicable.

**3.12.020 -- DEFINED TERMS**

**A. Definitions.** For purposes of this Ordinance, the following terms, phrases, words, and their derivatives shall have the meanings set forth in this Section, unless the context clearly indicates that another meaning is intended. Words used in the present tense include the future tense, words in the single number include the plural number, words in the plural number include the singular. The word "shall" and "will" are mandatory, and "may" is permissive. Words not defined shall be given their common and ordinary meaning.

1. "Application" means the process by which a Provider submits a request and indicates a desire to be granted a Franchise to utilize the Rights-of-Way of all, or a part, of the City. An Application includes all written documentation, verbal statements and representations, in whatever form or forum, made by a Provider to the City concerning: the construction of a Telecommunications System over, under, on or through the Rights-of-Way; the Telecommunications Services proposed to be provided in the City by a Provider; and any other matter pertaining to a proposed System or Service.
2. "City" means Pleasant View City, Utah.
3. "Completion Date" means the date that a Provider begins providing Services to customers in the City.
4. "Construction Costs" means all costs of constructing a System, including make ready costs, other than engineering fees, attorneys or accountants fees, or other consulting fees.

5. "Control" or "Controlling Interest" means actual working control in whatever manner exercised, including, without limitation, working control through ownership, management, debt instruments or negative control, as the case may be, of the System or of a Provider. A rebuttable presumption of the existence of Control or a Controlling Interest shall arise from the beneficial ownership, directly or indirectly, by any Person, or group of Persons acting in concert, of more than twenty-five percent (25%) of any Provider (which Person or group of Persons is hereinafter referred to as "Controlling Person"). "Control" or "Controlling Interest" as used herein may be held simultaneously by more than one Person or group of Persons.
6. "FCC" means the Federal Communications Commission, or any successor thereto.
7. "Franchise" means the rights and obligation extended by the City to a Provider to own, lease, construct, maintain, use or operate a System in the Rights-of-Way within the boundaries of the City. Any such authorization, in whatever form granted, shall not mean or include: (i) any other permit or authorization required for the privilege of transacting and carrying on a business within the City required by the ordinances and laws of the City; (ii) any other permit, agreement or authorization required in connection with operations on Rights-of-Way or public property including, without limitation, permits and agreements for placing devices on or in poles, conduits or other structures, whether owned by the City or a private entity, or for excavating or performing other work in or along the Rights-of-Way.
8. "Franchise Agreement" means a contract entered into in accordance with the provisions of this Ordinance between the City and a Franchisee that sets forth, subject to this Ordinance, the terms and conditions under which a Franchise will be exercised.
9. "Gross Revenue" includes all revenues of a Provider that may be included as gross revenue within the meaning of Chapter 26, Title 11 Utah Code annotated, 1953, as amended.
10. "Infrastructure Provider" means a Person providing to another, for the purpose of providing Telecommunication Services to customers, all or part of the necessary System which uses the Rights-Of-Way.
11. "Open Video Service" means any video programming services provided to any Person through the use of Rights-of-Way, by a Provider that is certified by the FCC to operate an Open Video System pursuant to sections 651, *et seq.*, of the Telecommunications Act (to be codified at 47 U.S.C. Title VI, Part V), regardless of the System used.
12. "Open Video System" means the system of cables, wires, lines, towers, wave guides, optic fiber, microwave, laser beams, and any associated converters, equipment, or facilities designed and constructed for the purpose of producing, receiving, amplifying or distributing Open Video Services to or from subscribers or locations within the City.
13. "Operator" means any Person who provides Service over a Telecommunications System and directly or through one or more Persons owns a Controlling Interest in such System, or who otherwise controls or is responsible for the operation of such a System.
14. "Ordinance" or "Telecommunications Ordinance" means this Telecommunications Ordinance concerning the granting of Franchises in and by the City for the construction, ownership, operation, use or maintenance of a Telecommunications System.
15. "Person" includes any individual, corporation, partnership, association, joint stock company,

trust, or any other legal entity, but not the City.

16. "Personal Wireless Services Facilities" has the same meaning as provided in Section 704 of the Act (47 U.S.C. 332(c)(7)(c)), which includes what is commonly known as cellular and PCS Services that do not install any System or portion of a System in the Rights-of-Way.

17. "Provider" means an Operator, Infrastructure Provider, Resaler, or System Lessee.

18. "PSC" means the Public Service Commission, or any successor thereto.

19. "Resaler" refers to any Person that provides local exchange service over a System for which a separate charge is made, where that Person does not own or lease the underlying System used for the transmission.

20. "Rights-of-Way" means the surface of and the space above and below any public street, sidewalk, alley, or other public way of any type whatsoever, now or hereafter existing as such within the City.

21. "Signal" means any transmission or reception of electronic, electrical, light or laser or radio frequency energy or optical information in either analog or digital format.

22. "System Lessee" refers to any Person that leases a System or a specific portion of a System to provide Services.

23. "Telecommunications" means the transmission, between or among points specified by the user, of information of the user's choosing (*e.g.*, data, video, and voice), without change in the form or content of the information sent and received.

24. "Telecommunications System" or "System" means all conduits, manholes, poles, antennas, transceivers, amplifiers and all other electronic devices, equipment, Wire and appurtenances owned, leased, or used by a Provider, located in the Rights-of-Way and utilized in the provision of Services, including fully digital or analog, voice, data and video imaging and other enhanced Telecommunications Services. Telecommunications System or Systems also includes an Open Video System.

25. "Telecommunications Service(s)" or "Services" means any telecommunications services provided by a Provider within the City that the Provider is authorized to provide under federal, state and local law, and any equipment and/or facilities required for and integrated with the Services provided within the City, except that these terms do not include "cable service" as defined in the Cable Communications Policy Act of 1984, as amended by the Cable Television Consumer Protection and Competition Act of 1992 (47 U.S.C. ' ' 521, *et seq.*), and the Telecommunications Act of 1996. Telecommunications System or Systems also includes an Open Video System.

26. "Wire" means fiber optic Telecommunications cable, wire, coaxial cable, or other transmission medium that may be used in lieu thereof for similar purposes.

### **3.12.030 -- FRANCHISE REQUIRED**

**A. Non-Exclusive Franchise.** The City is empowered and authorized to issue non-exclusive Franchises governing the installation, construction, and maintenance of Systems in the City's Rights-of-Way, in accordance with the provisions of this Ordinance. The Franchise is granted through a Franchise Agreement entered into between the City and Provider.

**B. Every Provider Must Obtain.** Except to the extent preempted by federal or state law, as ultimately



interpreted by a court of competent jurisdiction, including any appeals, every Provider must obtain a Franchise prior to constructing a Telecommunications System or providing Telecommunications Services using the Rights-of-Way, and every Provider must obtain a Franchise before constructing an Open Video System or providing Open Video Services via an Open Video System. Any Open Video System or Service shall be subject to the customer service and consumer protection provisions applicable to the Cable TV companies to the extent the City is not preempted or permitted as ultimately interpreted by a court of competent jurisdiction, including any appeals. The fact that particular Telecommunications Systems may be used for multiple purposes does not obviate the need to obtain a Franchise for other purposes. By way of illustration and not limitation, a cable operator of a cable system must obtain a cable franchise, and, should it intend to provide Telecommunications Services over the same System, must also obtain a Telecommunications Franchise.

**C. Nature of Grant.** A Franchise shall not convey title, equitable or legal, in the Rights-of-Way. A Franchise is only the right to occupy Rights-of-Way on a non-exclusive basis for the limited purposes and for the limited period stated in the Franchise; the right may not be subdivided, assigned, or subleased. A Franchise does not excuse a Provider from obtaining appropriate access or pole attachment agreements before collocating its System on the property of others, including the City's property. This section shall not be construed to prohibit a Provider from leasing conduit to another Provider, so long as the Lessee has obtained a Franchise.

**D. Current Providers.** Except to the extent exempted by federal or state law, any Provider acting without a Franchise on the effective date of this Ordinance shall request issuance of a Franchise from the City within 90 days of the effective date of this Ordinance. If such request is made, the Provider may continue providing service during the course of negotiations. If a timely request is not made, or if negotiations cease and a Franchise is not granted, the Provider shall comply with the provisions of Section 9.4 regarding abandonment.

**E. Nature of Franchise.** The Franchise granted by the City under the provisions of this Ordinance shall be a nonexclusive Franchise providing the right and consent to install, repair, maintain, remove and replace its System on, over and under the Rights-of-Way in order to provide Services.

**F. Regulatory Approval Needed.** Before offering or providing any Services pursuant to the Franchise, a Provider shall obtain any and all regulatory approvals, permits, authorizations or licenses for the offering or provision of such Services from the appropriate federal, state and local authorities, if required, and shall submit to the City upon the written request of the City evidence of all such approvals, permits, authorizations or licenses.

**G. Term.** No Franchise issued pursuant to this Ordinance shall have a term of less than five (5) years or greater than fifteen (15) years. Each Franchise shall be granted in a nondiscriminatory manner.

### **3.12.040 -- COMPENSATION AND OTHER PAYMENTS**

**A. Compensation.** As fair and reasonable compensation for any Franchise granted pursuant to this Ordinance, a Provider shall have the following obligations:

- 1. Application Fee.** In order to offset the cost to the City to review an Application for a Franchise and in addition to all other fees, permits or charges, a Provider shall pay to the City, at the time of Application, \$500 as a non-refundable Application fee.
- 2. Franchise Fees.** The Franchise fee, if any, shall be set forth in the Franchise Agreement. The obligation to pay a Franchise fee shall commence on the Completion Date. The Franchise fee is

offset by any business license fee or business license tax enacted by the City.

**3. Excavation Permits.** The Provider shall also pay fees required for an excavation permit as provided in the City Excavation Permit Ordinance.

**B. Timing.** Unless otherwise agreed to in the Franchise Agreement, all Franchise Fees shall be paid on a monthly basis within forty-five (45) days of the close of each calendar month.

**C. Fee Statement and Certification.** Unless a Franchise Agreement provides otherwise, each fee payment shall be accompanied by a statement showing the manner in which the fee was calculated and shall be certified as to its accuracy.

**D. Future Costs.** A Provider shall pay to the City or to third parties, at the direction of the City, an amount equal to the reasonable costs and reasonable expenses that the City incurs for the services of third parties (including but not limited to attorneys and other consultants) in connection with any renewal or Provider-initiated renegotiation, or amendment of this Ordinance or a Franchise, provided, however, that the parties shall agree upon a reasonable financial cap at the outset of negotiations. In the event the parties are unable to agree, either party may submit the issue to binding arbitration in accordance with the rules and procedures of the American Arbitration Association. Any costs associated with any work to be done by the City Public Works Department to provide space on City owned poles shall be borne by the Provider.

**E. Taxes and Assessments.** To the extent taxes or other assessments are imposed by taxing authorities, other than the City on the use of the City property as a result of a Provider's use or occupation of the Rights-of-Way, the Provider shall be responsible for payment of its pro rata share of such taxes, payable annually unless otherwise required by the taxing authority. Such payments shall be in addition to any other fees payable pursuant to this Ordinance.

**F. Interest on Late Payments.** In the event that any payment is not actually received by the City on or before the applicable date fixed in the Franchise, interest thereon shall accrue from such date until received at the rate charged for delinquent state taxes.

**G. No Accord and Satisfaction.** No acceptance by the City of any fee shall be construed as an accord that the amount paid is in fact the correct amount, nor shall such acceptance of such fee payment be construed as a release of any claim the City may have for additional sums payable.

**H. Not in Lieu of Other Taxes or Fees.** The fee payment is not a payment in lieu of any tax, fee or other assessment except as specifically provided in this Ordinance, or as required by applicable law. By way of example, and not limitation, excavation permit fees and fees to obtain space on the City owned poles are not waived and remain applicable.

**I. Continuing Obligation and Holdover.** In the event a Provider continues to operate all or any part of the System after the Term of the Franchise, such operator shall continue to comply with all applicable provisions of this Ordinance and the Franchise, including, without limitation, all compensation and other payment provisions throughout the period of such continued operation, provided that any such continued operation shall in no way be construed as a renewal or other extension of the Franchise, nor as a limitation on the remedies, if any, available to the City as a result of such continued operation after the term, including, but not limited to, damages and restitution.

**J. Costs of Publication.** A Provider shall assume any publication costs associated with its Franchise that may be required by law.

### **3.12.050 -- FRANCHISE APPLICATIONS**

**A. Franchise Application.** To obtain a Franchise to construct, own, maintain or provide Services through any System within the City, to obtain a renewal of a Franchise granted pursuant to this Ordinance, or to obtain the City approval of a transfer of a Franchise, as provided in Subsection 7.1.2, granted pursuant to this Ordinance, an Application must be filed with City on the form attached to this Ordinance as Exhibit A, which is hereby incorporated by reference. The Application form may be modified by the City so long as such changes request information that is consistent with this Ordinance. Such Application form, as amended, is incorporated by reference.

**B. Application Criteria.** In making a determination as to an Application filed pursuant to this Ordinance, the City may, but shall not be limited to, request the following from the Provider:

- (1) A copy of the order from the PSC granting a Certificate of Convenience and Necessity.
- (2) Certification of the Provider's financial ability to compensate the City for Provider's intrusion, maintenance and use of the Rights-of-Way during the Franchise term proposed by the Provider;
- (3) Provider's agreement to comply with the requirements of Section 6 of this Ordinance.

**C. Franchise Determination.** The City, in its discretion, shall determine the award of any Franchise on the basis of these and other considerations relevant to the use of the Rights-of-Way, without competitive bidding.

### **3.12.060 -- CONSTRUCTION AND TECHNICAL REQUIREMENTS**

**A. General Requirement.** No Provider shall receive a Franchise unless it agrees to comply with each of the terms set forth in this Section governing construction and technical requirements for its System, in addition to any other reasonable requirements or procedures specified by the City or the Franchise, including requirements regarding locating and sharing in the cost of locating portions of the System with other Systems or with City utilities. A Provider shall obtain an excavation permit, pursuant to the excavation ordinance, before commencing any work in the Rights-of-Way.

**B. Quality.** All work involved in the construction, maintenance, repair, upgrade and removal of the System shall be performed in a safe, thorough and reliable manner using materials of good and durable quality. If, at any time, it is determined by the FCC or any other agency granted authority by federal law or the FCC to make such determination, that any part of the System, including, without limitation, any means used to distribute Signals over or within the System, is harmful to the public health, safety or welfare, or quality of service or reliability, then a Provider shall, at its own cost and expense, promptly correct all such conditions.

**C. Licenses and Permits.** A Provider shall have the sole responsibility for diligently obtaining, at its own cost and expense, all permits, licenses or other forms of approval or authorization necessary to construct, maintain, upgrade or repair the System, including but not limited to any necessary approvals from Persons and/or the City to use private property, easements, poles and conduits. A Provider shall obtain any required permit, license, approval or authorization, including but not limited to excavation permits, pole attachment agreements, etc., prior to the commencement of the activity for which the permit, license, approval or authorization is required.

**D. Relocation of the System.**

- 1. New Grades or Lines.** If the grades or lines of any Rights-of-Way are changed at any time in a manner affecting the System, then a Provider shall comply with the requirements of the excavation ordinance.

**2. The City Authority to Move System in case of an Emergency.** The City may, at any time, in case of fire, disaster or other emergency, as determined by the City in its reasonable discretion, cut or move any parts of the System and appurtenances on, over or under the Rights-of-Way of the City, in which event the City shall not be liable therefor to a Provider. The City shall notify a Provider in writing prior to, if practicable, but in any event as soon as possible and in no case later than three business days following any action taken under this Section. Notice shall be given as provided in Section 11.4.

**3. A Provider Required to Temporarily Move System for Third Party.** A Provider shall, upon prior reasonable written notice by the City or any Person holding a permit to move any structure, and within the time that is reasonable under the circumstances, temporarily move any part of its System to permit the moving of said structure. A Provider may impose a reasonable charge on any Person other than the City for any such movement of its Systems.

**4. Rights-of-Way Change - Obligation to Move System.** When the City is changing a Rights-of-Way and makes a written request, a Provider is required to move or remove its System from the Rights-of-Way, without cost to the City, to the extent provided in the excavation ordinance. This obligation does not apply to Systems originally located on private property pursuant to a private easement, which property was later incorporated into the Rights-of-Way, if that private easement grants a superior vested right. This obligation exists whether or not the Provider has obtained an excavation permit.

**E. Protect Structures.** In connection with the construction, maintenance, repair, upgrade or removal of the System, a Provider shall, at its own cost and expense, protect any and all existing structures belonging to the City. A Provider shall obtain the prior written consent of the City to alter any water main, power facility, sewerage or drainage system, or any other municipal structure on, over or under the Rights-of-Way of the City required because of the presence of the System. Any such alteration shall be made by the City or its designee on a reimbursable basis. A Provider agrees that it shall be liable for the costs incurred by the City to replace or repair and restore to its prior condition in a manner as may be reasonably specified by the City, any municipal structure or any other Rights-of-Way of the City involved in the construction, maintenance, repair, upgrade or removal of the System that may become disturbed or damaged as a result of any work thereon by or on behalf of a Provider pursuant to the Franchise.

**F. No Obstruction.** In connection with the construction, maintenance, upgrade, repair or removal of the System, a Provider shall not unreasonably obstruct the Rights-of-Way of fixed guide way systems, railways, passenger travel, or other traffic to, from or within the City without the prior consent of the appropriate authorities.

**G. Safety Precautions.** A Provider shall, at its own cost and expense, undertake all necessary and appropriate efforts to prevent accidents at its work sites, including the placing and maintenance of proper guards, fences, barricades, security personnel and suitable and sufficient lighting, and such other requirements prescribed by OSHA and Utah OSHA. A Provider shall comply with all applicable federal, state and local requirements including but not limited to the National Electric Safety Code.

**H. Repair.** After written reasonable notice to the Provider, unless, in the sole determination of the City, an eminent danger exists, any Rights-of-Way within the City which are disturbed or damaged during the construction, maintenance or reconstruction by a Provider of its System may be repaired by the City at the Provider's expense, to a condition as good as that prevailing before such work was commenced. Upon

doing so, the City shall submit to such a Provider an itemized statement of the cost for repairing and restoring the Rights-of-Ways intruded upon. The Provider shall, within thirty (30) days after receipt of the statement, pay to the City the entire amount thereof.

**I. System Maintenance.** A Provider shall:

- (1) Install and maintain all parts of its System in a non-dangerous condition throughout the entire period of its Franchise.
- (2) Install and maintain its System in accordance with standard prudent engineering practices and shall conform, when applicable, with the National Electrical Safety Code and all applicable other federal, state and local laws or regulations.
- (3) At all reasonable times, permit examination by any duly authorized representative of the City of the System and its effect on the Rights-of-Way.

**J. Trimming of Trees.** A Provider shall have the authority to trim trees, in accordance with all applicable utility restrictions, ordinance and easement restrictions, upon and hanging over Rights-of-Way so as to prevent the branches of such trees from coming in contact with its System.

**3.12.070 -- FRANCHISE, LICENSE, TRANSFER OR SALE**

**A. Notification of Sale.**

**1. Notification and Election.** When a Provider is the subject of a sale, transfer, lease, assignment, sublease or is disposed of, in whole or in part, either by forced or involuntary sale, or by ordinary sale, consolidation or otherwise, such that it or its successor entity is obligated to inform or seek the approval of the PSC, the Provider or its successor entity shall promptly notify the City of the nature of the transaction. The notification shall include either:

- (a) the successor entity's certification that the successor entity unequivocally agrees to all of the terms of the original Provider's Franchise Agreement, or
- (b) the successor entity's Application in compliance with Section 5 of this Ordinance.

**2. Transfer of Franchise.** Upon receipt of a notification and certification in accordance with Subsection 7.1.1(a), the City designee, as provided in Subsection 9.1.1, shall send notice affirming the transfer of the Franchise to the successor entity. If the City has good cause to believe that the successor entity may not comply with this Ordinance or the Franchise Agreement, it may require an Application for the transfer. The Application shall comply with Section 5.

**3. If PSC Approval No Longer Required.** If the PSC no longer exists, or if its regulations or state law no longer require approval of transactions described in Section 7.1, and the City has good cause to believe that the successor entity may not comply with this Ordinance or the Franchise Agreement, it may require an Application. The Application shall comply with Section 5.

**B. Events of Sale.** The following events shall be deemed to be a sale, assignment or other transfer of the Franchise requiring compliance with Section 7.1: (i) the sale, assignment or other transfer of all or a majority of a Provider's assets to another Person; (ii) the sale, assignment or other transfer of capital stock or partnership, membership or other equity interests in a Provider by one or more of its existing shareholders, partners, members or other equity owners so as to create a new Controlling Interest in a Provider; (iii) the issuance of additional capital stock or partnership, membership or other equity interest by a Provider so as to create a new Controlling Interest in such a Provider; or (iv) the entry by a Provider into an agreement with respect to the management or operation of such Provider or its System.

### 3.12.080 -- OVERSIGHT AND REGULATION

A. **Insurance, Indemnity, and Security.** Prior to the execution of a Franchise, a Provider will deposit with the City an irrevocable, unconditional letter of credit or surety bond as required by the terms of the Franchise, and shall obtain and provide proof of the insurance coverage required by the Franchise. A Provider shall also indemnify the City as set forth in the Franchise.

B. **Oversight.** The City shall have the right to oversee, regulate and inspect periodically the construction, maintenance, and upgrade of the System, and any part thereof, in accordance with the provisions of the Franchise and applicable law. A Provider shall establish and maintain managerial and operational records, standards, procedures and controls to enable a Provider to prove, in reasonable detail, to the satisfaction of the City at all times throughout the Term, that a Provider is in compliance with the Franchise. A Provider shall retain such records for not less than the applicable statute of limitations.

C. **Maintain Records.** A Provider shall at all times maintain:

(1) On file with the City, a full and complete set of plans, records and "as-built" hard copy maps and, to the extent the maps are placed in an electronic format, they shall be made in electronic format compatible with the City's existing GIS system, of all existing and proposed installations and the types of equipment and Systems installed or constructed in the Rights-of-Way, properly identified and described as to the types of equipment and facility by appropriate symbols and marks which shall include annotations of all Rights-of-Ways where work will be undertaken. As used herein, "as-built" maps includes "file construction prints." Maps shall be drawn to scale. "As-built" maps, including the compatible electronic format, as provided above, shall be submitted within 30 days of completion of work or within 30 days after completion of modification and repairs. "As-built" maps are not required of the Provider who is the incumbent local exchange carrier for the existing System to the extent they do not exist.

(2) Throughout the term of the Franchise, a Provider shall maintain complete and accurate books of account and records of the business, ownership, and operations of a Provider with respect to the System in a manner that allows the City at all times to determine whether a Provider is in compliance with the Franchise. Should the City reasonably determine that the records are not being maintained in such a manner, a Provider shall alter the manner in which the books and/or records are maintained so that a Provider comes into compliance with this Section. All financial books and records which are maintained in accordance with the regulations of the FCC and any governmental entity that regulates utilities in the State of Utah, and generally accepted accounting principles shall be deemed to be acceptable under this Section.

D. **Confidentiality.** If the information required to be submitted is proprietary in nature or must be kept confidential by federal, state or local law, upon proper request by a Provider, such information shall be classified as a Protected Record within the meaning of the Utah Government Records Access and Management Act ("GRAMA"), making it available only to those who must have access to perform their duties on behalf of the City, provided that a Provider notifies the City of, and clearly labels the information which a Provider deems to be confidential, proprietary information. Such notification and labeling shall be the sole responsibility of the Provider.

E. **Provider's Expense.** All reports and records required under this Ordinance shall be furnished at the sole expense of a Provider, except as otherwise provided in this Ordinance or a Franchise.

F. **Right of Inspection.** For the purpose of verifying the correct amount of the franchise fee, the books and

records of the Provider pertaining thereto shall be open to inspection or audit by duly authorized representatives of the City at all reasonable times, upon giving reasonable notice of the intention to inspect or audit the books and records, provided that the City shall not audit the books and records of the Provider more often than annually. The Provider agrees to reimburse the City the reasonable costs of an audit if the audit discloses that the Provider has paid ninety-five percent (95%) or less of the compensation due the City for the period of such audit. In the event the accounting rendered to the City by the Provider herein is found to be incorrect, then payment shall be made on the corrected amount within thirty (30) calendar days of written notice, it being agreed that the City may accept any amount offered by the Provider, but the acceptance thereof by the City shall not be deemed a settlement of such item if the amount is in dispute or is later found to be incorrect.

### **3.12.090 -- RIGHTS OF CITY**

#### **A. Enforcement and Remedies.**

1. **Enforcement - City Designee.** The City is responsible for enforcing and administering this Ordinance, and the City or its designee, as appointed by the Mayor, is authorized to give any notice required by law or under any Franchise Agreement.
2. **Enforcement Provision.** Any Franchise granted pursuant to this Ordinance shall contain appropriate provisions for enforcement, compensation, and protection of the public, consistent with the other provisions of this Ordinance, including, but not limited to, defining events of default, procedures for accessing the Bond/Security Fund, and rights of termination or revocation.

**B. Force Majeure.** In the event a Provider's performance of any of the terms, conditions or obligations required by this Ordinance or a Franchise is prevented by a cause or event not within a Provider's control, such inability to perform shall be deemed excused and no penalties or sanctions shall be imposed as a result thereof. For the purpose of this section, causes or events not within the control of a Provider shall include, without limitation, acts of God, strikes, sabotage, riots or civil disturbances, failure or loss of utilities, explosions, acts of public enemies, and natural disasters such as floods, earthquakes, landslides, and fires.

#### **C. Extended Operation and Continuity of Services.**

1. **Continuation After Expiration.** Upon either expiration or revocation of a Franchise granted pursuant to this Ordinance, the City shall have discretion to permit a Provider to continue to operate its System or provide Services for an extended period of time not to exceed six (6) months from the date of such expiration or revocation. A Provider shall continue to operate its System under the terms and conditions of this Ordinance and the Franchise granted pursuant to this Ordinance.
2. **Continuation by Incumbent Local Exchange Carrier.** If the Provider is the incumbent local exchange carrier, it shall be permitted to continue to operate its System and provide Services without regard to revocation or expiration, but shall be obligated to negotiate a renewal in good faith.

#### **D. Removal or Abandonment of Franchise Property.**

1. **Abandoned System.** In the event that (1) the use of any portion of the System is discontinued for a continuous period of twelve (12) months, and thirty (30) days after no response to written notice from the City to the last known address of Provider; (2) any System has been installed in the Rights-of-Way without complying with the requirements of this Ordinance or Franchise; or (3) the

provisions of Section 3.5 are applicable and no Franchise is granted, a Provider, except the Provider who is an incumbent local exchange carrier, shall be deemed to have abandoned such System.

**2. Removal of Abandoned System.** The City, upon such terms as it may impose, may give a Provider written permission to abandon, without removing, any System, or portion thereof, directly constructed, operated or maintained under a Franchise. Unless such permission is granted or unless otherwise provided in this Ordinance, a Provider shall remove within a reasonable time the abandoned System and shall restore, using prudent construction standards in accordance with the City Excavation Permit Ordinance, any affected Rights-of-Way to their former state at the time such System was installed, so as not to impair their usefulness. In removing its plant, structures and equipment, a Provider shall refill, at its own expense, any excavation necessarily made by it and shall leave all Rights-of-Way in as good condition as that prevailing prior to such removal without materially interfering with any electrical or telephone cable or other utility wires, poles or attachments. The City shall have the right to inspect and approve the condition of the Rights-of-Way cables, wires, attachments and poles prior to and after removal. The liability, indemnity and insurance provisions of this Ordinance and any security fund provided in a Franchise shall continue in full force and effect during the period of removal and until full compliance by a Provider with the terms and conditions of this Section.

**3. Transfer of Abandoned System to City.** Upon abandonment of any System in place, a Provider, if required by the City, shall submit to the City a written instrument, satisfactory in form to the City, transferring to the City the ownership of the abandoned System.

**4. Removal of Above-Ground System.** At the expiration of the term for which a Franchise is granted, or upon its revocation or earlier expiration, as provided for by this Ordinance, in any such case without renewal, extension or transfer, the City shall have the right to require a Provider to remove, at its expense, all above-ground portions of a System from the Rights-of-Way within a reasonable period of time, which shall not be less than one hundred eighty (180) days. If the Provider is the incumbent local exchange carrier, it shall not be required to remove its System, but shall negotiate a renewal in good faith.

**5. Leaving Underground System.** Notwithstanding anything to the contrary set forth in this Ordinance, a Provider may abandon any underground System in place so long as it does not materially interfere with the use of the Rights-of-Way or with the use thereof by any public utility, cable operator or other Person.

### **3.12.100 - OBLIGATION TO NOTIFY**

**A. Publicizing Work.** Before entering onto any private property, a Provider shall make a good faith attempt to contact the property owners in advance, describe the work to be performed, and obtain their consent.

### **3.12.110 -- GENERAL PROVISIONS**

**A. Conflicts.** In the event of a conflict between any provision of this Ordinance and a Franchise entered pursuant to it, the provisions of this Ordinance in effect at the time the Franchise is entered into shall control.

**B. Severability.** If any provision of this Ordinance is held by any federal, state or local court of competent jurisdiction, to be invalid as conflicting with any federal or state statute, or is ordered by a court to be



modified in any way in order to conform to the requirements of any such law and all appellate remedies with regard to the validity of the Ordinance provisions in question are exhausted, such provision shall be considered a separate, distinct, and independent part of this Ordinance, and such holding shall not affect the validity and enforceability of all other provisions hereof. In the event that such law is subsequently repealed, rescinded, amended or otherwise changed, so that the provision which had been held invalid or modified is no longer in conflict with such law the provision in question shall return to full force and effect and shall again be binding on the City and the Provider, provided that the City shall give the Provider thirty (30) days, or a longer period of time as may be reasonably required for a Provider to comply with such a rejuvenated provision, written notice of the change before requiring compliance with such provision.

**C. New Developments.** It shall be the policy of the City to liberally amend this Ordinance, upon Application of a Provider, when necessary to enable the Provider to take advantage of any developments in the field of Telecommunications which will afford the Provider an opportunity to more effectively, efficiently, or economically serve itself or the public.

**D. Notices.** All notices from a Provider to the City required under this Ordinance or pursuant to a Franchise granted pursuant to this Ordinance shall be directed to the officer as designated by the Mayor. A Provider shall provide in any Application for a Franchise the identity, address and phone number to receive notices from the City. A Provider shall immediately notify the City of any change in its name, address, or telephone number.

**E. Exercise of Police Power.** To the full extent permitted by applicable law either now or in the future, the City reserves the right to adopt or issue such rules, regulations, orders, or other directives that it finds necessary or appropriate in the lawful exercise of its police powers.

### **3.12.120 -- FEDERAL, STATE AND CITY JURISDICTION**

**A. Construction.** This Ordinance shall be construed in a manner consistent with all applicable federal and state statutes.

**B. Ordinance Applicability.** This Ordinance shall apply to all Franchises granted or renewed after the effective date of this Ordinance. This Ordinance shall further apply, to the extent permitted by applicable federal or state law to all existing Franchises granted prior to the effective date of this Ordinance and to a Provider providing Services, without a Franchise, prior to the effective date of this Ordinance.

**C. Other Applicable Ordinances.** A Provider's rights are subject to the police powers of the City to adopt and enforce ordinances necessary to the health, safety and welfare of the public. A Provider shall comply with all applicable general laws and ordinances enacted by the City pursuant to its police powers. In particular, all Providers shall comply with the City zoning and other land use requirements.

**D. City Failure to Enforce.** A Provider shall not be relieved of its obligation to comply with any of the provisions of this Ordinance or any Franchise granted pursuant to this Ordinance by reason of any failure of the City to enforce prompt compliance.

**E. Construed According to Utah Law.** This Ordinance and any Franchise granted pursuant to this Ordinance shall be construed and enforced in accordance with the substantive laws of the State of Utah.

### **3.12.130 -- TELECOMMUNICATIONS FRANCHISE APPLICATION**

(See attached Exhibit "A")

## EXHIBIT "A"

PLEASANT VIEW CITY  
TELECOMMUNICATIONS FRANCHISE APPLICATION

(Capitalized terms are defined in the Telecommunications Rights-of-Way Ordinance)

(Name of Applicant) \_\_\_\_\_ (herein "Provider") a \_\_\_\_\_ (Corporation, LLC, Partnership, Individual), organized under the laws of \_\_\_\_\_ (state), with its principal headquarters located in \_\_\_\_\_ (state), does hereby request a Franchise to utilize the Rights-of-Way of all, or a part of, Pleasant View City (herein the "City"), pursuant to the City's Telecommunications Rights-of-Way Ordinance (herein "ROW Ordinance").

A. Please list all names (d/b/a's) the Provider will be doing business under in the City:

Name of Contact Person:

Telephone Number:

Address:

Street

City

State

Zip Code

B. This Application is a:  
\_\_\_\_\_ New Application    \_\_\_\_\_ Renewal Application    \_\_\_\_\_ Transfer of Franchise

C. At the time of this Application, Provider is planning to do the following (mark all that apply):

\_\_\_\_\_ Construct a System using the Rights-of-Way

\_\_\_\_\_ Directly provide Telecommunications Services to the public:

\_\_\_\_\_ Local dial tone services

\_\_\_\_\_ Interstate long distance services

\_\_\_\_\_ Intrastate long distance services

\_\_\_\_\_ High speed data transmission services

\_\_\_\_\_ High speed Internet services

\_\_\_\_\_ Provide the private Telecommunication needs of the Provider

\_\_\_\_\_ Lease **TO** or otherwise allow all or a portion of its System to be used by another Provider. List name(s) of other Provider(s), if known:

\_\_\_\_\_ Lease **FROM** or otherwise use another Provider's System. List name(s) of other Provider(s), if known:

\_\_\_\_\_ Construct an Open Video System

\_\_\_\_\_ Provide an Open Video System

D. The application fee required in the ROW Ordinance accompanies this Application. The Provider understands that this Application will not be considered until the application fee is paid.

E. As provided in Section 2.1.1 of the ROW Ordinance, this Application includes all written documentation, verbal statements and representations, in whatever form, made by the Provider to the City concerning the construction of a Telecommunication System over, under, on, or through the Rights-of-Way; the Telecommunication Services proposed to be provided in the City by the Provider; and any other matter pertaining to a proposed System or Service.

F. Except to the extent any Ordinance provision referenced herein is invalidated, the Provider hereby certifies and agrees as follows:

1. All information contained in this Application and all other information presented to the City is true and correct;
2. The Provider is familiar with the ROW Ordinance and will comply with it in all respects if the Franchise is granted;
3. The Provider has received a Certificate of Convenience and Necessity from the Utah Public Service Commission, if required;
4. The Provider has the financial ability to compensate the City during the Franchise term by paying the franchise fee

as required in the ROW Ordinance and the Franchise Agreement.

5. The Provider will comply with the requirements of Section 6 of the ROW Ordinance which governs construction and technical requirements;

6. The Provider will obtain excavation permits as required in the ROW Ordinance and the Excavation Ordinance and promptly pay the permit fees;

7. The Provider will pay the up-front franchise fee required in the Franchise Agreement when it is granted;

8. The signers of this Application have the authority to make these certifications and agreements on behalf of the Provider.

Provider: \_\_\_\_\_

By: \_\_\_\_\_

Title: \_\_\_\_\_

STATE OF UTAH )

: ss

COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_ day of \_\_\_\_\_, 200\_\_, personally appeared before me \_\_\_\_\_, who being by me duly sworn did say that he/she is the \_\_\_\_\_, of \_\_\_\_\_, and that the foregoing instrument was signed in behalf of said entity by authority of its or its bylaws, and he/she acknowledged to me that said entity executed the same.

\_\_\_\_\_  
NOTARY PUBLIC

## CHAPTER 3.14 - FRANCHISE AGREEMENT

**THIS FRANCHISE AGREEMENT** (hereinafter "Agreement") is entered into by and between Pleasant View City, Utah (hereinafter "City"), a municipal corporation and political subdivision of the State of Utah, with principal offices at 520 West Elberta Drive, Pleasant View, Utah, and \_\_\_\_\_ (hereinafter "Provider"), with its principal offices at \_\_\_\_\_.

### W I T N E S S T H

**WHEREAS**, the Provider desires to provide voice, data or video transmission services within the City and in connection therewith to establish a telecommunications network in, under, along, over and across present and future rights-of-way of the City; and

**WHEREAS**, the City has enacted in the City Code the "Telecommunications Rights-of-Way Ordinance" which governs the application and review process for Telecommunication Franchises in the City; and

**WHEREAS**, the City, in exercise of its management of public Rights-of-Way, believes that it is in the best interest of the public to provide the Provider a nonexclusive franchise to operate a telecommunications network in the City.

**NOW, THEREFORE**, in consideration of the mutual covenants and agreements of the parties contained herein, and for other good and valuable consideration, the City and the Provider agree as follows:

### ARTICLE 1. FRANCHISE AGREEMENT AND ORDINANCE.

**1.1 Agreement.** Upon approval by the City Council and execution by the parties, this Agreement shall be deemed to constitute a contract by and between City and Provider.

**1.2 Ordinance.** The City has adopted the Telecommunications Rights-of-Way Ordinance, which is attached to this Agreement as Exhibit "A" and incorporated herein by reference. The Provider acknowledges that it has had an opportunity to read and become familiar with the Telecommunications Rights-of-Way Ordinance. The parties agree that the provisions and requirements of the Telecommunications Rights-of-Way Ordinance are material terms of this Agreement, and that each party hereby agrees to be contractually bound to comply with the terms of the Telecommunications Rights-of-Way Ordinance. The definitions in the Telecommunications Rights-of-Way Ordinance shall apply herein unless a different meaning is indicated. Nothing in this Section shall be deemed to require the Provider to comply with any provision of the Telecommunications Rights-of-Way Ordinance which is determined to be unlawful or beyond the City's authority.

**1.3 Ordinance Amendments.** The City reserves the right to amend the Telecommunications Rights-of-Way Ordinance at any time. The City shall give the Provider notice and an opportunity to be heard concerning any proposed amendments. If there is any inconsistency between the Provider's rights and obligations under the Telecommunications Rights-of-Way Ordinance as amended and this Agreement, the provisions of this Agreement shall govern during its term. Otherwise, the Provider agrees to comply with any such amendments.

**1.4 Franchise Description.** The Telecommunications Franchise provided hereby shall confer upon the Provider the nonexclusive right, privilege, and franchise to construct and maintain a telecommunications network in, under, above and across the present and future public Rights-of-Way in the City. The franchise does not grant to the Provider the right, privilege or authority to engage in community antenna (or cable) television business; although, nothing contained herein shall preclude the Provider from (1) permitting those with a cable franchise who are lawfully engaged in such business to utilize the Provider's System within the City for such purposes, or (2) from providing such service in the future if an appropriate franchise is obtained and all other legal requirements have been satisfied.

**1.5 Licenses.** The Provider acknowledges that it has obtained the necessary approvals, licenses or permits required by federal and state law to provide telecommunication services consistent with the provisions of this Agreement and with the Telecommunications Rights-of-Way Ordinance.

**1.6 Relationship.** Nothing herein shall be deemed to create a joint venture or principal-agent relationship between the parties, and neither party is authorized to, nor shall either party act toward third persons or the public in a manner that would indicate any such relationship with each other.

## **ARTICLE 2. FRANCHISE FEE.**

**2.1 Franchise Fee.** For the Franchise granted herein, the Provider shall pay to the City a franchise fee of 6% of its Gross Revenues [cannot exceed six percent], less any business license fee or business license tax enacted by the City. All payments shall be made to the City, and sent as follows, unless the Provider is otherwise notified of a change in address in writing by the City:

520 West Elberta Drive, Pleasant View, Utah 84414

**2.2 Up-front Franchise Fee.** Upon granting of this Franchise, the Provider shall pay a \$2500 up-front franchise fee. The Provider may offset the franchise fee paid to the City pursuant to Article 2.1, up to the amount of the up-front franchise fee paid to the City.

**2.3 Equal Treatment.** City agrees that if any service forming part of the base for calculating the franchise fee under this Agreement is, or becomes, subject to competition from a third party, the City will either impose and collect from such third party a fee or tax on Gross Revenues from such competing service in the same percentage specified herein, plus the percentage specified as a utility revenue tax or license fee in the then current ordinances of the City, or waive collection of the fee from Provider as required herein that are subject to such competition.

## **ARTICLE 3. TERM AND RENEWAL.**

**3.1 Term and Renewal.** The franchise granted to Provider shall be for a period of five (5) years commencing on the first day of the month following this Agreement, unless this Franchise be sooner terminated as herein provided. At the end of the initial five (5) year term of this Agreement, the franchise granted herein may be renewed by the Provider upon the same terms and conditions as contained in this Agreement for one additional five (5) year term, by providing to the City's representative designated herein

written notice of the Provider's intent to renew not less than ninety (90) calendar days before the expiration of the initial franchise term.

**3.2 Rights of Provider Upon Expiration or Revocation.** Upon expiration of the franchise granted herein, whether by lapse of time, by agreement between the Provider and the City, or by revocation or forfeiture, the Provider shall have the right to remove from the Rights-of-Way any and all of its System, but in such event, it shall be the duty of the Provider, immediately upon such removal, to restore the Rights-of Way from which such System is removed to as good condition as the same was before the removal was effected.

#### **ARTICLE 4. PUBLIC USE RIGHTS.**

**4.1 City Uses of Poles and Overhead Structures.** The City shall have the right, without cost, to use all poles owned by the Provider within the City for fire alarms, police signal systems, or any lawful public use; provided, however, any of the uses by the City shall be for activities owned, operated or used by the City for any public purposes and shall not include the provision of telecommunications service to third parties.

**4.2 Limitations on Use Rights.** Nothing in this Agreement shall be construed to require the Provider to increase pole capacity, alter the manner in which the Provider attaches equipment to the poles, or alter the manner in which the Provider operates and maintains its equipment. Such City attachments shall be installed and maintained in accordance with the reasonable requirements of the Provider and the current National Electrical Safety Code. City attachments shall be attached or installed only after written approval by the Provider, which approval will be processed in a timely manner and will not be unreasonably withheld.

**4.3 Maintenance of City Facilities.** The City's use rights shall also be subject to the parties reaching an agreement regarding the City's maintenance of the City attachments.

#### **ARTICLE 5. POLICE POWERS.**

**5.1** The City expressly reserves, and the Provider expressly recognizes, the City's right and duty to adopt, from time to time, in addition to provisions herein contained, such ordinances and rules and regulations as the City may deem necessary in the exercise of its police power for the protection of the health, safety and welfare of its citizens and their properties.

#### **ARTICLE 6. CHANGING CONDITIONS AND SEVERABILITY.**

**6.1 Meet to Confer.** The Provider and the City recognize that many aspects of the telecommunication business are currently the subject of discussion, examination and inquiry by different segments of the industry and affected regulatory authorities and that these activities may ultimately result in fundamental changes in the way the Provider conducts its business and the way the City regulates the business. In recognition of the present state of uncertainty respecting these matters, the Provider and the City each agree, upon request of the other during the term of this Agreement, to meet with the other and discuss in good faith whether it would be appropriate, in view of developments of the kind referred to above during

the term of this Agreement, to amend this Agreement or enter into separate, mutually satisfactory arrangements to effect a proper accommodation of any such developments.

**6.2 Severability.** If any section, sentence, paragraph, term or provision of this Agreement or the Telecommunications Rights-of-Way Ordinance is for any reason determined to be or rendered illegal, invalid or superseded by other lawful authority, including any state or federal, legislative, regulatory or administrative authority having jurisdiction thereof, or is determined to be unconstitutional, illegal or invalid by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such determination shall have no effect on the validity of any other section, sentence, paragraph, term or provision, all of which shall remain in full force and effect for the term of this Agreement or any renewal or renewals thereof. Provided that if the invalidated portion is considered a material consideration for entering into this Agreement, the parties will negotiate, in good faith, an amendment to this Agreement. As used herein, "material consideration" for the City is its ability to collect the Franchise Fee during the term of this Agreement and its ability to manage the Rights-of-Way in a manner similar to that provided in this Agreement, the Telecommunications Rights-of-Way Ordinance, and the City's excavation ordinance. For the Provider, "material consideration" is its ability to use the Rights-of-Way for telecommunication purposes in a manner similar to that provided in this Agreement, the Telecommunications Rights-of-Way Ordinance, and the City's excavation ordinance.

## **ARTICLE 7. EARLY TERMINATION, REVOCATION OF FRANCHISE AND OTHER REMEDIES.**

**7.1 Grounds for Termination.** The City may terminate or revoke this Agreement and all rights and privileges herein provided for any of the following reasons:

- (a) The Provider fails to make timely payments of the Franchise Fee as required under Article 2 of this Agreement and does not correct such failure within thirty (30) calendar days after written notice by the City of such failure;
- (b) The Provider, by act or omission, materially violates a material duty herein set forth in any particular within the Provider's control, and with respect to which redress is not otherwise herein provided. In such event, the City, acting by or through its City Council, may determine, after hearing, that such failure is of a material nature, and thereupon, after written notice giving the Provider notice of such determination, the Provider, within thirty (30) calendar days of such notice, shall commence efforts to remedy the conditions identified in the notice and shall have ninety (90) calendar days from the date it receives notice to remedy the conditions. After the expiration of such 90-day period and failure to correct such conditions, the City may declare the franchise forfeited and this Agreement terminated, and thereupon, the Provider shall have no further rights or authority hereunder; provided, however, that any such declaration of forfeiture and termination shall be subject to judicial review as provided by law, and provided further, that in the event such failure is of such nature that it cannot be reasonably corrected within the 90-day time period provided above, the City shall provide additional time for the reasonable correction of such alleged failure if the reason for the noncompliance was not the intentional or negligent act or omission of the Provider; or
- (c) The Provider becomes insolvent, unable or unwilling to pay its debts; is adjudged bankrupt; or all or part of its facilities should be sold under an instrument to secure a debt and is not redeemed

by the Provider within sixty (60) days.

**7.2 Reserved Rights.** Nothing contained herein shall be deemed to preclude the Provider from pursuing any legal or equitable rights or remedies it may have to challenge the action of the City.

**7.3 Remedies at Law.** In the event the Provider or the City fails to fulfill any of its respective obligations under this Agreement, the City or the Provider, whichever the case may be, shall have a breach of contract claim and remedy against the other, in addition to any other remedy provided herein or by law; provided, however, that no remedy that would have the effect of amending the specific provisions of this Agreement shall become effective without such action that would be necessary to formally amend the Agreement.

**7.4 Third Party Beneficiaries.** The benefits and protection provided by this Agreement shall inure solely to the benefit of the City and the Provider. This Agreement shall not be deemed to create any right in any person who is not a party and shall not be construed in any respect to be a contract in whole or in part for the benefit of any third party (other than the permitted successors and assigns of a party hereto).

#### **ARTICLE 8. PARTIES DESIGNEES.**

**8.1 City Designee and Address.** The Mayor or his/her designee(s) shall serve as the City's representative regarding administration of this Agreement. Unless otherwise specified herein or in the Telecommunications Rights-of-Way Ordinance, all notices from the Provider to the City pursuant to or concerning this Agreement, shall be delivered to the City's representative at the City offices, or such other officer and address as the City may designate by written notice to the Provider.

**8.2 Provider Designee and Address.** The Provider local manager or his/her designee(s) shall serve as the Provider's representative regarding administration of this Agreement. Unless otherwise specified herein or in the Telecommunications Rights-of-Way Ordinance, all notices from the City to the Provider pursuant to or concerning this Agreement, shall be delivered to the Provider's representative at the Provider's offices, or such other officer and address as the Provider may designate by written notice to the City.

**8.3 Failure of Designee.** The failure or omission of the City's or Provider's representative to act shall not constitute any waiver or estoppel by the City or Provider.

#### **ARTICLE 9. INSURANCE AND INDEMNIFICATION**

**9.1 Insurance.** Prior to commencing operations in the City pursuant to this Agreement, the Provider shall furnish to the City evidence that it has adequate general liability and property damage insurance. The evidence may consist of a statement that the Provider is effectively self-insured if the Provider has substantial financial resources, as evidenced by its current certified financial statements and established credit rating, or substantial assets located in the state of Utah. Any and all insurance, whether purchased by the Provider from a commercial carrier, whether provided through a self-insured program, or whether provided in some other form or other program, shall be in a form, in an amount and of a scope of coverage acceptable to the City.

**9.2 Indemnification.** The Provider agrees to indemnify, defend and hold the City harmless from and



against any and all claims, demands, liens, and all liability or damage of whatsoever kind on account of or arising from the Provider's acts or omissions pursuant to or related to this Agreement, and to pay any and all costs, including reasonable attorneys' fees, incurred by the City in defense of such claims. The City shall promptly give written notice to the Provider of any claim, demand, lien, liability, or damage with respect to which the City seeks indemnification and, unless in the City's judgment a conflict of interest may exist between the parties with respect to the claim, demand, lien, liability, or damage, the City shall permit the Provider to assume the defense of such with counsel of the Provider's choosing, unless the City reasonably objects such counsel. Notwithstanding any provision of this section to the contrary, the Provider shall not be obligated to indemnify, defend or hold the City harmless to the extent any claim, demand, lien, damage, or liability arises out of or in connection with negligent acts or omissions of the City.

#### **ARTICLE 10. GENERAL PROVISIONS.**

**10.1 Binding Agreement.** The parties represent that (a) when executed by their respective parties, this Agreement shall constitute legal and binding obligations of the parties; and (b) that each party has complied with all relevant statutes, ordinances, resolutions, by-laws and other legal requirements applicable to their operation in entering into this Agreement.

**10.2 Utah Law.** This Agreement shall be interpreted pursuant to Utah law.

**10.3 Time of Essence.** Time shall be of the essence of this Agreement.

**10.4 Interpretation of Agreement.** The invalidity of any portion of this Agreement shall not prevent the remainder from being carried into effect. Whenever the context of any provision shall require it, the singular number shall be held to include the plural number, and vice versa, and the use of any gender shall include any other and all genders. The paragraphs and section headings in this Agreement are for convenience only and do not constitute a part of the provisions hereof.

**10.5 No Presumption.** All parties have participated in preparing this Agreement. Therefore, the parties stipulate that any court interpreting or construing the Agreement shall not apply the rule of construction that the Agreement should be more strictly construed against the drafting party.

**10.6 Amendments.** This Agreement may be modified or amended by written agreement only. No oral modifications or amendments shall be effective.

**10.7 Binding Agreement.** This Agreement shall be binding upon the heirs, successors, administrators and assigns of each of the parties.

SIGNED AND ENTERED INTO this day of \_\_\_\_\_, 200\_\_.

\_\_\_\_\_  
PLEASANT VIEW CITY

By: \_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Recorder

\_\_\_\_\_  
Provider

By: \_\_\_\_\_

Title: \_\_\_\_\_

\_\_\_\_\_  
Print Name and Title Here

STATE OF \_\_\_\_\_ )

: ss.

COUNTY OF \_\_\_\_\_ )

On the \_\_\_\_ day of \_\_\_\_\_, 200\_\_, personally appeared before me  
\_\_\_\_\_, who being by me duly sworn did say that he/she is the  
\_\_\_\_\_ of \_\_\_\_\_, and that the foregoing instrument was  
signed in behalf of said corporation by authority of a resolution of its board of directors; and they  
acknowledged to me that said corporation executed the same.

\_\_\_\_\_  
Notary Public

## Chapter 3.16 - Municipal Telecommunications License Tax

WHEREAS, Pleasant View City pursuant to Utah Code Sections 10-1-401 et seq. may levy a tax on the gross receipts of telecommunication service providers; and

WHEREAS, Pleasant View City has determined that the need for such a tax as a source of general fund revenue; and

WHEREAS, to the extent Pleasant View City has previously raised general fund revenue from taxes or fees from certain telecommunication providers under the authority of Utah Code Sections 10-1-203 or 11-26-1 et seq. it now wishes to repeal those taxes.

### **3.16.010 Definitions.** As used in this ordinance:

- (1) "Commission" means the State Tax Commission.
- (2) (a) Subject to Subsections (2) (b) and (c), "customer" means the person who is obligated under a contract with a telecommunications provider to pay for telecommunications service received under the contract.
  - (b) For purposes of this ordinance, "customer" means:
    - (i) the person who is obligated under a contact with a telecommunications provider to pay for telecommunications service received under the contract; or
    - (ii) if the end user is not the person described in Subsection (2) (b) (i), the end user of telecommunications service.
  - (c) "Customer" does not include a reseller:
    - (i) of telecommunications service; or
    - (ii) for mobile telecommunications service, of a serving carrier under an agreement to serve the customer outside the telecommunications provider's licensed service area.
- (3) (a) "End user" means the person who uses a telecommunications service.
  - (b) For purposes of telecommunications service provided to a person who is not an individual, "end user" means the individual who uses the telecommunications service on behalf of the person who is provided the telecommunications service.
- (4) "Gross Receipts attributed to the municipality" means those gross receipts from a transaction for telecommunications services that is located within the municipality for the purposes of sales and use taxes under Utah Code Title 59, Chapter 12, Sales and Use Tax Act and determined in accordance with Utah Code section 59-12-207.
- (5) "Gross receipts from telecommunications service" means the revenue that a telecommunications provider receives for telecommunications service rendered except for amounts collected or paid as:
  - (a) a tax, fee, or charge:
    - (i) imposed buy a governmental entity;
    - (ii) separately identified as a tax, fee, or charge in the transaction with the customer for the telecommunications service; and
    - (iii) imposed only on a telecommunications provider;
  - (b) sales and use taxes collected by the telecommunications provider from a customer under Title 59, Chapter 12, Sales and Use Tax Act; or
  - (c) interest, a fee, or a charge that is charged by a telecommunications provider

on a customer for failure to pay for telecommunications service when payment is due.

(6) "Mobile telecommunications service" is as defined in the Mobile Telecommunications Sourcing Act, 4 U.S.C. Sec. 124.

(7) "Municipality" means Pleasant View City.

(8) "Place of primary use":

(a) for telecommunications service other than mobile telecommunications service, means the street address representative of where the customer's use of the telecommunications service primarily occurs, which shall be:

(i) the residential street address of the customer; or

(ii) the primary business street address of the customer; or

(b) for mobile telecommunications service, is as defined in the Mobile Telecommunications Sourcing Act, 4 U.S.C. Sec. 124.

(9) Notwithstanding where a call is billed or paid, "service address" means:

(a) if the location described in this Subsection (9) (a) is known, the location of the telecommunications equipment:

(i) to which a call is charged; and

(ii) from which the call originates or terminates;

(b) if the location described in Subsection (9) (a) is not known but the location described in this Subsection (9) (b) is known, the location of the origination point of the signal of the telecommunications service first identified by:

(i) the telecommunications system of the telecommunications provider; or

(ii) if the system used to transport the signal is not a system of the telecommunications provider, information received by the telecommunications provider from its service provider; or

(c) if the locations described in Subsection (9) (a) or (b) are not known, the location of a customer's place of primary use.

(10) (a) Subject to Subsections (10) (b) and (10) (c), "telecommunications provider" means a person that:

(i) owns, controls, operates, or manages a telecommunications service; or

(ii) engages in an activity described in Subsection (10) (a) (i) for the shared use with or resale to any person of the telecommunications service.

(b) A person described in Subsection (10) (a) is a telecommunications provider whether or not the Public Service Commission of Utah regulates:

(i) that person; or

(ii) the telecommunications service that the person owns, controls, operates, or manages.

(c) "Telecommunications provider" does not include an aggregator as defined in Utah Code Section 54-8b-2.

(11) "Telecommunications service" means:

(a) telephone service, as defined in Utah Code Section 59-12-102, other than mobile telecommunications service, that originates and terminates within the boundaries of this state; and

(b) mobile telecommunications service, as defined in Utah Code Section 59-12-102:

(i) that originates and terminates within the boundaries of one state; and

(ii) only to the extent permitted by the Mobile Telecommunications Sourcing Act, 4

U.S.C. Sec. 116 et seq. (Ord 2004-4, 5/25/04)

**3.16.020 Levy of Tax.** There is hereby levied a municipal telecommunication license tax on the gross receipts from telecommunications service attributed to this municipality. (Ord 2004-4, 5/25/04)

**3.16.030 Rate.** The rate of the tax levy shall be 4% of the telecommunication provider's gross receipts from telecommunications service that are attributed to the municipality. If the location of the transaction is determined to be other than this municipality then the rate imposed on the gross receipts for telecommunications services shall be determined pursuant to the provisions of Utah Code Section 10-1-407. (Ord. 2004-4, 5/25/04)

**3.16.040 Rate Limitation and Exemption Therefrom.** This rate of this levy shall not exceed 4% of the telecommunication provider's gross receipts from telecommunication service attributed to the municipality unless a higher rate is approved by a majority vote of the voters in this municipality that vote in:

- (a) a municipal general election;
- (b) a regular general election; or
- (c) a local special election. (Ord.2004-4, 5/25/04)

**3.16.050 Effective Date of Tax Levy.** This tax shall be levied beginning July 1, 2004. (Ord. 2004-4, 5/25/04)

**3.16.060 Changes in Rate or Repeal of the Tax.** This ordinance is subject to the requirements of Utah Code Section 10-1-403. If the tax rate is changed or the tax is repealed, then the appropriate notice shall be given as provided in Utah Code Section 10-1-403. (Ord. 2004-04, 5/25/04)

**3.16.070 Interlocal Agreement for Collection of the Tax.** On or before the effective date of the ordinance, the municipality shall enter into the uniform interlocal agreement with the Commission as described in Utah Code Section 10-1-405 for the collection, enforcement, and administration of this municipal telecommunications license tax; (Ord 2004-4, 5/25/04)

**3.16.080 Procedures for Taxes Erroneously Recovered from Customers.** Pursuant to the provisions of Utah Code Section 10-1-408, a customer may not bring a cause of action against a telecommunications provider on the basis that the telecommunications provider erroneously recovered from the customer the municipal telecommunication license tax except as provided in Utah Code Section 10-1-408. (Ord. 2004-4, 5/25/04)

**3.16.090 Repeal of Inconsistent Taxes and Fees.** Any tax or fee previously enacted by this municipality under authority of Utah Code Section 10-1-203 or Utah Code Title 11, Chapter 26, Local Taxation of Utilities Limitation is hereby repealed. Nothing in this ordinance shall be interpreted to repeal any municipal ordinance or fee which provides that the municipality may recover from a telecommunications provider the management costs of the municipality caused by the activities of the telecommunications

provider in the rights-of-way of the municipality, if the fee is imposed in accordance with Utah Code Section 72-7-102 and is not related to the municipality's loss of use of a highway as a result of the activities of the telecommunications provider in a right of way, or increased deterioration of a highway as a result of the activities of the telecommunications provider in a right-of-way nor does this ordinance limit the municipalities right to charge fees or taxes on persons that are not subject to the municipal telecommunications license tax under this ordinance and locate telecommunications facilities, as defined in Utah Code Section 72-7-108, in this municipality. (Ord. 2004-4, 5/25/04)

# **Title 5**

## **Business Taxes, Licenses & Regulations**

### Chapters:

5.04	Business Licenses Generally .....	5 - 1
5.08	Business License Fees .....	5 - 8
5.12	Liquor Law .....	5 - 12
5.16	Sexually Oriented Business (S.O.B.) .....	5 - 29
5.18	Home Occupations .....	5 - 43
5.20	Residential Solicitation .....	5 - 44





## Title 5

### Business Taxes, Licenses & Regulations

<b>Chapter 5.04 - Business Licenses Generally .....</b>	<b>5 - 1</b>
5.04.010 Purpose. ....	5 - 1
5-04-015 Definitions.....	5 - 1
5.04.020 License-Required. ....	5 - 1
5.04.030 License-Nontransferable. ....	5 - 1
5.04.040 License-Ineligible Business. ....	5 - 1
5.04.050 Rules and Regulations Posting. ....	5 - 1
5.04.060 License Application-Requirement Generally. ....	5 - 2
5.04.070 License Application-Contents. ....	5 - 2
5.04.080 License Application-Filing. ....	5 - 2
5.04.085 License Application-Denial or approval by the City Recorder. ....	5 - 2
5.04.090 License Application-Referral and Investigation. ....	5 - 2
5.04.110 License Application-Report of Investigation. ....	5 - 3
5.04.120 License Application-Action Following Report. ....	5 - 3
5.04.130 License Application-Denial-Factors. ....	5 - 3
5.04.140 License Application-Denial. ....	5 - 3
5.04.150 License Fee-License Period.....	5 - 3
5.04.160 License Fee-Combination. ....	5 - 3
5.04.170 License Fee-Non-Refundable. ....	5 - 4
5.04.180 Investigation-Refusal Prohibited. ....	5 - 4
5.04.190 Certificate-Contents. ....	5 - 4
5.04.200 Certificate-Posting. ....	5 - 4
5.04.210 Certificate-Official Inspection. ....	5 - 4
5.04.220 Certificate-Misuse Prohibited. ....	5 - 4
5.04.230 Pornography Violation-Applicability. ....	5 - 4
5.04.240 Pornography Violation-License Revocation. ....	5 - 4
5.04.250 Pornography Violation-New License Refusal. ....	5 - 4
5.04.260 Pornography Violation-License Issuance Refusal. ....	5 - 4
5.04.270 Pornography Violation-License Refusal Hearing. ....	5 - 5
5.04.280 Pornography Violation-Hearing Procedure. ....	5 - 5
5.04.290 Pornography Violation-Operation of Business Prohibited. ....	5 - 5
5.04.300 Failure to Pay Assessment. ....	5 - 5
5.04.310 Fee Recovery-Civil Action. ....	5 - 5
5.04.320 Prosecution of Civil Action. ....	5 - 5
5.04.330 Enforcement not to Conflict with Penalties. ....	5 - 5
5.04.340 License Suspension, Revocation, Refusal to Renew License .....	5 - 5
5.04.345 Suspension, Revocation, Refusal to Renew License - Hearing.....	5 - 6
5.04.350 License Suspension, Revocation, Refusal to Renew License- Effect .....	5 - 6
5.04.360 License Suspension .....	5 - 6
5.04.370 Reciprocal Recognition of Licenses. ....	5 - 6
5.04.380 Violation. ....	5 - 7
5.04.390 Temporary Licenses. ....	5 - 7

<b>Chapter 5.08 - Business License Fees .....</b>	<b>5 - 8</b>
5.08.010 Fees Established. ....	5 - 8
5.08.020 Fees for Occupations Not Covered. ....	5 - 8
5.08.030 Standards Established. ....	5 - 8
5.08.040 Auctioneer. ....	5 - 8
5.08.050 Bakery. ....	5 - 8
5.08.060 Cabaret. ....	5 - 9
5.08.070 Carnival-Circus. ....	5 - 9
5.08.080 Cleaning and Dyeing Establishments. ....	5 - 9
5.08.090 Confectionery. ....	5 - 9
5.08.100 Contractors. ....	5 - 9
5.08.110 Dance Hall. ....	5 - 9
5.08.120 Entertainment Devices. ....	5 - 9
5.08.130 Food, Dry Goods and Groceries. ....	5 - 10
5.08.140 Gasoline Dealer-Retailer Service Station. ....	5 - 10
5.08.150 Gasoline Dealer-Wholesale. ....	5 - 10
5.08.160 Hotels-Motels. ....	5 - 10
5.08.170 Junk Collection. ....	5 - 10
5.08.180 Junk Dealer-Salvage Yard. ....	5 - 10
5.08.190 Rental Unit. ....	5 - 10
5.08.200 Restaurants .....	5 - 10
5.08.210 Slaughter Houses, Etc. ....	5 - 11
5.08.220 Theater. ....	5 - 11
 <b>Chapter 5.12 - Liquor Laws.....</b>	 <b>5 - 12</b>
5.12.010 Definitions. ....	5 - 12
5.12.015 Business Areas. ....	5 - 15
5.12.020 Restaurant Liquor Licenses. ....	5 - 16
5.12.030 Application and Renewal Requirements. ....	5 - 17
5.12.040 Restaurant Qualifications. ....	5 - 17
5.12.050 Private Clubs. ....	5 - 18
5.12.060 Single Event Permits. ....	5 - 18
5.12.070 Single Event Qualifications. ....	5 - 18
5.12.080 License Requirements. ....	5 - 19
5.12.090 Beer Retailer License. ....	5 - 19
5.12.100 Beer Retailer Qualifications. ....	5 - 20
5.12.110 Beer Retail Application and Renewal Requirements. ....	5 - 21
5.12.120 Package Stores. ....	5 - 21
5.12.130 Qualification of Employees. ....	5 - 21
5.12.140 Duty to Report Change of Ownership. ....	5 - 21
5.12.145 Cessation of Business.....	5 - 22
5.12.150 Investigation by Chief of Police. ....	5 - 22
5.12.160 Investigation by Health Department. ....	5 - 22
5.12.170 Investigation by Fire Chief. ....	5 - 22
5.12.180 Issuance of Licenses; Renewal. ....	5 - 23
5.12.190 Display of License. ....	5 - 23

5.12.200 Transfer of License. ....	5 - 23
5.12.210 Discretion of Council; Licenses Revocable. ....	5 - 23
5.12.220 Prohibited to Intoxicated Person. ....	5 - 23
5.12.230 Selling to Minors. ....	5 - 23
5.12.240 Licensee Permitting Minor on Premises. ....	5 - 23
5.12.250 Minor Serving Alcohol. ....	5 - 24
5.12.260 Parent or guardian Permitting Minor on Premises. ....	5 - 24
5.12.270 Minor on Premises. ....	5 - 24
5.12.271 Minor in Possession. ....	5 - 24
5.12.280 Entering Premises Violating State and City Laws. ....	5 - 24
5.12.290 Days of Sale; Closure. ....	5 - 25
5.12.300 Advertising Requirements. ....	5 - 25
5.12.310 Consumption On Off-Premises License. ....	5 - 25
5.12.320 Illumination of Premises. ....	5 - 25
5.12.330 Nuisances on Licensed Premises. ....	5 - 25
5.12.340 Beer Acquired from Brewer or Wholesaler. ....	5 - 25
5.12.350 On - Premises Employee. ....	5 - 25
5.12.360 Gambling Devices in Licensed Premises. ....	5 - 25
5.12.370 Restrictions on Brewer, Jobber, and Wholesaler. ....	5 - 25
5.12.380 Premises Accessibility to Police Officer. ....	5 - 26
5.12.390 Warning of Approach of Police. ....	5 - 26
5.12.400 Disorderly Conduct On - Premises. ....	5 - 26
5.12.410 Lewd Conduct On - Premises. ....	5 - 26
5.12.420 Solicitation for Immoral Purposes On - Premises. ....	5 - 26
5.12.430 Begging Drinks On - Premises. ....	5 - 27
5.12.440 Sale During License Revocation or Suspension. ....	5 - 27
5.12.450 Licensee Responsibility. ....	5 - 27
5.12.460 Search of Licensed Premises. ....	5 - 27
5.12.470 Penalty for Violation. ....	5 - 27
 <b>Chapter 5.16 - Sexually Oriented Business (S.O.B.) .....</b>	<b>5 - 29</b>
5.16.010 Title .....	5 - 29
5.16.020 Purpose .....	5 - 29
5.16.030 Applicability .....	5 - 29
5.16.040 Definitions .....	5 - 29
5.16.050 Statutory Provisions .....	5 - 31
5.16.060 Location and Name Restrictions .....	5 - 31
5.16.070 Legitimate and Artistic Modeling .....	5 - 32
5.16.080 Categories of Licenses; Number Limited .....	5 - 32
5.16.090 License Required .....	5 - 33
5.16.100 Application; Disclosures .....	5 - 33
5.16.110 Fees .....	5 - 35
5.16.120 Bond Required .....	5 - 35
5.16.130 Issuance Conditions .....	5 - 35
5.16.140 Term of License .....	5 - 37
5.16.150 Notice of Change of Information .....	5 - 37
5.16.160 Transfer Limitations .....	5 - 37

5.16.170 Display of License .....	5 - 37
5.16.180 Statement in Advertising.....	5 - 37
5.16.190 Regulations and Unlawful Activities .....	5 - 37
5.16.200 Outcall Services; Operation Requirement.....	5 - 38
5.16.210 Design of Premises .....	5 - 39
5.16.220 Alcohol Prohibited.....	5 - 40
5.16.230 Prohibited Activities .....	5 - 40
5.16.240 Defenses to Prosecution .....	5 - 40
5.16.250 Existing Businesses; Compliance Time Limits.....	5 - 41
5.16.260 Suspension or Revocation of License.....	5 - 41
5.16.270 Violation; Penalty.....	5 - 42
<b>Chapter 5.18 - Home Occupations .....</b>	<b>5 - 43</b>
5.18.010 Conditions. ....	5 - 43
5.18.020 Public Nuisance. ....	5 - 43
5.18.030 Criminal Prosecutions. ....	5 - 43
5.18.040 Nonconforming Uses. ....	5 - 43
5.18.050 Home Occupation-Exempt. ....	5 - 44
<b>Chapter 5.20 - Residential Solicitation .....</b>	<b>5 - 44</b>
5.20.010 Purpose. ....	5 - 45
5.20.020 No Other City License or approval Required. ....	5 - 45
5.20.030 Definitions. ....	5 - 45
5.20.040 Exemptions from Chapter. ....	5 - 49
5.20.050 Solicitation Prohibited. ....	5 - 49
5.20.060 Registration of Solicitors. ....	5 - 49
5.20.070 Application Form. ....	5 - 49
5.20.080 Written Disclosures. ....	5 - 51
5.20.090 When Registration Begins. ....	5 - 51
5.20.100 Issuance of Certificates. ....	5 - 51
5.20.110 Form of Certificate and Identification Badge. ....	5 - 52
5.20.120 Maintenance of Registry. ....	5 - 52
5.20.130 Non-Transferability of Certificates.....	5 - 53
5.20.140 Denial, Suspension or Revocation of a Certificate of Registration. ....	5 - 53
5.20.150 Appeal.....	5 - 54
5.20.160 Deceptive Soliciting Practices Prohibited. ....	5 - 55
5.20.170 "No Soliciting" Notice. ....	5 - 55
5.20.180 Duties of Solicitors. ....	5 - 55
5.20.190 Time of Day Restrictions. ....	5 - 56
5.20.200 Buyer's Right to Cancel. ....	5 - 56
5.20.210 Penalties. ....	5 - 56

## Chapter 5.04 - Business Licenses Generally

**5.04.010 Purpose.** The provisions of this chapter are designed and enacted for the purpose of promoting the safety, health and prosperity and for improving the morals, peace, good order, comfort and convenience of the city and the inhabitants thereof, protecting property therein and regulating various types of businesses and business activity defined in this title and for raising revenue there from. (Prior code §15-3-1)

**5.04.015 Definitions.** For the purpose of this chapter, the following terms shall have the meaning herein prescribed:

- A. Business. Includes all activities together with any devices, machines, or vehicles used therein for the purpose of gain or economic profit.
- B. Engaging in Business: One act constitutes engaging in business, and includes, but is not limited to, the sale of tangible personal or real property and the rendering of personal services for others for a consideration by persons engaged in any craft, business, occupation, or other calling.
- C. New Business: Any activity that results in gain or economic profit, which has not been conducted just previously by another licensee on the premises.
- D. Person: An individual, individuals, tenants in common, joint tenants, a corporation, partnership, firm, limited partnership, or any other association of individuals, however comprised or designated.
- E. Temporary or Seasonal Merchant: A person who sells products for a given period of time at a temporary location; i.e. fruit, vegetables, flowers, Christmas trees, hand crafted items etc.
- F. Home Occupation: The use of a portion of a dwelling or accessory building, studio, or work room for occupation at home and subject to rules and regulations or the city zoning ordinance. (Ord.2000-27, 12/12/00)

**5.04.020 License-Required.** It is unlawful for any person to engage in or carry on or operate any business in the city or use any property for such business, or allow any property to be used for any such business until the person has first made application for and obtained a valid license for the business, and have paid in advance the appropriate license fees for the business as provided for in this title. (Prior code §15-3-2)

**5.04.030 License-Nontransferable.** No license granted or issued under the provisions of this chapter or any other chapter dealing with the licensing of businesses, shall be in any manner assignable or transferable, or shall authorize any other business than that specifically mentioned therein; provided, that any person to whom one or more licenses have been issued to transact or carry on some business at some definite location in the city, except as provided in this title, may make application for the transfer of any or all of his said licenses for the sole purpose of transacting or carrying on the same business as authorized in the license or licenses at some other definite location in the city by filing an application for such transfer with the city recorder. No application shall be approved unless the business as conducted in the new location shall be conducted in the same manner and by the same persons as was the case when such business was conducted in the original location. The city council or city recorder, after examination of all appropriate reports, may, in their discretion, deny or grant the transfer of such licenses strictly within the above limitations. (Ord.2000-27, 12/12/00: prior code §15-3-3)

**5.04.040 License-Ineligible Business.** It shall be unlawful to peddle or offer for sale in any place except a duly licensed business establishment licensed for such purpose, any medicine, nostrum or remedy of any character or description, and no license shall be issued for such purpose, except that this shall not apply to the sale of medicines, nostrums or remedies, packaged or labeled in compliance with the requirements of the Federal Food, Drug and Cosmetic Act and regulations there under, and similarly applicable laws and regulations of the state. (Prior code §15-3-4)

**5.04.050 Rules. and Regulations Posting.** Rules and regulations covering health, safety, morals, peace, good

order, comfort and convenience of the general public with respect to any business covered under this title shall be adopted by the city council' and copies of such rules and regulations shall be made available to and displayed by the licensees affected thereby in a conspicuous place upon the licensed premises. (Prior code §15-3-5)

**5.04.060 License Application--Requirement Generally.** All applications for licenses shall be made in writing and submitted to the city recorder upon a prepared form which may be obtained from such department. (Prior code §15-4-1)

**5.04.070 License Application-Contents.** Each application shall show the following:

- A. The name and address of the person desiring a license. If there is more than one owner or such is a corporation or entity, the names and addresses of all partners, officers and directors, including the business address of the corporation or entity(s) desiring to own or operate the business.
- B. The kind of license desired, stating the business to be performed, practiced or carried on.
- C. The class of license desired, if such licenses are divided into classes.
- D. The place where such business is to be carried on, giving the street number, if such business is to be carried on in any building or enclosure or stated location.
- E. The period of time for which such license is to be issued.
- F. Such other facts and information as may be required by ordinance, the statutes of the State of Utah and the city. Business operation and owner specific information may also be required by the city recorder as the specific business and circumstances warrant. (Ord. 2010-10, 4/13/10: prior code § 15-4-2)

**5.04.080 License Application-Filing.** Each application for a license under this chapter shall be filed by the applicant with the city recorder and shall be accompanied by the license fee required to be paid for the issuance of the license desired. The fee may be in the form of cash or check made payable to the city, certified cashier's check, or an accepted credit card. (Ord. 2010-10, 4/13/10: prior code § 15-4-3)

**5.04.085 License Application –Denial or Approval by the City Recorder.**

- A. The city recorder has the authority to grant or deny a business license.
- B. In the event the city recorder shall approve any application for a license pursuant with the provisions of this section, the city recorder shall issue such license to the applicant.
- C. In the event the city recorder shall deny any application for a license pursuant with the provisions of this section, the city recorder inform the applicant of the option of appealing that decision to the city council. Upon receiving a formal written request, the city recorder shall schedule the matter for a hearing before the city council at the next available meeting.
- D. In the event the city recorder is in doubt as to the approval or denial of any particular license application, the recorder may refer the matter to the city council for determination.
- E. The city recorder shall submit to the city council at a regular meeting of each month a list of applications approved or denied by the city recorder. (Ord. 2010-10, 4/13/10)

**5.04.090 License Application-Referral and Investigation.** After receipt of an application for a license or for the renewal of a license, if, in the judgment of the city recorder, as required by this chapter, or the city council upon appeal, it is determined that further review of the application is necessary to determine compliance with the requirements of this chapter, the application shall be referred to the chief of police or the city building inspector, or other official or body, for the investigation and inspection of the general reputation and character of the person making the application, or directly interested therein, the general reputation of those who would patronize the business if such license were granted, the nature and kind of the applicant's business, whether such place has been conducted in a lawful manner and in accordance with the standards of the community of Pleasant View as a whole where the application is for the continued operation of a business theretofore permitted by the laws of the city to so operate, to determine if the operation of the business has and will meet the health and safety requirements required for similar businesses, together with any fact or facts which might

have an effect on the granting or denial of the license. (Ord. 2010-10, 4/13/10: prior codes Ord, 2000-27, 12/12/00, and §15-4-4)

**5.04.110 License Application-Report of Investigation.** Upon being requested to do so the city recorder, chief of police, building inspector or other official or body shall conduct the investigation and inspection provided for in this section, and within five days after receiving such request, the person shall submit a report of the investigation to the city recorder, together with that person's recommendations as to whether the license should be granted or denied. (Ord. 2010-10, 4/13/10: prior codes Ord, 2000-27, 12/12/00, and §15-4-6)

**5.04.120 License Application-Action Following Report.**

A. After receiving the report and recommendation prescribed in Section 5.04.110, if, in the opinion of the city recorder that there are extenuating circumstances of health, safety and welfare concerns, the city recorder shall deny the application and inform the applicant of appeal options.

B. Upon appeal, the city council shall make such disposition respecting the granting or denying of the license applied for, or may order further investigation concerning the application as it shall, in its sole discretion, deem necessary to achieve the purpose of the provisions in this title. (Ord. 2010-10, 4/13/10: prior codes Ord, 2000-27, 12/12/00, and §15-4-7)

**5.04.130 License Application Denial-Factors.**

A. An application for a business license may be denied a license to operate a business within the City if any of the following conditions are met:

1. The person or business has previously engaged in operating a business within the city without first obtaining a license, unless the person or business has first paid all back business license fees to the city for the time they engaged in business in the city without a license;
2. There are misrepresentations made by the applicant on the application for a business license;
3. The business would be in violation of city zoning laws;
4. The business when operating would be in violation of any city ordinances enacted to protect health, limit noise, reduce nuisances, maintain peace, or provide for the comfort and enjoyment of residents within the city. (Ord. 2010-10, 4/13/10)

**5.04.140 License Application-Denial.** In the event the city council or city recorder shall deny any application for a license, the reasons for such denial shall be placed on the application so denied by the recorder who shall return the application together with any fees deposited with the application to the applicant. (Ord. 2010-10, 4/13/10: prior codes Ord, 2000-27, 12/12/00, and §15-4-9)

**5.04.150 License Fee-License Period.**

A. All licenses provided for in this title shall, except as provided in this title, be payable annually in advance commencing January first, and unless revoked as provided in this chapter, shall be effective through the following December 31st unless otherwise provided for. A license fee thereof shall be in the same proportion to the yearly fee as the remainder of the license year shall bear to the whole license year.

B. All license fees shall be paid to the city recorder. (Ord. 2010-10, 4/13/10: prior code §15-4-10)

**5.04.160 License Fee-Combination.** Where two or more duly licensed businesses are conducted within a single establishment by the same license applicant a combination license may be issued. However, such combination license shall not include licenses for beer or amusement devices or machines. The annual fee for such combination license shall be the total of the highest single license fee contained in such combination license plus one-half of the single license fee or fees for each other business contained in the combination license. The license certificate shall enumerate the various types of businesses for which the combination license is granted. (Ord. 2010-10, 4/13/10: prior code §15-4-11)

**5.04.170 License Fee-Non-Refundable.** No license fee or any part thereof shall be refunded for any reason once the license has been granted by the city and issued in compliance with the provisions of this title. (Ord. 2010-10, 4/13/10: prior codes Ord.2000-27, 12/12/00, and §15-4-12)

**5.04.180 Investigation-Refusal Prohibited.** It is unlawful for any person licensed under the provisions of this title to refuse permission to any inspector sent by the city to enter his premises and inspect the same. (Ord. 2010-10, 4/13/10: prior code §15-4-13)

**5.04.190 Certificate-Contents.** Every certificate of license shall bear upon its face sufficient information to identify the operator, place, type and term of the business, as well as other items as determined by the city recorder. (Ord. 2010-10, 4/13/10: prior codes Ord.2000-27, 12/12/00, and §15-5-1)

**5.04.200 Certificate-Posting.** Every certificate of license issued shall be posted by the licensee in a conspicuous place in which such licensed business is to be carried on so that the same may easily be seen. No expired certificate shall be displayed at any place or in any manner after the expiration thereof and any willful violation of this prohibition shall be grounds for refusing to issue a new license for the same business. (Prior code §15-5-2)

**5.04.210 Certificate-Official Inspection.** It shall be the duty of each and every person to whom a certificate of license has been issued pursuant to this title to show the same at all reasonable times to any person authorized by the city or the provisions of this chapter to inspect such certificates. (Prior code §15-5-3)

**5.04.220 Certificate-Misuse Prohibited.** It is unlawful to counterfeit a business license or to deface or mutilate the same during the period in which the license certificate is required by this section to be displayed. It is also unlawful to remove or attempt to remove the certificate from a place of proper display except for purposes of destroying the same upon expiration thereof, or to use or permit the same to be used at any place other than that designated therein, or to use or permit the same to be used in conjunction with any business or device prohibited or declared to be unlawful by the laws of this city, county or state. (Prior code §15-5-4)

**5.04.230 Pornography Violation-Applicability.** Notwithstanding any other licensing provisions contained in this title, all licenses issued by the city on or after June 1977, shall be subject to the condition, controls and regulations provided in Sections 5.04.240 through 5.04.290 of this chapter. (Ord. dated 6/28/77 (part))

**5.04.240 Pornography Violation-License Revocation.** The city council, upon notice and hearing, as provided in Sections 5.04.230 through 5.04.290, may revoke any license issued by the city upon the conviction of the licensee or any officer, employee or partner of the licensee of any state, county or city ordinance or law relating to lewdness, profanity, nudity and pornography. In addition, the city council may refuse to issue a license of any kind to that licensee, its officers, partners or the convicted employee in the event of such conviction of the licensee, his officers, employees or partners for a period of not to exceed one year after that conviction. (Ord. dated 6/28/77 (part))

**5.04.250 Pornography Violation-New License Refusal.** The council may, after notice of hearing as provided in Sections 5.04.230 through 5.04.290, refuse to issue a business license of any kind to any person, corporation or officer thereof, or other business association including any partner of a partnership for a period of one year after that person, corporation or business association or his or its officers, employees or partners have been convicted of any violation of the above-mentioned ordinance or state law concerning pornographic and harmful materials and performances. (Ord. dated 6/28/77 (part))

**5.04.260 Pornography Violation-License Issuance Refusal.** The city council may, after notice of hearing, as provided in Section 5.04.270, refuse to issue any city business license for any business at the premises where a violation of the above-mentioned ordinance or state law concerning pornographic and harmful materials and



performances had occurred for a period of one year after such conviction. (Ord. dated 6/28/77 (part))

**5.04.270 Pornography Violation-License Refusal Hearing.** The notice to be given by the council of the hearing to consider action to revoke or refuse to issue license under Sections 5.04.230 through 5.04.290 shall be a written notice mailed first class mail, postage prepaid, addressed to the licensee at the address shown on the application for business license sought to be revoked or on the license application which is sought to be refused. The notice required, if the non-licensing of the premises is involved, shall be to the owner of those premises at the address then shown on the records of the Weber County Recorder for that property. (Ord. dated 6/28/77 (part))

**5.04.280 Pornography Violation-Hearing Procedure.** The hearing provided for in Sections 5.04.230 through 5.04.290 shall be informal and at a regular city council meeting with the licensee or applicants for license, or the property owner to have reasonable opportunity to be heard. (Ord. dated 6/28/77 (part))

**5.04.290 Pornography Violation-Operation of Business Prohibited.**

A. It is unlawful for any corporation, for the officer of any corporation, any person, and other business associate and any partner or other business associate, who or which as a licensee had that license revoked, or as an applicant for a license had that license refused by the council under Section 5.04.230 through this section to operate any business: in the city requiring a city business license until the time of revocation or refusal expires and a valid license is obtained.

B. Any person, firm or corporation attempting to operate a business, after the license therefor has been revoked or refused under this chapter, and any owner of any interest in the premises where such license has been revoked or refused, and the council has determined that no other license will be issued for that property, who allows any business to be operated therein requiring a city license shall be guilty of a misdemeanor. (Ord. dated 6/28/77 (part))

**5.04.300 Failure to Pay Assessment.** If any person neglects, fails or refuses to pay the amount assessed the person's business according with the assessment due, a penalty of twenty-five percent of such assessment shall be added to the assessment by the city recorder and payment thereof shall be enforced by the city recorder as provided for herein. If the license is not paid within sixty days from due date a fifty percent penalty shall be imposed; and if not paid within ninety days from due date a one hundred percent penalty shall be imposed. (Prior code §15-6-1)

**5.04.310 Fee Recovery-Civil Action.** In all cases where the assessment required by this title to be paid for the operation of a business for which a license is required is not paid according to the requirements of this chapter, a civil action may be brought in the name of the city against the person failing to pay such license fee, in any court of this state having jurisdiction of such action, to recover the amount of the assessment and any penalties which may attach as well as court costs and reasonable attorney's fees. Where more than one such assessment shall be unpaid in violation of the provisions of this title such claims may be joined as separate causes of action in the complaint. (Prior code §15-6-2)

**5.04.320 Prosecution of Civil Action.** It shall be the duty of the attorney for the city to prepare, bring and prosecute the civil actions contemplated by this title upon request of the city council. (Prior code §15-6-3)

**5.04.330 Enforcement not to Conflict with Penalties.** Nothing in this chapter shall be construed to prevent or in any manner interfere with the enforcement of any penalty provisions contained in any other ordinance of the city. (Prior code §15-6-4)

**5.04.340 License Suspensions, Revocation or Refusal to Renew.** The City Council may suspend, revoke, or refuse to issue a license for any of the following reasons:

A. Fraud or misrepresentation in its procurement.

- B. Violation of this ordinance or failure to comply with all of the provisions of this ordinance.
- C. Failure to pay any license fee levied when due.
- D. Failure to comply with the requirements imposed by the Pleasant View City Zoning Ordinances.
- E. Violation of any City Ordinance or State or Federal Statute concerning pornographic or harmful materials or performances at the licensed premises.
- F. Conduct or acts of the licensee or his employees or any act permitted by them on the premises where such business is conducted tending to render the premises a public nuisance as defined in the ordinances of the city, or a menace to the health, peace, safety, or general welfare of the city.
- G. A violation of City Ordinance or State or Federal Statute relating to the business or activity which is licensed and resulting from the conduct of such business or activity.
- H. For any other good cause shown. (Ord.2000-27, 12/12/00: prior code §15-7-1)

#### **5.04.345 Suspension, Revocation or Refusal to Renew License - Hearing.**

- A. Hearing. Before the city council shall suspend, revoke, or refuse to issue or renew any license as provided in this Chapter, it shall first afford the licensee an opportunity, in a hearing, to, show cause as to why the license should not be suspended or revoked.
- B. Notices. The date, time, and place of the hearing shall be fixed by the city council and notice thereof shall be personally served on the licensee or mailed to the licensee at the address' shown on his last application at least 5 working days prior to the date of the hearing. The city council must take all possible steps to assure that the licensee gets actual notice. The notice shall indicate the purpose of the hearing and the action contemplated.
- C. Hearing Procedure. At the hearing, the licensee or applicant shall have the right to appear personally or by counsel, to cross-examine witnesses appearing, and to produce evidence and witnesses on his behalf.
- D. Notice of Action Taken. After such hearing and upon due deliberation, the city council shall notify the licensee of its findings and determination. (Ord.2000-27, 12/12/00)

**5.04.350 License Suspension, Revocation or Refusal to Renew-Effect.** If at any time a license under the provisions of this title is denied or revoked, it is unlawful for any person to operate such business or to permit or otherwise allow any other person to so operate the business with respect to which such license has been revoked or denied until the city council shall deem it proper to reissue such license. Each revocation shall work a forfeiture of any license fees paid, and in the event the license is renewed it shall be renewed according to the provisions of this title dealing with the issuance of licenses as though the same were a new license. (Ord.2000-27, 12/12/00: prior code §15-7-3)

**5.04.360 License Suspension. Revocation or Refusal to Renew-New license Waiting Period.** No person who has been denied a license or whose license has been revoked under the provisions of this title, and no person associated or connected with such person in the conduct of such business shall be granted a license for such business for a period of six months after such revocation or denial. The city council may, in its sole discretion, waive the prohibition against the associates or persons connected with such business of its licensee, and may grant permission for the issuance of a license to the associated persons. (Ord.2000-27, 12/12/00: prior code §15-7-4)

#### **5.04.370 Reciprocal Recognition of Licenses.**

A. No license shall be required under this title of any person whose only business in this city is the delivery of goods to person in this city where such goods have been sold by him/her at a regular place of business maintained by him/her outside the city, where:

1. Such person's business is at the time of such delivery a licensed business by the municipality or county in which the business is located; and
2. The authority licensing the business grants to the licensees of the city making deliveries within its jurisdiction the same privileges and upon substantially the same terms as are granted by this section; and

3. Neither the property delivered nor any of the facilities by which it is manufactured, produced or processed are subject to inspection to authority of this city for compliance for health. or sanitary standards prescribed by this city; and

4. The truck or other conveyance by which such delivery is made, prominently displays at all times a license plate or symbol issued by the licensing authority to evidence such business license. Such plate or license shall identify the licensing authority by which it is issued, and that it is in fact a license issued, thereby, and shall specify the year or term for which it is effective.

B. The clerk shall certify a copy of this section to any licensing authority in the state who shall request the same. (Prior code §15-8-27)

**5.04.380 Violation:** Violation of any of the provisions of the title by and person, firm or corporation is a class B misdemeanor. (Ord. 2010-10, 4/13/10: prior code Ord.87-5.04, 1987)

**5.04.390 Temporary Licenses:** Licenses for temporary or seasonal merchants, as defined in this chapter, may be approved or denied by the city recorder, following the procedures outlined in this chapter for regular licenses, and subject to a review and recommendation by the community development director. (Ord. 2010-10, 4/13/10)

## **Chapter 5.08 - Business License Fees**

**5.08.010 Fees Established.** The fees for all licenses and types as found in the Title shall be as established by the city council in the Fee Schedule of the city. (Ord. 2010-10, 4/13/10)

**5.08.020 Fees for Occupations Not Covered.** Fees for any profession, trade, calling, business or occupation not listed in the fee schedule shall be the base license fee for a regular business or shall be submitted to the city council for the fixing of a license fee. (Ord. 2010-10, 4/13/10)

**5.08.030 Standards Established.**

A. The definitions and standards found in this chapter are meant to supplement and compliment others found in this title.

B. Definitions and standards for any profession, trade, calling, business or occupation not listed herein shall be determined by the city record based on common practices and definitions or be submitted to the city council for establishing such criteria. (Ord. 2010-10, 4/13/10)

**5.08.040 Auctioneer.**

A. For purposes of this section an "auctioneer" is a person who conducts a public sale of property by outcry to the highest bona fide bidder; and an "auction house" is defined as a place where property is sold by an auctioneer.

B. The provisions of this section shall not apply to any auction held for charitable or benevolent purposes, or any church affair, festival or bazaar, or to judicial sales or sales by executor or administrators, including sales by the chief of police.

C. Before any sale is made at auction, the licensee must attach to each article to be sold, which has a retail value of twenty-five dollars or more, a card with an identifying number endorsed thereon, and each licensee shall maintain a list of all articles sold by him/her at such auction at a retail price of twenty-five dollars or more, giving any identifying number or mark which may be on the articles so sold; and indicate whether the same article or articles are new or used. The licensee shall also indicate, shall keep and maintain such list for a period of one year following the date of the last sale shown on such list.

D. Each licensee shall, at the time of selling an article at public auction, issue a receipt to the purchaser thereof containing the name of the licensee, date of the sale, description of the articles sold and the identifying number assigned to such articles, and any other relevant information.

E. When any merchant or auction house advertises or announces a specific stock or merchandise for sale at any auction, such stock shall not be fed or replenished.

F. It shall be the duty of all licensed auctioneers to receive all articles which may be offered them for sale at auction giving a receipt for each such article. At the close of any sale, which shall be at the time of the close of the entire auction or as the owner of the article(s) shall otherwise direct, the auctioneer shall deliver a fair account of the proceeds thereof to the owner of each article sold, and shall pay the same to the owner forthwith, less any reasonable fee for conducting the sale.

G. All auctioneers are forbidden to conduct their sales in such manner as to cause people to gather in crowds or the sidewalks so as to obstruct the same; they shall not use immoral or indecent language in crying their sales, or make or cause to be made noise or sounds such as the ringing of bells, blowing of whistles or otherwise similar contrivances in public places in the conduct of drawing attention to such sales; nor shall he/she otherwise use any means other than the usual auctioneer's flag and lights where necessary in the conduct of the sale to attract attention to such sale. (Ord. 2010-10, 4/13/10: prior codes: ord. 12(Amendment No. 2(part)), 1964, and § 15-8-1)

**5.08.050 Bakery.**

For the purpose of this section a "bakery" is any establishment where pies, cakes, cookies, doughnuts and other similar bakery products are produced and sold at retail or wholesale. (Ord. 2010-10, 4/13/10: prior codes: Res. 94-0, 1/10/95, and § 15-8-3)

**5.08.060 Cabaret.**

For purposes of this section "cabaret" means any room, place, building or structure open to public patronage, where food and drink is prepared, served or offered for sale, or sold for human consumption on or off the premises, and whose patrons may be entertained by performers who sing or dance or perform theatrical acts. (Ord. 2010-10, 4/13/10: prior codes: Res. 94-0, 1/10/95, and § 15-8-6)

**5.08.070 Carnival-Circus.**

A. For the purpose of this section, any enterprise known by the name of "carnival," "circus," "rodeo," "menagerie," "wild west show," "dog or pony show," "skilled animal shows," "side shows" or other such entertainment using tents or temporary seating facilities which is open to the public for charge, is a carnival or circus. (Ord. 2010-10, 4/13/10: prior code § 15-8-7)

**5.08.080 Cleaning and Dyeing Establishments.**

For the purposes of this subsection a "cleaning and dyeing establishment" is a plant, factory or facility for the cleaning and dyeing of any garment, fabric, substance or article by the process of washing or immersing in a volatile inflammable oil or liquid. (Ord. 2010-10, 4/13/10: prior codes: Res. 94-0, 1/10/95, and § 15-8-8)

**5.08.090 Confectionery.**

"Confectionery" is defined as any place which exclusively sells or offers for sale to the public such commodities as ice cream, ice cream products, candy, nuts and soft drinks. (Ord. 2010-10, 4/13/10: prior codes: Res. 94-0, 1/10/95, and § 15-8-9)

**5.08.100 Contractors.**

For the purpose of this section a "contractor" is defined as a person, corporation or association engaged in the performance of work or furnishing goods, materials or supplies on a contract basis. Each subcontractor under a general contract shall come within the provisions of this definition and be individually subject to licensing. (Ord. 2010-10, 4/13/10: prior codes: Res. 94-0, 1/10/95, and Ord. 12(Amendment No. 2(part)), 1964, and § 15-8-10)

**5.08.110 Dance Hall.**

For the purpose of this section a "public dance hall" is any room, place or space, open to public patronage in which a public dance is held regardless of whether a charge is made. However, these provisions shall not apply to church or charitable organizations where the returns or proceeds are used entirely for religious or charitable purposes. (Ord. 2010-10, 4/13/10: prior code § 15-8-11)

**5.08.120 Entertainment Devices.** For the purpose of this section:

A. Amusement Device. An "amusement device" is any machine, device or contrivance other than a marble machine, pinball machine, shuffle board, automatic baseball machine, billiard table, pool table or bowling alley which is designed or intended to be operated or used for amusement in the playing of a game upon or in response to payment of some charge, or the insertion of some coin, slug or check. No such device shall be lawful if it "pays off" or returns to or offers the possibility of return to the player of any money, merchandise, goods, services or other thing of value or any kind; and no license for such devices shall issue. Amusement devices as defined herein shall not include musical devices.

B. Shuffle Board. A "shuffle board" is any game known as shuffle board or other similar names where the object is to slide a weighted object from one end of the board to a designated point on the opposite end of the same board, where such is not prohibited by the laws of this state or the city and where the object of the game is for amusement purposes only if the same is played upon or in response to the payment of some charge.

C. Automatic Baseball Machine. An "automatic baseball machine" is any electronically actuated device played by one or more players where the object of the game is to hit a small ball and make a score similar to the game of baseball and which is not unlawful under the laws of the state at the city; designed to be played for amusement only and which is played upon or in response to the payment of some charge.

D. Marble Machine or Pinball Machine. A "marble machine" or "pinball machine" is a device

electronically actuated by small balls hitting into and causing the connection of electrical circuits which in turn record a score for each hit but which is not unlawful under the law of the state or the city, which is played for amusement upon or in response to the payment of a charge.

E. Billiard Hall. A "billiard hall" is any building or place containing one or more billiard tables or pool tables, which are designed to be used by the public upon or in response to the payment of some charge. (Ord. 2010-10, 4/13/10: prior codes: Res. 94-0, 1/10/95, and § 15-8-1)

#### **5.08.130 Food, Dry Goods and Groceries.**

Every person, firm or corporation before commencing or carrying on the business of dealing at wholesale or retail in any meat, fish, fowl, dairy, ice cream, candy and other perishable food products or groceries used for human consumption, or dry goods in the city, and not otherwise provided for in the title, must procure a license so to do. (Ord. 2010-10, 4/13/10: prior codes: Res. 94-0, 1/10/95, and § 15-8-22)

#### **5.08.140 Gasoline Dealer-Retailer Service Station.**

For the purpose of this section a "retail service station" is defined to include any place where lubricants or fuel oils or motor fuels in total quantity of ten gallons or more are carried or made available for sale or are sold exclusively at retail price to the general public. (Ord. 2010-10, 4/13/10: prior codes: Res. 94-0, 1/10/95, and § 15-8-20)

#### **5.08.150 Gasoline Dealer-Wholesale.**

A. For the purpose of this section a "wholesale gasoline dealer" is defined as any person carrying on the business of buying and selling, at wholesale, oils, gasoline and naphtha or other motor fuels or lubricants in total quantity of ten gallons or more and who does not offer the same for sale to the general public.

B. It is unlawful for any person operating as a wholesale gasoline dealer to sell or have on hand for sale any lubricating oil, motor oil or gasoline which does not conform to the minimum specifications established for oil and gasoline by the state. (Ord. 2010-10, 4/13/10: prior code § 15-8-21)

**5.08.160 Hotel/Motels:** For the purpose of this section, a "hotel" is defined as any building, structure or place where rooms are rented for lodging or sleeping purposes by the day, week or month, where such rental does not include board and which place is sufficient to accommodate twenty persons or more. Every person or the agent or employee of such person operating or conducting any hotel as defined in this section shall be deemed to be a hotel keeper. (Ord. 2010-10, 4/13/10: prior code § 15-8-12)

**5.08.170 Junk Collection.** For the purpose of this subsection a "junk collector" is defined to be a person not having a fixed place of business in the city who goes from house to house or place to place gathering, collecting, buying, selling or otherwise dealing in old rags, glass, sacks, bottles, cans, papers, metal, rubber or other articles commonly known as junk. (Ord. 2010-10, 4/13/10: prior codes: Res. 94-0, 1/10/95, and § 15-8-13)

**5.08.180 Junk Dealer-Salvage Yard.** For the purpose of this section a "junk dealer" is defined as a person principally engaged in buying and selling old metal, glass, rags, rubber, paper or other junk from a fixed place of business. (Ord. 2010-10, 4/13/10: prior codes: Res. 94-0, 1/10/95, and § 15-8-14)

**5.08.190 Rental Unit.** For purposes of this section "rental unit" means a building or portion of a building that is:

A. used or designated for use as a residence by one or more persons, and

B. either;

1. available to be rented, loaned, leased, or hired for a period of one month or longer, or

2. arranged, designed, or built to be rented, loaned, leased or hired for a period of one month or longer. (Ord. 2010-10, 4/13/10: prior code Ord. 2002-9, 8/13/02/)

#### **5.08.200 Restaurants.**

For the purpose of this section a "restaurant" is defined as any place where food or drink is prepared, served or offered for sale or sold for human consumption on or off the premises. (Ord. 2010-10, 4/13/10: prior codes: Res. 94-0, 1/10/95, and § 15-8-16)

**5.08.210 Slaughter Houses, Etc.** Renderies, bone factories, packing houses, slaughter houses; tanneries; soap factories; canneries-and dairies. (Ord. 2010-10, 4/13/10: prior codes: Res. 94-0, 1/10/95, and § 15-8-17)

**5.08.220 Theater.** For purposes of this section, a "theater" is any place known as a theater, motion picture show building, outdoor motion picture theater, concert hall or other place where there may be held a motion picture show, concert, dramatic production, ball, dance, lecture, exhibition or show and where an admission is charged there for. (Ord. 2010-10, 4/13/10: prior code § 15-8-19)

## Chapter 5.12 - Liquor Laws

**5.12.010 Definitions.** The following words when used in this Chapter shall have the following meanings:

A. **"Alcoholic beverage"** means **"beer"** and **"liquor"** as the terms are defined in this Chapter.

B. **"Alcoholic products"** means all products that contain at least 63/100 of one percent of alcohol by volume or at least one-half of one percent by weight, and are obtained by fermentation, infusion, decoction, brewing, distillation, or any other process that uses any liquids or combinations of liquids, whether drinkable or not, to create alcohol in an amount greater than the amount prescribed in this Chapter. **"Alcoholic products"** does not include common extracts, vinegars, ciders, essences, tinctures, food preparations, or over-the-counter drugs and medicines that otherwise come within this definition.

C. **"Beer," "light beer," "malt liquor," or "malted beverages"** means all products that contain 63/100 of one percent of alcohol by volume or one-half of one percent of alcohol by weight, but not more than four percent (4%) of alcohol by volume, or three and two-tenths percent by weight, and are obtained by fermentation, infusion, or decoction of any malted grain. Beer may or may not contain hops or other vegetable products. The use of the term **"beer"** includes the terms **"light beer"**, **"malt liquor"**, **"malt coolers"**, and **"malted beverages"** where applicable.

D. **"Beer retailer"** means any business establishment engaged, primarily or incidentally, in the retail sale or distribution of beer to public patrons, whether for consumption on or off the establishment's premises, and that is licensed to sell beer by the commission, by a local authority, or both.

E. **"On premises beer retailer"** means any beer retailer engaged primarily or incidentally, in the sale or distribution of beer to public patrons for consumption on the beer retailer's premises. It includes taverns.

F. **"Tavern"** means any business establishment engaged primarily in the retail sale or distribution of beer to public patrons for consumption on the establishment's premises, and that is licensed to sell beer under this Chapter. **"Taverns"** include beer bars, parlors, lounges, cabarets, and nightclubs where the revenue from the sale of beer exceeds the revenue of the sale of food, although food need not be sold in such establishments.

G. **"Church"** means a building set apart primarily for the purpose in which religious services are held and with which clergy is associated, and the main body of which is kept for that use and not put to any other use inconsistent with its primary purpose, and which is tax exempt under the laws of this state.

H. **"Club"** and **"private club"** means any nonprofit corporation operating as a social club, recreational, fraternal, or athletic association, or kindred association organized primarily for the benefit of its stockholders or members.

I. **"Code enforcement officer"** means the officer employed by Pleasant View City for the purpose of the enforcement of Pleasant View City code violations.

J. **"Cork-finished wine"** means a container of wine stopped by a cork and finished by foil, lead, or other substance by the manufacturer.

**"General food store"** means any business establishment primarily engaged in selling food and grocery supplies to public patrons for off premises consumption.

K. **"Guest"** means a person accompanied by an active member or visitor of a club



who enjoys only those privileges derived from the host for the duration of the visit to the club.

L. **"Heavy beer"** means all products which contain more than four percent (4%) alcohol by volume obtained by fermentation, infusion, or decoction or any malted grain. **"Heavy beer"** is considered liquor for the purpose of this Chapter.

M. **"Interdicted person"** means any person to whom the sale, gift, or provision of an alcoholic beverage is prohibited by law or court order.

N. **"License"** means the right to engage in the type of conduct hereafter described, as evidenced by a written document issued by this City. Licenses issued pursuant to this chapter shall be of one of the following types and shall authorize the type of conduct, and only the type of conduct, indicated after each designation:

1. Class A Liquor License; Single Event Permit: Authorizes the licensee, which shall be a bona fide corporation, church, political organization or incorporated association or a recognized subordinate lodge, chapter or other local unit and which is conducting a convention, civic or community enterprise, to store, sell, service and consume liquor for a period not to exceed seventy two (72) consecutive hours in strict compliance with the Utah Alcoholic Beverage Control Act of 1990. No more than two (2) special event permits shall be issued to the same group in any calendar year.

2. Class B Liquor License; Package Agency: Authorizes the licensee to operate a "package agency", as defined by the Utah Alcoholic Beverage Control Act of 1990, in strict compliance with said act, upon the licensed premises.

3. Class C Liquor License; Restaurant: Authorizes the licensee to sell liquor on premises occupied by a restaurant, in strict compliance with the Utah Alcoholic Beverage Control Act of 1990, and upon the licensed premises.

4. Class D Liquor License; Private Club: Authorizes the licensee to sell liquor on premises occupied by a private club in strict compliance with the Utah Alcoholic Beverage Control Act of 1990 and Utah Code Annotated section 16-6-18 et seq., upon the licensed premises.

5. Class A Beer License; Off Premises: Authorizes the licensee to sell beer on the licensed premises in original containers for consumption off the licensed premises.

6. Class B Beer License; Restaurant: Authorizes the licensee to sell beer on the licensed premises occupied by a restaurant in the original containers for consumption either on or off the licensed premises; or in open containers in any size not exceeding two (2) liters and in strict compliance with the Utah Alcoholic Beverage Control Act of 1990.

7. Class C Beer License; Tavern Or Private Club: Authorizes the licensee to sell beer on the licensed premises occupied by a tavern or private club on draft or in open containers in any size not exceeding two (2) liters or in the original containers for consumption either on or off the licensed premises and in strict compliance with the Utah Alcoholic Beverage Control Act of 1990.

8. Class D Beer License; Temporary: Authorizes the licensee to sell beer on the licensed premises on draft or in open containers in any size not exceeding two (2) liters or in the original containers for consumption on the licensed premises for a period not to exceed thirty (30) days and in strict compliance with the Utah Alcoholic Beverage Control Act of 1990.

O. **"Licensee"** means any person issued a license by the City to sell,

manufacture, store, or allow consumption of alcoholic beverages on premises owned or controlled by the person.

P. "**Liquor**" means alcohol, or any alcoholic, spirituous, vinous, fermented, malt, or other liquid, or combination of liquids, a part of which is spirituous, vinous, or fermented, and all other drinks, or drinkable liquids, that contain more than one-half of one percent of alcohol by volume and is suitable to use for beverage purposes. "**Liquor**" does not include any beverage defined as beer, malt liquor, or malted beverages that has an alcohol content of less than four percent (4%) alcohol by volume.

Q. "**Local authority**" means the Pleasant View City legislative body.

R. "**Manufacture**" means to distill, brew, rectify, mix, compound, process, ferment, or otherwise make an alcoholic product for the personal use or for sale or distribution to others.

S. "**Member**" means a person, who after paying regular dues, has full privileges of a club under this Chapter.

T. "**Minor**" means any person under the age of twenty one (21) years.

U. "**Outlet**" means a location other than a state store or package agency where alcoholic beverages are sold pursuant to a license issued by local authority.

V. "**Package**" means any container, bottle, vessel, or other receptacle containing liquor.

W. "**Person**" means any individual, partnership, firm, corporation, association, business trust, or other form of business enterprise, including a receiver or trustee, and the plural as well as the singular member, unless the intent to give a more limited meaning is disclosed by the context.

X. "**Premises**" means any building, enclosure, room, or equipment used in connection with the sale, storage, service, manufacture, distribution, or consumption of alcoholic products, unless otherwise defined in this Chapter.

Y. "**Public building**" means any building or permanent structure owned or leased by the state, a county or local government entity that is used for public education, transacting public business, or regularly conducting government activities. "**Public building**" does not mean or refer to any building owned by the state, or a county or local government entity when the building is used by anyone, in whole or in part, for proprietary functions.

Z. "**Public entrances and exits**," as used in this Chapter, shall mean access points that are required to remain unlocked during business hours that are to be used by the general public, and does not include emergency or other exits or access points.

AA. "**Public place**" means and refers to any of the following that are open to and generally used by the public:

1. Streets, roads, and alleys of incorporated cities and towns;
2. State or county highways or roads;
3. Buildings and grounds used for school purposes, and public dance halls and adjacent grounds;
4. Any place of public resort or amusement, unless otherwise defined in this Chapter;
5. Lobbies, halls, and dining rooms of hotels, restaurants, theaters, stores, garages, and service stations;
6. Any public conveyance, and its depots and waiting rooms that are open

to unrestricted use and access by the public;

7. Publicly owned bathing beaches, parks, or playgrounds; and

8. All other places that, under this Chapter have been declared to be a public place.

BB. "**Residence**" means the principal place of abode within Utah of a person who has a present intention to continue residency within Utah permanently or indefinitely.

CC. "**Restaurant**" means any business establishment where a variety of foods are prepared and complete meals are served to the general public, located on a premises having adequate culinary fixtures for food preparation and dining accommodations, and that is engaged primarily in serving meals to the general public.

DD. "**Retailer**" means any person engaged in the sale or distribution of alcoholic beverages to the consumer.

EE. "**Sell**," "**sale**," and "**to sell**" means any transaction, exchange, or barter whereby, for any consideration, an alcoholic beverage is either directly or indirectly, transferred, solicited, ordered, delivered for value, or by any means or under any pretext is promised or obtained, whether done by a person as a principal, proprietor, or as an agent, servant, or employee, unless otherwise defined in this Chapter.

FF. "**School**" means any building, public or private, used primarily for the general education of minors. "**School**" in addition to its common usage, includes, but is not limited to, nursery schools or infant day care centers, or trade or technical schools.

GG. "**Transaction**," as used in the Chapter, means the particular portion of the exchange of legal tender for alcoholic beverages wherein the age of the purchaser is determined and the amount of the purchase is entered manually or mechanically on the licensee's standard record keeping devise. Acts incidental to the transaction shall not be considered part of the transaction or beer sales transaction.

HH. "**Visitor**" means a person holding limited privileges in a club by virtue of a visitor card purchased from the club and authorized by a sponsoring member of the club.

II. "**Warehouser**" means any person, other than a licensed manufacturer, engaged in the importation for sale, storage, or distribution of liquor regardless of the amount.

JJ. "**Wholesaler**" means any person, other than a licensed manufacturer, engaged in the importation for sale, or in the sale of beer, malt liquor, or malted beverages, in wholesale or quantities to retailers.

KK. "**Wine**" means any alcoholic beverage obtained by the fermentation of the natural sugar content of fruits, plants, honey, or milk, or any other like substance, whether or not other ingredients are added. "**Wine**" is considered liquor for the purpose of this Chapter. (Ord.2007-16, 11/13/07)

**5.12.015 Business Areas.** For purposes of this Chapter, any commercial zones that border on the boundaries listed below are hereby designated as the four (4) business areas within Pleasant View City. They are as follows:

A. Area 1 is described as follows:

Beginning at the location where the Pleasant View/North Ogden boundary intersects with 2700 North, then westerly along 2700 North to the Pleasant View/Farr West border.

B. Area 2 is described as follows:

Beginning at the location where SR 89 and the Pleasant View/Harrisville boundaries meet, then North along SR 89 to the Pleasant View/Box Elder County boundary

C. Area 3 is described as follows:

Beginning at the intersection of 900 West and Pleasant View Drive and then East along Pleasant View Drive to 850 West.

D. Area 4 is described as follows:

The entire business area North of 2700 North and West of SR 89. (Ord.2007-16, 11/13/07)

**5.12.020 Restaurant Liquor Licenses.** Before any restaurant may sell or allow the consumption of beer or liquor on its premises, it shall first obtain a restaurant liquor license from Pleasant View City. If the restaurant serves only beer it shall still be subject to state and City regulations regarding restaurant liquor licenses, except that the state restaurant liquor licenses need not be obtained. Pleasant View City may issue restaurant liquor licenses for the purpose of establishing restaurant liquor outlets at places and in numbers it considers proper for the storage, sale, and consumption of liquor on premises operated as public restaurants.

A. Restaurant liquor licensee premises may not be established within five hundred feet (500') of any public or private school, church, public library, public playground, school playground, or park as measured from the nearest entrance of the restaurant by following the shortest route of either ordinary pedestrian traffic or, where applicable, vehicular travel along public thoroughfares, whichever is the closer, to the property boundary of the public or private school, church, public library, public playground, school playground, or park. Restaurant liquor licensee premises may not be established within two hundred feet (200') of any public or private school, church, public library, public playground, school playground, or park, measured in a straight line from the nearest entrance of the proposed outlet to the nearest property boundary of the above named.

B. The restrictions contained herein govern unless one of the following exemptions applies:

1. The restaurant is located within one of the designated business areas and the Pleasant View City Council finds that it is in the best interest of the City for the establishment of business.

2. The Pleasant View City Council finds, that compliance with distance requirements would result in peculiar and exceptional practical difficulties or exceptional and undue hardships in the granting of a restaurant liquor license. In that event, the City Council may, after giving full consideration to all the attending circumstances, following a public hearing authorize a variance from the distance requirements to relieve the difficulties or hardships if the variance may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this Chapter, and the City's master plan. If such a variance is granted the Council may impose additional restrictions upon a licensee to ensure the purpose of the intended restrictions.

In determining whether to grant an exemption the City Council shall give consideration to the following:

- a. The locality and neighborhood within which the proposed licensed premises will be located and the prospective impact of the same upon such locality and neighborhood.
- b. The proximity of the proposed licensed premises to existing licensed premises.
- c. The extent of present or anticipated tourist traffic within the area of the proposed licensed premises.
- d. The proximity of the proposed licensed premises to any school, church, library, public playground or park.
- e. The extent to which the application makes a full, complete and candid disclosure of all information required thereby.
- f. The integrity, character and reputation of the applicant, its partners, directors, trustees, officers, lessors, managers and operators.
- g. The business acumen and experience of the applicant, its partners, directors, trustees, officers, lessors, managers and operators.
- h. The prospective impact of the licensed premises upon vehicular traffic, congestion and parking.
- i. The number of liquor and beer licenses in existence in the city.
- j. Whether all employees of an applicant who sells, serves or furnishes liquor to the public for consumption on the premises have completed an approved alcohol education and training seminar.
- k. In the case of a Class A beer license, whether all employees between eighteen (18) years old and twenty one (21) years old are supervised by a person on the store premises who is older than twenty one (21) years.
- l. Whether the granting of the requested license is in the greatest public interest and in the interest of the general health and welfare of the city's residents.
- m. Such other facts or circumstances which may be considered material.

3. Nothing in this Chapter prevents the Council from considering the proximity of any educational, religious, and recreational facility or any other relevant factor in reaching a decision on a proposed location. For the purposes of this Chapter, educational facility includes nursery schools, infant day care centers, and trade and technical schools. (Ord.2007-16, 11/13/07)

**5.12.030 Application and Renewal Requirements.** A person seeking a restaurant license under this Chapter shall file a written application with this City, in a form prescribed by the licensing department. The restaurant license fee and an initial non-refundable application fee are as set forth in the City's Consolidated Fee Schedule. (Ord.2007-16, 11/13/07)

**5.12.040 Restaurant Qualifications.**

A. The Council may not grant a restaurant liquor license to a restaurant whose proprietor has been convicted of:

1. a felony under any federal or state law;
2. any violation of federal or state law or local ordinance concerning the

sale, manufacture, distribution, warehousing, adulteration, or transportation of alcoholic beverages, or convicted of drunk driving within the three (3) years prior to application; or

3. any crime of moral turpitude.

B. In the case of a partnership or corporation, the offenses above applies if any partner, managing agent, officer, director, or stockholder, who holds at least twenty percent (20%) of the total issued and outstanding stock of an applicant corporation, has been convicted of any offense as provided in this Chapter.

C. Restaurants licensed to sell liquor may sell beer in open containers, in any size not exceeding two (2) liter, and on draft for on premises consumption without obtaining a separate on premises beer retailer license from the City. All liquor will be sold and stored in accordance with state law. Liquor shall not be sold on any day after 12:00 midnight and before 12:00 noon. No liquor will be sold or offered for sale the day of any state or national elections until the polls are closed. A quarterly investigation of the business establishment will be conducted by the code enforcement officer, to insure compliance, and a copy of finding will be furnished to the City Council and the Chief of Police. (Ord.2007-16, 11/13/07)

**5.12.050 Private Clubs.** Pleasant View City will not issue a beer or liquor license for any private club, social club, recreational, athletic, or kindred association incorporated under the Utah Nonprofit Corporation and Cooperative Association Act, which desire to maintain premises upon which beer or alcoholic beverages may be stored, sold, served, and consumed. (Ord.2007-16, 11/13/07)

**5.12.060 Single Event Permits.**

A. The Council may issue a single event permit to a bona fide incorporated association, corporation, church, or political organization, or to a recognized subordinate lodge, chapter, or public fairs, stock and other animal shows, celebrations, fiestas, occasional athletic contests, and similar events. Beer may be sold in the original containers only upon such premises and during such time as the City Council, upon application, may designate. The permit period shall not exceed seventy-two (72) hours.

B. The five hundred foot (500') and two hundred foot (200') proximity limitations to educational, religious, and recreational facilities do not apply to single event permits. Nothing in this Section, however, prevents the Council from considering the proximity of any educational, religious, or recreational facility, or any other relevant factor in deciding whether to grant a single event permit.

C. The City may not issue more than two (2) single event permits in any one (1) calendar year to the same association, incorporation, church, political organization, subordinate lodge, chapter, or local unit thereof. (Ord.2007-16, 11/13/07)

**5.12.070 Single Event Qualifications.**

A. In order to qualify for a single event permit, the applicant:

1. may not be the holder of or be affiliated with the holder of any other type of retail liquor package agency or license issued under this Chapter; and
2. shall have been in existence as a bona fide organization for at least one (1) year prior to the date of application.

B. The Council may not grant a single event permit to any person who has been:

1. convicted of a felony under any federal or state law;

2. convicted of any violation of any federal or state law or local ordinance concerning the sale, manufacture, distribution, warehousing, adulteration, or transportation of alcoholic beverages, or convicted of drunk driving within three (3) years prior to application; or

3. convicted of any crime involving moral turpitude.

C. In the case of a partnership or corporation, the offenses above apply if any partner, managing agent, officer, director, or stockholder who holds at least twenty percent (20%) of the total issued and outstanding stock of an applicant corporation has been convicted of any offense as provided in this Section. The Council may not grant a single event permit to any person who has had any type of license, agency, or permit issued under this Title revoked within the last three (3) years. (Ord.2007-16, 11/13/07)

**5.12.080 License Requirements.** A person seeking a single event permit, under this Chapter, shall file a written application with the City, in a form prescribed by the licensing department. The fee for a nonrefundable single event permit is set forth in the City's Consolidated Fee Schedule. (Ord.2007-16, 11/13/07)

**5.12.090 Beer Retailer License.** Pleasant View City Council may issue a beer retailer license:

A. **Off premises license.** An off premises license may be issued to allow the licensee to sell beer on the licensed premises in original containers for consumption off the premises only, in accordance with state law and City ordinances. Beer may not be sold, provided, or possessed for off premises consumption in containers larger than two (2) liters. If malt beverage coolers or malt liquor is sold by a beer retailer for off premises consumption, the beer retailer shall display a sign at the location on the premises where malt beverages or malt liquor is sold stating: "Many malt beverages contain alcohol. Please read the label."

1. All employees involved in the transaction of off premises retail beer sales will be required to possess and display a "Beer Handler's Permit" while on duty.

2. Those businesses possessing this license that are open twenty-four (24) hours a day shall have all public entrances and exits and the transaction or cashier area monitored by video camera and recorder from the hours of 11:00 p.m. to 5:00 a.m. Said cameras shall be programmed in such a manner that the date and time shall appear on the video tape or film when being viewed through a monitor. The recorded tapes will be maintained by the business for a period of not less than seven (7) days from the day the recording ends. Said tapes will be made available to the City for review and auditing purposes upon twenty four (24) hours notice, absent exigent circumstances.

3. Any licensee may submit plans or proposals to the Chief of Police or designee to verify compliance with the intent of this Section. The objective of the review is to verify that people may be reasonably identifiable through the camera based on location, direction, and distance between the camera and monitored area. Any approval obtained through such a review is not a guarantee nor warranty of the effectiveness of the plan or approval but is only to determine whether the licensee's plan or proposal satisfies the intent hereof.

B. **On premises license.** A beer retailer on premises license may be issued to allow the licensee to sell beer, for consumption on the premises all to be exercised in accordance to state law and City ordinances. An on premises license shall be issued to an applicant engaged in good faith in the business of dispensing and selling beer at retail, in

the original containers or in draft, over a bar in these establishments.

1. **On premises license - Bowling Alley.** May be issued for the entire portion of the bowling alley used in the sport of bowling and recreation.

2. **On premises license - Golf Course.** May be issued for the area of the golf course used in the sport of golfing. Including the clubhouse, fairways, and greens. To include all areas identified as the golf course.

C. The location of these licensees shall be limited to two (2) licensed beer retailer on premises establishments or two (2) licensed private clubs, or a combination thereof, not to exceed two (2), within each designated commercial business area. Further, no new beer retailer on premises licensee shall be located closer than five hundred feet (500') to an existing beer retailer on premises licensee or private club. The five hundred feet (500') shall be measured in a straight line between the nearest property lines of the subject properties.

D. A beer retailer on/off-premises may not be established within five hundred feet (500') of any public or private school, church, public library, public playground, school playground, or park, measured from the nearest entrance of the on/off-premises beer retailer by following the shortest route of either ordinary pedestrian traffic, or where applicable, vehicle travel along public thoroughfares, whichever is the closer. A beer retailer licensed premises may not be established within two hundred feet (200') of any public or private school, church, public library, public playground, school playground, or park measured in a straight line from the nearest entrance of the proposed outlet to the nearest property boundary of the above named.

E. The restrictions contained in paragraph (D) of this Section govern unless the Pleasant View City Council finds, after a full investigation by the code enforcement officer, that compliance with the distance requirements would result in peculiar and exceptional practical difficulties or exception and undue hardships in the granting of a beer retailer license. Additional circumstances may be considered and include topography, existing permanent physical barriers, sight distance, land use issues, compatibility, travel distance, etc. In that event, the City Council may, after giving full consideration to all the attending circumstances, following a public hearing, authorize a variance from the distance requirements to relieve the difficulties or hardships if the variance may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this Chapter. If such a variance is granted the Council may impose additional restrictions upon the licensee to ensure the purpose of the intended restrictions.  
(Ord.2007-16, 11/13/07)

#### **5.12.100 Beer Retailer Qualifications.**

A. The Council may not grant a beer retailer license to an outlet whose proprietor has been convicted of:

1. A felony under federal or state laws;
2. Any violation of any federal or state law or local ordinance concerning the sale, manufacture, distribution, warehousing, adulteration, or transportation of alcoholic beverages, or convicted of drunk driving within three (3) years prior to application; or
3. Any crime involving moral turpitude.

B. In the case of any partnership or corporation, the offenses above apply if any partner, managing agent, officer, director, or stockholder who holds at least twenty percent (20%) of the total issued and outstanding stock of an applicant corporation has been



convicted of any offense as provided in this Chapter.

C. If any such person is convicted of such an offense subsequent to the issuance of the license, the license shall be surrendered immediately. The licensee may request a hearing on the matter, in writing and within ten (10) days of a conviction by a trial court.

D. Retailers must sell and store beer in accordance with state law. On premises beer retailers may sell beer in open containers, in any size not exceeding two (2) liters, and on draft. Liquor may not be stored or sold on the premises.

E. Beer retailers can only sell beer during hours as stated below:

1. Off premises: Between the hours of 6:00 a.m. and 1:00 a.m.

2. On premises: Between the hours of 10:00 a.m. and 1:00 a.m.

F. The code enforcement officer will conduct quarterly inspection of the on premises retailer and furnish a written report to the City Council and the Chief of Police to insure compliance. (Ord.2007-16, 11/13/07)

**5.12.110 Beer Retail Application and Renewal Requirements.** A person seeking a beer retailer license under this Chapter shall file a written application with this City, in a form prescribed by the licensing department. The beer retailer license fee and the non-refundable application fee are as set forth in the City's Consolidated Fee Schedule. (Ord.2007-16, 11/13/07)

**5.12.120 Package Stores.** Package stores shall only be allowed within Pleasant View City, in compliance with state law, and in compliance with Pleasant View City zoning ordinances. The package store will comply with the distance requirements set forth in the preceding licenses. In the event a variance is required, the afore scribed policy will be adhered to. (Ord.2007-16, 11/13/07)

**5.12.130 Qualification of Employees**

A. Other than as provided in Section 5.12.260, any person employed by any licensee under this Chapter for work involving the transaction, sale, serving, or dispensing of alcoholic beverages on or about the licensed premises, whether as manager, agent, or servant shall be twenty-one (21) years of age or older, and shall be legally able to work in the United States.

B. No one shall be employed who has been convicted of a felony within five (5) years prior to employment or who has not secured a judicial pardon and expungement of the record of any felony conviction entered prior to such five (5) year period, or who has within three (3) years prior been convicted of any violation of any law or ordinance involving moral turpitude, controlled substances, or relating to alcoholic beverages, driving charges involving alcohol or drugs, or of keeping a gambling or disorderly house, or who has pleaded guilty to or has forfeited bail on any such charge.

C. This Section shall not operate to disqualify a person currently employed by a licensee under this Chapter, who was so employed on or before January 1, 1995, and whose employment with the same licensee has been without interruption from said date. However, any such conviction for an act after January 1, 1995, shall disqualify all such convicted persons, including current employees. (Ord.2007-16, 11/13/07)

**5.12.140 Duty to Report Change of Ownership.** If, during the term of the license year, after the license has been granted hereunder, there shall be any change in the personnel of any licensed partnership or of the officers or directors of any licensed corporation, the licensee

shall forthwith report any such changes in personnel to the license officer. (Ord.2007-16, 11/13/07)

**5.12.145 Cessation of Business.**

A. A licensee under this Chapter may not close or cease operation for a period longer than two hundred forty (240) hours, unless written notice is given to the license officer at least seven (7) days before the closing, and the closure or cessation of operation is first approved by the license officer.

B. In the case of emergency closure, immediate notice of closure shall be made to the license officer by telephone.

C. The license officer may authorize a closure or cessation of operation for a period not to exceed sixty (60) days. The license officer may extend the initial period an additional thirty (30) days upon written request of the licensee and upon a showing of good cause. A closure or cessation of operation may not exceed a total of ninety (90) days.

D. Any notice shall include the dates of closure or cessation of operation, the reason for the closure or cessation of operation, and the date on which the licensee will reopen or resume operation.

E. Failure of the licensee to provide notice and to obtain department authorization prior to closure or cessation of operation shall result in an automatic forfeiture of the license and the forfeiture of the unused portion of the license fee for the remainder of the license year effective immediately.

F. Failure of the licensee to reopen or resume operation by the approved date shall result in an automatic forfeiture of the license and the forfeiture of the unused portion of the club=s license fee for the remainder of the license year. (Ord.2007-16, 11/13/07)

**5.12.150 Investigation by Chief of Police.** Every applicant for an on premises beer license, together with such information as required to be attached thereto, shall be referred to the Chief of Police for inspection and report. The Chief of Police shall, within ten (10) days after receiving such application, report in writing to the Council the general reputation of the applicant, the character of the premises, and of the persons who habitually frequent the same; the nature and kind of business conducted at such place; whether intoxicating liquors are or have been served or permitted to be drunk in the place; whether said place is or has been conducted in a lawful, quiet, and orderly manner; the nature and kind of entertainment, if any, at the place; whether gambling is or has been permitted, or gambling devices are or have been displayed upon the premises, or by the applicant at any other place; whether there is any ground to believe any statement made in the application is untrue. The Chief of Police shall add such further information as he believes to be pertinent. The Chief of Police shall add thereto in writing his recommendation as to the granting or denying such application. (Ord.2007-16, 11/13/07)

**5.12.160 Investigation by Health Department.** The application shall also be referred immediately to the Health Department for inspection and report. He/she shall report in writing to the City Council whether the proposed licensed premises comply with all applicable laws, ordinances, and regulations relating to safety in the event of fire or panic, and whether the same are reasonably safe for use as licensed premises of the type of license applied for. (Ord.2007-16, 11/13/07)

**5.12.170 Investigation by Fire Chief.** The application shall also be referred immediately to the

Fire Chief for inspection and report. He/she shall report in writing to the City Council whether the proposed licensed premises comply with all applicable laws, ordinances, and regulations relating to safety in the event of fire or panic, and whether the same are reasonably safe for use as licensed premises of the type of license applied for. (Ord.2007-16, 11/13/07)

**5.12.180 Issuance of Licenses; Renewal.**

A. Upon receipt of the reports from the Chief of Police, the Fire Chief, and, if referral is made, the Health Department, and upon review of those reports and a determination by the license officer, that the applicant has complied with all applicable laws, ordinances and regulations, the license officer may, in the instance of an initial application, be directed by City Council to issue a license to the applicant for the retail sale of beer and/or liquor upon the licensed premises.

B. In the instance of a renewal application, the license officer, upon receiving the aforementioned reports and determining that the applicant has complied with all applicable requirements, may issue a renewal license to the applicant.

C. Under this Section, a renewal application will only be reviewed if it is for the same applicant and location as the previous license and for the year immediately following a licensed year. Otherwise, an initial application is required. (Ord.2007-16, 11/13/07)

**5.12.190 Display of License.** Every license issued hereunder shall be posted and prominently displayed upon the licensed premises. (Ord.2007-16, 11/13/07)

**5.12.200 Transfer of License.** Licenses issued under this Chapter shall not be transferable. (Ord.2007-16, 11/13/07)

**5.12.210 Discretion of Council; Licenses revocable.**

A. The City Council, may, with or without a hearing, in its discretion, when in the interest of public health, safety, and welfare, refuse to grant any license applied for. No license shall be issued if the applicant shall not possess all the qualifications required by state law. Licenses are revocable pursuant to Section 5.04.

B. Every police officer is an ex-officio inspector of license. Every such officer is authorized and empowered in his discretion and in addition to his enforcement powers, may inspect all licensed premises for compliance with state law and the City ordinances, reporting any violations to the City Council.

C. The Council may by resolution or ordinance establish rules and regulations to govern its procedure in considering and acting upon suspensions and revocations of licenses. (Ord.2007-16, 11/13/07)

**5.12.220 Prohibited to Intoxicated Person.** It is unlawful to sell any alcoholic beverage to any person intoxicated or under the influence of any alcoholic beverage. (Ord.2007-16, 11/13/07)

**5.12.230 Selling to Minors.** It is unlawful to sell any alcoholic beverage to any person under the age of twenty-one (21) years and anyone doing so is strictly liable therefor, and guilty of a class "B" misdemeanor. (Ord.2007-16, 11/13/07)

**5.12.240 Licensee Permitting Minor on Premises.** It is unlawful for any licensee, agent, or

employee of an on-premises license to permit any person under the age of twenty-one (21) years to be in, to loiter about, or to frequent the licensed premises, except with regards to bowling alleys and golf courses where a minor is legitimately involved in recreational activities. If a minor is legitimately on the premises of a bowling alley or golf course the licensee, agent, or employee shall not allow the minor to possess or consume any alcoholic beverages. (Ord.2007-16, 11/13/07)

**5.12.250 Minor Serving Alcohol.**

A. It is unlawful for any licensee under this Chapter to employ or to permit any person under the age of twenty-one (21) years to transact the sale of, serve, dispense, or handle alcoholic beverages.

**B. Exceptions.**

1. A licensee holding a restaurant license may employ persons eighteen (18) years of age through twenty (20) years of age to serve alcoholic beverages provided they are under the supervision of a person at least twenty-one (21) years of age and who is on the premises;

2. A licensee holding an off-premises license may employ persons eighteen (18) years of age through twenty (20) years of age to transact the sale of or handle beer in its sealed original containers provided they are under the supervision of a person at least twenty-one (21) years of age and who is on the premises; or

3. Said licensee may also employ persons sixteen (16) years of age through seventeen (17) years of age for the handling of beer, exclusive of transactions, in its sealed original containers provided they are under the supervision of a person at least twenty-one (21) years of age and who is on the premises. Said activity is limited to the locating, relocating, or transporting beer upon the premises. (Ord.2007-16, 11/13/07)

**5.12.260 Parent or Guardian Permitting Minor on Premises.** Except as provided for in Section 5.12.250 and 5.12.280, it is unlawful for any person having charge or custody of any minor, to take the minor into, or to suffer the minor to enter, be in, loiter about, or to frequent any beer tavern or any premises for which an on-premises license has been issued. (Ord.2007-16, 11/13/07)

**5.12.270 Minor on Premises.** It is unlawful for any person under the age of twenty-one (21) years to enter, to be in, to loiter about, or frequent a beer tavern, or any premises for which an on premises license has been issued. Minors will be allowed in the bowling alley and on golf courses for the purpose of recreation. (Ord.2007-16, 11/13/07)

**5.12.271 Minor in Possession.** It is unlawful for any minor to possess, consume, or possess by consumption, an alcoholic beverage. A violation of this Section is a class "B" misdemeanor and is punishable as such. (Ord.2007-16, 11/13/07)

**5.12.280 Entering Premises Violating State and City Laws.** It is unlawful for any person to visit, to loiter about, to frequent, or to resort to any house, building, room, or premises where any alcoholic beverages are kept, stored, sold, bartered, offered, or exposed for sale in violation of state law or City ordinances. (Ord.2007-16, 11/13/07)

**5.12.290 Days of Sale; Closure.**

A. The below listed are the dates of sale by license classification:

1. Restaurant From Sunday through Saturday.
2. Off premises From Sunday through Saturday.
3. On premises From Sunday through Saturday.
4. Single Event From Monday through to 1:00 a.m. on Sunday.

B. Beer retailers with "on-premises" consumption licenses shall be closed to customers and members and shall cease operation from 3:00 a.m. until 6:00 a.m. However, no liquor may be sold, offered for sale, or dispensed the day of any state or national elections until after the polls are closed. (Ord.2007-16, 11/13/07)

**5.12.300 Advertising Requirements.** It is unlawful for any person to advertise the sale of beer not in accordance with state law. (Ord.2007-16, 11/13/07)

**5.12.310 Consumption On Off Premises License.** It is unlawful for any licensee with an off-premises license to suffer or allow any person to consume any alcoholic beverage upon such premises or upon the lot or parcel of property on which the licensed premises is located. (Ord.2007-16, 11/13/07)

**5.12.320 Illumination of Premises.** It is unlawful for any licensee to fail to keep all parts of the licensed premises, to which customers have any access, illuminated with a minimum illumination of three foot (3') candles at all times it is occupied or open for business. (Ord.2007-16, 11/13/07)

**5.12.330 Nuisances on Licensed Premises.** It is unlawful for any person to commit, keep, or maintain a nuisance upon any licensed premises. It is unlawful for any person to suffer a nuisance to be maintained upon a licensed premises, owned, occupied, operated, or controlled by him/her or which may be in his/her charge. (Ord.2007-16, 11/13/07)

**5.12.340 Beer Acquired from Brewer or Wholesaler.** It is unlawful for any licensee to purchase or acquire or to have or possess, or to suffer to be kept upon the licensed premises, any beer except that lawfully acquired from a brewer or wholesaler licensed under the provisions of state law. (Ord.2007-16, 11/13/07)

**5.12.350 On Premises Employee.** It is unlawful for any on premises licensee to employ or to suffer to work for him upon the licensed premises, any person who does not meet the requirements of such employment. (Ord.2007-16, 11/13/07)

**5.12.360 Gambling Devices in Licensed Premises.** It is unlawful for any licensee hereunder to possess, store, or display upon the licensed premises any gambling device or tickets to be bought, kept, possessed, stored, or displayed upon the premises for any purpose whatsoever. (Ord.2007-16, 11/13/07)

**5.12.370 Restrictions on Brewer, Jobber, and Wholesaler.** No brewer, jobber, or beer wholesaler shall directly or indirectly supply, give, or pay for any furniture, furnishings, or fixtures of a retailer of beer, nor shall any brewer, beer dealer, or beer wholesaler advance, furnish money, or pay for any license fee for such a retailer or be financially interested, whether directly or indirectly, in the conduct or operation of the business of

any such retailer, or lend money or grant more than forty (40) days credit to any such retailer. (Ord.2007-16, 11/13/07)

**5.12.380 Premises Accessibility to Police Officer.** It is unlawful for any door or other means of ingress to or egress from any licensed premises to be locked or barred or barricaded in any way so as to interfere with the free entrance to the licensed premises by any City police officer at any time while the premises are occupied or open to the public, but all doors or other means of entrance thereto, during the time the premises are occupied or open to the public, shall be left unlocked or unfastened so that any police officer may enter the same without any hindrance or delay; provided, however, that there may be maintained upon the premises a locked storeroom for the keeping of goods and supplies used in the business. Such storerooms shall at all times be subject to search and inspection by any police officer upon compliance with procedural requirements. It is unlawful for any licensee to deny any police officer immediate access to the storeroom for search or inspection upon demand made for such access. It is unlawful for any licensee to suffer any person, except a bona fide employee of the licensee or police officer, to enter or remain in the storeroom. (Ord.2007-16, 11/13/07)

**5.12.390 Warning of Approach of Police.** It is unlawful for any person commonly known as a "lookout" to be stationed or maintained to give warning of the approach of any police officer to the premises. It is unlawful to maintain or operate any electrical or other device, which is used or capable of being used to give warning to persons within any such licensed premises of the approach of any police officer. (Ord.2007-16, 11/13/07)

**5.12.400 Disorderly Conduct On Premises.** It is unlawful for any licensee to suffer or allow any disorderly conduct to be committed, or to suffer or allow any, disorderly person to be or remain upon any licensed premises. (Ord.2007-16, 11/13/07)

**5.12.410 Lewd Conduct On Premises.** Licensees under this Chapter, whose license permits the consumption of alcoholic beverages on premises, shall not allow any conduct, by any person, on said premises, that is proscribed by state law. Further, the licensee shall not allow the fondling of human genitals, pubic region, buttocks, or female breasts, nor allow the ultimate sex act, normal or perverted, actual or simulated, including, but not limited to, intercourse, oral copulation, sodomy, masturbation, excretory functions, nor allow any showing of any visual reproductions showing the same. Further, the licensee shall not allow any person to expose, or be dressed in a manner so as to expose to the view of others, the human genitals, pubic regions, buttocks, the female breasts, at the point immediately above the top of the areola to the bottom of the breast, the human male genitals in a discernable turgid state, even if completely and opaquely covered, nor allow any visual reproductions showing the same. (Ord.2007-16, 11/13/07)

**5.12.420 Solicitation for Immoral Purposes On-Premises.** It is unlawful for any person to solicit any other person upon any licensed premises for illicit sexual intercourse or other immoral purpose, or to be upon such premises for the purpose of solicitation. It is unlawful for any licensee to suffer or allow any violation of the immediately preceding prohibition upon the licensed premises. (Ord.2007-16, 11/13/07)

**5.12.430 Begging Drinks On premises.** It is unlawful for any person upon any public street or upon any licensed premises to beg or solicit a gift of any alcoholic beverage. (Ord.2007-16, 11/13/07)

**5.12.440 Sale During License Revocation or Suspension.** It is unlawful for any person to sell alcoholic beverage after the revocation of any license issued to him/her, or during a period of suspension of such license. (Ord.2007-16, 11/13/07)

**5.12.450 Licensee Responsibility.** It is unlawful for any licensee hereunder, to fail to maintain full control of the conduct of the business upon the licensed premises, or to fail to inform himself/herself of the manner in which the business is conducted and of the activities of his/her agents, servants, and employees in and about the licensed premises, and by accepting a license hereunder, the licensee unconditionally guarantees to the City that neither he/she nor his/her agents, servants, or employees will violate the terms of this Chapter upon the licensed premises, and for breach of such guarantee the license may be revoked. (Ord.2007-16, 11/13/07)

**5.12.460 Search of Licensed Premises.** Every licensee, by accepting a license issued under the provisions of this Chapter, thereby irrevocably consents that any City police officer, upon compliance with procedural requirements, may at any time during the effective period of the license freely enter and inspect and search the licensed premises for any alcoholic beverage or for any other goods or chattels illegally possessed or kept thereon, or for evidence of any alleged crime under investigation by such police officer, and further consents to the seizure of any such alcoholic beverage, goods, chattels, or evidence, the property of the licensee, which may be found therein upon such a search. (Ord.2007-16, 11/13/07)

**5.12.470 Penalty for Violation.**

A. **General Provision.** A violation of this Chapter shall be a class "B" misdemeanor, unless otherwise established by state law.

**B. Enhancement for Licensees.**

1. This Subsection applies to any conviction of class "B" misdemeanors, or more serious classification of offenses, under this Chapter or similar state or county laws. It is specifically provided, that in case of a licensee's second conviction, within a twenty-four (24) month period, the minimum penalty prescribed shall be not less than Three Hundred Dollars (\$300.00), and in case of a licensee's third or subsequent conviction under this Chapter within a twenty-four (24) month period, the minimum penalty shall be not less than Six Hundred Dollars (\$600.00). For the purposes of this Chapter, the forfeiture of bail on a charge is deemed a prior conviction. This does not preclude the enforcement of any civil or administrative penalties applicable to said violations.

2. A licensee can reduce the time periods from twenty-four (24) months to twelve (12) months used to calculate second or subsequent convictions by implementing and conducting regular training for those employees involved in the transactions of alcoholic beverages. The training must be in the proper sales and handling of alcoholic beverages and must be in addition to the training set forth in this Chapter. The licensee must maintain a record of the subject matter of the training, the length thereof, and those in attendance. To qualify for the time period

reduction, training sessions must occur once each six (6) months, with ninety percent (90%) attendance, and no employee missing two (2) consecutive sessions. Said training sessions should last a minimum of fifty (50) minutes each.

**C. Civil Penalties for Permittees.** Violations of this Chapter by a holder of a Beer Handler's Permit shall result in the following administrative sanctions in addition to any criminal penalties assessed:

1. First violation, fourteen (14) day suspension of permit;
2. Second violation within a twenty four (24) month period, six (6) month suspension of permit;
3. Third violation within a forty eight (48) month period, one (1) year suspension of permit; and
4. Fourth violation within a forty eight (48) month period, permanent revocation of permit.

D. Any time period, during which a permit is suspended, shall be excluded when calculating the time period in determining the applicable enhancing civil penalty.

E. For purposes of this Chapter, a violation can be found either as the result of a criminal conviction or as the result of an administrative hearing under the licensing provisions of this Code. (Ord.2007-16, 11/13/07) (prior ordinance: Alcoholic Beverages Ord. 87-5.12 (part), 1987: Ord. 81-1 §1 (part), 1981)



## **Chapter 5.16 - Sexually Oriented Business (S.O.B.)**

**5.16.010 Title.** The provisions codified in this Chapter shall be known and may be referred to as the Sexually Oriented Business and Employee Licensing Ordinance. (Ord.2000-3, 3/27/01)

**5.16.020 Purpose.** It is the purpose and object of this Chapter that the City establish reasonable and uniform regulations governing the time, place and manner of operation of sexually oriented businesses and employees of those businesses in the City. This Chapter shall be construed to protect the governmental interests recognized by this Chapter in a manner consistent with constitutional protections provided by the United States and Utah Constitutions. (Ord.2000-3, 3/27/01)

**5.16.030 Applicability.** This Chapter imposes regulatory standards and license requirements on certain business activities which of those businesses characterized as sexually oriented business employees. Except where the context or specific provisions require, this Chapter does not supersede or nullify any other related ordinances, including, but not limited to, those codified in this title. (Ord.2001-3, 3/27/01)

**5.16.040 Definitions.** For the purpose of this Chapter, the following words shall have the following meaning:

A. Adult Bookstore or Adult Video Store. A commercial establishment which:

1. Excludes minors from more than fifteen percent (15%) of the retail floor or shelf space of the premises; or

2. As one of its principal purposes, offers for sale or rental for any form of consideration, any one or more of the following: books, magazines, periodicals, printed matter, photographs, films, motion pictures, video cassettes, video reproductions, slides or other visual representations; the central theme of which depicts or describes "specified sexual activities" or "specified sexual anatomical areas" or instruments, devices or paraphernalia which are designed for use in connection with "specified sexual activities." Legitimate medically recognized contraceptives are excepted.

B. Adult Business. An adult motion picture theater, adult book store or adult video store.

C. Adult Motion Picture Theater. A commercial establishment which:

1. Excludes minors from the showing of two (2) consecutive exhibitions (repeated showings of any single presentation shall not be considered a consecutive exhibition); or

2. As its principal business, shows, for any form of consideration, films, motions pictures, video cassettes, slides or similar photographic reproductions which are primarily characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

D. Adult Theater. A theater, concert hall, auditorium or similar commercial establishment which:

1. Holds itself out as such a business; or

2. Excludes minors from the showing of two (2) consecutive exhibitions (repeated performance of the same presentation shall not be considered a consecutive exhibition); or

3. As its principal business, features persons who appear in live performances in a

state of semi-nudity or which are characterized by the exposure of “specified anatomical areas” or by “specified sexual activities”.

E. Employ. Hiring an individual to work for pecuniary or any other form of compensation, whether such person is on the payroll of the employer, as an independent contractor, as an agent or any form of employment relationship.

F. Escort. Any person who, for pecuniary compensation, dates, socializes, visits, consorts with or accompanies or offers to date, consort, socialize, visit or accompany another or others to or about social affairs, entertainment or places of amusement or within any place of public or private resort or any business or commercial establishment or any private quarters. Escort shall not be construed to include persons who provide business or personal services, such as licensed private nurses, aides for the elderly or handicapped, social secretaries or similar service personnel whose relationship with their patron is characterized by a bona fide contractual relationship having a duration of more than twelve (12) hours and who provide a service not principally characterized as dating or socializing. Escort shall also not be construed to include persons providing services such as singing telegrams, birthday greetings or similar activities characterized by appearances in a public place, contracted for by a party other than the person for whom the service is being performed and of a duration not longer than one hour.

G. Escort Service. An individual or entity who for pecuniary compensation, furnishes or offers to furnish escorts, or provides or offers to introduce patrons to escorts.

H. Escort Service Runner. Any third person, not an escort, who, for pecuniary compensation, acts in the capacity of an agent or broker for an escort service, escort or patron by contacting or meeting with escort services, escorts or patrons at any location within the City, whether or not such third person is employed by such escort service, escort, patron or by another business, or is an independent contractor or self-employed.

I. Nudity. A state of dress in which the areola of the female breast, or male or female genitals, pubic region or anus are covered by less than the covering required in the definition of semi-nude.

J. Operator. The manager or other natural person principally in charge of a sexually oriented business.

K. Outcall Services. Services of a type performed by a sexually oriented business employee outside of the premises of the licensed sexual oriented business, including, but not limited to, escorts, models, dancers and other similar employees.

L. Patron. Any person who contracts with or employs any escort services or escort, or the customer of any business licensed pursuant to this Chapter.

M. Pecuniary Compensation. Any commission, fee, salary, tip, gratuity, hire, profit, reward or any other form of consideration.

N. Person. Any person, unincorporated association, corporation, partnership or other legal entity.

O. Semi-Nude Dancing Agency. Any person, agency, firm, corporation, partnership or any entity or individual which furnishes bookings, or otherwise engages or offers to furnish bookings, or otherwise engage the service of a professional dancer licensed pursuant to this Chapter for performance or appearance at a business licensed for adult theaters.

P. Semi-Nude Entertainment Business. A business, including adult theater, where employees perform or appear in the presence of patrons of the business in a state of semi-nudity. A business shall also be presumed to be a semi-nude entertainment business if the business holds itself out as such a business.

Q. Sexually Oriented Business. “Semi-nude entertainment businesses”, sexually

oriented “outcall services”, “adult businesses” and “semi-nude dancing agencies”, as defined by this Chapter.

R. Sexually Oriented Business Employees. Those employees who work on the premises of a sexually oriented business in activities related to the sexually oriented portion of the business. This includes all managing employees, dancers, escorts, models and other similar employees, whether or not hired as employees, agents or as independent contractors. Employee shall not include individuals whose work is unrelated to the sexually oriented portion of the business, such as janitors, bookkeepers, and similar employees. Sexually oriented business employees shall not include cooks, serving persons and similar employees, except where they may be managers or supervisors of the business. All persons making outcall meetings under this Chapter, including escorts, models, guards, escort runners, drivers, chauffeurs and other similar employees, shall be considered sexually oriented business employees.

S. Specified Anatomical Areas. The human male or female pubic area or anus with less than a full opaque covering, or the human female breast below a point immediately above the top of the areola, with less than full opaque covering.

T. Specified Sexual Activities. Acts of:

1. Masturbation.
2. Human sexual intercourse.
3. Sexual copulation between a person and a beast.
4. Fellatio.
5. Cunnilingus.
6. Bestiality.
7. Pederasty.
8. Buggery.
9. Any anal copulation between a human male and another male, human female or beast.
10. Manipulating, caressing or fondling by any person of:
  - a. The genitals of a human.
  - b. The pubic area of a human.
  - c. The breast or breasts of a human female.

U. Flagellation, torture or sadomasochistic abuse by or upon a person clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of the one so clothed. (Ord.2001-3, 3/27/01)

#### **5.16.050 Statutory Provisions.**

A. Obscenity. Notwithstanding anything contained in this Chapter, nothing in this Chapter shall be deemed to permit or allow the showing or display of any matter which is contrary to applicable Federal or State statutes prohibiting obscenity.

B. Lewdness. Notwithstanding anything contained in this Chapter, nothing in this Chapter shall be deemed to permit or allow conduct or the showing or display of any matter which is contrary to the provisions of Utah Code Annotated section 76-5-401 et seq. (Ord.2001-3, 3/27/01)

#### **5.16.060 Location and Name Restrictions.**

A. Zoning. It is unlawful for any sexually oriented business to do business at any location within the City not zoned for such business. Sexually oriented businesses licensed as adult businesses or semi-nude entertainment businesses pursuant to this Chapter shall

only be allowed in areas zoned for their use pursuant to Title 18 of this Code.

B. Premises Licensed. It is unlawful to conduct business under a license issued pursuant to this Chapter at any location other than the license premise. Any location to which telephone calls are automatically forwarded by such business shall require a separate license.

C. Name. It is unlawful for any sexually oriented business to do business in the City under any name other than the business name specified in the application.

D. Proximity to Specified Places. It is unlawful for any business licensed for semi-nude entertainment to be located within three hundred thirty feet (330') of a business licensed for the sale or consumption of alcohol. It is unlawful for any sexually oriented business to be located within one thousand feet (1000') of any church, school, public playground, public park. It is also unlawful for any sexually oriented business to be located within 500' of any residence. (Ord.2001-3, 3/27/01)

#### **5.16.070 Legitimate and Artistic Modeling.**

A. Intent. The City does not intend to unreasonably or improperly prohibit legitimate modeling which may occur in a state of nudity for purposes protected by the First Amendment or similar State protections. The City intends to prohibit prostitution and related offenses occurring under the guise of nude modeling. Notwithstanding the provisions of Section 5.16.190 of this Chapter, a licensed outcall employee may appear in a state of nudity before a customer or patron, providing that a written contract for such appearance was entered into between the customer or patron and the employee and signed at least twenty-four (24) hours before the nude appearance. All of the other applicable provisions of this Chapter shall still apply to such nude appearances.

B. Unlicensed Appearance; Unlawful Acts. In the event of a contract for nude modeling or appearance signed more than forty-eight (48) hours in advance of the modeling or appearance, the individual to appear nude shall not be required to obtain a license pursuant to this Chapter. During such unlicensed nude appearance, it is unlawful to:

1. Appear nude or semi-nude in the presence of persons under the age of eighteen (18).
2. Allow, offer or agree to any touching of the contracting party or other person by the individual appearing nude.
3. Allow, offer or agree to commit prostitution, solicitation of the prostitution, solicitation of a minor or committing activities harmful to a minor.
4. Allow, offer, commit or agree to any sex act as validly defined by City ordinances or State statute.
5. Allow, offer, agree or permit the contracting party or other person to masturbate in the presence of the individual contracted to appear nude.
6. Allow, offer or agree for the individual appearing nude to be within five feet (5') of any other person while performing or while nude or semi-nude. (Ord.2001-3, 3/27/01)

#### **5.16.080 Categories of Licenses; Number Limited.**

A. Number. It is unlawful for any business premises to operate or be licensed for more than one category of sexually oriented business, except that a business may have a license for both outcall service and a semi-nude dancing agency on the same premises.

B. Categories. The categories of sexually oriented businesses are:

1. Outcall services.

2. Adult businesses.
3. Semi-nude entertainment businesses.
4. Semi-nude dancing agency. (Ord.2001-3, 3/27/01)

**5.16.090 License Required.**

A. Businesses; Exemptions.

1. It is unlawful for any person to operate a sexually oriented business, as specified herein, without first obtaining a general business license and a sexually oriented business license. The sexually oriented business license shall specify the type of business for which it is obtained.

2. The provisions of this Chapter shall not apply to any sex therapist or similar individual licensed by the State to provide bona fide sexual therapy or counseling, licensed medical practitioner, licensed nurse, psychiatrist, psychologist, nor shall it apply to any educator licensed by the State for activities in the classroom.

B. Employees. It is unlawful for any sexually oriented business to employ or for any individual to be employed by a sexually oriented business in the capacity of a sexually oriented business employee, unless that employee first obtains a sexually oriented business employee license. (Ord.2001-3, 3/27/01)

**5.16.100 Application; Disclosures.** Before any applicant may be licensed to operate a sexually oriented business or as a sexually oriented business employee pursuant to this Chapter, the applicant shall submit on a form to be supplied by the City license authority, the following:

A. Name. The correct legal name of each applicant, corporation, partnership, limited partnership or entity doing business under and assumed name.

B. Corporations, Partnerships, Assumed Names.

1. If the applicant is a corporation, partnership or limited partnership, or individual or entity doing business under an assumed name, the information required below for individual applicants shall be submitted for each partner and each principal of an applicant, and for each officer, director and any shareholder (corporate or personal) of more than ten percent (10%) of the stock of any applicant. Any holding company or any entity holding more than ten percent (10%) of the stock of any applicant, shall be considered an applicant for purposes of disclosure under this Chapter.

2. The shareholder disclosure requirements above shall only be applicable for outcall service licenses.

3. All corporations, partnerships or noncorporate entities included on the application shall also identify each individual authorized by the corporation, partnership or noncorporate entity to sign the checks for such corporation, partnership or noncorporate entity.

C. Personal Information. For all applicants or individuals, the application must also state:

1. Any other names or aliases used by the individual.
2. The age, date and place of birth.
3. Height.
4. Weight.
5. Color of hair.
6. Color of eyes.
7. Present business address and telephone number.

8. Present residence and telephone number.

9. Social security number.

D. Proof of Age. Acceptable written proof that any individual is at least eighteen (18) years of age.

E. Photographs; Fingerprints. Attached to the form, as provided above, two (2) color photographs of the applicant clearly showing the individual's face and the individuals fingerprints on a form provided by the Police Department. For persons not residing in the City, the photographs and fingerprints may be on a form from the law enforcement jurisdiction where the person resides. Fees for the photographs and fingerprint shall be paid by the applicant directly to the issuing agency.

F. Health Certificate. For any individual applicant required to obtain a sexually oriented business employee license as an escort or a semi-nude entertainer, a certificate from the Weber Count Health Department, stating that the individual has, within thirty (30) days immediately preceding the date of the original or renewal application, been examined and found to be free of any contagious or communicable diseases.

G. Employment History. A statement of the business, occupation or employment history of the applicant for three (3) years immediately preceding the date of the filing of the application.

H. License or Permit History. A statement detailing the license or permit history of the applicant for the five (5) year period immediately preceding the date of the filing of the application, including whether such applicant previously operated or sought to operate a sexually oriented business in this or any other county, city, state or territory, has ever had a license, permit or authorization to do business denied, revoked or suspended, or has ever had any professional or vocational license or permit denied, revoked or suspended. In the event of any such denial, revocation or suspension, state the date, the name of the issuing or denying jurisdiction and state in full the reasons for the denial, revocation or suspension. A copy of any order of denial, revocation or suspension shall be attached to the application.

I. Criminal Convictions. All criminal convictions or pleas of nolo contendere, except those which have been expunged, and the disposition of all such arrests for the applicant, individual or other entity subject to disclosure under this Chapter, for five (5) years prior to the date of the application. This disclosure shall include identification of all ordinance violations, excepting minor traffic offenses (any traffic offense designated as a felony shall not be construed as a minor traffic offense), stating that date, place, nature of each conviction or plea of nolo contendere, and sentence of each conviction or other disposition, identifying the convicting jurisdiction and sentencing court, and providing the court identifying case numbers or docket numbers. Application for a sexually oriented business or employee license shall constitute permission for disclosure of any criminal conviction or plea of nolo contendere for the purposes of any proceeding involving the business or employee license.

J. Lease or Rental of Property. In the event the applicant is not the owner of record of the real property upon which the business or proposed business is or is to be located, the application must be accompanied by a notarized statement from the legal or equitable owner of the possessory interest in the property specifically acknowledging the type of business for which the applicant seeks a license for the property. In addition to furnishing such notarized statement, the applicant shall furnish the name, address and phone number of the owner of record of the property, as well as the copy of the lease or rental agreement pertaining to the premises in which the service is or will be located.

K. Description of Services. A description of the services to be provided by the

business, with sufficient detail to allow reviewing authorities to determine what business will be transacted on the premises, together with a schedule of usual fees for services to be charged by the licensee and any rules, regulations or employment guidelines under or by which the business intends to operate. This description shall also include:

1. The hours that the business or service will be open to the public and the methods of promoting the health and safety of the employees and patrons and preventing them from engaging in illegal activity.

2. The methods of supervision preventing the employees from engaging in acts of prostitution or other related criminal activities.

3. The methods of supervising employees and patrons to prevent employees and patrons from charging or receiving fees for services or acts prohibited by this Chapter or other statutes or ordinances.

4. The methods of screening employees and customers in order to promote the health and safety of employees and customers and prevent the transmission of disease, and prevent the commission of acts or prostitution or other criminal activity.

L. False or Misleading Information. It is unlawful to knowingly submit false or materially misleading information on or with a sexually oriented business license application or to fail to disclose or omit information for the purpose of obtaining a sexually oriented business or employee license. (Ord.2001-3, 3/27/01)

**5.16.110 Fees.** Each applicant for a sexually oriented business or employee license shall be required to pay regulatory license fees as set by resolution and added in the consolidated fee schedule. The fees will be reviewed periodically. An application is not complete until all appropriated fees have been paid. (Ord.2001-3, 3/27/01)

**5.16.120 Bond Required.** Each application for a sexually oriented business license shall post with the city recorder, a cash or corporate surety bond payable to the City in the amount of two thousand dollars (\$2,000.00). Any fines assessed against the business, officers or managers for violations of City ordinances shall be taken from this bond if not paid in cash within ten (10) days after notice of fine, unless an appeal is filed as provided by this Chapter. In the event the funds are drawn against the cash or surety bond to pay such fines, the bond shall be replenished to two thousand dollars (\$2,000.00) within fifteen (15) days of the date of notice of any draw against it. (Ord.2001-3, 3/27/01)

**5.16.130 Issuance Conditions.**

A. Specified. The city recorder shall approve the issuance of a license to the applicant within thirty (30) days after receipt of a completed application, unless the official finds one or more of the following:

1. The applicant is under eighteen (18) years of age.

2. The applicant is overdue in payment to the City of taxes, fees, fines or penalties assessed against the applicant or imposed on the applicant in relation to a sexually oriented business.

3. The applicant has falsely answered a material question or request for information as authorized by this Chapter.

4. The applicant has violated a provision of this Chapter or similar provisions found in statutes or ordinances from any jurisdiction within two (2) years immediately preceding the application; a criminal conviction for a violation of a provision of this Chapter or similar provisions from any jurisdiction, whether or not it is being appealed,

is conclusive evidence of a violation, but a conviction is not necessary to prove a violation.

5. The premises to be used for the business has been disapproved by the Weber County Health Department, the Fire Department, the Police's Department, the building officials or the zoning officials as not being in compliance with applicable laws and ordinances of the City.

If any of the foregoing reviewing agencies cannot complete their review within the thirty (30) day approval or denial period, the agency or department may obtain from the city recorder an extension of time of no more than thirty (30) days for their review.

6. The required license fees have not been paid.

7. All applicable sales and use taxes have not been paid.

8. An applicant for the proposed business is in violation of or not in compliance with this Chapter or similar provisions found in statutes or ordinances from any jurisdiction.

9. An applicant has been convicted or pleaded or pled nolo contendere to a crime involving: prostitution; exploitation of prostitution; aggravated promotion of prostitution; aggravated exploitation of prostitution; solicitation of sex acts; sex acts for hire; compelling prostitution; aiding prostitution; sale, distribution or display of material harmful to minors; sexual performance by minors, possession of child pornography, lewdness, indecent exposure, any crime involving sexual abuse or exposure, any crime involving sexual abuse or exploitation of a child, sexual assault or aggravated sexual assault, rape, forcible sodomy, forcible sexual abuse, incest, harboring a runaway child, criminal attempt, conspiracy or solicitation to commit any of the foregoing offenses, or offenses involving similar elements from any jurisdiction, regardless of the exact title of the offense for which:

a. Less than two (2) years have elapsed from the date of conviction, if the conviction is of a misdemeanor offense or less than five (5) years if the convictions are of two (2) or more misdemeanors within the five (5) years; or

b. Less than five (5) years have elapsed from the date of conviction, if the offense is of a felony.

c. The fact that a conviction is being appealed shall have no effect on the disqualification pursuant to this subsection.

B. Approval Time; Review. The total time for the City to approve or deny a license shall not exceed sixty (60) days from the receipt of a completed application and payment of all fees. Businesses located outside of the corporate boundaries of the City, but requiring a license under this Chapter, may be denied a license pursuant to this Chapter if the business does not have a valid business license to conduct business at the business location from the appropriate jurisdiction for that location:

1. Upon receipt of an application, all departments required to review the application shall determine within ten (10) working days whether or not the application is incomplete in items needed for processing. Incomplete applications shall immediately be returned to the applicant with a specification of the items which are incomplete.

2. The time for processing applications specified in the Section shall begin to run from the receipt of a complete application.

3. In the event that a license for semi-nude entertainment, semi-nude dancing agencies, adult businesses or semi-nude entertainment businesses has not been disapproved within thirty (30) days or the sixty (60) days allowed after an extension, the



City shall issue the license pending completion of the City's review.

4. Any license pursuant to subsection (B)(3) of this Section may be revoked by the City pursuant to the revocation procedure provide for herein, if the competed review determines that the license should have been denied. (Ord.2001-3, 3/27/01)

**5.16.140 Term of License.** Sexually oriented business and employee licenses issued pursuant to this Chapter shall be valid from the date of issuance through January 1, of each succeeding year. The license fees required under the consolidated fee schedule shall not be prorated for any portion of a year, but shall be paid in full for whatever portion of the year the license is applied for. (Ord.2001-3, 3/27/01)

**5.16.150 Notice of Change of Information.** Any change in the information required to be submitted under this Chapter for either a sexually oriented business license or sexually oriented business employee license shall be given, in writing, to the city recorder and the Police's Department within fourteen (14) days after such change. (Ord.2001-3, 3/27/01)

**5.16.160 Transfer Limitations.** Sexually oriented business licenses granted under this Chapter shall not be transferable. It is unlawful for a license held by an individual to be transferred. It is unlawful for a license held by a corporation, partnership or other noncorporate entity to transfer any part in excess of ten percent (10%) thereof, without filing a new application and obtaining prior City approval. If any transfer of the controlling interest in a business licensee occurs, the license is immediately null and void and the business shall not operate until a separate new license has been properly issued by the City as provided in this Chapter. (Ord.2001-3, 3/27/01)

**5.16.170 Display of License.** It is unlawful for any sexually oriented business location within the boundaries of the City to fail to display the license granted pursuant to this Chapter in a prominent location within the business premises. It is unlawful for any individual license pursuant to this Chapter to fail to carry, at all times while engaged in licensed activities within the corporate boundaries of the City, their employee license on their person. If the individual is nude, such license shall be visibly displayed within the same room the employee is performing. When requested by the Police's Department, City licensing or other enforcement personnel or health official, it is unlawful to fail to show the appropriate licenses while engaged in licensed activities within the corporate boundaries of the City. (Ord.2001-3, 3/27/01)

**5.16.180 Statement in Advertising.** It is unlawful for any advertisement by the sexually oriented business or employee to fail to state that the business or employee is licensed by the City, and shall include the City license number. (Ord.2001-3, 3/27/01)

**5.16.190 Regulations and Unlawful Activities.** It is unlawful for any sexually oriented business or sexually oriented business employee to:

A. Persons Under Eighteen.

1. Allow persons under the age of eighteen (18) years on the licensed premises, except that in adult businesses which exclude minors from less than all of the business premises, minors shall not be permitted in excluded areas.

2. Allow, offer, or agree to conduct any outcall business with persons under the age of eighteen (18) years.

B. Alcoholic Beverages. To allow, offer or agree to allow any alcohol to be stored, used or consumed on or in the license premises.

C. Locking Outside Door. Allow the outside door to the premises to be locked while any customer is in the premises.

D. Gambling. Allow, offer or agree to gambling on the licensed premises.

E. Touching. Allow, offer or agree to any sexually oriented business employee touching or being touched by any patron or customer; except that outcall employees and customers may touch, except that any touching of specified anatomical areas, whether clothed or unclothed, is prohibited.

F. Controlled Substances.

1. Allow, offer or agree to illegal possession, use, sale or distribution of controlled substances on the licensed premises.

2. Allow sexually oriented business employees to possess, use, sell or distribute controlled substances while engaged in the activities of the business.

G. Prostitution. Allow, offer or agree to commit prostitution, solicitation of prostitution, solicitation of a minor or permitting activities harmful to a minor to occur on the licensed premises or, in the event of an outcall employee or business, the outcall employee committing, offering or agreeing to commit prostitution, attempting to commit prostitution, soliciting prostitution, soliciting a minor or committing activities harmful to a minor.

H. Specified Sexual Activities. Allow, offer, commit or agree to any "specified sexual activity" as validly defined by City ordinances or State statute in the presence of any customer or patron.

I. Nudity. Allow, offer or agree to any outcall employee appearing before any customer or patron in a state of nudity.

J. Masturbation. Allow, offer or agree to allow a patron or customer to masturbate in the presence of the sexually oriented business employee or on the premises of a sexually oriented business. (Ord.2001-3, 3/27/01)

**5.16.200 Outcall Services; Operation Requirement.** It is unlawful for any business or employee providing outcall services contracted for in the City to fail to comply with the following requirements:

A. Contract. All businesses licensed to provide outcall services pursuant to this Chapter shall provide to each patron a written contract in receipt of pecuniary compensation for services. The contract shall clearly state the type of services to be performed, the length of time such services shall last, the cost to the patron and any special terms or conditions relating to the services performed. The contract need not include the name of the patron. The business licensee shall keep and maintain a copy of each written contract pursuant to this Section for a period not less than one year from the date of provision of services thereunder. The contracts shall be numbered and entered into a register listing the contract number, date, names of all employees involved in the contact and pecuniary compensation paid.

B. Office; Phone. All outcall businesses licensed pursuant to this Chapter shall maintain an open office or telephone at which the licensee or licensee's designated agent may be personally contacted during all hours outcall employees are working. The address and phone number of the license location shall appear and be included in all patron contracts and published advertisements. For outcall businesses which premises are licensed within the corporate limits of the City, private rooms or booths where the patrons may meet with the outcall employee shall not be provided at the open office or any other

location by the service, nor shall patrons meet outcall employees at the business premises.

C. Advertising. Outcall services shall not advertise in such manner that would lead a reasonably prudent person to conclude that specified sexual activities would be performed by the outcall employee.

D. Licensing Regardless of Business Location. All employees of outcall services who provide outcall services within the City shall be licensed in accordance with this Chapter, regardless of the primary location of the business. (Ord.2001-3, 3/27/01)

#### **5.16.210 Design of Premises.**

##### **A. Adult Business.**

1. In addition to the general requirements of disclosure for a sexually oriented business, any applicant for a license as an adult business shall also submit a diagram, drawn to scale, of the premises of the license. The design and construction, prior to granting a license or opening for business, shall conform to the following:

a. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms.

b. Restrooms may not contain any video reproduction equipment or any of the business merchandise. Signs shall be posted requiring only one person be allowed in the restroom and only one person in any stall at a time, and requiring that patrons shall not be allowed access to manager's station areas.

c. For businesses which exclude minors from the entire premises, all windows, doors and other apertures to the premises shall be darkened or otherwise constructed to prevent anyone outside the premises from seeing the inside of the premises. Businesses which exclude minors from less than all of the premises shall be designed and constructed so that minors may not see into the area from which they are excluded.

d. The diagram required does not necessarily need to be a professional engineer's or architect's blueprint; however, the diagram must show marked internal dimensions, all overhead lighting fixtures and ratings for illumination capacity.

2. It shall be the duty of the licensee and the licensee's employees to ensure that the views from the manager's station in subsection A1 of this Section remain unobstructed by any doors, walls, merchandise, display racks or any other materials at all times that any patron is present in the premises and to ensure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted.

3. The premise shall at all times be equipped and operated with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than one foot-candle, measured at the floor level. It shall be the duty of the licensee and the licensee's employees present on the premises to ensure that the illumination described above is maintained at all times that any patron is present on the premises.

##### **B. Semi-Nude Entertainment Business.**

1. It is unlawful for business premises licensed for semi-nude entertainment to:

a. Permit a bed, sofa, mattress or similar item in any room on the premises, except that a sofa may be placed in a reception room open to the public or in any office to which patrons are not admitted, and except that in an adult theater, such

items may be on the stage as part of a performance.

b. Allow any door on any room used for business, except for the door to an office to which patrons shall not be admitted, outside doors and restroom doors to be lockable from the inside.

c. Provide any room in which the employee or employees and the patron are alone together without a separation by a solid physical barrier at least three feet high and six inches wide (3' x 6"). The patron or patrons shall remain on one side of the barrier and the employee or employees shall remain on the other side of the barrier.

2. Adult theaters shall also require that the performance area shall be separated from the patrons by a minimum of three feet (3'), which separation shall be delineated by a physical barrier at least three feet (3') high. (Ord.2001-3, 3/27/01)

#### **5.16.220 Alcohol Prohibited.**

A. It is unlawful for any business licensed pursuant to this Chapter to allow the sale, storage, supply or consumption of alcoholic beverages on the premises.

B. It is unlawful for any person to possess or consume any alcoholic beverage on the premises of any sexually oriented business. (Ord.2001-3, 3/27/01)

#### **5.16.230 Prohibited Activities.**

A. Semi-Nude Agencies.

1. It is unlawful for any individual or entity to furnish, book or otherwise engage the services of a professional dancer, model or performer to appear in a state of semi-nudity for pecuniary compensation in or for any semi-nude entertainment business or adult theater if licensed pursuant to this Chapter, unless such agency is licensed pursuant to this Chapter.

2. It is unlawful for any individual or entity to furnish, book or otherwise engage or permit any person to perform as a professional dancer, model or performer in a state or semi-nudity or nudity, either gratuitously or for compensation, in or for any business licensed pursuant to this Chapter unless such person is licensed pursuant to this Chapter.

B. Performers. It is unlawful for any professional dancer, model or performer, while performing in any business licensed pursuant to this Chapter, to:

1. Touch in any manner any other person.

2. Throw any object or clothing off the stage area.

3. Accept any money, drink or any other object directly from any person.

4. Allow another person to touch such performer or to place any money or object on the performer or within the costume or person or the performer.

5. Place anything within the costume or adjust or move the costume while performing so as to render the performer in a state of nudity.

C. Patron. It is unlawful for any person or any patron of any business to touch in any manner any performer; to place any money or object on or within the costume or person of any performer; or to give or offer to give to any such performer any drinks, money or object while such performer is performing; except that money may be placed on the stage, which shall not be picked up by the performer except by hand. (Ord.2001-3, 3/27/01)

**5.16.240 Defenses to Prosecution.** It is a defense to prosecution or violation under this Chapter that a person appearing in a state of nudity did so in a modeling class operated:

A. By a proprietary school licensed by the State or a college, junior college or university supported entirely or partly by taxation.

B. By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college or university supported entirely or partly by taxation. (Ord.2001-3, 3/27/01)

**5.16.250 Existing Businesses; Compliance Time Limits.** The provisions of this Chapter shall be applicable to all persons and businesses described herein, whether the herein described activities were established before or after the effective date hereof and regardless of whether such person and businesses are currently licensed to do business in the City.

A. Outcall Services: All such person and businesses requiring outcall service licenses shall have forty-five (45) days from the effective date hereof or until their current license expires, whichever is first in time, to comply with the provisions of this Chapter.

B. Semi-Nude Dancing Agencies: All semi-nude dancing agency licensee shall have seventy-five (75) days from the effective date hereof or until their license must be renewed, whichever is first, to comply with the provisions of this Chapter.

C. Adult Businesses; Semi-Nude Entertainment Businesses: All adult businesses and semi-nude entertainment businesses shall have one hundred thirty-five (135) days from the effective date hereof or until their current license must be renewed, whichever is first, to comply with the provisions of this Chapter. (Ord.2001-3, 3/27/01)

**5.16.260 Suspension or Revocation of License.**

A. Procedure. The denial, suspension or revocation of any license issued pursuant to this Chapter shall be done in accordance with Section 5.04.345 of this Title, which sets forth the applicant's right to present evidence why the license should not be denied, suspended or denied.

B. Conditions Specified. The City may issue a notice suspending or revoking a sexually oriented business license or employee license granted under this Chapter if a licensee or an employee of the licensee has:

1. Violated or is not in compliance with the provisions of this Chapter.
2. Refused to allow any inspection of the premise of the sexually oriented business specifically authorized by this Chapter or by any other statute or ordinance.
3. Failed to replenish the cost bond as provided in this Chapter (such a suspension shall extend until the bond has been replenished).
4. Given materially false or misleading information in obtaining the license.
5. Knowingly operated the sexually oriented business or worked under the employee license during the period when the business license or employee licensee=s license was suspended.
6. Committed an offense which would be grounds for denial of a license for which the time period required has not elapsed.
7. On two (2) or more occasions within a twelve (12) month period, a person committed in or on, or solicited for on the licensed premises, or an outcall employee solicited or committed on or off the premises, an offense which would be grounds for denial of a license for which a conviction has been obtained, and the person was an employee, whether or not licensed, of the sexually oriented business at the time the offenses were committed.
8. Delinquent in payment to the City for ad valorem taxes or sales taxes related to the sexually oriented business.

C. Effective Date. Suspension or revocation shall take effect within fifteen (15) days of the issuance of notice, unless an appeal is filed as provided by this Chapter.

D. Appeal No Effect on Revocation. The fact that a conviction is being appealed shall have no effect on the revocation of the license.

E. Length of Revocation. When a license issued pursuant to this Chapter is revoke, the revocation shall continue for one year from its effective date and the license shall not be reissued to the sexually oriented business or employee for one year from the date of such revocation. (Ord.2001-3, 3/27/01)

#### **5.16.270 Violation; Penalty.**

A. Suit for Injunction. An entity or individual who operated or causes a sexually oriented business to be operated without a valid license, or who employs or is employed as an employee of a sexually oriented business, or who operates such a business or functions as such an employee in violation of the provisions of this Chapter is subject to a suit for injunction in addition to the civil and criminal violations provided herein and any other remedy available at law or in equity.

B. Civil Penalty. In addition to revocation or suspension of a license, as provided in this Chapter, each violation of this Chapter shall, upon citation by the city recorder, require the licensee to pay a civil penalty. Such fines shall be deducted from the cost bond posted pursuant to this Chapter, unless paid within ten (10) days of notice of the fine or the final determination after any appeal.

C. Misdemeanor Offense. In addition to civil fine provided in this Chapter, the violation of any provision of this Chapter shall be a Class B misdemeanor, and subject the violator to the penalty provisions as provided in Section 1.08.010 of this Code. Each day of a violation shall be considered a separate offense.

D. Employee Violations. Every act or omission by an employee constituting a violation of the provisions of this Chapter shall be deemed the act or omission of the sexually oriented business licensee and/or operator. If such act or omission occurs either with the authorization, knowledge or approval of the licensee and/or operator, or as a result of the licensee's and/or operator's negligent failure to supervise the conduct of the employee, the sexually oriented business licensee shall be punishable for such act or omission in the same manner as if the licensee committed the act or caused the omission.

E. Responsibility for Conduct. A sexually oriented business licensee and/or operator shall be responsible for the conduct of all employees while on the licensed premises and any act or omission of any employee constituting a violation of the provisions of this Chapter shall be deemed the act or omission of the licensee and/or operator for the purposes of determining whether the licensee's license shall be revoked, suspended or renewed. (Ord.2001-3, 3/27/01)

## Chapter 5.18 - Home Occupations

**5.18.010 Conditions** It is unlawful to conduct or pursue a home occupation in the corporate limits of the city, except those occupations wherein each and every one of the following conditions are observed at all times by those engaged in the home occupation. If home occupation is desired that conflicts with any of the following conditions, it must receive approval of the city council.

A. Only persons who are bona fide residents of the premises shall be employed on the premises.

B. The home occupation will not physically change the dwelling to the extent that it would alter the residential character of the dwelling or the residential atmosphere of the neighborhood in which it is located. Furthermore, it shall not disturb the peace and quiet, including radio and television reception, of the neighborhood.

C. The home occupation shall be conducted wholly within the primary structure on the premises.

D. Signs for home occupation businesses shall comply with the city's sign ordinance.

E. Class teaching activities shall be limited to eight students per class and forty students per week.

F. Home occupation shall not generate vehicular traffic not commonly associated with the zone in which it is located.

G. Where the activity involves children in groups of more than two, there shall be an interval of thirty minutes between the departure of one group and the arrival of the next group, for auto and pedestrian safety.

H. It shall require no parking on a public street other than that which is available in front of the residence within the property lines and on the same side of the street as the residence; and shall not exceed the minimum frontage distance of the zone.

I. The home occupation shall not create a demand for municipal or utility services or community facilities in excess of those usually and customarily provided for residential uses.

J. Farm produce grown on the homeowner's residential lot may be displayed and sold without a city license.

K. License. Where federal, state, county or local government requires sales tax reporting, or more than ordinary regulations, a regulatory license shall be required and approved by the city prior to approval of the home occupation license by the city.

L. License fee for home occupation shall be as found in the City Fee Schedule.

M. If the combined offsite impact of the home occupation business and the primary residential use does not materially exceed the offsite impact of the primary residence alone the business shall be deemed "exempt" and a business license shall not be required. If an "exempt" home occupation business requests a license the regular business license fee shall apply.

(Ord. 2017-14, dated 10/10/17; prior codes: Ord. 2010-10, 4/13/10, Ord. 2001-13, 5/22/01, and Ord. 87-17.03(part), 1987, and § 31-24-1)

**5.18.020 Public Nuisance.** Any violation of this chapter shall be considered a nuisance and shall be subject to the nuisance ordinance of the city, including abatement. (Ord. 2010-10, 4/13/10; prior codes: Ord. 2001-13, 5/22/01, and Ord. 87-17.03(part), 1987, and § 31-24-2)

**518.030 Criminal Prosecutions.** Abatement of a public nuisance as provided in this chapter shall have no effect upon a criminal prosecution arising out of a violation of this chapter, (Ord. 2010-10, 4/13/10; prior codes: Ord. 2001-13, 5/22/01, and Ord. 87-17.03(part), 1987, and § 31-24-5)

### **5.18.040 Nonconforming Uses.**

A. Nonconforming home occupations lawfully in existence at the time of the adoption of the ordinance codified in this chapter may be continued, except that the nonconforming use shall be discontinued where the uses are discontinued or abandoned.

B. Nonconforming uses shall not be enlarged or expanded as to volume, intensity, size, area, nature, extent, time or effect. (Ord. 2010-10, 4/13/10; prior codes: Ord. 2001-13, 5/22/01, and Ord. 87-17.03(part), 1987, and § 31-24-7)

**5.18.050 Home Occupation-Exempt.**

A. A business license shall not be required for a business that is operated only occasionally and by an individual who is under 18 years of age.

B. A business license shall not be required for a home occupation unless the combined offsite impact of the home based business and the primary residential use materially exceeds the offsite impact of the primary residential use alone.

C. If an Exempt Home Occupation would like to be licensed (even though a license is not required) the current Home Occupation business license fee shall apply.

D. Examples of offsite impact that exceeds that of the primary residential use alone:

- Has outside visitors
- Displays signage
- Stores inventory or materials
- Collects sales tax
- Requires a fire inspection
- Requires a state license from the Utah Department of Occupational and Professional Licensing. (Ord. 2017-14, dated 10/10/17)



## Chapter 5.20 - Residential Solicitation

### 5.20.010 Purpose.

Residents of the City have an inalienable interest in their personal safety, well-being, and privacy in their residences, as well as their ability to provide or receive information regarding matters of personal belief, political or charitable activities, and goods and services lawfully in commerce. The City has a substantial interest in protecting the well-being, tranquility, personal safety, and privacy of its citizens, which includes the ability to protect citizens from unwanted intrusions upon residential property. The City also has a substantial interest in protecting citizens from fraud or otherwise unfair consumer sales practices as well as criminal activity.

There must be a balance between these substantial interests of the City and its citizens, and the effect of the regulations in this Chapter on the rights of those who are regulated. Based on the collective experiences of City officials derived from regulating business activity, protecting persons and property from criminal conduct, responding to the inquiries of citizens regarding Door-to-Door Solicitation, the experience of its law enforcement officers and those affected by Door-to-Door canvassing and solicitation, as well as judicial decisions outlining the boundaries of constitutional protections afforded and denied persons seeking to engage in Door-to-Door Solicitation, the City adopts this Chapter to promote the City's substantial interests in:

- (1) Respecting citizen's decisions regarding privacy in their residences;
- (2) Protecting persons from criminal conduct;
- (3) Providing equal opportunity to Advocate for and against Religious Belief, Political Position, or Charitable Activities; and
- (4) Permitting truthful and non-misleading Door-to-Door Solicitation regarding lawful Goods or Services in intrastate or interstate commerce.

The City finds that the procedures, rules and regulations set forth in this Chapter are narrowly tailored to preserve and protect the City interests referred to herein while at the same time balancing the rights of those regulated. (Ord 2006-6, 10/10/06)

### 5.20.020 No Other City License or Approval Required.

- (1) Registered Solicitors and persons exempt from Registration need not apply for, nor obtain, any other license, permit, or registration from the City to engage in Door-to-Door Solicitation.
- (2) Any Business licensed by the City under another City Ordinance that uses employees, independent contractors, or agents for Door-to-Door Solicitation in an effort to provide any tangible or intangible benefit to the Business, shall be required to have such Solicitors obtain a Certificate, unless otherwise exempt from Registration.
- (3) Those Responsible Persons or Entities associated with Registered Solicitors need not apply for, nor obtain, any other license, permit, or registration from the City, provided they do not establish a temporary or fixed place of business in the City.
- (4) Nothing herein is intended to interfere with or supplant any other requirement of federal, state, or other local government law regarding any license, permit, or certificate that a Registered Solicitor is otherwise required to have or maintain. (Ord 2006-6, 10/10/06)

### 5.20.030 Definitions. For the purposes of this Chapter, the following definitions shall apply:

- (1) **"Advocating"** means speech or conduct intended to inform, promote, or support Religious Belief, Political Position, or Charitable Activities.
- (2) **"Appeals Officer"** means the City Council or designee of the City responsible for receiving the information from the City and Appellant regarding the denial or suspension of a Certificate and issuing a decision as required by this Chapter.
- (3) **"Appellant"** means the person or entity appealing the denial or suspension of a Certificate, either personally as an Applicant or registered Solicitor, or on behalf of the Applicant or Registered Solicitor.
- (4) **"Applicant"** means an individual who is at least sixteen (16) years of age and not a

corporation, partnership, limited liability company, or other lawful entity who applies for a Certificate permitting Door-to-Door Solicitation.

(5) **“Application Form”** means a standardized form provided by the City to an Applicant to be completed and submitted as part of Registration.

(6) **“B.C.I.”** means an original or copy, dated no older than 180 days prior to the date of the Application, of either: (1) a Utah Department of Public Safety Bureau of Criminal Identification verified criminal history report personal to the Applicant; or equivalent report prepared by the corresponding public safety agency of the applicant’s home state if the Applicant is not a Utah resident; or (2) verification by the Utah Department of Public Safety Bureau of Criminal Identification that no criminal history rising to the level of a Disqualifying Status exists for the Applicant.

(7) **“Business”** means a commercial enterprise licensed by the City as a person or Entity under this Title, having a fixed or temporary physical location within the City.

(8) **“Certificate”** means a temporary, annual, or renewal Certificate permitting Door-to-Door Solicitation in the City applied for or issued pursuant to the terms of this Chapter.

(9) **“Charitable Activities”** means Advocating by persons or Entities that either are, or support, a Charitable Organization.

(10) **“Charitable Organization”** includes any person, joint venture, partnership, limited liability company, corporation, association, group, or other Entity:

A. that is:

(i) A benevolent, educational, voluntary health, philanthropic, humane, patriotic, religious or eleemosynary, social welfare or advocacy, public health, environmental or conservation, or civic organization;

(ii) For the benefit of a public safety, law enforcement, or firefighter fraternal association; or

(iii) Established for any charitable purpose; and

B. That is tax exempt under applicable provisions of the Internal Revenue Code of 1986 as amended, and qualified to solicit and receive tax deductible contributions from the public for charitable purposes.

C. Charitable Organization includes a chapter, branch, area, or office, or similar affiliate or any person soliciting contributions within the state for a Charitable Organization that has its principal place of business outside the City or State of Utah.<sup>1</sup>

(11) **“Competent Individual”** means a person claiming or appearing to be at least eighteen (18) years of age and of sufficiently sound mind and body to be able to engage in rational thought, conversation, and conduct.

(12) **“Completed Application”** means a fully completed Application Form, a B.C.I, two copies of the original identification relied on by the Applicant to establish Proof of Identity, and the tendering of Fees.

(13) **“Criminally Convicted”** means the final entry of a conviction, whether by a plea of no contest, guilty, entry of a judicial or jury finding of guilt, which has not been set aside on appeal or pursuant to a writ of habeas corpus. The criminal conviction is that offense of which the Applicant or Registered Solicitor was convicted, without regard to the reduced status of the charge after completion of conditions of probation or parole, and charges dismissed under a plea in abeyance or diversion agreement.

(14) **“Disqualifying Status”** means anything specifically defined in this Chapter as requiring the denial or suspension of a Certificate, and any of the following:

A. The Applicant or Registered Solicitor has been Criminally Convicted of:

(i) Felony homicide,

(ii) Physically abusing, sexually abusing, or exploiting a minor,

(iii) The sale or distribution of controlled substances, or

---

<sup>1</sup>Charitable Solicitation Act UCA § 13-22-2(1)(a) & (b).

- (iv) Sexual assault of any kind.
- B. Criminal charges currently pending against the Applicant or Registered Solicitor for:
  - (i) Felony homicide,
  - (ii) Physically abusing, sexually abusing, or exploiting a minor,
  - (iii) The sale or distribution of controlled substances, or
  - (iv) Sexual assault of any kind.
- C. The Applicant or Registered Solicitor has been Criminally Convicted of a felony within the last ten (10) years;
- D. The Applicant or Registered Solicitor has been incarcerated in a federal or state prison within the past five (5) years;
- E. The Applicant or Registered Solicitor has been Criminally Convicted of a misdemeanor within the past five (5) years involving a crime of:
  - (i) Moral turpitude, or
  - (ii) Violent or aggravated conduct involving persons or property.
- F. A Final Civil Judgment been entered against the Applicant or Registered Solicitor within the last five (5) years indicating that:
  - (i) The Applicant or Registered Solicitor had either engaged in fraud, or intentional misrepresentation, or
  - (ii) That a debt of the Applicant or Registered Solicitor was non-dischargeable in bankruptcy pursuant to 11 U.S.C. § 523(a)(2), (a)(4), (a)(6), or (a)(19);
- G. The Applicant or Registered Solicitor currently on parole or probation to any court, penal institution, or governmental entity, including being under house arrest or subject to a tracking device;
- H. The Applicant or Registered Solicitor has an outstanding arrest warrant from any jurisdiction; or
- I. The Applicant or Registered Solicitor is currently subject to a protective order based on physical or sexual abuse issued by a court of competent jurisdiction.

(15) **“Door to Door Solicitation”** means the practice of engaging in or attempting to engage in conversation with any person at a Residence, whether or not that person is a Competent Individual, while making or seeking to make or facilitate a Home Solicitation Sale, or attempting to further the sale of Goods and or Services.

(16) **“Entity”** includes a corporation, partnership, limited liability company, or other lawful entity, organization, society or association.

(17) **“Fees”** means the cost charged to the Applicant or Registered Solicitor for the issuance of a Certificate and/or Identification Badge, which shall not exceed the reasonable costs of processing the application and issuing the Certificate and/or Identification Badge.

(18) **“Final Civil Judgment”** means a civil judgment that would be recognized under state law as a judgment to which collateral estoppel would apply.

(19) **“Goods”** means one or more tangible items, wares, objects of merchandise, perishables of any kind, subscriptions, or manufactured products offered, provided, or sold.

(20) **“Home Solicitation Sale”** means to make or attempt to make a Sale of Goods or Services by a Solicitor at a Residence by means of Door-to-Door Solicitation, regardless of

- A. The means of payment or consideration used for the purchase;
- B. The time of delivery of the Goods or Services; or
- C. The previous or present classification of the Solicitor as a solicitor, peddler, hawker, itinerant merchant, or similar designation.

(21) **“Licensing Officer”** means the City employee(s) or agent(s) responsible for receiving from an Applicant or Registered Solicitor the Completed Application and either granting, suspending, or denying the Applicant’s Certificate.

(22) **“No Solicitation Sign”** means a reasonably visible and legible sign that states “No Soliciting”, “No Solicitors”, “No Salespersons”, “No Trespassing”, or words of similar import.

(23) **“Political Position”** means any actually held belief, or information for, against, or in conjunction with any political, social, environmental, or humanitarian belief or practice.

(24) **“Registered Solicitor”** means any person who has been issued a current Certificate by the City.

(25) **“Registration”** means the process used by the City Licensing Officer to accept a Completed Application and determine whether or not a Certificate will be denied, granted, or suspended.

(26) **“Religious Belief”** means any sincerely held belief, or information for, against, or in conjunction with, any theistic, agnostic, or atheistic assumption, presumption or position, or religious doctrine, dogma, or practice regardless of whether or not the belief or information is endorsed by any other person or public or private entity.

(27) **“Residence”** means any living unit contained within any building or structure that is occupied by any person as a dwelling consistent with the zoning laws of the City, together with the lot or other real property on which the living unit is located. This does not include the sidewalk, public street or public rights of way.

(28) **“Responsible Person or Entity”** means that person or Entity responsible to provide the following to an Applicant, Registered Solicitor, and the Competent Individual in a Residence to whom a Sale of Goods or Services is made or attempted to be made by means of a Home Solicitation Sale:

A. maintaining a state sales tax number, a special events sales tax number, computing the sales taxes owing from any Sale of Goods or Services, paying the sales taxes, and filing any required returns or reports;

B. facilitating and responding to requests from consumers who desire to cancel the sale pursuant to applicable contractual rights or law; and

C. refunding any monies paid or reversing credit card charges to those persons who timely rescind any sale pursuant to applicable contractual rights or law.

(29) **“Sale of Goods or Services”** means the conduct and agreement of a Solicitor and the Competent Individual in a Residence regarding a particular Good(s) or Service(s) that entitles the consumer to rescind the same within three days under any applicable federal, state, or local law.

(30) **“Services”** means those intangible goods or personal benefits offered, provided, or sold to a Competent Individual of a Residence.

(31) **“Soliciting”** or “Solicit” or “Solicitation” means any of the following activities:

A. Seeking to obtain Sales or orders for the exchange of goods, wares, merchandise or perishables of any kind, for any kind of remuneration or consideration, regardless of whether advance payment is sought;

B. Seeking to obtain prospective customers to apply for or to purchase insurance, subscriptions to publications, or publications;

C. Seeking to obtain contributions of money or any other thing of value for the benefit of any person or Entity;

D. Seeking to obtain orders or prospective customers for Goods or Services.

E. Seeking to engage an individual in conversation at a Residence for the purpose of promoting or facilitating the receipt of information regarding Religious Belief, Political Position, Charitable Conduct, or a Home Solicitation Sale.

F. Other activities falling within the commonly accepted definition of Soliciting, such as hawking or peddling.

(32) **“Solicitor”** or **“Solicitors”** means a person(s) engaged in Door-to-Door Solicitation.

(33) **“Submitted in Writing”** means the information for an appeal of a denial or suspension of a Certificate, submitted in any type of written statement to the City offices by certified, registered, priority, overnight or delivery confirmation mail, facsimile, or hand delivery.

(34) **“Substantiated Report”** means an oral, written, or electronic report:

A. That is submitted to and documented by the City;

B. By any of the following:

1. A Competent Individual who is willing to provide law enforcement or other City employees with publicly available identification of their name, address, and any other reliable means of contact;

2. City law enforcement or Licensing Officer; or

3. Any other regularly established law enforcement agency at any level of government;

C. That provides any of the following information regarding a Registered Solicitor:

1. Documented verification of a previously undisclosed Disqualifying Status of a Registered Solicitor;

2. Probable cause that the Registered Solicitor has committed a Disqualifying Status which has not yet been determined to be a Disqualifying Status;

3. Documented, eye-witness accounts that the Registered Solicitor has engaged in repeated patterns of behavior that demonstrates failure by the Registered Solicitor to adhere to the requirements of this Chapter; or

4. Probable cause that continued licensing of the Registered Solicitor creates exigent circumstances that threaten the health, safety, or welfare of any individuals or entities within the City.

(35) **“Waiver”** means the written form provided to Applicant by the City wherein Applicant agrees that the City may obtain a name/date of birth BCI background check on the Applicant for licensing purposes under this Chapter, and which contains Applicant’s notarized signature. (Ord 2006-6, 10/10/06)

**5.20.040 Exemptions From Chapter.** The following are exempt from Registration under this Chapter:

(1) Persons specifically invited to a Residence by a Competent Individual prior to the time of the person’s arrival at the Residence;

(2) Persons whose license, permit, certificate or registration with the State of Utah permits them to engage in Door to Door Solicitation to offer Goods or Services to an occupant of the Residence;

(3) Persons delivering Goods to a Residence pursuant to a previously made order, or persons providing Services at a Residence pursuant to a previously made request by a Competent Individual;

(4) Persons advocating or disseminating information for, against, or in conjunction with, any Religious Belief, or Political Position regardless of whether Goods, Services, or any other consideration is offered or given, with or without any form of commitment, contribution, donation, pledge, or purchase; and

(5) Persons representing a Charitable Organization. The charitable exemption shall apply to students Soliciting contributions to finance extracurricular social, athletic, artistic, scientific or cultural programs, provided that the Solicitation has been approved in writing by the school administration, and that such student Solicitors carry current picture student identification from the educational institution for which they are Soliciting.

Those Persons exempt from Registration are not exempt from the duties and prohibitions outlined in Sections 5.20.170, 5.20.180 and 5.20.190 while Advocating or Soliciting. (Ord.2013-5, dated 11/26/13; prior codes: Ord 2006-6, 10/10/06)

**5.20.050 Solicitation Prohibited.** Unless otherwise authorized, permitted, or exempted pursuant to the terms and provisions of this Chapter, the practice of being in and upon a private Residence within the City by Solicitors, for the purpose of Home Solicitation Sales or to provide Goods or Services, is prohibited and is punishable as set forth in this Chapter. (Ord 2006-6, 10/10/06)

**5.20.060 Registration of Solicitors.** Unless otherwise exempt under this Chapter, all persons desiring to engage in Door-to-Door Solicitation within the City, prior to doing so, shall submit a Completed Application to the Licensing Officer and obtain a Certificate. (Ord 2006-6, 10/10/06)

**5.20.070 Application Form.** The Licensing Officer shall provide a standard Application Form for use for the Registration of Solicitors. Upon request to the Licensing Officer, or as otherwise provided, any person or Entity may obtain in person, by mail, or facsimile, a copy of this Application Form. Each Application Form shall require disclosure and reporting by the Applicant of the following

information, documentation, and fee:

(1) **Review of Written Disclosures.** An affirmation that the Applicant has received and reviewed the disclosure information required by this Chapter.

(2) **Contact Information.**

A. Applicant's true, correct and legal name, including any former names or aliases used during the last ten (10) years;

B. Applicant's telephone number, home address and mailing address, if different;

C. If different from the Applicant, the name, address, and telephone number of the Responsible Person or Entity; and

D. The address by which all notices to the Applicant required under this Chapter are to be sent.

(3) **Proof of Identity.** An in-person verification by the Licensing Officer of the Applicant's true identity by use of any of the following which bear a photograph of said Applicant:

A. A valid drivers license issued by any State;

B. A valid passport issued by the United States;

C. A valid identification card issued by any State;

D. A valid identification issued by a branch of the United States military.

Upon verification of identity, the original identification submitted to establish Proof of Identity shall be returned to the Applicant.

(4) **Proof of Registration with Department of Commerce.** The Applicant shall provide proof that either the Applicant, or the Responsible Person or Entity, has registered with the Utah State Department of Commerce;

(5) **Special Events Sales Tax Number.** The Applicant shall provide a special events sales tax number for either the Applicant, or for the Responsible Person or Entity for which the Applicant will be soliciting;

(6) **Marketing Information.**

A. The Goods or Services offered by the Applicant, including any commonly known, registered or trademarked names;

B. Whether the Applicant holds any other licenses, permits, registrations, or other qualifications required by federal or state law to promote, provide, or render advice regarding the offered Goods or Services.

(7) **BCI Background Check.** The Applicant shall provide:

A. An original or a copy of a BCI background check as defined in 5.20.030; and

B. A signed copy of a Waiver whereby Applicant agrees to allow the City to obtain a name/date of birth BCI background check on Applicant for purposes of enforcement of this Chapter.<sup>2</sup>

(8) **Responses to Questions Regarding "Disqualifying Status".** The Applicant shall be required to affirm or deny each of the following statements on the Application Form:

A. Has the Applicant been Criminally Convicted of:

(i) Felony homicide,

(ii) Physically abusing, sexually abusing, or exploiting a minor,

(iii) The sale or distribution of controlled substances, or (iv) sexual assault of any kind.

B. Are any criminal charges currently pending against the Applicant for:

(i) Felony homicide,

(ii) Physically abusing, sexually abusing, or exploiting a minor,

(iii) The sale or distribution of controlled substances, or

(iv) Sexual assault of any kind.

C. Has the Applicant been Criminally Convicted of a felony within the last ten (10) years;

D. Has the Applicant been incarcerated in a federal or state prison within the past five (5)

---

<sup>2</sup>See Utah Code Ann. §53-10-108(1)(b).

years;

E. Has the Applicant been Criminally Convicted of a misdemeanor within the past five (5) years involving a crime of:

(i) Moral turpitude, or

(ii) Violent or aggravated conduct involving persons or property.

F. Has a Final Civil Judgment been entered against the Applicant within the last five (5) years indicating that:

(i) The Applicant had either engaged in fraud, or intentional misrepresentation, or

(ii) That a debt of the Applicant was non-dischargeable in bankruptcy pursuant to 11

U.S.C. § 523(a)(2), (a)(4), (a)(6), or (a)(19);

G. Is the Applicant currently on parole or probation to any court, penal institution, or governmental entity, including being under house arrest or subject to a tracking device;

H. Does the Applicant have an outstanding arrest warrant from any jurisdiction; or

I. Is the Applicant currently subject to a protective order based on physical or sexual abuse issued by a court of competent jurisdiction.

(9) **Fee.** The Applicant shall pay such fees as determined applicable by the City, which shall not exceed the reasonable cost of processing the application and issuing the Certificate and/or Identification Badge.

(10) **Execution of Application.** The Applicant shall execute the Application Form, stating upon oath or affirmation, under penalty of perjury, that based on the present knowledge and belief of the Applicant, the information provided is complete, truthful and accurate. (Ord 2006-6, 10/10/06)

**5.20.080 Written Disclosures.** The Application Form shall be accompanied by written disclosures notifying the Applicant of the following:

(1) The Applicant's submission of the Application authorizes the City to verify information submitted with the Completed Application including:

A. The Applicant's address;

B. The Applicant's and/or Responsible Person or Entity's state tax identification and special use tax numbers, if any;

C. The validity of the Applicant's Proof of Identity;

(2) The City may consult any publically available sources for information on the Applicant, including but not limited, to databases for any outstanding warrants, protective orders, or civil judgments.

(3) Establishing Proof of Identity is required before Registration is allowed;

(4) Identification of the fee amount that must be submitted by Applicant with a Completed Application;

(5) The Applicant must submit a BCI background check with a Completed Application;

(6) To the extent permitted by State and/or federal law, the Applicant's BCI background check shall remain a confidential, protected, private record not available for public inspection;

(7) The City will maintain copies of the Applicant's Application Form, Proof of Identity, and Identification Badge. These copies will become public records available for inspection on demand at the City offices whether or not a Certificate is denied, granted, or renewed.

(8) The criteria for Disqualifying Status, denial, or suspension of a Certificate under the provisions of this Chapter.

(9) That a request for a temporary Certificate will be granted or denied the same business day that a Completed Application is submitted. (Ord 2006-6, 10/10/06)

**5.20.090 When Registration Begins.** The Licensing Officer shall not begin the Registration process unless the Applicant has submitted a Completed Application. The original identification submitted to establish Proof of Identity shall be returned after the Licensing Officer verifies the Applicant's identity.

A copy of the identification may be retained by the Licensing Officer. If an original B.C.I. background check is submitted by the Applicant, the Licensing Officer shall make a copy of the B.C.I. and return the original to the Applicant. (Ord 2006-6, 10/10/06)

**5.20.100 Issuance of Certificates.** The Licensing Officer shall review the Completed Application submitted by the Applicant and issue a Certificate in accordance with the following:

**(1) Temporary Certificate.**

A. A temporary Certificate shall issue allowing the Applicant to immediately begin Door-to-Door Solicitation upon the following conditions:

- (i) Applicant's submission of a Completed Application;
- (ii) Applicant's submission of the required fee;
- (iii) Applicant establishes Proof of Identity;
- (iv) The Applicant's representations on the Application Form do not affirmatively show a Disqualifying Status;
- (v) The B.C.I. does not affirmatively show a Disqualifying Status; and
- (vi) The Applicant has not previously been denied a Certificate by the City, or had a Certificate revoked for grounds that still constitute a Disqualifying Status under this Chapter.

B. A temporary Certificate will automatically expire after twenty-five (25) calendar days from issuance, or upon grant or denial of an annual Certificate, whichever period is shorter.

**(2) Annual Certificate.** Within twenty-five (25) calendar days of the issuance of a temporary Certificate the City shall:

A. Take any and all actions it deems appropriate to verify the truthfulness and completeness of the information submitted by the Applicant, including, but not limited to those disclosed with the Application Form.

B. Issue written notice to the Applicant and the Responsible Person or Entity, if any, that the Applicant either:

- (i) Will be issued an annual Certificate, eligible for renewal one year from the date of issuance of the temporary Certificate; or
- (ii) Will not be issued an Annual Certificate for reasons cited in Section 5.20.140 of this Chapter.

**(3) Renewal Certificate.** An annual Certificate shall be valid for one year from the date of issuance of the temporary Certificate and shall expire at midnight on the anniversary date of issuance. Any annual Certificate that is not suspended, revoked, or expired may be renewed upon the request of the Registered Solicitor and the submission of a new Completed Application and payment of the Fee, unless any of the conditions for the denial, suspension or revocation of a Certificate are present as set forth in section 5.20.140, or a Disqualifying Status is present. (Ord 2006-6, 10/10/06)

**5.20.110 Form of Certificate and Identification Badge.**

**(1) Certificate Form.** Should the Licensing Officer determine that the Applicant is entitled to a Certificate, the Licensing Officer shall issue a Certificate to the Applicant. The Certificate shall list the name of the Registered Solicitor and the Responsible Person or Entity, if any, and the date on which the Certificate expires. The Certificate shall be dated and signed by the License Officer. The Certificate shall be carried by the Registered Solicitor at all times while Soliciting in the City.

**(2) Identification Badge.** With both the temporary and annual Certificates, the City shall issue each Registered Solicitor an Identification Badge that shall be worn prominently on his or her person while Soliciting in the City. The Identification Badge shall bear the name of the City and shall contain: (a) the name of the Registered Solicitor; (b) address and phone number of the Registered Solicitor, or the name, address, and phone number of the Responsible Person or Entity is provided; (c) a recent photograph of the Registered Solicitor; and (d) the date on which the Certificate expires. (Ord 2006-6, 10/10/06)

**5.20.120 Maintenance of Registry.** The Licensing Officer shall maintain and make available for public inspection a copy or record of every Completed Application received and the Certificate or



written denial issued by the City. The Applicant's BCI background check shall remain a confidential, protected, private record not available for public inspection. The Licensing Officer may furnish to the head of the City's law enforcement agency a listing of all Applicants, those denied, and those issued a Certificate. (Ord 2006-6, 10/10/06)

**5.20.130 Non-Transferability of Certificates.** Certificates shall be issued only in the name of the Applicant and shall list the Responsible Party or Entity, if any. The Certificate shall be non-transferable. A Registered Solicitor desiring to facilitate or attempt to facilitate Home Solicitation Sales with different: (a) Goods or Services; or (b) Responsible Person or Entity, from those designated in the originally submitted Completed Application, shall submit a written change request to the Licensing Officer. A new Certificate based on the amended information shall issue for the balance of time remaining on the Solicitor's previous Certificate before the amendment was filed. Before the new Certificate is given to the Registered Solicitor, the Registered Solicitor shall obtain a revised Identification Badge from the City, after payment of the Fee for the Identification Badge. (Ord 2006-6, 10/10/06)

**5.20.140 Denial, Suspension or Revocation of a Certificate of Registration.**

(1) **Denial.** Upon review, the Licensing Officer shall refuse to issue a Certificate to an Applicant for any of the following reasons:

**A. Denial of Temporary Certificate.**

- (i) The Application Form is not complete;
- (ii) The Applicant fails to (1) establish Proof of Identity, (2) provide a B.C.I. or (3) pay the Fees;
- (iii) The Completed Application or B.C.I. indicates that the Applicant has a Disqualifying Status; or
- (iv) The Applicant has previously been denied a Certificate by the City, or has had a Certificate revoked for grounds that still constitute a Disqualifying Status under this chapter.

**B. Denial of Annual Certificate.**

- (i) The information submitted by the Applicant at the time of the granting of the temporary Certificate is found to be incomplete or incorrect;
- (ii) Since the submission of the Completed Application, the Applicant is subject to a previously undisclosed or unknown Disqualifying Status;
- (iii) Failure to complete payment of the Fees;
- (iv) Since the submission of the Application, the City has received a Substantiated Report regarding the past or present conduct of the Applicant;
- (v) Since the submission of the Application, the City or other governmental entity has either Criminally Convicted or obtained a civil injunction against the Applicant for violating this Chapter or similar Federal, State, or municipal laws in a manner rising to the level of a Disqualifying Status; or
- (vi) Since the submission of the Application, a Final Civil Judgment has been entered against the Applicant indicating that: (i) the Applicant had either engaged in fraud, or intentional misrepresentation, or (ii) that a debt of the applicant was non-dischargeable in bankruptcy pursuant to 11 U.S.C. ' 523(a)(2), (a)(4), (a)(6), or (a)(19).

**C. Denial of Annual Certificate Renewal.**

- (i) The information submitted by the Applicant when seeking renewal of a Certificate is found to be incomplete or incorrect;
- (ii) Since the submission of the renewal Application, the Applicant is subject to a previously undisclosed or unknown Disqualifying Status;
- (iii) Failure to complete payment of the Fees;
- (iv) Since the submission of the Application or granting of a Certificate, the City has

received a Substantiated Report regarding the past or present conduct of the Solicitor;

(v) The City or other governmental entity has either Criminally Convicted or obtained a civil injunction against the Applicant for violating this Chapter or similar Federal, State, or municipal laws in a manner rising to the level of a Disqualifying Status; or

(vi) Since the submission of the Application, a Final Civil Judgment has been entered against the Applicant indicating that: (i) the Applicant had either engaged in fraud, or intentional misrepresentation, or (ii) that a debt of the applicant was non-dischargeable in bankruptcy pursuant to 11 U.S.C. ' 523(a)(2), (a)(4), (a)(6), or (a)(19).

(2) **Suspension or Revocation.** The City shall either suspend or revoke a Certificate when any of the reasons warranting the denial of a Certificate occurs.

(3) **Notice of Denial or Suspension.** Upon determination of the Licensing Officer to deny an Applicant's Completed Application or to suspend a Registered Solicitor's Certificate, the City shall cause written notice to be sent to the Applicant or Registered Solicitor by the method indicated in the Completed Application. The Notice shall specify the grounds for the denial or suspension, the documentation or information the City relied on to make the decision, the availability of the documentation for review by Applicant upon one (1) business day notice to the City, and the date upon which the denial or suspension of the Certificate shall take effect. It shall further state that the Applicant or Registered Solicitor shall have ten (10) business days from the receipt of the notice of denial or suspension to appeal the same. The denial or suspension of the Certificate shall be effective no sooner than two (2) calendar days from the date the notice is sent, unless that suspension is because of exigent circumstances outlined in Section 5.20.030(34)(C)(4), in which case, the suspension is effective immediately. The denial or suspension shall remain effective unless and until the order is rescinded, overturned on appeal, or determined by a court to be contrary to equity or law. Failure to appeal the suspension of a Certificate automatically results in its revocation. (Ord 2006-6, 10/10/06)

**5.20.150 Appeal.** An Applicant or Registered Solicitor whose Certificate has been denied or suspended shall have the right to appeal to the City Council or its designee. Any appeal must be submitted by either the Applicant, the Responsible Person or Entity, or legal counsel for either who: (a) documents the relationship with the Applicant or Responsible Person or Entity; or (b) is licensed or authorized by the State of Utah to do so, and makes the assertion of an agency relationship. The following procedures and requirements shall apply:

(1) Any appeal must be Submitted in Writing to the City Recorder with a copy to the License Officer within ten (10) business days of the decision from which the appeal is taken. Such appeal shall describe in detail the nature of the appeal, the action complained of and the grounds for appeal.

(2) Upon request of the Applicant or Registered Solicitor, within one business day, the City will make available any information upon which it relied in making the determination to either deny or suspend the Certificate.

(3) The Appeals Officer shall review, de novo, all written information submitted by the Applicant or Registered Solicitor to the Licensing Officer, any additional information relied upon by the Licensing Officer as the basis for denial, suspension or revocation, and any additional information supplied by the City, Applicant or Registered Solicitor. Any additional information submitted by any party to the appeal to the Appeals Officer shall be simultaneously submitted to the opposing party. If desired, any party shall have three (3) business days to submit rebuttal documentation to the Appeals Officer regarding the additional information submitted by the opposing party.

(4) The Appeals Officer will render a decision no later than fifteen (15) calendar days from the date the appeal was taken, unless an extension of time is agreed upon by the parties. In the event that any party to the appeal submits rebuttal information as allowed in Section 5.20.150(3), the fifteen (15) calendar days shall be extended to include the additional three (3) days for rebuttal.

A. The denial or suspension of the Certificate shall be reversed by the Appeals Officer if upon review of the written appeal and information submitted, the Appeals Officer finds that the Licensing Officer made a material mistake of law or fact in denying or suspending the Applicant or Registered Solicitor's Certificate.

B. If the written appeal and information submitted indicates that the Licensing Officer properly denied or suspended the certificate of the Applicant or Registered Solicitor, the denial or suspension of the Certificate shall be affirmed and constitute a determination that the suspended Certificate is revoked.

C. The decision of the Appeals Officer shall be delivered to the Applicant or Registered Solicitor by the means designated in the completed Application, or as otherwise agreed upon when the Appeal was filed.

(5) After the ruling of the Appeals Officer, the Applicant or Solicitor is deemed to have exhausted all administrative remedies with the City.

(6) Nothing herein shall impede or interfere with the Applicant's, Solicitor's, or City's right to seek relief in a court of competent jurisdiction. (Ord 2006-6, 10/10/06)

#### **5.20.160 Deceptive Soliciting Practices Prohibited.**

(1) No Solicitor shall intentionally make any materially false or fraudulent statement in the course of Soliciting.

(2) A Solicitor shall immediately disclose to the consumer during face-to-face Solicitation;

(i) The name of the Solicitor;

(ii) The name and address of the entity with whom the Solicitor is associated; and

(iii) The purpose of the Solicitor's contact with the person and/or Competent

Individual. This requirement may be satisfied through the use of the Badge and an informational flyer.

(3) No Solicitor shall use a fictitious name, an alias, or any name other than his or her true and correct name.

(4) No Solicitor shall represent directly or by implication that the granting of a Certificate of Registration implies any endorsement by the City of the Solicitor's Goods or Services or of the individual Solicitor. (Ord 2006-6, 10/10/06)

#### **5.20.170 "No Solicitation" Notice.**

(1) Any occupant of a Residence may give notice of a desire to refuse Solicitors by displaying a "No Solicitation" sign which shall be posted on or near the main entrance door or on or near the property line adjacent to the sidewalk leading to the Residence.

(2) The display of such sign or placard shall be deemed to constitute notice to any Solicitor that the inhabitant of the Residence does not desire to receive and/or does not invite Solicitors.

(3) It shall be the responsibility of the Solicitor to check each Residence for the presence of any such Notice.

(4) The provisions of this Section shall apply also to Solicitors who are exempt from Registration pursuant to the provisions of this Chapter. (Ord 2006-6, 10/10/06)

#### **5.20.180 Duties of Solicitors.**

(1) Every person Soliciting or Advocating shall check each Residence for any "No Soliciting" sign or placard or any other notice or sign notifying a solicitor not to solicit on the premises, such as, but not limited to, "No Solicitation" signs. If such sign or placard is posted such Solicitor shall desist from any efforts to solicit at the Residence or dwelling and shall immediately depart from such property. Possession of a Certificate of Registration does not in any way relieve any solicitor of this duty.

(2) It is a violation of this Chapter for any person Soliciting or Advocating to knock on the door, ring the doorbell, or in any other manner attempt to attract the attention of an occupant of a Residence that bears a "No Solicitation" sign or similar sign or placard for the purpose of engaging in or attempting to engage in Advocating, a Home Solicitation Sale, Door-to-Door Soliciting, or Soliciting.

(3) It is a violation of this Chapter for any Solicitor through ruse, deception, or fraudulent concealment of a purpose to Solicit, to take action calculated to secure an audience with an occupant at a Residence.

- (4) Any Solicitor who is at any time asked by an occupant of a Residence or dwelling to leave shall immediately and peacefully depart.
- (5) The Solicitor shall not intentionally or recklessly make any physical contact with, or touch another person without the person's consent;
- (6) The Solicitor shall not follow a person into a Residence without their explicit consent;
- (7) The Solicitor shall not continue repeated Soliciting after a person and/or Competent Individual has communicated clearly and unequivocally their lack of interest in the subject, Goods or Services of the Solicitor;
- (8) The Solicitor shall not use obscene language or gestures. (Ord 2006-6, 10/10/06)

**5.20.190 Time of Day Restrictions.** It shall be unlawful for any person, whether licensed or not, to Solicit at a Residence before 9:00 a.m. or after 9:00 p.m. Mountain Time, unless the Solicitor has express prior permission from the resident to do so. (Ord 2006-6, 10/10/06)

**5.20.200 Buyer's Right to Cancel.** In any Home Solicitation Sale, unless the buyer requests the Solicitor to provide Goods or Services without delay in an emergency, the seller or Solicitor shall present to the buyer and obtain buyer's signature to a written statement which informs the buyer of the right to cancel within the third business day after signing an agreement to purchase. Such notice of "Buyer's right to cancel" shall be in the form required by § 70C-5-103, Utah Code Annotated, 1953, or a current version thereof or any State or Federal law modifying or amending such provision. (Ord 2006-6, 10/10/06)

**5.20.210 Penalties.** Any person who violates any term or provision of this Chapter shall be guilty of a Class B Misdemeanor and shall be punished by a fine of not to exceed \$1,000.00 and/or a jail sentence of not to exceed six (6) months. (Ord 2006-6, 10/10/06)

# Title 6

## Animal Regulations

Chapters:

6.04 Animal Regulations .....6 - 1



## Title 6

### Animal Regulations

<b>Chapters: 6.04 - Animal Regulations .....</b>	<b>6 - 1</b>
6.04.010 Definitions. ....	6 - 1
6.04.020 Animal Holding Facility-Required. ....	6 - 2
6.04.030 Enforcement-Animal Control Supervisor-Powers and Duties. ....	6 - 2
6.04.040 Enforcement-Impoundment Duty. ....	6 - 3
6.04.050 Enforcement-Right of Entry. ....	6 - 3
6.04.060 Enforcement-Interference with Officer Prohibited. ....	6 - 3
6.04.070 Animal Control Department-Service Fees. ....	6 - 3
6.04.080 Enclosure and Structure Requirements. ....	6 - 4
6.04.090 Domestic Fowl-Trespass Prohibited. ....	6 - 4
6.04.100 Stray Animal-Harboring Prohibited. ....	6 - 4
6.04.110 At large-Prohibited. ....	6 - 4
6.04.120 Animal Struck by Vehicle-Notification of Owner. ....	6 - 5
6.04.130 Animals Prohibited in Food Products Establishment. ....	6 - 5
6.04.140 Animal Waste-Disposal. ....	6 - 5
6.04.150 Wild Animal-Restrictions. ....	6 - 5
6.04.160 Cruelty to Animals-Prohibited. ....	6 - 6
6.04.170 Cruelty to Animals-Defenses. ....	6 - 7
6.04.180 Dogs-License Required-Inoculation. ....	6 - 7
6.04.190 Dogs and Cats-Kennel and Cattery Permits. ....	6 - 9
6.04.200 Dogs and Cats-Rabies Control. ....	6 - 10
6.04.210 Protective Custody. ....	6 - 12
6.04.220 Violation. ....	6 - 14





## Chapters: 6.04 - Animal Regulations

### 6.04.010 Definitions. As used in this title, the following terms apply:

1. "Animal" means any animate being except humans, being endowed with the power of voluntary movement, other than those regulated by the Fish and Game Department.
2. "Animal supervisor" or "animal control officer" means any person designated by the city as a law enforcement officer to perform the duties as described in this title.
3. "At large" means any animal off the premises of the owner and not under control of the owner or his/her agent. An animal shall be deemed "not under control" when it causes a public nuisance.
4. "Bite" means an injury caused by an animal's teeth which results in a break in the skin.
5. "Cat" means a domestic feline, either male or female.
6. "Cattery" means the land or building used in the keeping of five or more cats at least six months old.
7. "Custody" means ownership, possession of, harboring, or exercising control over any animal.
8. "Dog" means a domestic canine, either male or female.
9. "Euthanasia" means humane death.
10. "Harboring" means the act of keeping a lost or stray dog.
11. "Humane treatment" means the act or manner of treating an animal with compassion, and consideration and protecting an animal from dangers, mistreatment or abuse.
12. "Kennel" means the land or building used in the keeping of four or more dogs at least six months old.
13. "Leash" means any chain, rope or device used to restrain an animal that does not endanger or harm his physical well being.
14. "Livestock" means horses, cattle, swine, sheep and goats.
15. "Owner" means any person, partnership or corporation claiming, having charge, custody, keeping or harboring one or more animals.
16. "Pet shop" means any person, partnership, or corporation, whether operating separately or in connection with another business enterprise except for a licensed kennel or cattery that buys, sells, breeds or boards any species of animal.
17. "Protective custody" means having been received into the care of the department of animal control and welfare or any authorized agent or representative thereof.
18. "Public nuisance" means any animal which violates the provisions of this title as defined:
  - a. Causes damage to the property of anyone other than its owner;
  - b. Causes unreasonable odors;
  - c. Causes unsanitary conditions;
  - d. Is a vicious animal as defined herein;
  - e. Every dog or animal which by barking, howling or making other noises

disturbs or disrupts the peace and quiet of two households or more, or in the case of disturbing one household is documented by a law enforcement officer on at least three separate occasions or for an extended period of time;

- f. Chases vehicles;
- g. Chases other animals.

19. "Quarantine" means the isolation of an animal in a substantial, properly ventilated enclosure that does not harm or endanger the animal, so that it is not subject to contact with other animals or unauthorized persons.

20. "Restraint" means securing any animal by a leash or enclosing the animal in a secured, fenced area or building.

21. "Veterinary hospital" means any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of diseases and injuries of animals.

22. "Vicious animal" means any animal which is dangerously aggressive, demonstrates a propensity to natural fierceness, or disposition of mischief such as might lead to the attack of humans without provocation and includes, but is not limited to, any animal which has bitten or in any other manner attacked or endangered the safety of persons, other animals or property.

23. "Wild animal" means any animal of a species that in their natural life are wild. Those animals, however domesticated, shall include, but are not limited to:

- a. Alligators, caiman and crocodiles;
- b. Bears: all bears including grizzly bears, brown bears, black bears, etc.;
- c. The cat family: including cheetah, cougars, leopards, lions, lynx, panthers, mountain lions, tigers, wildcats, etc., except the commonly accepted domestic cats;
- d. The dog family: including wolf, fox, coyote, hybrids of wild dogs, etc., except domesticated dogs;
- e. Porcupines;
- f. Primates: all subhuman primates;
- g. Raccoons: all raccoons including the eastern raccoon, desert raccoon, ring-tailed cat, etc.;
- h. Skunks;
- i. Venomous fish and piranha;
- j. The weasel family: all including martens, wolverines, ferrets, badgers, otters, ermine, mink, mongoose, etc., except those humanly raised for their pelts and ferrets from the genus *Mustella putorius*. (Ord 2010-8, 4/13/10, Ord 2001-2, 3/13/01 and Ord 2000-22, 11/14/00 and Ord. 87-6.08 (part), 1987)

**6.04.020 Animal Holding Facility-Required.** The city shall either provide suitable premises to be used as the city animal holding facility, or utilize the animal shelter of another agency through contract with them. (Ord.2010-8, 4/13/10; prior ordinance: Ord. 87-6.08 (part), 1987)

**6.04.030 Enforcement-Animal Control Supervisor-Powers and Duties.** There is established the office of animal control supervisor. The animal control supervisor shall have and exercise the powers of peace officer in the enforcement of all laws and

ordinances relating to animals and shall exercise all the rights and powers and shall have all the duties mentioned in this title and all other laws relating to animals. Assistants to the animal control supervisor shall have the same powers and duties as the animal control supervisor, subject to his supervision. (Ord. 87-6.08 (part), 1987)

**6.04.040 Enforcement-Impoundment Duty.** It shall be the duty of every police officer and animal control supervisor and his/her assistants to take into protective custody in the shelter any dogs or large animals found running at large contrary to the provisions of this title. (Ord. 87-6.08 (part), 1987)

**6.04.050 Enforcement-Right of Entry.** In the enforcement of any provisions of this title, any police officer and the animal control supervisor and his assistants are authorized to enter the premises of any person to take possession of unlicensed, collarless dogs and any fierce, dangerous or vicious animal when in fresh pursuit of the animal at the time the animal goes onto the private property. (Ord. 87-6.08 (part), 1987)

**6.04.060 Enforcement-Interference with Officer Prohibited.** It is unlawful for any person to interfere with the animal control supervisor or his/her assistants or any police officer in the discharge of the duties imposed upon him/her by this title. It is unlawful for any person to take any animal out of the custody of the animal control supervisor by stealth, fraud or force. (Ord. 87-6.08 (part), 1987)

**6.04.070 Animal Control Department-Service Fees.** The following fees shall be imposed by the animal control department for services rendered by that department:

A. Reclaim by Owner of Impounded Animals.

1. Dogs.

a. Impound charge:

First offense: Forty-five dollars or forty dollars (spayed/neutered.)

Second offense: Fifty-five dollars or fifty dollars (spayed/neutered.)

\*\*Third offense: Sixty-five dollars or sixty dollars (spayed/neutered.)

Fourth offense and thereafter: Eighty-five dollars and/or abatement or eighty dollars (spayed/neutered) and/or abatement.

\*\*Citations will be given after second offense, and if the dog is not licensed after March 1<sup>st</sup>, an additional \$50.00 will be added to the license fee upon impound.

b. Boarding, ten dollars per day.

2. Cats.

a. Impound charge, forty dollars.

b. Boarding, ten dollars per day.

3. Livestock.

a. Impound charge, thirty dollars.

b. Boarding, ten dollars per day.

c. Pickup and transportation, actual cost to the city.

d. Damage restitution, actual cost to the city.

B. Charge to Relinquish an owned Dog or Cat.

1. Dog or litter of puppies, one hundred dollars.

2. Cat or litter of kittens, one hundred dollars; (Resolution 2009-M, 9/8/09)
- C. Animals Quarantined or taken into Protective Custody Charges to Owner.
  1. Dogs.
    - a. Actual cost to city plus any impounding, boarding and licensing charges as stated above.
  2. Cats.
    - a. Actual cost to city plus any impounding, boarding and licensing charges as stated above. (Ord 2002-8, 8/13/02 prior codes: Ord 2001-2, 3/13/01, Ord 2000-22, 11/14/00, Ord. 87-6.08 (part), 1987)

**6.04.080 Enclosure and Structure Requirements.**

A. No animals or fowl, excluding dogs, cats and other household pets shall be kept or maintained in a dwelling that has physical dimensions which violate the zoning ordinance for that property.

B. A pen, house, run or other enclosure designed for the keeping or maintenance of any dog, cat, other household pet shall be constructed and located in such a manner that the waste, offal, drainage or other substance therefrom and any stench or smell associated therewith remains confined within the premises of the owner. In every event such structure shall be constructed and located at least three feet from any adjoining property line, except kennels and catteries located in or adjacent to a residential zone shall be located not less than one hundred feet from a public street and not less than twenty-five feet from any side or rear lot line. (Ord.2000-22, 11/14/00: prior code Ord. 87-6.03 (part), 1987)

**6.04.090 Domestic Fowl-Trespass Prohibited.** It is unlawful for the owner of any domestic fowls, such as turkeys, ducks, geese, chickens, peacocks, etc. to permit such fowls to trespass or go upon the premises of another or to run at large within the limits of the city. (Ord. 87-6.08 (part), 1987)

**6.04.100 Stray Animal-Harboring Prohibited.** It is unlawful for any person to harbor or keep within the city limits any lost or strayed dog. Whenever any dog shall be found which appears to be lost or strayed, it shall be the duty of the finder to notify the Pleasant View animal control, city office or police department within seventy-two hours. The animal control supervisor may take the dog into protective custody. (Ord. 87-6.08 (part), 1987)

**6.04.110 At large-Prohibited.**

A. All dogs shall be kept from running loose by humane restraint. Every owner of a dog shall keep the same confined on his premises; provided, that this section shall not prevent the owner from having that dog on the streets and in public places of the city when the dog is controlled by the owner or his/her agent.

B. No cattle, horses, mules, sheep, goats or swine shall be allowed to run at large or be picketed or staked out or driven upon any street, sidewalk or any other public place within the limits of the city.

C. All persons having custody of animals shall exercise proper care and control of his/her animals in order to prevent them from becoming a public nuisance.

D. Every female dog or cat in heat shall be humanely confined by the owner in such a manner that the animal cannot come in contact with another animal, except for a planned breeding.

E. Any known vicious or threatening animal shall be restrained on the owner's premises in such a way as to protect any person lawfully entering or passing such premises. Every vicious animal shall be muzzled or caged whenever off the premises of its owner.

F. It shall be unlawful for any animal to attack, chase, or threaten any person, any domestic animal or any species of wildlife.

G. Abatement of Threat to Human Life. When it reasonably appears to the animal control supervisor that any animal is a public nuisance as defined in this section and that such nuisance should be abated, the supervisor shall first attempt to obtain the written consent of the animal's owner to abate the animal. Abatement shall be defined to include either relocating or euthanizing the animal. If the animal owner's consent cannot be readily obtained, the animal control supervisor may impound the animal and file with the court a written charge of the maintenance of a nuisance. The charge shall set forth the facts according to the best of his/her information and belief, together with the name and address of the animal's owner, if known to the supervisor. The court shall then hold a hearing upon not less than three days written notice to the owner by certified mail. If upon such hearing the court finds that the charge of nuisance is sustained, the court shall issue an order to the animal control supervisor setting out the method of abatement. The supervisor shall execute such order within three days thereafter. If the court shall find that the animal does not constitute a nuisance, he/she shall order such other disposition as may be in accordance with the law. (Ord. 87-6.08 (part), 1987)

**6.04.120 Animal Struck by Vehicle-Notification of Owner.** It shall be the duty of the operator of a motor vehicle or self propelled vehicle upon the city streets to make a reasonable attempt to notify the owner of an animal upon injuring, maiming, striking or running down that domestic animal. (Ord. 87-6.08 (part), 1987)

**6.04.130 Animals Prohibited in Food Products Establishment.** It shall be unlawful for any person to take or permit any animals, excluding hearing or seeing eye dogs, whether on a leash or in the arms, in any establishment or place of business where food or food products are sold or distributed, including but not limited to restaurants, grocery stores, meat markets and fruit or vegetable stores. (Ord. 87-6.08 (part), 1987)

**6.04.140 Animal Waste-Disposal.** The person having custody of an animal shall be responsible for the immediate removal of any excreta deposited by his/her animals on public walks, recreation areas, or private property other than that belonging to the owner's of the animals. (Ord. 87-6.08 (part), 1987)

**6.04.150 Wild Animal-Restrictions.**

A. It is unlawful for any person to sell, offer for sale, barter, give away, keep or purchase any wild animal as described in the definitions and/or which is fierce, dangerous, noxious or naturally inclined to do harm. The animal shelter, a zoological park, veterinary hospital, humane society shelter, public laboratory, circus, sideshow,

amusement show, wild life preserve, or facility for education or scientific purposes may humanely keep such animal in protective devices adequate to prevent such animal from escaping or injuring the public.

B. After consultation with a representative from the Utah Division of Wildlife Resources, the animal control supervisor shall have the power to release or order the release of any wild animal kept under temporary permit which is deemed capable of self-survival, or to recommend other appropriate action on behalf of any animal found incapable of survival in its natural habitat.

C. It is unlawful for any person to keep an animal of a species prohibited or protected by Title 50 of the Code of Federal Regulations or by any regulation of law of the state. (Ord. 87-6.08 (part), 1987)

**6.04.160 Cruelty to Animals-Prohibited.** A person commits cruelty to animals when he/she:

A. Causes one animal or fowl to fight with another;

B. Intentionally or carelessly administers or applies any poisonous or toxic drug or any material injurious to tissues or organs to any animal or livestock, or procures or permits the same to be done, whether the animals be his/her own property or that of another. This provision shall not be interpreted so as to prohibit the use of poisonous substances for the control of vermin in furtherance of public health when applied in such a manner as to reasonably prohibit access to other animals;

C. By act or omission causes pain, suffering, terror or torment, or if she/he injures, mutilates or causes disease or death to any animal or fowl;

D. Administers or applies or procures or permits the administration or application of any trapping mechanism, other than a live capture trap or exposes such a trapping mechanism to animals or livestock, with the intent to harm or take the animal whether the animal be his/her property or that of another. All set live capture traps shall be checked and emptied daily. All traps must have owner identification permanently affixed to them;

E. Neglects or fails to supply such animal with necessary and adequate care, exercise, rest, food, drink, air, light, space, shelter, protection from the elements and medical attention;

F. Raises, trains, purchases or sells any animal or fowl for fighting or harbors fowl for fighting purposes, which has the comb clipped or the spur altered or who is in possession of an artificial spur;

G. Is present as a spectator at any animal contest or rents any building, shed, room, yard, ground or premises for the purpose of holding such contest between animals, or knowingly suffers or permits the use of any building, shed, room yard, ground, or premises belonging to his/her or under his/her control or any of these purposes;

H. Abandons an animal;

I. Performs or causes to be performed any of the following operations except accepted methods of animal husbandry:

1. Inhumanely removes any portion of the beak of any bird, domestic or wild;
2. Alters the gait or posture of an animal, by surgical, chemical, mechanical or any other means, including soring;
3. Crops or cuts the ears, removes an animal's claws or sterilizes a dog or cat

and is not a licensed veterinarian;

4. Inhumanely docks the tail of an animal or removes an animal's dewclaws;

J. Sells, purchases, owns or has custody of any animals or fowl that have been dyed, painted or otherwise artificially colored;

K. Sells or offers for sale, raffle, prizes, a premium, or an advertising device any chicks, goslings, ducklings, or other fowl younger than eight weeks of age in quantities of less than six birds to an individual recipient;

L. Offer chicks, ducklings, goslings or other fowl for sales, raffles, offers a prize, a premium, or an advertising device, or displays chicks, ducklings, goslings, or other fowl in good health and without keeping adequate food and water available to the birds at all times;

M. Carries or causes to be carried any animal in a manner harmful to that animal. Suitable racks, cars, crates or cages in which such animals may stand, move freely, or lie down during transportation, or while awaiting slaughter, must be provided;

N. Sells any turtle, less than four inches in diameter or in contravention of any state or federal law or regulation dealing with the same;

O. Leaves any animal confined in a vehicle unattended in excessively hot or cold weather;

P. Continuously drive or works a horse or other animal to a point of observable strain. Working animals shall be offered water periodically;

Q. Takes or kills any bird(s) or robs or destroys any nest, eggs, or young of any bird in violation of the law of the state;

R. Inhumanely hobbles livestock or other animals;

S. Recklessly rides or drives any horse, mule or other animal or animals on any street, highway, avenue or alley of the city;

T. Induces or encourages an animal to perform through the use chemical, mechanical, electrical or manual devices in a manner which will cause, or is likely to cause physical injury or unnecessary suffering. (Ord. 87-6.08 (part), 1987)

#### **6.04.170 Cruelty to Animals-Defenses.**

A. It is a defense to prosecution under this section that the conduct of the actor towards the animal was a licensed veterinarian using an accepted veterinary practice or directly related to a bona fide experimentation for scientific research; provided, that if the animal is to be destroyed, the manner employed will not be unnecessarily cruel unless directly necessary to the veterinary's purpose or scientific research involved.

B. Any person may kill a dog while it is attacking, chasing or worrying any domestic animal having a commercial value, or any species of hoofed, protected wildlife, while attacking domestic fowls, or while such dog is being pursued thereafter.

C. Any dog making a vicious and unprovoked attack on any person, except when the attack is in defense of the person, family or property of the dog's owner, may be killed by any person while it is making such an attack. (Ord. 87-6.08 (part) , 1987)

#### **6.04.180 Dogs-License Required-Inoculation.**

A. License

1. All dogs over six months of age kept, or maintained by any person in the city shall be licensed and registered. Dog licenses shall be issued by the director of

finance or his representative upon payment of:

A. Twenty dollars for each unneutered male or unspayed female.

B. Ten dollars for each neutered male or spayed female and five dollars for each neutered male or spayed female for residents 65 years old and older.

C. One dollar for new residents and/or new dogs that have moved into the city after the first day of July and have proof of a current license from another city or fifty percent of the licensing fee without proof of a current license from another city.

D. One dollar for a replacement tag.

E. Fifteen dollar late fee.

F. Fifty percent of the licensing fee as stated above for dogs acquired between July and December and for puppies that have reached the licensing age (six months) between July and December. The fifteen dollar late fee still applies if applicable. If the following year's dog tags are available they may be purchased in lieu of the current year's tag.

2. Licenses shall be obtained on or before the first day of March each year, for the dog involved, or within two weeks after acquiring the dog whichever occurs first. All license fees shall be increased by a late fee if not paid on or before date due. The owner shall state at the time application is made for such license, and upon printed forms provided for such purpose, his name and address and the name, breed, color, sex and date of last rabies vaccination of each dog owned or kept by him. The provisions of this section are not to apply to dogs whose owners are nonresidents temporarily within the city, nor to dogs brought into the city for participating in any dog show nor to seeing eye dogs properly trained to assist blind persons or hearing dogs properly trained to assist blind persons or hearing dogs properly trained to assist deaf persons, when such dogs are actually being used by them in going from place to place, nor to commercial kennels. Payment shall be made at the office of the director of finance or to his representative. No female shall be licensed as spayed or male licensed as neutered except upon certificate of a veterinarian.

B. No license shall be issued for any dog which has not been inoculated against rabies, except dogs under six months of age or in the written opinion of a veterinarian that inoculation would be harmful to the dog because of age, nursing dogs or other. Written proof of a current inoculation shall be presented at the time the license is applied for.

C. Upon acceptance of the license application and fee, the city shall issue a durable tag, stamped with an identifying number. Tags should be designed so that they may be conveniently fastened or riveted to the dog's collar or harness.

D. Dogs must wear current license tags at all times, except when participating in a dog show.

E. The city shall maintain a record of the identifying numbers of all tags issued and shall make this record available to the public.

F. No person other than an animal control officer or medical personnel shall remove or cause to be removed the collar or metal tag from any licensed dog without the consent of the owner or authorized agent.

G. No person may use any license for any dog other than the dog for which it was



issued.

H. Lost or destroyed tags will be replaced in duplicate by the city for a fee. (Ord. 2010-21, 11/9/10, Ord. 2007-15, 10/23/07, Ord. 2006-5, 9/26/06, Ord 2004-10, 9/14/04, & Ord 2002-8, 8/13/02: prior codes Ord.2000-22, 11/14/00, Ord. 87-6.08 (part), 1987) (Also see Res 94-0, 1/10/94)

#### **6.04.190 Dogs and Cats-Kennel and Cattery Permits.**

A. Any person who keeps dogs or cats on his/her own property for the purpose of a kennel or a cattery shall obtain a permit from the city council paying the licensing fees required by subsection E of this section.

B. It shall be a condition of the issuance and maintenance of any permit that the city or the board of health shall be permitted to inspect all animals and the premises where animals are kept at any time and may, if permission for such inspection is refused, revoke the permit or license of the refusing owner. The board of health is authorized and empowered to close such places of business and keep it closed until conditions complying with laws governing the protection and keeping of animals are met.

C. The permit period shall begin with the calendar year and shall run for one year. Renewal application for permits shall be made thirty days prior to, and up to sixty days after the start of the calendar year. Application for a permit to establish a new kennel or cattery under the provisions of this title may be made at any time prior to opening.

D. A valid permit shall be posted in a conspicuous place in each establishment, and this permit shall be considered as appurtenant to the premises and not transferable to another location. The permittee shall notify the city within thirty days of any change in his/her establishment or of a change in ownership of the establishment, or operation which may affect the status of the permit. Permits are non-transferable.

E. Annual kennel and cattery permits and I.D. tags shall be issued upon payment of the application fee:

1. Authorized to house up to five dogs, and between five and fifteen cats, one hundred dollars;
2. Authorized to house between six and thirty animals, two hundred dollars;
3. Authorized to house thirty-one or more animals, three hundred dollars.

Exemptions: Animal establishments operated by state or local government or which are licensed by federal law and animal welfare organizations are excluded from the licensing requirement of this title.

F. Every facility regulated by this title shall be considered a separate enterprise and requires an individual permit.

G. A fee shall be required of any veterinary hospital acting as a kennel, cattery or animal shelter.

H. Any person who has a change in the category under which a permit was issued shall be subject to reclassification and appropriate adjustments of the permit fee for any subsequent year.

I. The city or agency responsible for the revocation of a permit shall, within ten days thereafter oversee the humane adoption, euthanasia or relinquishment for scientific or educational purposes of all animals owned, or kept by the person whose permit has been revoked. No part of the permit shall be refunded.

J. If the applicant has withheld or falsified any information on the application, the city

shall refuse to issue a permit or may revoke a present permit.

K. No person who has been convicted of cruelty to animals shall be issued a permit to operate a commercial animal establishment within five years of conviction.

L. Any person having had a permit revoked may not reapply for a period of one year. Each application shall be accompanied by a ten dollar fee. (Ord. 87-6.08 (part), 1987)

M. The city may refuse an application if granting the application would be unsafe, unhealthy, the proposed kennel or cattery would not be appropriate for the neighborhood, does not meet current zoning regulations, or the applicant has not been compliant with the city's animal regulations.

N. The city may revoke a kennel or cattery permit if the city finds that the permit holder has not complied with the city's animal regulations, has violated zoning regulations or has created a nuisance as determined by the city council.

M. Additional Standards:

1. Residential and Agricultural Zones.

a. The minimum lot area shall not be less than five acres for all kennels and catteries.

b. A site plan shall be required showing the location of main and accessory buildings on the site, appropriate buffers and screening designed to maintain a harmonious residential neighborhood. The city may act on a site plan submitted to it or may act on its own initiative in proposing and approving the site plan, including any conditions or requirements designated or specified on or in connection therewith.

2. Commercial and Manufacturing Zones.

a. The standards and regulations within those zones shall apply. (Ord.2000-22, 11/14/00: prior code Ord. 98-5, 4/28/98)

#### **6.04.200 Dogs and Cats-Rabies Control.**

A. All dogs, cats or other animals susceptible to rabies for which a federally approved vaccine is available shall be vaccinated at six months of age by a licensed veterinarian or rabies clinic. Every dog and every cat shall be re-vaccinated upon the expiration of the current rabies vaccination. Any unvaccinated dog or cat over six months of age adopted or brought into the jurisdiction must likewise be vaccinated initially. Thereafter valid protection must be maintained.

1. These provisions shall not apply to veterinarians, animal welfare organizations or kennel operators temporarily maintaining on their premises animals owned by others.

2. These provisions shall not apply to animals whose owners are non-residents temporarily remaining within the jurisdiction for thirty days or less.

B. The city shall be empowered at its discretion and in cooperation with licensed veterinarians to establish rabies clinics.

C. It shall be the duty of each veterinarian and/or rabies clinic when vaccinating an animal for rabies, to complete a certificate of rabies vaccination, in duplicate, which includes:

1. Owner's name, address and telephone;
2. Description of animal (breed, sex, color, age, name, altered/ unaltered);
3. Date of vaccination and expiration of vaccine;

4. Rabies vaccination tag number;
5. Type of rabies vaccine administered;
6. Manufacturer's serial number of the vaccine.

The veterinarian and/or rabies clinic shall issue the original copy of the vaccination certificate to the owner and retain the duplicate. Both copies shall be retained for the interval between vaccinations specified in this section. Additionally, the veterinarian or rabies clinic shall issue a metal or plastic vaccination tag, serially numbered to be worn by the animal at all times, except when participating in an animal show.

D. It shall be the duty of the owner to attach the rabies tag securely to the collar or harness of the animal.

1. Any animal not wearing a current rabies tag shall be treated as unvaccinated, pursuant to this ordinance.

2. Vaccination tags are not transferable from one animal to another.

E. Any person having knowledge of any individual or animal having been bitten by an animal of a species subject to rabies should report the incident, within twenty-four hours to the department of animal control and welfare or the county health department. This requirement pertains, but is not limited to, the owner of the biting animal, the person bitten, a physician or medical aide rendering service to a bitten person.

1. Reportable information shall include the name, sex, and address of the bitten person or the name and address of the owner of the bitten animal, the type and location of the bite, the location of the incident, a complete description of the biting animal and any available facts on the immunization status of the inflicting animal, and if known, the name and address of the owner of such inflicting animal.

2. In addition, any person having knowledge of the whereabouts of any animal known to have or suspected of having rabies should report the facts immediately to the department of animal control and welfare or the county health department.

F. Any animal subject to or suspected of having rabies who bites a person or animal, or that has been bitten by an animal subject to or suspected of having rabies, shall be seized and securely confined. The animal shall be quarantined for a period of not less than ten days or longer if so advised by a qualified veterinarian. The owner of such a quarantined animal shall, whenever possible, be notified within a reasonable time of the animal's condition and location.

1. At the discretion of the animal control supervisor, a currently vaccinated animal may be restrained at the home of the owner, subject to daily inspection. Release from confinement must be made by the animal control supervisor or licensed veterinarian. If previous bites have occurred, the animal control supervisor may require that the animal be quarantined at the shelter.

2. Any vaccinated animal must be isolated and confined in a shelter or veterinary hospital. Daily observation may be made by a trained attendant on duty. A licensed veterinarian or the animal control supervisor shall make the observation or the recommendation either if the animal becomes ill or completes the ten-day holding period and becomes eligible for release. Any unvaccinated animal must be duly immunized and licensed at the expense of the owner prior to release. Permission for release must be given by a licensed veterinarian or the animal control supervisor.

3. Any animal clinically diagnosed to be rabid shall be promptly euthanized by

the department of animal control and welfare or veterinarian.

4. If an animal control officer, during the investigation of a bite case, is unable to contact the owner immediately, the dog who has bitten may be removed from the owner's premises and taken into protective custody until such reasonable time as the owner can be contacted.

5. It shall be unlawful for any person to remove a quarantined animal whether previously vaccinated or not, from the place of quarantine without a written release from the department of animal control and welfare or a licensed veterinarian.

G. Unvaccinated Animals. In the case of unvaccinated animal susceptible to rabies, which has been bitten by a known rabid animal, the exposed animal should be immediately euthanized except as follows: If the owner is unwilling to euthanasia the exposed animal, the animal shall be immediately isolated, vaccinated, and quarantined for six months under veterinary supervision, the cost of such confinement to be paid by the owner. All payment shall be made in advance unless other arrangements are made with the animal control supervisor. The animal shall be euthanized if the owner does not comply herewith.

H. Vaccinated Animal. If the exposed animal has been vaccinated, the animal should be re-vaccinated within twenty-four hours and shall be quarantined for a period of thirty days following vaccination. If the animal is not re-vaccinated, it shall be confined in a veterinary clinic or animal shelter for a period of thirty days. Veterinary fees and confinement costs must be paid in advance unless other arrangements are made with the animal control supervisor. The animal shall be euthanized if the owner does not comply herewith.

I. Any person who has custody of any animal under quarantine shall immediately notify the department of animal control and welfare if the animal shows signs of sickness, abnormal behavior, dies, or if the animal escapes confinement. It shall be unlawful for this person to fail or refuse to allow a health or animal control officer to make inspections during quarantine.

J. The city mayor is authorized, upon reasonable apprehension of danger from dogs or other animals with rabies, to issue a proclamation requiring that all dogs and other animals must be securely confined or on a sufficient leash or chain to hold the animal. Any animals running loose while the proclamation is in force shall be taken into protective custody. The proclamation shall take effect upon publication in a newspaper of general circulation in the city. (Ord.2000-22, 11/14/00: prior code Ord. 87-6.08 (part), 1987)

#### **6.04.210 Protective Custody.**

A. No person or persons at any residence shall at any one time own, possess, harbor or license more than three dogs over six months old and/or own, possess or harbor more than five cats over six months old, except as otherwise provided.

B. Any dogs found at large and taken into protective custody shall be kept for not fewer than three working days, which excludes Saturdays, Sundays and holidays.

C. If by license tag or other means the owner of a sheltered or injured animal can be identified, the department of animal control and welfare shall upon taking the animal into protective custody, notify the owner by telephone, mail or personal contact.

D. Any animal voluntarily relinquished or any dog taken into protective custody which

is not reclaimed by his/her owner within three working days shall become the property of the Pleasant View City Corporation and shall be placed for adoption in a suitable home, euthanized or relinquished for scientific or educational purposes as provided by law.

E. In lieu of placing an animal found at large in protective custody, the animal control officer may issue a citation of ordinance violation to the owner.

F. Any police officer, the animal control supervisor, or his/her deputies are authorized to enter the premises of any person to take possession of any fierce, dangerous, vicious or at large animal when in fresh pursuit of such animal at the time it goes onto private property.

G. Any animal in protective custody having or suspected of having serious injury or a contagious disease requiring medical attention may be examined and may receive appropriate medical attention at the discretion of the animal control supervisor.

H. When in the judgment of the animal control supervisor, it is determined that an animal should be euthanized for humane reasons, such as irreparable injuries or disease, that animal may be euthanized immediately without regard to any time limitations otherwise established herein, and without court order.

I. The animal control supervisor shall place animals which he/she take into custody in a designated animal shelter and there confine them in a humane manner. Animals shall be taken into protective custody in the following cases:

1. Any animal being kept or maintained contrary to the provisions of this title;
2. Any sick or injured animals whose owners cannot be located;
3. Any abandoned animal;
4. Any animal running at large contrary to the provisions of this title;
5. Any animal which is by this title required to be licensed and is not licensed;
6. Any animal which is not vaccinated for rabies in accordance with the requirements of this title;
7. Any animal to be held for quarantine;
8. Any vicious animal not properly confined as required.

J. The shelter authority shall keep records showing:

1. Complete description of the animal, including tag numbers and license records;
2. The manner and date of protective custody;
3. Where the animal was picked up and the name of the officer involved;
4. The manner and date of disposal;
5. The name and address of any person relinquishing an animal to the shelter;
6. The name and address of the redeemer or adopter;
7. All fees received.

K. The owner of any animal taken into protective custody or his/her authorized representative may redeem such animal while still in the care of the shelter provided he/she pays:

1. Impound fee;
2. Daily board charge;
3. Veterinary costs during the protective custody period;
4. License and rabies vaccination fees, if required.

L. It is unlawful for any person to intentionally conceal and shelter an animal from its rightful owner or the department of animal control and welfare or to cause the same to

be done.

M. It is unlawful to claim ownership and to relinquish such animal to the department of animal control and welfare when not the rightful owner. (Ord. 87-6.08 (part), 1987)

**6.04.220 Violation.** Any person violating any provision of this title shall be deemed guilty of a class B misdemeanor. (Ord. 87-6.08 (part), 1987)

## Title 8

### Health and Safety

Chapters:

8.04	<i>(rescinded)</i> .....	8 - 1
8.05	Garbage Collection and Disposal .....	8 - 2
8.08	Noise.....	8 - 11
8.12	Nuisances Generally.....	8 - 14
8.14	Nuisances .....	8 - 16
8.16	<i>(rescinded)</i> .....	8 - 25
8.20	Campgrounds .....	8 - 26
8.24	Excavation .....	8 - 28
8.32	Cost Recovery for Public Safety Emergencies .....	8 - 41
8.40	Fireworks and Open Fire Restrictions.....	8 - 44

## Title 8

### Health and Safety

<b>Chapter 8.04 - Garbage Collection and Disposal .....</b>	<b>8 - 1</b>
Rescinded. ....	8 - 1
<b>Chapter 8.05 - Garbage Collection and Disposal .....</b>	<b>8 - 2</b>
8.05.010 Definitions. ....	8 - 2
8.05.020 Collection Compliance for Garbage and Refuse. ....	8 - 2
8.05.030 Collection Fee-Assessment. ....	8 - 2
8.05.040 Collection Fee-Waiver. ....	8 - 3
8.05.050 Collection Fee-Court Action. ....	8 - 3
8.05.060 Garbage, Refuse and Recycling Containers. ....	8 - 3
8.05.070 Collection-Placement of Containers. ....	8 - 4
8.05.080 Collection-Prohibited Substances. ....	8 - 5
8.05.090 Collection-Recyclable Substances. ....	8 - 5
8.05.100 Collector-License Required. ....	8 - 5
8.05.110 Collector-Transportation and Disposal Restrictions. ....	8 - 5
8.05.130 Collector-Contract with City. ....	8 - 5
8.05.140 Unsanitary Substances-Accumulation Prohibited. ....	8 - 5
8.05.150 Private Garbage Dump-Prohibited. ....	8 - 6
8.05.160 Prohibited Disposal. ....	8 - 6
8.05.170 Violation. ....	8 - 6
Appendix 1 (additional garbage container). ....	8 - 7
Appendix 2 (additional recycling container). ....	8 - 8
Appendix 3 (withdrawal of participation in mandatory recycling program). ....	8 - 9
Appendix 4 (Recycling list). ....	8 - 10
<b>Chapter 8.08 - Noise .....</b>	<b>8 - 11</b>
8.08.010 Excessive Noise Prohibited. ....	8 - 11
8.08.020 Noise Limits-Motor Vehicles. ....	8 - 11
8.08.030 Noise Limits-Generally. ....	8 - 11
8.08.040 Noise Limits-Exceptions. ....	8 - 12
8.08.050 Noise Limits-Special Permit. ....	8 - 12
8.08.060 Noise-Abatement. ....	8 - 13
8.08.070 Violation. ....	8 - 13
<b>Chapter 8.12 - Nuisances Generally.....</b>	<b>8 - 14</b>
8.12.010 Nuisance Defined-Violation-Classification of Offense. ....	8 - 14
8.12.020 Public Nuisance-Defined. ....	8 - 14
8.12.030 Public Nuisance-Maintenance. ....	8 - 14
8.12.040 Public Nuisance-Abatement. ....	8 - 14
8.12.050 Public Nuisance-Relief. ....	8 - 14
8.12.060 Nuisance Performance-Designated. ....	8 - 14



<b>Chapter 8.14 - Nuisances .....</b>	<b>8 - 16</b>
8.14.1 Purpose. ....	8 - 16
8.14.2 Definitions. ....	8 - 16
8.14.3 Nuisances Prohibited.....	8 - 19
8.14.4 Declared Nuisances. ....	8 - 19
8.14.5 Jurisdiction; Powers and Duties; Scope.....	8 - 20
8.14.6 Abatement Alternative. ....	8 - 21
8.14.7 Exceptions. ....	8 - 22
8.14.8 Emergency Abatement .....	8 - 23
8.14.9 Additional Remedies.....	8 - 23
8.14.10 Penalty .....	8 - 24
 <b>Chapter 8.16 - Rescinded .....</b>	 <b>8 - 25</b>
 <b>Chapter 8.20 - Campgrounds.....</b>	 <b>8 - 26</b>
8.20.010 License Required.....	8 - 26
8.20.020 Violation. ....	8 - 27
 <b>Chapter 8.24 - Excavation .....</b>	 <b>8 - 28</b>
8.24.010 Purpose. ....	8 - 28
8.24.020 Definitions. ....	8 - 28
8.24.030 Excavation Permit Required .....	8 - 29
8.24.040 Application Contents and Review Procedures.....	8 - 29
8.24.050 Revocation or Modification of an Excavation Permit.....	8 - 32
8.24.060 Transfer to Successor Operator .....	8 - 33
8.24.070 Filing of an Annual Progress Report .....	8 - 33
8.24.080 Operational Requirements. ....	8 - 33
8.24.090 Rehabilitation Requirements. ....	8 - 36
8.24.100 Provision of Surety.....	8 - 37
8.24.110 Emergencies, Short term Contractual Obligations & Extended Operation. ....	8 - 38
8.24.120 Compliance by Existing Operations. ....	8 - 39
8.24.130 City Engineer-Enforcement. ....	8 - 39
8.24.140 City Engineer-Duties.....	8 - 39
8.24.150 Violation. ....	8 - 39
8.24.160 Repealer .....	8 - 40
 <b>Chapter 8.32- Cost Recovery for Public Safety Emergencies .....</b>	 <b>8 - 41</b>
8.32.010 Purpose .....	8 - 41
8.32.020 Definitions .....	8 - 41
8.32.030 Recovery Authorization and Procedure .....	8 - 42
8.32.040 No Admission of Liability .....	8 - 43
8.32.050 Action to Recover Expenses .....	8 - 43
8.32.060 Payment of Recovered Funds.....	8 - 43
 <b>Chapter 8.40- Fireworks and Open Fire Restrictions .....</b>	 <b>8 - 44</b>
8.40.010 Restrictions .....	8 - 44



## **Chapter 8.04 - Garbage Collection and Disposal**

**Rescinded by Ordinance 2010-9, 4/13/10. Replaced by Chapter 8.05.**

## Chapter 8.05 - Garbage & Recycling Collection and Disposal

**8.05.010 Definitions.** For purpose of this chapter, the words and phrases set out in this section shall have the following meanings:

A. "Garbage and Refuse" as used in this chapter means and includes, but is not limited to: all animal and vegetable waste resulting from handling, preparing, cooking or consumption of food; provided, however, that it shall not include waste from slaughterhouses; paper, plastic, cardboard, cans, glass, crockery, rags and similar materials, grass, weeds, leaves, flowers and shrub clippings small enough to be contained within a plastic bag; garden vegetables and fruits, and ash residue of materials burned in stoves, fireplaces and furnaces.

B. "Recyclable" as used in this chapter means waste material that may be collected, separated, cleansed, treated or reconstituted and returned to the economic stream in the form of raw materials or products, and which is approved for collection as a recyclable as outlined in this Chapter.

C. "Market waste" as used in this chapter means condemned, decayed or unsound vegetables, meat, fish and fruit, and waste and offal from markets, stores and factories. (Ord. 2010-9, 4/13/2010)

**8.05.020 Collection Compliance for Garbage and Refuse.** All persons, firms or corporations having accumulation of garbage, refuse, recyclables and similar wastes are charged with the obligation of placing the same in proper containers and placing the same in proper locations for collection as is provided in this chapter and as may be determined by the city council; provided, however, that commercial or industrial establishments shall make suitable arrangements to have their accumulated garbage, refuse and similar wastes removed, at the owners expense, at such intervals as shall be determined by the city council but at least once a week. In the event this is not done, the city may, at its discretion arrange for the removal of any accumulated garbage, refuse or similar wastes from the premises, and may charge the costs of such removal to the owner or occupant of the premises on which such accumulation is permitted, such charge to be a debt due to the city. The city may proceed to collect the same by legal action in any court of competent jurisdiction if the same is not promptly paid on demand and/or have the water service disconnected. Commercial and industrial establishments are not eligible to participate in the city's mandatory residential recycling program, but they may arrange to have their recyclables removed at the owners expense. (Ord. 2010-9, 4/13/2010)

**8.05.030 Collection Fee-Assessment.** The city council shall provide by resolution the charges for the collection and disposal of garbage, refuse, recyclables and similar waste. The city council finds that the collection of garbage in an orderly and systematic manner benefits all residents of the city by reducing disease and other health hazards are reduced. Therefore, each occupied dwelling unit or customer in the city shall pay the charges assessed by the city. (Ord. 2010-9, 4/13/2010)

**8.05.040 Collection Fee-Waiver.** The city council may waive the requirement of paying the garbage and refuse collection fee when other acceptable collection services are performed by the individual, group of individuals, or agency. Such a waiver shall be granted by the city council only after receiving a written request and upon the affirmative vote of a majority of the city council at a duly convened council meeting. A waiver of the city's mandatory residential recycling program will not be granted. (Ord. 2010-9, 4/13/2010)

**8.05.050 Collection Fee-Court Action.**

A. The city's culinary water collection system, sanitary system, storm sewer system, and solid waste collection system are interrelated services that are, and of right ought to be, part of a unified city plan to provide for the health, safety and welfare of the city and its residents in an environmentally responsible manner.

B. The city shall mail a written statement to each user of the garbage and recycling services once each month or such other regular intervals as the city council shall direct. The statement shall separately specify the amount of the bill and the place of payment and date due.

C. If any person fails to pay the garbage, recycling and/or any combination of city utility charges by the 10<sup>th</sup> of the month following the date due, a penalty will be charged on the unpaid balance. If the balance remains unpaid for 30 days of the date due, under the direction of the utility superintendent the customer may be given notice in writing of intent to discontinue the water service to the customer unless the customer pays the bill in full ten days from the date of notice. The customer will be charged a fee for the notice given of the intent to discontinue the water service as set by resolution of the governing body. If there is no water service for the property, the garbage and/or recycling fee shall be deemed a civil debt owed to the city by the person or entity paying for city utility services provided to the property and the cans will be picked-up.

D. If the water service is thereafter discontinued for failure to make payment, then before the water service to the premises shall again be provided, all delinquent charges must have been paid to the city or arrangements made for their payment in a manner satisfactory to the city. In the event water is turned off for nonpayment of charges, then before the water service to the premises shall again be provided, the customer shall pay, in addition to all delinquent water charges, such extra charge for turning the water on as established by resolution of the governing body. (Ord. 2010-16, 6/8/10; prior code: Ord. 2010-9, 4/13/2010)

**8.05.060 Garbage, Refuse and Recycling Containers.** This section shall apply only to collections made by the city or a private contractor working for the city. All garbage and refuse collection service and all recycling collection service shall be by means of an automated system using containers provided. No garbage, refuse, or recyclables will be collected unless deposited in the approved container.

A. Garbage and Refuse Containers.

1. The city will deliver a container for garbage and refuse collection. The cost of the (black) container itself, as opposed to the service cost, will be set by resolution of the city council.

a. Customers who desire to obtain additional containers shall file with the utility department a written application and agreement which shall be in substantially the form shown as appendix 1 of Title 8. The containers must be paid for a minimum time of (6) six months. The cost of additional containers will be set by resolution of the city council.

2. The customer to whom such containers are assigned shall be liable for the cost of replacing any damaged, missing or stolen garbage and refuse container. The cost of the replacement containers will be set by resolution of the city council. The city shall repair and replace, from time to time, the wheels, axles and lids when damaged or worn due to normal use.

**B. Recycling Containers.**

1. The contracted hauler working for the city will furnish a container for recyclables. The (blue) containers are the property of the contracted hauler. Customers must order recycling containers through the utility department.

a. Customers who desire to obtain additional containers shall file with the utility department a written application and agreement which shall be in substantially the form shown as appendix 2 of Title 8.

2. Customers who desire to withdraw their participation in the mandatory residential recycling program may do so by filing with the utility department a written application and agreement which shall be in substantially the form shown as appendix 3 of Title 8 requesting that the recycling container be removed from the property and agreeing to pay the ongoing recycling collection service fee. (Ord. 2010-9, 4/13/2010)

**8.05.070 Collection-Placement of Containers.**

A. It shall be the responsibility of the customer to place all material for collection within the containers provided. All materials to be collected shall be placed inside the container in such a manner that the attached lid closes completely. No cans, boxes, barrels or bundled waste other than that contained in the containers shall be collected or placed on the street. Containers must be placed at the curb or edge of street with handles towards the property, away from the street. If the container is reversed, the lid will not open properly for the truck to empty the container. On dead-end streets, all containers must be placed on one side of the street. Containers must be a minimum of 6 feet from other containers and from vehicles. Containers must also be a minimum of 5 feet from other obstructions such as trees, light poles, fences, mailboxes, etc. All grass must be bagged so that it does not stick to the inner walls of the container. No material prohibited under sections 8.04.080 and 8.04.090 of this chapter shall be placed in a container. Containers must be placed curbside in the location and position designated no later than 5:00 a.m. on the day of collection. The operators may refuse to collect any container which violates the standards of this chapter.

B. All empty containers must be removed from the street as soon as practicable after being emptied, and in every case must be removed from the street on the day they are emptied.

C. It is unlawful for any person, firm or corporation to place or deposit in or on any of the public streets, alleys or parks in the city any garbage, refuse or similar wastes,

except on regular garbage collection days, and except in containers as herein set forth. (Ord. 2010-9, 4/13/2010)

- 8.05.080 Collection-Prohibited Substances.** The following materials shall not be set out or placed in any container for collection by city crews or contractors working for the city:
- A. Highly inflammable or explosive materials, such as motor oil, containerized or not, gasoline, kerosene, diesel, or solvents, or paint, except that a paint can lid is removed and the paint has been allowed to harden in the can prior to placement in the container.
  - B. Construction debris, including remodeling debris, dirt, sod, rocks, or concrete, hazardous or radioactive waste material.
  - C. Chemicals, gardening chemicals, insecticides and pesticides, powder or liquid poisons, acids, or petroleum products.
  - D. Hot ashes, cinders, clinkers or stove ashes which could ignite other refuse.
  - E. Bulky items, such as Christmas trees, large vehicle parts, tires, appliances or furniture.
  - F. Miscellaneous items, such as batteries, septic tank or holding tank wastes, or dead animals. (Ord. 2010-9, 4/13/2010)

- 8.05.090 Collection-Recyclable Substances.** Appendix 4 of Title 8 is a listing of (1) recyclable materials that can be placed in the recycling container and (2) non-recyclable materials. The utility director may change the listing in the appendix subject to the recyclability of materials. (Ord. 2010-9, 4/13/2010)

- 8.05.100 Collector-License Required.** It is unlawful for any person, firm or corporation to engage in the business of collection, hauling or disposal of garbage, refuse, swill, rubbish or similar wastes within the corporate limits of the city without first having obtained a license to do so. (Ord. 2010-9, 4/13/2010)

- 8.05.110 Collector-Transportation and Disposal Restrictions.** It is unlawful for any person hauling garbage, refuse, rubbish, swill, manure or matter of any kind to permit or allow any such matter to fall upon and remain in any street, alley or park within the corporate limits of the city, or to deposit any such matter at any place except a dumping ground as authorized by Weber County or the city, with the exception that the customer will be responsible for garbage, refuse, or recyclables that fall upon any street from improperly filled containers. (Ord. 2010-9, 4/13/2010)

- 8.05.130 Collector-Contract with City.** The city council may contract with any person, firm or corporation for the hauling and disposal of garbage, refuse, recyclables and similar wastes. (Ord. 2010-9, 4/13/2010)

- 8.05.140 Unsanitary Substances-Accumulation Prohibited.** It is unlawful for any person, firm or corporation to permit garbage, refuse or similar wastes to accumulate or remain on or about the premises under the control of such person for such period of time as to become a "nuisance" or "public nuisance" as defined in Chapters 8.12 and 8.14 of this code. (Ord. 2010-9, 4/13/2010)

**8.05.150 Private Garbage Dump-Prohibited.** It is unlawful for any person, firm or corporation to create, establish or maintain within the corporate limits of the city a private, common or public dump or dump grounds, or to permit any property within the corporate limits to be used for any purpose herein prohibited; provided, however, that nothing herein shall be construed to limit the power of the owner of real property within the corporate limits of the city to dispose of his garbage on his own property; provided, that the aforesaid disposal shall not be deemed deleterious to human health or safety in the opinion of the city health officer, nor in violation of any provision of Chapters 8.12 and 8.14. (Ord. 2010-9, 4/13/2010)

**8.05.160 Prohibited Disposal**

A. Disposal on Public Streets Unlawful. It is unlawful for any person to place, leave or deposit any garbage, refuse, recyclables, market waste, dead animals, waste matter, debris or junk or other offensive material upon any public street, highway, roadway or lane to include parking spaces within the city.

B. Disposal in Watercourses Unlawful. It is unlawful for any person to place, drop or deposit, or cause to be placed, dropped or deposited, any garbage, refuse, recyclables, market waste, dead animals, waste matter, debris or junk or other offensive matter in any surface ditch, canal or other waterway which runs, courses in, into or through the city. (Ord. 2010-9, 4/13/2010)

**8.05.170 Violation.** Any person, firm or corporation violating any of the provisions of this chapter shall be guilty of a misdemeanor. (Ord. 2010-9, 4/13/2010)



Appendix 1 (see section 8.05.060)

ADDITIONAL GARBAGE & REFUSE CONTAINER  
FOR RESIDENTIAL USE

Customer's Name: \_\_\_\_\_

Home & Delivery Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Pleasant View City will furnish a container for garbage and refuse collection (*black containers*) to customers who desire to obtain additional containers. The cost of the containers will be set by resolution of the City Council. The current cost is \$\_\_\_\_\_ per month. The additional containers must be kept for a minimum time of (6) six months or pay for the full six months if the customer desires or is unable for any reason to keep the container for the full six months.

I hereby agree with the terms of this agreement.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Customer's signature

Appendix 2 (see section 8.05.060)

ADDITIONAL RECYCLING CONTAINER  
FOR RESIDENTIAL USE

Customer's Name: \_\_\_\_\_

Home & Delivery Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Pleasant View City will notify the contracted hauler to furnish a container for recycling collection (*blue containers*) to customers who desire to obtain additional containers. The cost of the containers will be set by resolution of the City Council. The current cost is \$\_\_\_\_\_ per month.

I hereby agree with the terms of this agreement.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Customer's signature

Appendix 3 (see section 8.05.060)

WITHDRAWAL OF PARTICIPATION  
IN THE MANDATORY RECYCLING PROGRAM

Customer's Name: \_\_\_\_\_

Home & Delivery Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Pleasant View City will notify the contracted hauler to remove from the customer's property the recycling container and the customer agrees to pay the ongoing recycling collection service fee even though they do not maintain the recycling services because of their desire to withdraw their participation in the mandatory recycling program.

I hereby agree with the terms of this agreement.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Customer's signature

## Appendix 4 (see section 8.05.090)

## RECYCLING

## RECYCLABLE

PLASTICS (flattens and rinsed-out):

Plastics marked w/recycling symbols "1" or "2"  
Soda & Water Bottles, Plastic Milk Cartons  
Laundry Detergent, Bleach Containers  
Plastic Cups & Plates (clean)  
Plastic 5-Gallon Buckets & Ice Cream Buckets  
Syrup Bottles, Grocery Bags  
Most Plastic Cleaning Fluid Containers

CARDBOARD/PASTEBOARD/FIBER (Must be cut in 2' x 2' pieces or smaller. All wax paper or foil liners must be removed.)

12 Pack Drink Boxes  
Egg Cartons (not Styrofoam)  
Cereal Boxes, etc.  
Corrugated Cardboard Boxes  
Kleenex & Macaroni Boxes, etc.  
Toilet Paper & Paper Towel Rolls  
Frozen Juice Containers (remove metal rings)

PAPER

All Paper (not contaminated with food, greasy stains, wax, or foil)  
Junk Mail, Post Cards, Envelops (plastic windows okay)  
Catalogues, Magazines, Telephone Books  
Dog Food Bags (remove wax/foil liners)  
Flour & Sugar Bags, etc.  
Newspapers  
Shredded Paper (placed in a paper/plastic grocery bag)

ALUMINUM & STEEL (household items only)

Pop Cans, Coffee Cans, All Beverage Cans  
Food, Soup, Veggie, Fruit Cans (can labels okay)  
Steel Nuts & Bolts (no larger items, pipes, etc.)  
Tin Foil (clean)/Metal Clothes Hangers

NON-RECYCLABLE  
(Don't put in Blue Container)NON-RECYCLABLE PLASTICS:

Plastic that has #3 and above Recycling Symbol  
Bubble Wrap, Cellophane, or Garbage Bags  
Chunks of Plastic  
Yogurt Containers  
Motor Oil Containers of any Kind  
Plastic Cups from Gas Stations or Quick Stops  
Wading Pools or Other Bulk Plastics  
Veggie/Fruit Bags from Stores  
Styrofoam Pellets, Coolers, Egg Boxes, etc.

NON-RECYCLABLECARDBOARD/PASTEBOARD/FIBER

Cardboard Milk, Juice Cartons  
Hot Coca Containers, etc. with wax or foil lining  
To-Go Boxes, Drink Cups from Gas Stations or Fast-Food Restaurants

NON-RECYCLABLE PAPER

Contaminated paper, Paper Plates, Cups, with food or greasy stains, wax, or foil)  
Wet or Used Paper Towels, Napkins, Kleenexes

NON-RECYCLABLE ALUMINUM & STEEL

Aerosol, Pressurized Cans  
Large Items (such as pipe, chunks of steel, car/engine parts, bike parts, swing sets, metal bars, etc.)  
Metal Buckets (5-gallon cans, paint cans or lids, etc.)  
Outdoor Furniture or Kids Toys

NON-RECYCLABLE MISCELLANEOUS ITEMS

Glass of any Kind  
Carpet, Carpet Pad  
Demolition Material-(boards, roofing, concrete, fabric)  
Material, Clothing, Shoes, etc.  
Rubber Materials, Tires, Wheels  
Yard Debris (branches, bushes, grass, sod, dirt, gravel, etc.)

## Chapter 8.08 - Noise

**8.08.010 Excessive Noise Prohibited.** It is unlawful for any person to make, continue, or cause to be made or continued any excessive, unnecessary or unusual loud noise which either annoys, disturbs, injures or endangers the comfort, repose, health, peace or safety of others within the limits of the city. (Ord. 87-2 (CC §8.29), 1987)

**8.08.020 Noise Limits-Motor Vehicles.**

A. The following acts are declared to be loud, disturbing or unnecessary noises in violation of this chapter, but the following enumeration shall not be deemed to be exclusive, namely:

1. The sounding of any horn or signaling device of warning; the creation by means of any unreasonably loud or harsh sound; the sounding of any such device for an unnecessary or unreasonable period of time; the use of any horn, whistle or other device operated by engine exhaust;
2. The discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor boat, or motor vehicle except through a muffler or other device which will effectively prevent loud or explosive noises therefrom;
3. The use of any automobile, motorcycle or other vehicle which due to lack of repair or improper loading creates loud and unnecessary grating, grinding, rattling or other noise;
4. The creation of a loud and excessive noise in connection with loading or unloading any vehicle or the opening and destruction of bales, boxes, crates and containers;
5. The operation between the hours of nine p.m. and seven a.m. of any pile driver, steam shovel, pneumatic hammer, derrick, steam or electric hoist or other appliance, the use of which is usually attended by loud unusual noise;
6. The operation of any garbage pickup, in any area zoned residential on at least one side of the street by the city zoning ordinance, between the hours of seven p.m. and five a.m.;
7. The operation of any power mower, cultivator or like or related device (except snowblowers) in an area zoned residential between the hours of nine p.m. and six a.m.

B. This section shall apply to the total noise from a vehicle or combination of vehicles and shall not be construed as limiting or precluding the enforcement of any other provision of this code relating to motor vehicle mufflers. (Ord. 2010-9, 4/13/2010, Ord. 87-2 (CC §8.30), 1987)

**8.08.030 Noise Limits-Generally.** The following shall be deemed unlawful:

A. The using, operating, or permitting to be played, used or operated in residential areas of any television, radio receiving set, musical instrument, phonograph, or other machine or device for the producing or reproducing of sound in such manner as to disturb the peace, quiet and comfort of neighboring inhabitants or at anytime with louder volume than is necessary for convenient hearing for the person or persons who are in

the room, vehicle or chamber in which such machine or device is operated and who are voluntary listeners thereto. The operation of any such set, instrument, phonograph, machine or device between the hours of eleven p.m. and seven a.m. in such a manner as to be plainly audible at a distance of thirty feet from the building, structure and vehicle in which it is located shall be prima facie evidence of a violation of this subsection;

B The using, operating or permitting to be played, used or operated of any radio receiving set, musical instrument, phonograph, loudspeaker, sound amplifier or other machine or device for the producing or reproducing of sound upon the public streets for the purpose of commercial advertising or attracting the attention of the public or any building or structure without or in violation of a permit issued pursuant to Section 8.08.050;

C. Yelling, shouting, hooting, whistling or singing on the public streets, particularly between the hours of eleven p.m. and seven a.m. or at any time or place so as to annoy or disturb the quiet, comfort or repose of persons in any office, or in any dwelling, hotel or other type of residence, or of any persons in the vicinity;

D. The keeping of any dog which by causing frequent or long continued noise disturbs the comfort or repose of any persons, in the vicinity;

E. The erection (including excavation), demolition, alteration or repair of any building other than between the hours of six a.m. and ten p.m., local prevailing time, on weekdays, except in the case of urgent necessity in the interest of public health and safety, and then only with a permit from the city administrator as authorized under Section 8.08.050;

F. The creation of any excessive noise adjacent to any school, institution of learning, church or court while the same is in use; or adjacent to any hospital, which unreasonably interferes with the working of such institution, or which disturbs or unduly annoys patients in the hospital; or in any park, which unreasonably disturbs the users thereof. (Ord. 87-2 (CC §8.31), 1987)

**8.08.040 Noise Limits-Exceptions.** The following uses and activities shall be exempt from noise level regulations:

A. Noises of safety signals, warning devices and emergency pressure relief valves;

B. Noises resulting from any authorized emergency vehicle, when responding to any emergency;

C. Noises resulting from emergency work;

D. Any other noise resulting from the activities of a temporary duration permitted by law and for which a license or permit therefor has been granted by the city in accordance with Section 8.08.050;

E. Any aircraft or railroad equipment operated in conformity with, or pursuant to state statute, federal law or federal regulations, and traffic control instruction used pursuant to and within the duly adopted state and federal regulations. Any aircraft operating under technical difficulties, in any kind of distress, under emergency orders of air traffic control or being operated pursuant to and subsequent to the declaration of an emergency under federal air regulations shall also be exempt. (Ord. 87-2 (CC §8.32), 1987)

**8.08.050 Noise Limits-Special Permit.**

A. Noise applications for a permit for relief from the noise level designated in this chapter on the basis of undue hardship may be made to the city administrator or his duly authorized representative. Any permit granted by the administrator under this section shall contain all conditions upon which the permit shall be effective. The city administrator or his duly authorized representative may grant the relief as applied for if he/she finds:

1. The additional time is necessary for the applicant to alter or modify his activity or operation to comply with this chapter; or
2. The activity, operation or noise source will be of temporary duration, and cannot be done in a manner that would comply with this chapter; and
3. That no other reasonable alternative is available to the applicant.

B. The administrator, in granting such a special permit, may prescribe any conditions or requirements he/she deems necessary to minimize adverse effects upon the community or the surrounding neighborhood. (Ord. 87-2 (CC §8.33), 1987)

**8.08.060 Noise-Abatement.** As an additional remedy, the operation or maintenance of any device, instrument, vehicle or machinery in violation of any provisions of this chapter, or which causes discomfort or annoyance to reasonable persons of normal sensitiveness or which endangers the comfort, repose, health or peace of residents in the area shall be deemed and is declared to be, a public nuisance and may be subject to abatement as prescribed by law. (Ord. 87-2 (CC §8.35), 1987)

**8.08.070 Violation.** Any person violating any of the provisions of Sections 8.08.010 through 8.08.060 shall be deemed guilty of a misdemeanor. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as a separate offense. (Amended during 1988 codification; Ord. 87-2 (CC §8.34), 1987)

## Chapter 8.12 - Nuisances Generally

### 8.12.010 Nuisance Defined-Violation-Classification of Offense.

A. A nuisance is any item, thing, manner, condition whatsoever that is dangerous to human life or health or renders soil, air, water or food impure or unwholesome.

B. Any person, whether as owner, agent or occupant who creates, aids in creating, or contributes to a nuisance, or who supports, continues or retains a nuisance, is guilty of a class B misdemeanor. (Ord. 87-2 (CC §9.26), 1987)

### 8.12.020 Public Nuisance-Defined.

A. A public nuisance is a crime against the order and economy of the city and consists in unlawfully doing any act or omitting to perform any duty, which act or omission either:

1. Annoys, injures or endangers, the comfort, repose, health or safety of three or more persons; or
2. Unlawfully interferes with, obstructs, or tends to obstruct or renders dangerous for passage, any lake, stream, canal, or basin, or any public park, square, street or highway; or
3. In anyway renders three or more persons insecure in life or the use of property.

B. An act which affects three or more persons in any of the ways specified in this section is still a nuisance regardless if the extent of annoyance or damage inflicted on individuals is unequal. (Ord. 87-2 (CC §9.27), 1987)

### 8.12.030 Public Nuisance-Maintenance. Every person who maintains or commits any public nuisance, the punishment for which is not otherwise prescribed, or who wilfully omits to perform any legal duty relating to the removal of a public nuisance, is guilty of class B misdemeanor. (Ord. 87-2 (CC §9.28), 1987)

### 8.12.040 Public Nuisance-Abatement. The city attorney is empowered to institute an action in the name of the city, to abate a public nuisance. The action shall be brought in the justice's court and shall be in the form prescribed by the Rules of Civil Procedure of the State of Utah for injunctions, but the city attorney shall not be required to execute a bond with respect to the action. (Ord. 87-2 (CC §9.30), 1987)

### 8.12.050 Public Nuisance-Relief. If the existence of a public nuisance as defined by Section 8.12.020 is admitted or established, either in a civil or criminal proceeding, a judgement shall be entered which shall permanently enjoin each defendant and any other person from further maintaining the nuisance at the place complained of and each defendant from maintaining such nuisance elsewhere. (Ord. 87-2 (CC §9.31), 1987)

### 8.12.060 Nuisance Performance-Designated. The showing of any motion picture or the performance of a theatrical in a manner such that the picture or performance can be seen or viewed from a place outside the theater premises, or viewing area associated therewith, whether or not the premises or viewing area is enclosed by fence or wall, is



deemed a public nuisance if the motion picture or theatrical portrays conduct described in Section 76-10-1201(6) or (7), UCA, 1953 as amended. (Ord. 87-2 (CC §9.41), 1987: Ord. 83-2, 1983)

## Chapter 8.14 - NUISANCES

**8.14.1 PURPOSE.** The purpose of these regulations is to provide for the cleaning of real property; the securing, maintenance or removal of deleterious structures; the control of weeds; the maintenance of landscaping; and the prevention of the inappropriate storage of vehicles and materials in the City. It is intended that the requirements will:

A. Prevent or lessen:

1. Fire hazards;
2. Insect, rodent and other vermin harborage;
3. The induction of hazardous pollens into the air;
4. Further spreading of vegetation that threatens the public health, safety

or welfare.

B. Provide for the abatement of objects, structures or materials that threaten the public health, safety, or welfare or that create a public nuisance.

C. Protect property values and improve the health, safety and appearance of the City by preventing or abating conditions on real property or structures thereon which create or maintain nuisances.

These regulations are not intended to apply to regular farming practices and existing agriculture lands relating to weeds and grasses (other than declared noxious weeds), operable machinery, fence and ditch lines. They are intended to apply, as to safety items, to all areas of the city. (Ord. 2009-17, dated 10/27/09)

**8.14.2 DEFINITIONS.** As used in this chapter, the following words and terms shall have the meanings ascribed to them in this section:

**ABATE:** To put an end to any condition which is considered a violation of this chapter.

**ACCUMULATIONS OF MANURE, DROPPINGS OR OTHER WASTE:** Manure, droppings or other waste or debris, or offensive material resulting from animal keeping which has not been removed or cared for in such a manner as to avoid becoming offensive or annoying to other persons or becoming a health hazard.

**ACCUMULATIONS OF SNOW ON SIDEWALKS:** All accumulations of snow, sleet, hail or other precipitation impairing safe access and use of sidewalks abutting on any public right of way of the city which has not been removed within twelve (12) hours from the termination of the depositing storm. The responsible party shall be any person owning, occupying, having control or charge or being an agent over any building, property, lot or partial lot of land abutting said sidewalks.

**APPROVED PARKING SURFACES OR LOCATIONS:** Approved parking for motor vehicles, boats, recreational vehicles, ATV's or trailers shall include the following (for purposes of this requirement corner lots shall have two front yards adjacent to the streets where located):

- A. For residential properties, such surfaces and locations shall be:
  - 1. On the hard surface (concrete or asphalt) driveways; or
  - 2. Within a garage or carport; or
  - 3. On side or rear yard hard surfaces (concrete or asphalt); or
  - 4. On side or rear yard weed free gravel surfaces; or
  - 5. In side or rear yards enclosed with solid, view restricting fences at least six feet in height.
- B. For commercial or industrial properties as allowed by the approved site plan and/or as found in city ordinances.

#### CONSTRUCTION SITE CONTROL:

- A. The general contractor, including owner-builder, of every subdivision, residential or commercial building construction site, shall:
  - 1. Maintain on the premises of each building lot or construction site, and not on a street, sidewalk or other public property right of way, from the first day through the last day of construction:
    - a. A portable toilet facility meeting the health requirements of the law;
    - b. A commercial trash bin or trash containment bin, which shall be used for refuse on the site and which shall be emptied as often as necessary to comply with the intent of this requirement and whenever full;
    - c. Exceptions to the requirements of a portable toilet facility and/or a commercial trash bin may be granted in writing by the building inspector upon a showing that such facilities are otherwise reasonably accessible and that the building construction site is free of nuisance conditions otherwise.
  - 2. Maintain the premises in such a manner that mice, rats, rodents or other animals do not inhabit the premises;
  - 3. Prevent garbage, refuse, dirt, rocks or building materials from encroaching onto sidewalks, streets, or any other public or private property.
  - 4. Prevent the blowing of construction debris, paper or other items onto neighboring properties.

**DELETERIOUS:** Anything injurious to the health, safety or welfare of any persons.

**DELETERIOUS OBJECTS OR STRUCTURES:** Burned machinery; buildings and equipment which are obsolete or in disuse; parts of vehicles; unsecured vacant structures; inoperable vehicles or equipment; buildings in a state of general disrepair; objects with sharp, protruding edges; any structure which has become a fire hazard due to the accumulation of combustible materials; objects supported in such a manner as to be easily dislodged from the support; fences in a state of disrepair.

**DELETERIOUS OR NOXIOUS WEEDS:** Vegetation that has become a fire hazard as defined in the International Fire Code or as has been determined by the North View Fire Department; weeds or grasses that are not maintained at less than six inches (6") in height; plants specifically listed as noxious weeds by the state of Utah or by Weber County, or as may be from time to time hereafter amended (see list on file in the city office); vegetation that endangers the public health and safety by creating a fire hazard

or insect, rodent or other vermin harborage.

**DEPOSITING OF SNOW OR OTHER MATERIALS IN THE STREET:** Any snow or other material from a business or residential property which is deposited in a street maintained and plowed for purposes of snow removal by the city or other public agency.

The responsible party shall be any person owning, occupying, having control or charge or being an agent over any building, property, lot or partial lot of land abutting said street.

**OBSTRUCTIONS TO VISION OR TRAVEL:** Trees or shrubs which intrude into the sidewalk space or are not trimmed to a minimum clearance of seven feet (7') over sidewalks or thirteen and one-half feet ( $13\frac{1}{2}'$ ) over roadways; any object which would prohibit the full use of sidewalk space by any person; any object placed in such a location as to unreasonably or dangerously restrict the clear view of roadways by persons using or entering the roadway. The responsible party shall be any person owning, occupying, having control or charge or being an agent over any building, property, lot or partial lot of land abutting said street or sidewalk.

**OWNER:** Any person, who alone or with others:

A. Has legal title to any premises or dwelling, with or without accomplishing actual possession thereof; or

B. Has charge, care or control of any premises or dwelling, as legal or equitable owner, lessee, or is an agent of the owner or the estate of the owner in any manner.

**PREMISES IDENTIFICATION:** Numbers or addresses placed on all new and existing buildings in such a position as to be plainly visible and legible from the street or road fronting the property. Said numbers shall contrast with their background.

**REFUSE, DEBRIS, GARBAGE, JUNK:** Spent, useless, worthless or discarded materials; used tires; parts of vehicles; old and unused machinery and appliances or parts thereof; trash; rubbish; waste plant materials; trimmings; litter; scrap building materials; waste food products; dead animals.

**SIGHT TRIANGLE AREA:** The following methods shall be used to determine the sight triangle area of a particular lot or property (see diagram on file in the city office):

A. Where curbs are installed; that portion of a corner lot lying within a triangular area formed by measuring back along each of the curb lines to a point forty feet (40') from the intersection of said curb lines, and then connecting the two (2) points with a third line.

B. Where no curbs are installed; that portion of a corner lot lying within a triangular area formed by measuring back from the property lines adjacent to the intersecting streets to a point on each property line thirty feet (30') back from the intersection of said property lines and then connecting the two (2) points with a third line.

**WRECKED, INOPERABLE, OR ABANDONED VEHICLES OR EQUIPMENT:**

A. These items shall include motor vehicles, boats, recreational vehicles, ATV's, trailers or equipment. These shall not include operable farm machinery (tractors, mowers, bailers, rakes, etc.).

B. Any vehicles or equipment with parts taken from them; vehicles designed to be used in demolition driving contests or similar events; vehicles or equipment without proper and current registration and license plates which are more than three (3) months past the valid licensing period; vehicles made inoperable due to a collision or other event.

C. A vehicle or item of machinery shall be deemed inoperable if it is not currently licensed, as required by state code, and/or not operable for the use for which it was intended. The same shall be deemed abandoned if it has been left unattended for a period of three (3) days or more upon any public property or 10 days or more on private property not owned or leased by the vehicle or equipment owner.

D. Exception: This section shall not apply to vehicles or equipment located on private property in such a manner as to not be visible from the public right of way (street or sidewalk). This would include being within a building or a solid, view restricting fence or wall at least six feet in height, or behind buildings not bordering on lands used for housing or commercial purposes. Such vehicles or equipment must be located and stored in such a way that weeds are controlled, they do not become a harbinger of rodents or insects, and are not in an unsafe condition. (Ord. 2009-17, dated 10/27/09)

#### **8.14.3 NUISANCES PROHIBITED.**

A. It is unlawful for the owner or occupant of property in the city to maintain or allow on said property any condition which constitutes a declared nuisance.

B. It is hereby declared that knowledge by a property owner and/or occupant of the existence of nuisance conditions shall be presumed since it is hereby declared that the owner and/or occupant has an obligation to know the condition of his property and whether or not it is in compliance with this chapter. (Ord. 2009-17, dated 10/27/09)

#### **8.14.4 DECLARED NUISANCES.** Any or all of the following conditions shall constitute a declared nuisance:

- A. Deleterious or noxious weeds.
- B. Wrecked, inoperable or abandoned vehicles equipment.
- C. Refuse, debris, garbage or junk.
- D. Deleterious objects or structures.
- E. Any source of contamination or pollution of water, air or property as determined by the county health or state environmental departments.
- F. Any condition which constitutes a fire hazard, a danger to health, or is a breeding place or habitation for insects or rodents or other forms of life deleterious to human or animal health or habitations.
- G. Accumulations of snow on sidewalks.
- H. Depositing of snow or other materials on city streets.
- I. Anything which unreasonably or unlawfully interferes with, obstructs or tends to obstruct, or renders dangerous for passage, any public or private street, highway, sidewalk, stream, ditch or drainage way.
- J. Any obstruction in the sight triangle area on corner lots except as allowed in

the zoning ordinances.

K. Any tree or shrub which overhangs or projects into any street, sidewalk, park strip or other city property and appears to be dead or liable to fall into any such city property, or which constitutes an obstruction to vision or travel on any city sidewalk, property or street.

L. Any building or structure set up, erected, constructed, altered, enlarged, converted, moved or maintained contrary to the building codes or zoning ordinances of the city, or any use of land, buildings or premises in violation of city ordinances. Any building or structure which are abandoned, partially destroyed, or left in an unreasonable state of partial construction for a period of six (6) months or longer. An unreasonable state of partial construction is defined as any unfinished building or structure that causes visual blight, is offensive to the senses, creates a harborage for rodents or pests, or detrimentally affects property in the surrounding neighborhood or community.

M. Any building or structure which is unfit for human habitation as determined by the health department, or which is an unreasonable hazard to the health of people residing in the vicinity thereof, as determined by the health department, or which presents an unreasonable fire hazard in the vicinity where it is located, as determined by the fire department.

N. Noxious or unreasonable odors, fumes, gas, smoke, soot or cinders, as determined by the state environmental department.

O. Any excessive accumulation of manure, droppings or other waste in any stable, stall, corral, yard or place in which any animal shall be kept.

P. Having or permitting on any premises any fly or mosquito producing condition.

Q. Failing to maintain proper premises identification.

R. Parking on unapproved surfaces or locations.

S. Failure to landscape front yards within twelve (12) months of occupancy or completion of a new residence.

T. Non-compliance with construction site control requirements.

U. Any violation of SWPP (Storm Water Pollution Prevention) requirements.

V. Any condition declared a nuisance under the authority of any other portion of the ordinances of the city or the laws of the state. (Ord. 2009-17, dated 10/27/09)

#### **8.14.5 JURISDICTION; POWERS AND DUTIES; SCOPE.**

A. Enforcement Department: The Community Development Department, herein referred to as the "department", shall have the primary responsibility for carrying out the provisions of this chapter and all city ordinances dealing with nuisances, business regulation, zoning, signs, trees and other land use issues as may from time to time be added by the city administrator.

1. The department shall establish procedures, criteria and standards for inspections and enforcement.

2. The department shall review all complaints or requests for action not clearly falling within the jurisdiction of a particular city department and all those dealing with the ordinances over which it has jurisdiction.

3. The department shall keep all records of complaints and requests for

action referred to it and shall maintain all records of violations determined by it.

4. The department may request action by any city department on complaints, violations or abatement activities.

B. Inspections: The department shall be responsible for inspecting and examining real property within the municipality for the purpose of determining the existence of violations of this chapter. The inspectors shall have the authority to enter those premises where they have a reasonable cause to believe a violation exists, at reasonable times, to inspect or to perform the duties imposed by the ordinances of the city; provided, that if the premises are occupied that credentials be presented to the occupant and entry requested. If entry is refused, the inspectors shall have recourse to the remedies provided by law to secure entry.

C. Notices of violation:

1. Upon a finding of violation by the inspector, the inspector shall serve notice, in writing, upon the owners and occupants of the premises, either personally or by mailing the notice, postage prepaid, addressed to the owners and/or occupants at their last known addresses, as disclosed by the records of the county assessor, or as otherwise ascertained.

2. The written notice shall require the owners and/or occupants to abate (eradicate, destroy and/or remove) the items that are found to be in violation of this chapter within such time as the code enforcement officer may designate, which shall not be less than ten (10) days from the date of service of such notice. If the service is mailed, then the service shall be deemed complete upon mailing.

3. Notices shall include the potential penalty and abatement options.

D. Enforcement Authority: The inspectors shall have the authority to apply the penalties, civil and criminal procedures, and abatement provisions of this chapter, and may call upon the assistance of the police department in discharging their duties. (Ord. 2009-17, dated 10/27/09)

**8.14.6 ABATEMENT ALTERNATIVE.** If any owner or occupant of property described in a properly given notice as per the requirements established under the authority of this chapter shall fail to abate any unlawful conditions in accordance with such notice, the inspector may, in addition to applying the penalties and additional remedies of this title:

A. Employment of Assistance: At the expense of the municipality, employ necessary assistance and cause such conditions to be brought into compliance with this title by doing any or all of the following:

1. Cutting, eradicating and removing of weeds;
2. Securing any vacant structure;
3. Maintaining or repairing deleterious objects or structures;
4. Removing any deleterious object or structure;
5. Removing snow from sidewalks or from those streets where deposited contrary to the provisions of this chapter.

B. Statement of Expenses to Owner: After completion of the work, the inspector shall prepare an itemized statement of all expenses incurred, including administrative costs, in the removal and destruction of the same, and shall mail a copy thereof to the owner demanding payment within twenty (20) days of the date of mailing. Said notice shall be deemed delivered when mailed by registered mail addressed to the property

owner's last known address.

C. Failure To Pay: In the event the owner fails to make payment of the amount set forth in said statement to the city treasurer within said twenty (20) days, the inspector shall refer the matter to the city attorney who may:

1. Cause suit to be brought in an appropriate court of law; or
2. Refer the matter to the county treasurer to be included in the taxes payable by the property owner, and may attach a lien on the property, as provided hereinafter.

D. Collection: In the event collection of costs is pursued through the courts, the city may sue for and receive judgment upon all said costs, together with reasonable attorney fees, interest and court costs.

E. Referral To County Treasurer: In the event the city attorney elects to refer the matter to the county treasurer for inclusion in the tax notice of the property owner, the city shall make an itemized statement of all expenses incurred, including all additional administrative expenses and all lien transaction expenses, and shall deliver three (3) copies of said statement to the county treasurer within ten (10) days of the failure to pay said costs. The city shall request in writing that the county treasurer take such action as provided by law, requesting that the amount payable to the city be included in the tax notices to the property owner and that upon collection of said money, it be paid by the county treasurer to the city. The city shall also cause the same to become a lien upon the lands involved by filing the appropriate papers with the county assessor. (Ord. 2009-17, dated 10/27/09)

#### **8.12.7 EXCEPTIONS.**

A. Weeds. Weeds on real property not in close proximity to buildings or not creating a fire hazard may be exempted by the inspector, upon advice and concurrence of the fire marshal, from the weed control requirements of this chapter. Such properties would include, but not be limited to, areas considered wetlands or in a pristine state and contributing to the habitat of non-injurious animals, pastures and fallow lands.

1. If the inspector determines that the large size of the property makes the cutting of all weeds impractical, the inspector may issue an order limiting the required cutting of weeds to a firebreak of not less than fifteen feet (15') in width around any structures and, where practical, around the complete perimeter of the property. In determining an exception, the inspector will consider the size of the property, the topography of the property, proximity to structures on other property, accessibility to the property by others, any conditions which could contribute to increased fire hazards, and the seriousness of the weed problem.

B. Vehicles. Wrecked or inoperable vehicles which are owned by the owner or occupant of the property on which they are located and which the owner desires to restore or repair in the immediate future may be exempted from the provisions of this chapter by obtaining a permit for each such vehicle for a period of one year. Six (6) month extensions may be obtained, provided the requirements as stated hereinafter are met. This section shall not apply to vehicles or equipment located on private property in such a manner as to not be visible from the public right of way (street or sidewalk). This would include being within a building or a solid, view restricting fence or wall at least six feet in height, or behind buildings not bordering on lands used for housing or



commercial purposes. Such vehicles or equipment must be located and stored in such a way that weeds are controlled, they do not become a harbinger of rodents or insects, and are not in an unsafe condition.

1. Each such permit or extension shall be obtained from the department after giving proof of ownership and filling out an application on a form to be provided which gives sufficient information to readily identify the vehicle and property in question and paying a fee as established by resolution.

2. Each such vehicle shall remain covered by a view obstructing tarp or similar cover at all times, except when actual restoration or repair work is in progress.

3. In the event any part of the vehicle is raised off the ground other than by wheels firmly attached to the vehicle, it shall be supported in such a manner as to assure it cannot be readily dislodged or fall from such support.

5. A copy of the permit shall be kept with the vehicle at all times and shall be shown to the inspector upon demand.

6. Each such vehicle shall be located on an approved parking surface and/or area only.

7. Failure to comply with the terms of this subsection shall void the permit and cause the vehicle to be declared a nuisance and subject to the penalty and abatement provisions of this chapter.

C. Approved parking. Residential property owners not in compliance with parking requirements and/or who are parking on unapproved surfaces or locations, may get a one-time only four (4) month time period within which to remedy the parking violation. Such time period may be granted by the Inspector at his discretion, based on the remedy proposed by the property owner, such as: 1) install a hard surface, 2) put in a gravel pad in an approved location, 3) move the vehicle to an enclosed area, or 4) sell or otherwise remove the vehicle. (Ord. 2009-17, dated 10/27/09)

#### **8.14.8 EMERGENCY ABATEMENT.**

A. Authority: Should the inspector determine that any conditions subject to the provisions of this chapter are of such a nature as to render life or property in immediate jeopardy, he may cause or order such condition to be immediately abated. No notification shall be necessary, but before any removal is done, diligent effort shall be made to contact the owner or occupant of the affected property and require that said conditions be abated within twenty four (24) hours. If contact is made and the condition is not abated within the twenty four (24) hour period, abatement alternatives may be immediately instituted.

B. Violations: Violations occurring under these circumstances are subject to any or all penalties and remedies as provided in this chapter. (Ord. 2009-17, dated 10/27/09)

#### **8.14.9 ADDITIONAL REMEDIES.** In addition to the penalties and abatement procedures outlined in this chapter, the inspector may initiate any or all of the following actions:

- A. Injunctions;
- B. Mandamus;
- C. Proceedings to prevent, enjoin, abate or remove; or

D. Other such actions through the courts. (Ord. 2009-17, dated 10/27/09)

**8.14.10 PENALTY.**

A. Violations of this ordinance shall be punishable either:

1. As a class C misdemeanor; or

2. By imposing civil penalties as follows:

a. Any person who is found by the inspector to be in violation of any of the provisions of this chapter, either by failing to do those acts required herein or by doing a prohibited act, shall be liable to the city for the following civil penalties:

(1) First citation - \$100.00

(2) Second citation - \$200.00

(3) All subsequent citations - \$500.00

b. All citations shall be due and payable to the city treasurer within twenty (20) days of the date of issuance.

c. In the event any citation remains unpaid or not dismissed after twenty (20) days from the date of issuance, the inspector shall refer the matter to the city attorney for suit in an appropriate court of law. The violator shall be liable for reasonable attorney fees, any administrative expenses and court costs.

d. Persons issued citations shall have the option of abating the violation within fourteen (14) days of the date of issuance and having that citation dismissed by the department following procedures established under the authority of this chapter.

B. One Notification Sufficient For Season: Only one notification procedure (as established by the department) shall be necessary for continuing violations on the same premises within the same calendar year and shall be deemed sufficient on any lot or parcel of property for the entire season of weed growth during that year.

C. Each Day Separate Violation: Each day of violation shall constitute a separate violation. (Ord. 2009-17, dated 10/27/09)

## **Chapter 8.16 - Nuisances on Property**

Rescinded 10/29/09 by Ordinance 2009-17 (prior ordinances: Ord 98-4, 3/24/98)

## Chapter 8.20 - Campgrounds

### 8.20.010 License Required.

A. It is unlawful for any person to operate, maintain, or offer for public use within the limits of the city any automobile tourist park, campground, or other public place for camping, sleeping or lodging, whether in tents, automobiles, trailers, trailer houses, cabins, huts or other vehicles or structures or where motor homes, trailers or trailer houses may be parked or located or occupied as living quarters, without first making application to the city recorder and obtaining a license to do so.

B. Applicants for such license shall file application in writing with the city recorder with a fee as hereinafter provided, which application shall show the plan and location of applicant's proposed place of business, the number of rooms or spaces available to tenants or motor homes, or trailers or trailer houses, and state in detail the source of water supply and the kind and number of toilet, bath and shower facilities available for use by male and female guests respectively. The application will be referred to the county health officer, which health officer shall after such reference deliver the application to the city council together with a report of its findings and its recommendations as to the granting or denying of the license. In making the report, the health officer shall determine whether or not there exists on such premises adequate motor home, trailer or trailer house spaces for the number of such persons proposed to be accommodated in the application, adequate toilet, shower, bath, garbage, sewage facilities, a proper and clean supply of pure drinking water, and in this connection shall comply with state mobile home park sanitation regulations, recreational vehicle park sanitation regulations and with recreational camper sanitation regulations. These regulations will be available at the city office for purchase by applicants.

C. The license provided for in this chapter, together with a copy of the rules and regulations of the health office, shall be displayed by the licensee in a conspicuous place upon the licensed premises.

D. It is unlawful for any person to camp or place any trailer, trailer house or other vehicle while used for human habitation, which may be conveyed either on its own power or by an automobile from one place to another place, in the city, except within premises licensed as herein provided.

E. Adequate toilet facilities shall be defined as one water closet for each sex for every five rooms, motor home or trailer space or fractional part thereof in excess of five such rooms or spaces in the campground, which toilet facilities shall not be less than one hundred feet away from any room or motor home.

F. It shall be the duty of the health officer to investigate and determine the necessary facilities required in every premises where camping or lodging in auto tourist parks or campgrounds is permitted to the end that same may be kept in a sanitary condition and free from infectious or contagious diseases and comply with the terms of this chapter and the rules and regulations of the health officer.

G. It shall also be the duty of the building inspector to investigate periodically and examine all such premises to determine that licensees or keepers thereof have complied with the laws and ordinances of this city.

H. No such tent, automobile, trailer, motor home, cabin, hut or other vehicle or structure shall be parked or erected closer than ten feet from any other tent, automobile, trailer, motor home, cabin, hut or other vehicle or structure upon any such premises.

I. Every licensee of such premises shall keep a daily register of all guests or tenants of such premises, which register shall be available at all times and for one year thereafter, for inspection by the city recorder with a true copy to be forwarded upon request to the city recorder which contains the date and time of the arrival of the tenant, his name, residence, and the name, make and state registration license number of each vehicle, trailer or motor home.

J. The yearly license fee for such parks shall be established by resolution.

K. The city council may with a hearing, at its discretion, refuse to grant any license applied for, and may revoke any license at any time for cause. (Ord. 87-8.24 (part), 1987)

**8.20.020 Violation.** Any violation of this chapter shall be deemed a class C misdemeanor. (Ord. 87-8.24 (part), 1987)

## Chapter 8.24 - Excavation

**8.24.010 Purpose.** It is the purpose and object of this ordinance to establish reasonable and uniform limitations, safeguards, and controls on excavation within the city. These provisions are deemed necessary in the public interest to affect practices which will provide protection of the tax base, provide for the economical use of vital materials necessary for our economy and give due consideration to the present and future use of land in the interest of promoting the public health, comfort, safety, community character and general welfare. It is the primary intent of this ordinance that excavated land be rehabilitated as soon as possible to prevent conditions detrimental to neighboring property and residents, and to provide for the subsequent beautification and beneficial use of the lands affected by excavation. (Ord.2005-16, dated 12/13/05, Ord. 98-9, dated 10/27/98: prior codes Ord. dated 1/9/75 (part) and § 19-1-1).

### 8.24.020 Definitions.

A. Excavation. For the purposes of this ordinance, excavation shall mean the removal of rock, sand, gravel, clay and any other soil by digging, leveling, scraping, blasting, screening, processing, and operating, maintaining and repairing equipment, marketing, advertising and selling aggregate products and services to the general public, or any other process, together with all other types of mining operations where material is removed from the earth. The recycling of concrete products may be allowed as a conditional use which must be approved by the City Council following the normal process as provided by City ordinance and based on the criteria for extended operations set forth in Section 8.24.110 of this ordinance. The provisions of this ordinance shall not apply to the removal of sod, provided such removal is no closer than ten feet to any property line or to a depth in excess of three inches, and will not adversely affect the drainage, stability, and/or vegetation of the area. This ordinance shall not apply to ditching and land leveling for agricultural or public recreational uses (parks), or for site preparations for building a structure. Site preparation and grading for other purposes which exceeds ten cubic yards per acre, or a proportionally equivalent amount for fractional acreage, shall be considered a conditional use which must be approved as a separate permit by the City Council following the normal process as provided by City ordinance.

B. Excavation Permit. For the purpose of this ordinance the acceptance of the excavation and rehabilitation plan by the City Council, together with such additional conditions or limitations as may be imposed, and evidenced by the properly endorsed and designated signature blocks, shall constitute the issuance of an excavation permit.

C. Land. Land means the surface and subsurface of an area within the incorporated areas of the city where excavation operations are being or will be conducted, including but not limited to: on-site private ways, roads, the excavation site itself, exploration sites, drill sites or working, parking, storage areas; areas in which structures, facilities, equipment, machines, tools, or other materials or property which result from, or are used in such operation, are situated.

D. Off-site. Off-site means the land areas that are outside or beyond the on-site land which is owned or controlled by the owner or operator.

E. On-site. On-site means the land within which mining operations are or will be conducted, which is bounded by continuous property lines dividing the surface or land ownership, control, or right that is invested in the operator. A series of related properties under the control of a single operator but separated by small parcels of land controlled by others will be considered a single site unless excepted by the City Council.

F. Operator. Operator means any person, firm, corporation, association, partnership, receiver, trustee, executor, administrator, guardian, fiduciary, agent, or other organization or representative of any kind either public or private, owning, controlling, or managing excavation operations or proposed excavation operations.

G. Owner. Owner means any person, corporation, association, partnership, or other legally deeded organization or representative of any kind, either public or private, owning, controlling or managing a mineral deposit or the lands employed in excavation operations.

H. Public Road. Public road means any road, street, alley, lane, court, place, viaduct, tunnel, culvert, or bridge laid out or erected as such by the public, or dedicated or abandoned to the public, or made such in an action for the partition of real property, and includes the entire areas within the right-of-way.

I. Rehabilitation. Rehabilitation means actions performed during and after excavation operations to shape, stabilize, re-vegetate, or otherwise treat the land affected in order to achieve a safe, stable, ecological condition. The excavated lands will be rehabilitated to a usable condition which is readily adaptable to alternate land uses and creates no danger to public safety. These rehabilitated or reclaimed land areas will be consistent with the city land use plan in the immediate areas. The rehabilitation process may extend to affected lands surrounding the excavated lands and may require backfilling, grading, re-soiling, re-vegetation, soil compaction, stabilization, and other measures. (Ord.2005-16, dated 12/13/05, Ord. 98-10, dated 11/10/98 and Ord. 98-9, dated 10/27/98: prior codes Ord. 95-14, 11/14/95, Ord. dated 1/9/75 (part) and ' 19-2-1))

**8.24.030 Excavation Permit Required.** No excavation shall be permitted on any land in the city unless authorized under an "excavation permit" issued to the owner and operator of the property in accordance with the application procedures provided by this chapter. (Ord.2005-16, dated 12/13/05, Ord 98-9, dated 10/27/98)

**8.24.040 Application Contents and Review Procedures.** In order to ensure that the area of the proposed excavation is reasonable for that purpose and to ensure rehabilitation of the land to a state that enables meaningful use and respects aesthetic values, the owner or operator shall, prior to the commencement of any phase of operation, submit to the city an excavation and rehabilitation plan which addresses the following:

A. General Information. The following shall be provided: the name of the property, property owner(s), lessee, operator(s), agent of process, location of property, and legal description.

B. Pre-excavation Site Inventory and Analysis. A pre-excavation inventory and analysis both off-site and on-site shall be performed by the applicant containing the following information:

1. A regional vicinity analysis describing other land uses surrounding the site, the possible impacts of the proposed excavation on surrounding land and the methods to be employed to mitigate any potentially negative effects; and
2. A description of the regional haulage routes to be employed on public and private roads.
3. A topographic map of the area (at a scale of one inch equals one hundred (100) feet) with a maximum contour interval of five feet, and extending at least 500 feet beyond the proposed excavation site;
4. A description of the visual characteristics, with particular concern given to the potential use of existing natural topography and vegetation, to shield site operations from nearby properties, roadways, and the general public;
5. A soils survey, to include a soils profile; and
6. An aerial photograph with contours of the proposed excavation site.

C. Excavation Operations Plan. The application shall provide an excavation operations plan which describes the following:

1. Proposed starting date and the anticipated period of operation;
2. Planned phases of excavation;
3. Anticipated amount of material to be removed at each phase;
4. Number, type and kinds of machinery and equipment to be used;
5. Operational processes, including crushing, stockpiling, milling, etc.;
6. The water to be used in operations, its source, control and disposal;
7. Electrical power requirements, source and control;
8. Accessory facilities, such as scales and buildings;
9. Sanitary facilities and disposal system;
10. Wind and air movement patterns with a description of techniques used to control dust and noise;
11. Transportation routes on and off site;
12. Run-off water control and detention;
13. Depiction of phases and location of all facilities, stockpiles, transportation routes, detention basin(s), and water and power sources on topographic map above or other suitable map;
14. Any economic or adverse effects on the surrounding area and steps taken to mitigate their impact, such as dust and vibration control and noise abatement; and;
15. Detailed analysis and description of noise levels (expressed in decibel) expected from proposed operations.
16. Cross sections showing existing surfaces and proposed future surfaces at 250 foot intervals across the site. Sections should be drawn parallel to slope. Final cut and fill slopes shall not exceed a steepness of 2.0 feet horizontal to 1.0 foot vertical drop from the top to the bottom of the pit.
17. To the extent not already shown, how the operations will comply with the operational requirements of 8.24.080.



D. Rehabilitation Plan. As part of the final application and approval of an excavation permit and before beginning any excavation activities or operations, the applicant shall provide a rehabilitation plan with the use of maps, imagery, and renderings (at a scale of one inch equals two hundred feet) extending five hundred feet beyond the legal description of the site area with a maximum contour interval of five feet which includes at least the following:

1. A grading plan designed by a licensed engineer, surveyor or landscape architect, indicating the areas to be excavated, existing and design contours, and proposed final grades and elevations. To help control storm water run-off and erosion, to increase potential for vegetation growth, to improve slope stability and lateral support due to potential seismic activity (recognizing that fault lines exist on or near the properties), and to generally improve safety for future residential structures above and at the base of excavations, finished slopes shall not exceed 2.0 feet horizontal to 1.0 foot vertical drop from top to bottom.

2. A description of the methods and plans to be employed for simultaneous rehabilitation of the site during and after the mining operations;

3. A description of the landscape plan to include the installation of top soil, planting schedule, specifications for plant applications, mulching, and type of irrigation to be used;

4. A description of the hydrologic environment of the rehabilitated site to include a map illustrating water drainage areas such as lakes, springs, ponds, streams, well, pipe lines, culverts, ditches, and canals;

5. A description of all permanent roads and other man-made structures which are to remain after rehabilitation;

6. Cross sections shall be taken in the excavation site in areas of greatest material displacement. The number of cross sections required shall be dependent on the size and topography of the excavation site;

7. Artist's rendition of the site as it is expected to appear after rehabilitation;

8. To the extent not already shown, compliance with 8.24.040; and

9. Evidence of surety.

E. Addendum. (To be completed prior to final issuance of the excavation permit.) Final conditions or limitations imposed by the City Council.

F. Authorization of Permit. All operation and rehabilitation maps, and plans shall include signature blocks for the owner, city engineer, and mayor. Upon obtaining signatures of the above individuals, an excavation permit shall be authorized. (Ord.2005-16, dated 12/13/05, Ord 98-10, dated 11/10/98 and Ord. 98-9, dated 10/27/98)

G. Pre-application Meeting. The owner or an authorized representative shall meet with a Development Review Committee (DRC) consisting of city staff, planning and engineering consultants and any other party designated by the mayor to review the proposed pre-application plans for the excavation site. The pre-application plans shall be submitted in five copies and will consist of the information requested in 8.24.040 and B above, plus the following:

1. A sketch of the existing site contours, drainage and unusual geologic conditions;
2. Anticipated amount of material to be removed;
3. Number, type and kinds of machinery and equipment to be employed;
4. Water to be used in the operation, source and disposal; and sketch of the site contours after excavation is complete to include location of natural drainage channels, vegetation and roadways.

H. Within 30 days of receipt, the DRC will make a determination if the pre-application is complete. If the DRC and owner reach an impasse over whether the application is complete, the application will be forwarded to the Planning Commission for consideration.

I. Review of Final Application.

1. If the pre-application is determined to be complete by the DRC, the operator or owner shall then provide a final application to the City, and include in the final application any additional information recommended by the DRC, along with maps, drawings, plans and other information required by 8.24.040 in five copies. Within fourteen days following receipt of the final application, the Planning Commission shall distribute copies of the final application and accompanying plans and statements to other interested county, city, and state agencies as determined by the Planning Commission and shall ask for comments and recommendations. Thereafter, the Planning Commission shall make a recommendation on the application to the City Council.

2. Within a period of not more than 30 days of receipt of a recommendation on the final application from the Planning Commission, the City Council shall call for a public hearing through proper notice as prescribed by law to consider said final application. Following the public hearing, the City Council shall consider the application and shall approve, approve with conditions, or deny the request for an excavation permit.

3. Any person adversely affected by any final decision made regarding the issuance of an excavation permit under the provisions of this ordinance may file a petition for review of the final decision with the state district court within thirty days after the final decision is rendered. (Ord.2005-16, dated 12/13/05, Ord.98-10, dated 11/10/98 and Ord.98-9, dated 10/27/98)

**8.24.050 Revocation or Modification of an Excavation Permit.** Any excavation permit issued shall be subject to revocation or modification by the City Council, for cause, and in the following manner:

A. Notice of Failure to Comply. A notice shall be served on the owner or the permittee by the city engineer or his representative specifying the failure to comply with the requirements set forth in the excavation permit, or any city ordinance, requiring the owner or operator to appear before the City Council at a designated date and hour to show cause why said permit should not be revoked or modified.

B. Hearing. Upon the date set for hearing, the City Council shall hear all charges and other testimony relating to the matter under consideration. The City Council shall then decide to either continue, revoke, modify, or refer to the city attorney for further action as described in 8.24.115.

C. Modification of the Excavation Permit Plans. Modification of the excavation permit plans may be initiated either by the Planning Commission or by the permittee where minor revisions are sought on the approved grading plan, schedule of proposed operation, or proposed rehabilitation plan. Consideration of such revisions need not require a public hearing provided that in the judgement of the Planning Commission the proposed revisions would not constitute significant changes, and provided also, that the permittee has not expressly requested that a public hearing be held. (Ord.2005-16, dated 12/13/05, Ord. 98-9, dated 10/27/98)

**8.24.060 Transfer to Successor Operator.** Whenever an operator succeeds to the interest of another operator by sale, assignment, lease or other means, the City Council may release the first operator from his responsibilities under his approved plans as described above, including surety, provided the successor assumes all of the responsibilities of the former operator to the satisfaction of the City Council under the approved operations and rehabilitation plans and the posting of surety. Upon satisfactory assumption of such responsibilities by the successor operator, under conditions approved by the City Council, the responsibility of the total excavation site shall be transferred to the successor operator. (Ord.2005-16, dated 12/13/05, Ord. 98-9, dated 10/27/98)

**8.24.070 Filing of an Annual Progress Report.** At the end of each calendar year, unless waived by the City Council for due cause, the City Engineer will make an onsite visit and review the excavation operation and will report his or her findings to the City Council. The report will summarize compliance with the excavation permit requirements and with the excavation ordinance. (Ord.2005-16, dated 12/13/05, Ord. 98-9, dated 10/27/98)

**8.24.080 Operational Requirements.** All excavation operations conducted or carried on are subject to the following limitations, restrictions, and controls:

A. Dust, Noise, Vibration, Smoke, Lights and Odor. All equipment and machinery operation on the site and in the transportation of products through the city shall be conducted in such a manner as to minimize the impact of dust, noise, vibration, smoke, welding lights and odor on the city. Soil berming, landscaping and other techniques should be used to accomplish the objective of reducing the impact of noise and vibration on adjacent property. All state and federal emission guidelines and regulations must be adhered to, including compliance with any permit issued by the State Division of Air Quality. Access and haulage roads shall be maintained in a dust-free condition by surfacing or other treatment as approved by the city engineer.

B. Operation Boundaries. To protect neighboring residents and properties from the potentially adverse effects of dust, noise, vibration, smoke, welding and other lights, odors, and soil erosion; and to provide for the future development of the property; extractive operations are prohibited within 30 feet of the outside boundary of the permitted property, except in the case where gravel excavation operations or extractive activities are

being conducted on the adjoining property and under those circumstances, by agreement of the adjoining property owners, extractive operations may be conducted up to the property line. Rock crushing operations shall not be conducted within 1,000 feet of the outside boundary of the permitted property, except such rock crushing operations may be conducted within 500 feet of the outside boundary of the permitted property if specifically approved as part of the excavation permit, with appropriate conditions consisting of a combination of buffering, berming, screening, landscaping, and other mechanisms to reduce or mitigate potential adverse impacts on neighboring land owners and the City.

C. Fencing and Barriers. Fencing or other suitable barriers shall be created and maintained on the excavation site or on portions of the site where such fencing is necessary because of dangerous conditions as determined by the city engineer. Fencing or barriers may also be required, at the option of the City Council, to provide screening from normal view and enhance general aesthetics of the area. Fencing, monuments or other means of identification shall be placed and maintained around the perimeter of the excavation site so as to enable reasonable identification of the property line separating the excavation property from adjoining land owners.

D. Landscaping. The planting of trees, shrubs, or other appropriate landscaping, or the placement of berms or structures shall be required where natural conditions make such feasible and practical in order to provide a dust or sound barrier, to screen excavation from normal view, to enhance the general appearance, and to minimize the damaging effect of such operations to the beauty and character of the surrounding area. A landscape plan, signed and stamped by a registered landscape architect must be submitted for review and approval. Vegetative material shall be planted together with necessary topsoil as per the schedule approved in the granting of the excavation permit and shall be maintained in a healthy, growing condition.

E. Washing Operations. The washing of sand and gravel shall be done so as to prevent the discharge of waste water onto any public or private roads or any private property without the written consent of the property owner.

F. Run-off Water Detention. The operator or owner shall, on determination by the city engineer, be required to construct run-off water detention facilities to prevent storm water pollution, damage to neighboring property and structures, and for protection of residents below the site. All Federal, State and Local regulations governing storm water control and pollution prevention shall be adhered to, including the provisions of a Phase II National Pollution Discharge Elimination System ("NPDES") Storm Water Management Plan.

G. Mitigating Impacts on Public Roads and Highways. In order to mitigate the impact of gravel operations and related activities on public roads and highways, the conditions of an excavation permit may include a requirement to asphalt access roads for a prescribed distance before entering a public road or highway. In addition, all access roads used for gravel operations and related activities shall be periodically swept and cleaned as determined necessary for safety purposes.

H. Load Limits. All trucks, equipment and machinery operating on public or city streets shall comply strictly with the city, county, and state road limitations, such as Chapter 10.08 setting forth allowable vehicle weight limits, and all vehicles must meet state safety requirements.

I. Hours and Days of Operation.

1. Aggregate Hauling. Transport of aggregate materials from the site shall be limited to the hours of 6:00 a.m. to 6:00 p.m. Monday through Friday and from 8:00 a.m. to 5:00 p.m. on Saturdays. No hauling shall be permitted on Sundays. No truck used in hauling operations will be allowed into the site before the specified time or permitted to leave the site loaded with material from the site after the specified time.

2. Use of Processing Equipment. Crushing, screening and other aggregate processing shall be limited to the hours of 6:00 a.m. to 7:00 p.m. Monday through Friday and 8:00 a.m. to 5:00 p.m. on Saturdays. No processing shall be permitted on Sundays.

3. Maintenance and Repair. Hours of operation for maintenance and repair of vehicles and equipment on site shall be limited to 6:00 a.m. to 10:00 p.m. Monday through Saturday, provided Noise Ordinance regulations are complied with.

4. No excavation operations, shall take place on Sunday or the following legal holidays: New Year's Day, Memorial Day, Independence Day, Pioneer Day, Labor Day, Thanksgiving Day, and Christmas.

J. Restricted Manufacturing Operations. The manufacture of concrete building or landscape products, the production or manufacture of lime products, the production of ready-mixed concrete, the production of asphalt and any similar production or manufacturing process which might be related to the excavation operation shall not be permitted.

K. Duration of Excavation Operation. The City recognizes that the life of an excavation operation may be extensive. The City further recognizes that there are impacts on adjoining property owners, the general public, public improvements such as roads, and other safety considerations. Inasmuch as it is the city's intent to permit excavation only as a means of contouring the land to make it more useful and valuable for future development, the owner or operator shall be allowed to extract material for a period of time determined practicable by the City Council, but not to exceed twenty years. A permit may be renewed by City Council following the initial term based upon compliance with the excavation ordinance. Conditions may be added to a subsequent permit to mitigate those impacts. Any renewal permit will not be longer than ten years.

L. Cessation of Operations. Within one year after the cessation of operations, all temporary structures (except fences), equipment, rock piles, rubble, or other debris shall be removed or back-filled into the excavation so as to leave the site in neat and orderly condition as determined by the city engineer and as provided below. This includes the rehabilitation of the last area to be excavated.

M. Blasting. Any blasting or related explosive detonation proposed to be conducted as part of excavation operations must be approved by the City Council as part of an excavation permit, and any such activities, if approved, shall be limited to the hours of 8:00 a.m. to 5:00 p.m. Monday through Friday. (Ord.2005-16, dated 12/13/05, Ord 99-21, dated 10/12/99 and Ord 98-10, dated 11/10/98 and Ord.98-9, dated 10/27/98: prior codes Ord. dated 1/9/75 (part) and § 19-4-1)

**8.24.090 Rehabilitation Requirements.** In order to ensure that the excavated area shall be rehabilitated to a condition of practical usefulness and reasonable physical attractiveness within a reasonable amount of time, to prevent environmental degradation to the ecological and hydrologic regimes caused by excavation, and to prevent present and future hazards to public safety and welfare, the owner or operator shall adhere to an approved rehabilitation plan as provided above and comply with the following:

A. Progressive Rehabilitation by Phase. The owner or operator shall submit a plan for progressive rehabilitation, meaning that rehabilitation will commence and be carried on during excavation operations. When an area is completed per the excavation plan, that area shall be rehabilitated. Rehabilitation shall proceed after completion of a phase, or site if there are no phases, as set forth in the approved excavation and rehabilitation plan.

B. Backfilling. Where backfilling is required, the excavated area shall be graded and backfilled with uncontaminated native materials or topsoil only. This backfill must be of such material as to support vegetation and grass growth. The graded or backfilled area shall not be contoured so that it will collect and permit stagnant water to remain thereon. Peaks and depressions in the excavation area shall be reduced to a surface which will result in level or gently sloping topography in substantial conformity to the land area immediately surrounding and which will minimize the possibility of erosion. Final backfill and cut slopes shall not be steeper than 2.0 feet horizontal to 1.0 foot vertical.

C. Grading, Stockpiling, Seeding, Phases, Etc. Excavations shall be planned so as to progressively develop the proposed final land forms by grading and by stockpiling overburdened materials in areas designated for future land forms or in excavations where the material will be spread over the excavation floor where no future excavation is anticipated. Such areas are to be seeded and planted immediately after grading is completed or within appropriate planting seasons, but in any case, the grading and planting shall be complete within one year. The rehabilitation plan shall contain a description of the phased rehabilitation process throughout the anticipated life of the excavation.

D. Final Rehabilitation of Entire Site. Final rehabilitation shall begin immediately for any site where operations authorized under an excavation permit have been completed. The final rehabilitation shall conform to the plan approved (including approved modifications) in the excavation permit. All rehabilitation plans shall conform at least to the below listed minimum standards and requirements listed elsewhere in this chapter; provided however, that the City Council may require more stringent standards where special hazards exist in order to protect the health, safety, or general welfare of the public, and to prevent injury to property or improvements:

1. Grading. Slopes, overburdened stockpiles, and abandoned soil piles shall be graded and smoothed so as to control erosion and prevent the creation of potentially dangerous areas in accordance with the direction of the city engineer.

2. Water-filled Areas. All excavations which create standing water or ponds shall be filled with native materials. This requirement shall not apply, however, to any water filled excavations scheduled to become an integral part of the final rehabilitation plan. The rehabilitation of these areas shall be done in such a manner that the groundwater is not polluted. Fill material shall be porous to allow for water dispersion unless otherwise specified in the rehabilitation plan.

3. Landscaping. Unless inconsistent with the final proposed use of the rehabilitated land, the excavated areas and all other disturbed areas shall be replanted and maintained with trees, shrubs, grasses, or other vegetative ground cover, preferably native to the area, in order to minimize erosion and to restore the land to a natural appearance, or to an appearance previously approved by the City Council.

4. Removal of Buildings and Equipment. As soon as excavation has been permanently terminated, all buildings and equipment (including electrical conduits) used in the administration of the operations, shall be removed unless deemed necessary to the approved final use of the rehabilitated site.

E. Rehabilitation Verification. After excavation operations have been completed and rehabilitation of the excavation site has been completed according to the approved rehabilitation plan, the city engineer shall present to the City Council a statement verifying that the permit area has been rehabilitated in compliance with the requirements of the excavation ordinance and excavation and rehabilitation plan previously submitted in compliance with this ordinance. (Ord.2005-16, dated 12/13/05, Ord 98-9, dated 10/27/98: prior codes Ord. dated 1/9/75 (part) and § 19-5-1)

#### **8.24.100 Provision of Surety.**

A. Provision of Surety before Operations Begin. After receiving notification that the application for an excavation permit has been approved, but prior to commencement of such operation, the operator shall provide surety to the city, in a form and amount to be fixed by the City Council as recommended by the city engineer sufficient to secure the performance of the rehabilitation agreement.

B. Amount of Surety. In determining the amount of surety to be provided, the city engineer shall consider factual information as to the magnitude, type and costs of approved rehabilitation activities planned for the land affected and the nature, extent and duration of operations under the excavation and rehabilitation plan. The city engineer shall determine the amount of the bond reasonably related thereto, to protect the city and ensure compliance with the requirements with the excavation permit; however, the amount of bond shall not exceed one hundred percent of the estimated cost of rehabilitating the excavation. The bond shall be periodically reviewed to ensure that the amount of the bond is capable of insuring adequate rehabilitation and shall be adjusted accordingly.

C. Form of Surety. In determining the form of surety to be provided, the City Council shall approve a method acceptable to the owner or operator that is consistent with the requirements of this ordinance, which may be one or a combination of corporate surety bond, land, cash, or other deposited securities.

D. Release of Surety. The liability under surety provisions shall continue until such time as released as to part, or in its entirety, by the City Council.

E. Forfeiture of Surety. If the operator fails to or refuses to carry out the necessary land rehabilitation as outlined in the approved excavation and rehabilitation plans, the city may, after notice and hearing, declare any surety filed for this purpose forfeited, or in case of a corporate bond file suit against the owner or operator and his bonding company. The city shall also have the right to file suit against the defaulting permittee for violations of this ordinance or any permit granted hereunder, or for costs of rehabilitation and reasonable attorney fees. (Ord.2005-16, dated 12/13/05, Ord. 98-9, dated 10/27/98: prior codes Ord. dated 1/9/75 (part) and § 19-5-2)

#### **8.24.110 Emergencies, Short Term Contractual Obligations and Extended Operations.**

The City may modify the provisions relative to the nature and scope of excavation activities, hours of operations and days of operations consistent with the intent of these regulations to address the following circumstances subject to review and approval based on the criteria set forth below.

A. Bona Fide Emergencies. The Operator of any excavation operations may obtain approval from the City Administrator or his designee for any temporary change to the conditions of an excavation permit relating to hours of operation, days of operation and hauling routes in order to respond to bona fide emergencies of emergent circumstances. Each such request shall be promptly reviewed and may be approved subject to the imposition of reasonable conditions to reduce or mitigate potential adverse impacts on neighboring landowners and the City such as dust control, noise reduction and traffic control requirements. Any emergency beyond 30 days must be reviewed by the City Council.

B. Short Term Contractual Obligations. The Operator of any excavation operations may obtain the approval of the City pursuant to a conditional use permit application following the normal process provided by City ordinance for any temporary change to the conditions of an excavation permit relating to hours of operation, days of operation and hauling routes for "Contractual Obligations", which are defined for these purposes as obligations arising under a contract where a governmental agency or bona fide third party contracting with a governmental entity or public agency requires, as a condition to entering into such a contract, that the Operator deliver or otherwise provide aggregate products (including hauling and processing) on days and hours of operation not normally otherwise allowed under the provisions of this ordinance.

C. Temporary and Permanent Extended Operations. The Operator of any excavation operations may obtain the approval of the City pursuant to a conditional use permit application following the normal process provided by City ordinance for occasional temporary extended operations or permanent extended operations relating to hours of



operation and days of operation subject to review and approval based on the following criteria and the imposition of reasonable conditions to reduce or mitigate the potential adverse impacts on neighboring landowners and the City.

1. Adequately addressing public safety concerns and other potential adverse impacts of any such proposed extended operations.

2. Adequately addressing public safety concerns specifically relating to the impact of heavy truck travel traveling to and from such excavation operations by various means including, but not limited to, demonstrating the availability of an alternative access that does not travel through existing residential neighborhoods or by providing an alternative access for such heavy truck travel in order to address significant public safety concerns arising out of the impact of such heavy truck travel on 500 West and other current or potential north/south streets in the City.

3. Providing amenities and/or unique public benefits to address and mitigate potential adverse impacts of any such proposed extended operations.

4. Assuring that any such proposed extended operations are a minimum of at least one-half (2) mile from existing residential development; or are part of a large scale, long-term mixed use project that demonstrates it can provide its own internal compatibility through a combination of buffering, berming, screening, landscaping and other mechanisms to reduce or mitigate adverse impacts on neighboring landowners and the City. (Ord.2005-16, dated 12/13/05)

**8.24.120 Compliance by Existing Operations.** Within ninety days after adoption of the Ordinance codified in this chapter, all existing excavation operations shall comply with the provisions set forth in the operational requirements of Section 8.24.030, and within one year after the adoptions of this ordinance existing excavation operations shall comply with all provisions set forth herein. (Ord.2005-16, dated 12/13/05, Ord. 98-10, dated 11/10/98 and Ord. 98-9, dated 10/27/98: prior codes Ord. dated 1/9/75 (part) and § 19-7-1)

**8.24.130 City Engineer Enforcement.** The city engineer, appointed by the City Council, is designated and authorized as the officer charged with the enforcement of this chapter. (Ord.2005-16, dated 12/13/05, Ord. 98-9, dated 10/27/98: prior codes Ord. dated 1/9/75 (part) and ' 19-3-1)

**8.24.140 City Engineer Duties.** It shall be the duty of the city engineer or his designee to inspect or cause to be inspected all excavations. Where it is determined by the city engineer that excavation is proceeding not in compliance with the provisions of this chapter, he shall enforce the provisions of this chapter, and in performance of his duty may enter actions in the courts where necessary, and his failure to do so shall not legalize any violation of such provision. (Ord.2005-16, dated 12/13/05, Ord. 98-9, dated 10/27/98: prior codes Ord. date 1/9/75 (part) and § 19-3-2)

**8.24.150 Violation.** Any person, owner or operator violating any provision or provisions of this chapter shall be deemed guilty of a class C misdemeanor and each such person,

owner or operator shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this chapter is committed, continued, or permitted, and upon conviction of any such violation such person, owner, or operator shall be punishable to the fullest extent of the law. Further, the city may revoke the license of any person or corporation violating any of this chapter after a hearing upon due notice, which hearing shall be open to the public. (Ord.2005-16, dated 12/13/05, Ord. 98-9, dated 10/27/98: prior codes Ord. date 1/9/75 (part) and § 19-3-3)

**8.24.160 Repealer.** In the event any part of the ordinance is determined to be invalid or unconstitutional, the portion is deemed stricken from the ordinance, but the remaining provisions shall remain valid. (Ord.2005-16, dated 12/13/05, Ord. 98-9, dated 10/27/98: prior code Ord. 96-10 dated 5/28/96)

## Chapter 8.32 - Cost Recovery for Public Safety Emergencies

**8.32.010 Purpose.** This chapter shall provide procedures for recovering costs incurred by the City, the Department and/or other Authorized Local Authorities for assistance rendered in responding to Hazardous Material Emergencies, Aggravated Fire Emergencies, and Aggravated Medical Emergencies. (Ord.2003-3, dated 3/11/03)

**8.32.020 Definitions.** As used in this Chapter, the following terms shall have the following meanings:

- A. "Aggravated Fire Emergency" means:
  - 1. A fire proximately caused by the owner or occupier of property or a structure, which presents a direct and immediate threat to public safety and requires immediate action to mitigate the threat, and the fire:
    - a. is caused or contributed by the failure to comply with an order from any State, County, City or local agency, department or official; or
    - b. occurs as a direct result of a deliberate act in violation of State law or the ordinances or regulations of the County, City or other local agency;
  - 2. A fire that constitutes arson or reckless burning as defined by the Utah Code; or
  - 3. An alarm that results in the City, the Department and/or another Authorized Local Authority being dispatched, and the person transmitting, or causing the transmission of the alarm knows at the time of the transmission that no fire or related emergency exists.
- B. "Aggravated Medical Emergency" means an alarm that results in a City, Department or other Authorized Local Authority dispatching an emergency medical unit, and the person transmitting or causing the transmission of the alarm knows at the time of the transmission that there are no reasonable grounds for believing that a medical emergency exists.
- C. "Authorized Local Authority" means the Department, any other fire department with which the City or the Department has a mutual aid agreement or any other local agency duly designated by appropriate City authority.
- D. "the City" means Pleasant View City.
- E. "the Cities" means Harrisville City, North Ogden City and Pleasant View City, acting together as the North View Fire Department.
- F. "the Department" means the North View Fire Department, a fire department jointly operated by the Cities.
- G. "Expenses" means the actual costs incurred by the City, the Department or an Authorized Local Authority in responding to an Aggravated Fire Emergency, Aggravated Medical Emergency, or Hazardous Materials Emergency, including, but not limited to: personnel costs, including workers' compensation benefits and fringe benefits; administrative overhead; costs of equipment; costs of equipment operation; costs of materials; costs of disposal; and the costs of any contract labor and/or materials.
- H. "Hazardous Material Emergency" means a sudden and unexpected release of any substance that, because of its quantity, concentration or physical chemical or infectious characteristics, presents a direct or immediate threat to public safety or the environment and requires immediate action to mitigate the threat.

**8.32.030 Recovery Authorization and Procedure.** The City is hereby empowered to recover expenses incurred by virtue of the City's, the Department's or an Authorized Local Authority's response to a Hazardous Material Emergency, Aggravated Fire Emergency or Aggravated Medical Emergency occurring within the City. The recovery may be made from any person, corporation, partnership or other individual or entity which caused the emergency. The City shall proceed pursuant to the following procedure:

- A. The City shall determine the costs of responding to the emergency from the Department, the City's departments, the other Cities, and any Authorized Local Authorities which responded to the emergency.
- B. The mayor or his designee shall determine responsibility for the emergency or response and notify the responsible party in person or by mail of the determination of responsibility and the expenses to be recovered.
- C. The notice shall state:
  - 1. That the City has determined that the person is liable to pay the costs of the emergency;
  - 2. The total amount of the costs for which the person is liable;
  - 3. That the person may appeal the decision to the City Council and that the City Council may designate a hearing officer to consider the appeal;
  - 4. That the appeal must be filed, in writing, with the City Recorder not more than thirty (30) days from the date the person received the notice
  - 5. The name and address of the City Recorder; and
  - 6. That if the person does not file an appeal within the thirty (30) day period, the person shall be deemed to have accepted the determination of liability and the amount of the costs to be paid.
- D. If the person determined to be responsible appeals the determination, the City Council may hear the appeal itself or it may appoint a hearing officer to consider the appeal.
- E. The City Council or the hearing officer shall hold as many hearings as it determines are necessary to fully consider the issues raised by the appeal, but in all cases the City Council or hearing officer shall hold at least one hearing on the appeal. The City Council's or hearing officer's determination of the number of hearings necessary to determine the appeal shall be conclusive. At any hearing, the appealing party shall be entitled to:
  - 1. Be present;
  - 2. Be represented by counsel (although the City, the Department and/or any Authorized Local Authority shall have no obligation to provide counsel for the appealing party);
  - 3. Present evidence in support of his position; and
  - 4. Cross-examine any witnesses presented by the City, the Department or the Authorized Local Authority.
- F. If the City Council has heard the matter itself, the City Council shall make a determination regarding the liability of the appealing party and the amount to be paid.
- G. If the City Council has appointed a hearing officer, the hearing officer shall prepare a report and recommendation for the City Council. The City Council may adopt the report and recommendation, reject the report and recommendation, make modifications to the report and recommendation and may adopt or reject the modified report and recommendation.

- H. If the appealing party disagrees with the City Council's decision, he may appeal the matter to the Second District Court within thirty (30) days of receiving a copy of the City Council's final decision. (Ord.2003-3, dated 3/11/03)

**8.32.040 No Admission of Liability.** The payment of expenses determined owing under this Chapter does not constitute:

- A. An admission of liability or negligence in any legal action for damages; or
- B. A criminal fine. (Ord.2003-3, dated 3/11/03)

**8.32.050 Action to Recover Expenses.** If the party or parties determined to be responsible for the repayment of expenses incurred due to the City's, the Department's or an Authorized Local Authority's response to an Aggravated Fire Emergency, Aggravated Medical Emergency or Hazardous Materials Emergency fail to make payments to the City within thirty (30) days after a decision in any appeal under Section 8.32.030 or within thirty (30) days of the deadline for filing an appeal if no appeal is filed, the City may initiate legal action to recover from the responsible party the expenses determined to be owing. In any such action, the City shall be entitled to recover its reasonable attorney's fees and costs in bringing the action and/or collecting the amounts due. (Ord.2003-3, dated 3/11/03)

**8.32.060 Payment of Recovered Funds.** Any expenses which the City recovers under this Chapter shall be paid as follows:

- A. The City may retain the amount of expenses the City incurred in responding to the emergency and the costs of bringing any action, including attorney's fees awarded by a court.
- B. The City shall pay the amount of recovered expenses the Department incurred into the Department's general fund.
- C. The City shall pay the amount of recovered expenses incurred by the other Cities directly to the other Cities which incurred the expenses.
- D. The City shall pay the amount of recovered expenses incurred by another Authorized Local Authority directly to the Authorized Local Authority. (Ord.2003-3, dated 3/11/03)

## **Chapter 8.40 – Fireworks Restrictions and Open Fire Restrictions**

**8.40.010 Restrictions.** There shall be no fireworks allowed within the City limits above the Ogden Brigham Canal, with the exception of the New Year's Holiday also known as the Chinese New Year. (Ord.2016-3, dated 7/12/16)

## Title 9

### Public Peace, Morals, and Welfare

Chapters:

9.04	General Provisions .....	9 - 1
9.08	Criminal Responsibility .....	9 - 2
9.12	Inchoate Offenses .....	9 - 4
9.16	Offenses Against Public Officers and Government ..	9 - 5
9.20	Offenses Against the Person .....	9 - 10
9.24	Offenses Against Public Peace .....	9 - 12
9.28	Offenses Against Public Decency .....	9 - 15
9.32	Offenses Against Property .....	9 - 20
9.36	Offenses by or Against Minors .....	9 - 35
9.40	Weapons .....	9 - 36
9.44	Punishment .....	9 - 39

## Title 9

### Public Peace, Morals, and Welfare

<b>Chapter 9.04 - General Provisions .....</b>	<b>9 - 1</b>
9.04.010 State Provisions Adopted. ....	9 - 1
9.04.020 Jurisdiction. ....	9 - 1
9.04.030 Prosecution Limits. ....	9 - 1
9.04.040 Out of State Prosecution Limits. ....	9 - 1
 <b>Chapter 9.08 - Criminal Responsibility .....</b>	 <b>9 - 2</b>
9.08.010 Definitions-Generally. ....	9 - 2
9.08.020 Definitions-Conduct. ....	9 - 2
9.08.030 Culpable Mental State Required.....	9 - 2
9.08.040 Direct Commission of Offense or Conduct of Another. ....	9 - 3
9.08.050 Conduct of Another-Defenses Not Allowed.....	9 - 3
9.08.060 Corporation or Association. ....	9 - 3
9.08.070 Conduct in Name of Corporation or Association. ....	9 - 3
 <b>Chapter 9.12 - Inchoate Offenses .....</b>	 <b>9 - 4</b>
9.12.010 Attempt.....	9 - 4
9.12.020 Conspiracy. ....	9 - 4
9.12.030 Classification of Offense.....	9 - 4
 <b>Chapter 9.16 - Offenses Against Public Officers and Government.....</b>	 <b>9 - 5</b>
9.16.010 Interference with Public Servant. ....	9 - 5
9.16.020 Picketing or Parading in or Near Court.....	9 - 5
9.16.030 Disturbing Official Meeting.....	9 - 5
9.16.040 Interference With Peace Officer Making Arrest.....	9 - 5
9.16.050 Obstructing Justice. ....	9 - 5
9.16.060 Failure to Aid Peace Officer.....	9 - 6
9.16.070 Acceptance of Bribe.....	9 - 6
9.16.080 Escape. ....	9 - 6
9.16.090 Bail Jumping. ....	9 - 6
9.16.100 Obstructing Collection of Revenue. ....	9 - 6
9.16.110 Refusing to Give Tax .....	9 - 6
9.16.120 Doing Business Without a License.....	9 - 7
9.16.130 Tampering with Official Notice or Proclamation. ....	9 - 7
9.16.140 Removing or Injuring Road Signs.....	9 - 7
9.16.150 Falsification in Official MattersDefinitions.....	9 - 7
9.16.160 False or Inconsistent Statement. ....	9 - 7
9.16.170 False Statement-Written.....	9 - 8
9.16.180 False Report to Law Enforcement Officer. ....	9 - 8
9.16.190 False Name or Address to Law Enforcement Officer.....	9 - 8
9.16.200 Falsification or Alteration of Government Record. ....	9 - 8



9.16.210 Impersonating Officer. ....	9 - 9
9.16.220 False Judicial or Official Notice. ....	9 - 9
9.16.230 False Alarm. ....	9 - 9
9.16.240 Abuse of Flag. ....	9 - 9
<b>Chapter 9.20 - Offenses Against the Person.....</b>	<b>9 - 10</b>
9.20.010 Assault. ....	9 - 10
9.20.020 Harassment. ....	9 - 10
9.20.030 Protective Orders. ....	9 - 10
9.20.040 Terroristic Threat. ....	9 - 10
9.20.050 Unlawful Detention. ....	9 - 10
9.20.060 Telephone Harassment. ....	9 - 10
<b>Chapter 9.24 - Offenses Against Public Peace .....</b>	<b>9 - 12</b>
9.24.010 Riot. ....	9 - 12
9.24.020 Disorderly Conduct. ....	9 - 12
9.24.030 Disrupting a Meeting or Procession .....	9 - 13
9.24.040 Failure to Disperse. ....	9 - 13
9.24.050 Begging-Prohibited. ....	9 - 13
9.24.060 Privacy Violation-Definitions. ....	9 - 13
9.24.070 Privacy Violation-Designated. ....	9 - 13
9.24.080 Privacy Violation-Communication Abuse. ....	9 - 14
9.24.090 Privacy Violation-Emergency Telephone Abuse. ....	9 - 14
<b>Chapter 9.28 - Offenses Against Public Decency .....</b>	<b>9 - 15</b>
9.28.010 Expectoration-Littering. ....	9 - 15
9.28.020 Loitering. ....	9 - 15
9.28.030 Abuse of Corps. ....	9 - 15
9.28.040 Lewdness and Profanity. ....	9 - 15
9.28.050 Public Drinking or Intoxication-Prohibited. ....	9 - 16
9.28.060 Sale of Liquor to Drunken Person. ....	9 - 16
9.28.070 Permitting Drunkenness. ....	9 - 16
9.28.080 Alcoholic Beverages - Unauthorized Use Prohibited. ....	9 - 16
9.28.090 Controlled Substances. ....	9 - 16
9.28.100 Cigarettes, Tobacco and Psychotoxic Chemical Solvents. ....	9 - 17
9.28.110 Gambling-Definitions. ....	9 - 17
9.28.120 Gambling-Elements. ....	9 - 17
9.28.130 Gambling-Device Seizure .....	9 - 17
9.28.140 Gambling-Bets or Proceeds Seizure. ....	9 - 18
9.28.150 Prostitution-Definitions. ....	9 - 18
9.28.160 Prostitution-Elements. ....	9 - 18
9.28.170 Prostitution-Patronizing a Prostitute. ....	9 - 18
9.28.180 Prostitution-Aiding Prostitution. ....	9 - 18
<b>Chapter 9.32 - Offenses Against Property .....</b>	<b>9 - 20</b>
9.32.010 Property Destruction-Definitions. ....	9 - 20
9.32.020 Arson. ....	9 - 20
9.32.030 Reckless Burning. ....	9 - 20
9.32.040 Criminal Mischief. ....	9 - 20

9.32.050 Criminal Trespass.....	9 - 21
9.32.060 Burglary Instruments.....	9 - 21
9.32.070 Theft-Definitions.....	9 - 21
9.32.080 Theft-Presumptions and Defenses.....	9 - 22
9.32.090 Theft-Elements. ....	9 - 23
9.32.100 Theft-By Deception. ....	9 - 23
9.32.110 Theft-Extortion. ....	9 - 23
9.32.120 Theft-Lost or Mistakenly Delivered Property. ....	9 - 24
9.32.130 Theft-Receiving Stolen Property.....	9 - 24
9.32.140 Theft of Services.....	9 - 25
9.32.150 Theft-Rental Agreements. ....	9 - 25
9.32.160 Theft-Classification of Offenses. ....	9 - 26
9.32.170 Tampering with Records.....	9 - 26
9.32.180 Altered or Fictitious Card. ....	9 - 26
9.32.190 Bad Checks.....	9 - 26
9.32.200 Deceptive Business Practices. ....	9 - 27
9.32.210 Defrauding Creditors.....	9 - 28
9.32.220 Slugs-Making or Using.....	9 - 28
9.32.230 Criminal Simulation. ....	9 - 28
9.32.240 Retail Theft-Definitions. ....	9 - 29
9.32.250 Retail Theft-Designated.....	9 - 29
9.32.260 Retail Theft-Detention of Suspect. ....	9 - 30
9.32.270 Retail Theft-Defense.....	9 - 30
9.32.280 Retail Theft-Evidence. ....	9 - 30
9.32.290 Retail Theft-Penalty. ....	9 - 31
9.32.300 Entry on Private Property.....	9 - 31
9.32.310 Destruction of Signs or Equipment.....	9 - 32
9.32.320 Destruction of Sign on Private Land. ....	9 - 32
9.32.330 Obstruction of Sidewalk. ....	9 - 32
9.32.340 Obstruction of Street.....	9 - 32
9.32.350 Motor Vehicles on Private or Public Property. ....	9 - 33
9.32.360 Water Use-Interfering with Distribution.....	9 - 33
9.32.370 Water Use-Taking Water Out of Turn. ....	9 - 34
9.32.380 Water Use-Obstruction of Watergates. ....	9 - 34
9.32.390 Prohibited Disposal of Carcass or Offal. ....	9 - 34
9.32.400 Bonfires on Street. ....	9 - 34
9.32.410 Sign or Gate Removal. ....	9 - 34
9.32.420 Tree or Monument Injury. ....	9 - 34
<b>Chapter 9.36 - Offenses by or Against Minors .....</b>	<b>9 - 35</b>
9.36.010 Alcoholic Beverages-Selling or Supplying Prohibited. ....	9 - 35
9.36.020 Alcoholic Beverages-Possession Prohibited.....	9 - 35
9.36.030 Alcoholic Beverages-Misrepresentation of Age. ....	9 - 35
9.36.040 Curfew-Imposed. ....	9 - 35
9.36.050 Curfew-Parents Responsibility. ....	9 - 35
9.36.060 Curfew-Violation.....	9 - 35
<b>Chapter 9.40 - Weapons .....</b>	<b>9 - 36</b>
9.40.010 Definitions. ....	9 - 36

9.40.020 Loaded-Designated. ....	9 - 36
9.40.030 Carrying Concealed Dangerous Weapon. ....	9 - 36
9.40.040 Carrying Loaded Firearm in Vehicle or On Street. ....	9 - 36
9.40.050 Threatening Use in Fight or Quarrel. ....	9 - 36
9.40.060 Discharge of Firearm from Vehicle or Near Highway. ....	9 - 37
9.40.070 Possession by Minor. ....	9 - 37
9.40.080 Use Under Influence of Alcohol or Drugs. ....	9 - 37
9.40.090 Firearms Discharge Generally. ....	9 - 37
9.40.100 Target Shooting Area. ....	9 - 37
9.40.110 Unlawful Use of Firearms-Hunting. ....	9 - 37
9.40.130 Firearm Violations. ....	9 - 38
9.40.140 Authorized Possession-Generally. ....	9 - 38
9.40.150 Authorized Possession-At Residence. ....	9 - 38
9.40.160 Return to Owner. ....	9 - 38
<b>Chapter 9.44 - Punishment</b> .....	<b>9 - 39</b>
9.44.010 Misdemeanors Classified. ....	9 - 39
9.44.020 Infractions. ....	9 - 39
9.44.030 Sentences Allowed-Civil Penalties. ....	9 - 39
9.44.040 Fine-Nonpayment as Contempt. ....	9 - 40
9.44.050 Civil Action by Victim for Damages. ....	9 - 41
9.44.060 Violations. ....	9 - 41
9.44.070 Additional Sanctions Against Corporation. ....	9 - 41

## Chapter 9.04 - General Provisions

**9.04.010 State Provisions Adopted.** Except those sections defining crimes and penalties therefor over which the Pleasant View Justice of the Peace does not have jurisdiction, the Criminal Code, Title 76 of the UCA, 1953 as amended from time to time, is adopted and incorporated by reference. (Ord. 87-1.03 §1, 1987)

**9.04.020 Jurisdiction.**

A. A person is subject to prosecution in the city for an offense which he/she commits, while either within or outside the city, by his/her own conduct or that of another for which he/she is legally accountable, if:

1. The offense is committed either wholly or partly within the city;

or

2. The conduct outside the city constitutes an attempt to commit an offense within the city; or

3. The conduct outside the city constitutes a conspiracy to commit an offense within the city and an act in furtherance of the conspiracy occurs in the city; or

4. The conduct within the city constitutes an attempt, solicitation or conspiracy to commit in another jurisdiction an offense under the laws of both the city and such other jurisdiction.

B. An offense is committed partly within the city if either the conduct which is an element of the offense, or result which is such an element, occurs within the city.

C. An offense which is based on an omission to perform a duty imposed by the law of the city is committed with the city regardless of the location of the offender at the time of the omission. (Ord. 87-2 (CC §1.03), 1987)

**9.04.030 Prosecution Limits.**

A. Prosecutions under this code are subject to the following periods of limitation:

1. A prosecution for a misdemeanor must be commenced within two years after it is committed;

2. A prosecution for any infraction must be commenced within one year after it is committed.

B. A prosecution is commenced upon the filing of a complaint. (Ord. 87-2 (CC §1.04), 1987)

**9.04.040 Out of State Prosecution Limits.** The period of limitation does not run against any defendant during any period of time he/she is out of the state following the commission of an offense. (Ord. 87-2 (CC §1.05), 1987)

## Chapter 9.08 - Criminal Responsibility

### 9.08.010 Definitions-Generally. As used in this chapter:

A. "Agent" means any director, officer, employee or other person authorized to act in behalf of a corporation or association.

B. "Corporation" means all organizations required by the laws of the state or any other state to obtain a certificate of authority, a certificate of incorporation, or other form of registration to transact business as a corporation within the state or any other state and shall include domestic, foreign, profit and nonprofit corporations, but shall not include a corporation sole, as such term is used in Chapter 7, Title 16, UCA 1953. Lack of an appropriate certificate of authority, incorporation, or other form of registration shall be no defense when such organization conducted its business in a manner as to appear to have lawful corporate existence.

C. "High managerial agent" means:

1. A partner in a partnership;
2. An officer of a corporation or association;
3. An agent of a corporation or association who has duties of such responsibility that his/her conduct reasonably may be assumed to represent the policy of the corporation or association. (Ord. 87-2 (CC §2.03), 1987)

### 9.08.020 Definitions-Conduct. A person engages in conduct:

A. Intentionally, or with intent or wilfully with respect to the nature of his/her conduct or to a result of his/her conduct, when it is his/her conscious objective or desire to engage in the conduct or cause the result;

B. Knowingly, or with knowledge, with respect to his/her conduct or to circumstances surrounding his/her conduct when he/she is aware of the nature of his/her conduct or the existing circumstances. A person acts knowingly, or with knowledge with respect to a result of his/her conduct when he/she is aware that his/her conduct is reasonably certain to cause the result.

C. Recklessly, or maliciously, with respect to circumstances surrounding his/her conduct or the result of his/her conduct when he/she is aware of but consciously disregards a substantial and unjustifiable risk that the circumstances exist or the result will occur. The risk must be of such a nature and degree that its disregard constitutes a gross deviation from the standard of care that an ordinary person would exercise under all the circumstances as viewed from the actor's standpoint.

D. With criminal negligence or is criminally negligent with respect to circumstances surrounding his/her conduct or the result of his/her conduct when he/she ought to be aware of a substantial and unjustifiable risk that the circumstances exist or the result will occur. The risk must be of such a nature and degree that the failure to perceive it constitutes a gross deviation from the standard of care that an ordinary person would exercise in all the circumstances as view from the actor's standpoint. (Ord. 87-2 (CC §2.02), 1987)

### 9.08.030 Culpable Mental State Required. Every offense not involving strict liability

shall require a culpable mental state, and when the definition of the offense does not specify a culpable mental state, intent, knowledge, or recklessness shall suffice to establish criminal responsibility. An offense shall involve strict liability only when a statute defining the offense clearly indicates a legislative purpose to impose strict liability for the conduct by use of the phrase "strict liability" or other terms of similar import. (Ord. 87-2 (CC §2.01), 1987)

**9.08.040 Direct Commission of Offense or Conduct of Another.** Every person, acting with the mental state required for the commission of an offense who directly commits the offense, who solicits, requests, commands, encourages or intentionally aids another person to engage in conduct which constitutes an offense shall be criminally liable as a party for such conduct. (Ord. 87-2 (CC §2.04), 1987)

**9.08.050 Conduct of Another-Defenses Not Allowed.** In any prosecution in which an actor's criminal responsibility is based on the conduct of another, it is no defense:

- A. That the actor belongs to a class of persons who by definition of the offense are legally incapable of committing the offense in an individual capacity; or
- B. That the person for whose conduct the actor is criminally responsible has been acquitted, has not been prosecuted or convicted, has been convicted of a different offense or of a different type or class of offense or is immune from prosecution. (Ord. 87-2 (CC §2.05), 1987)

**9.08.060 Corporation or Association.** A corporation or association is guilty of an offense when:

- A. The conduct constituting the offense consists of an omission to discharge a specific duty of affirmative performance imposed on corporations or associations by law; or
- B. The conduct constituting the offense is authorized, solicited, requested, commanded, or undertaken, performed, or recklessly tolerated by the board of directors or by a high managerial agent acting within the scope of his/her employment and in behalf of the corporation or association. (Ord. 87-2 (CC §2.06), 1987)

**9.08.070 Conduct in Name of Corporation or Association.** A person is criminally liable for conduct constituting an offense which he/she performs or causes to be performed in the name of or on behalf of a corporation or association to the same extent as if such conduct were performed in his/her own name or behalf. (Ord. 87-2 (CC §2.07), 1987)

## Chapter 9.12 - Inchoate Offenses

### 9.12.010 Attempt.

A. For purposes of this title a person is guilty of an attempt to commit a crime if, acting with the kind of culpability otherwise required for the commission of the offense, he/she engages in conduct constituting a substantial step toward commission of the offense.

B. For purposes of this title, conduct does not constitute a substantial step unless it is strongly corroborative of the actor's intent to commit the offense.

C. No defense to the offense of attempt shall arise:

1. Because the offense attempted was actually committed; or
2. Due to factual or legal impossibility if the offense could have been committed had the attendant circumstances been as the actor believes them to be. (Ord. 87-2 (CC §4.01), 1987)

**9.12.020 Conspiracy.** For purposes of this part a person is guilty of conspiracy when he, intending that conduct constituting a crime be performed, agrees with one or more persons to engage in or cause the performance of such conduct and anyone of them commits an overt act in pursuance of the conspiracy. (Ord. 87-2 (CC §4-02), 1987)

**9.12.030 Classification of Offense.** Conspiracy or attempt to commit:

A. A class B misdemeanor is a class C misdemeanor;

B. A class C misdemeanor or infraction is punishable by a penalty not exceeding one half the penalty for a class C misdemeanor. (Ord. 87-2 (CC §4.03), 1987)

## Chapter 9.16 - Offenses Against Public Officers and Government

**9.16.010 Interference with Public Servant.** A person is guilty of a class B misdemeanor if he/she uses force, violence, intimidation, or engages in any other unlawful act with a purpose to interfere with a public servant performing an official function. (Ord. 87-2 (CC §7.01), 1987)

**9.16.020 Picketing or Parading in or Near Court.** A person is guilty of a class B misdemeanor if he/she pickets or parades in or near a building which houses a court of this state with intent to obstruct access to that court or to affect the outcome of a case pending before that court. (Ord. 87-2 (CC §7.02), 1987)

**9.16.030 Disturbing Official Meeting.**

A. A person is guilty of a class B misdemeanor if he/she intentionally disturbs an official meeting or commits any disorderly conduct in immediate view and presence of participants in an official meeting tending to interrupt its proceedings.

B. "Official meeting," as used in this section, means any lawful meeting of public servants for the purpose of carrying on governmental functions. (Ord. 87-2 (CC §7.04), 1987)

**9.16.040 Interference With Peace Officer Making Arrest.** A person is guilty of a class B misdemeanor if he/she has knowledge, or by the exercise of reasonable care, should have knowledge, that a peace officer is seeking to effect a lawful arrest or detention of himself or another and interferes with such arrest or detention by use of force or by use of any weapon. (Ord. 87-9.16, 1987; Ord. 87-2 (CC §7.04), 1987)

**9.16.050 Obstructing Justice.**

A. A person is guilty of an offense if, with intent to hinder, prevent or delay the discovery, apprehension, prosecution, conviction or punishment of another for the commission of a crime, he:

1. Knowing an offense has been committed, conceals it from magistrate; or

2. Harbors or conceals the offender; or

3. Provides the offender a weapon, transportation, disguise or other means for avoiding discovery or apprehension; or

4. Warns such offender of impending discovery or apprehension;

or

5. Conceals, destroys, or alters any physical evidence that might aid in the discovery, apprehension or conviction of such person; or

6. Obstructs by force, intimidation, or deception anyone from performing an act which might aid in the discovery, apprehension, prosecution or conviction of such person.

B. An offense under this section is a class B misdemeanor. (Ord. 87-2 (CC §7.05), 1987)



**9.16.060 Failure to Aid Peace Officer.** A person is guilty of a class B misdemeanor if, upon command by a peace officer identifiable or identified by him/her as such, he/she unreasonably fails or refuses to aid the peace officer in effecting an arrest or in preventing the commission of any offense by another person. (Ord. 87-2 (CC §7.06), 1987)

**9.16.070 Acceptance of Bribe.**

A. A person is guilty of a class B misdemeanor if he:

1. Solicits, accepts or agrees to accept any benefit as consideration for his/her refraining from initiating or aiding in a criminal prosecution; or

2. Confers, offers or agrees to confer any benefit upon another as consideration for the person refraining from initiating or aiding in a criminal prosecution.

B. It is an affirmative defense that the benefit did not exceed an amount which the actor believed to be due as restitution or indemnification for the loss caused or to be caused by the offense. (Ord. 87-2 (CC §7.07), 1987)

**9.16.080 Escape.**

A. A person is guilty of escape if he/she escapes from official custody.

B. Escape is a class B misdemeanor.

C. "Official custody," for the purpose of this section, means arrest, custody in a penal institution, jail, an institution for confinement of juvenile offenders, or other confinement pursuant to an order of the court. (Ord. 87-2 (CC §7.08), 1987)

**9.16.090 Bail Jumping.**

A. A person is guilty of an offense when having been released on bail or on his/her own recognizance by court order or by other lawful authority upon condition that he/she subsequently appear personally upon a charge of an offense, he/she fails without just cause to appear at the time and place which has been lawfully designated for his/her appearance.

B. An offense under this section is a class B misdemeanor when the offense charged is a misdemeanor, and an infraction then the offense is an infraction. (Ord. 87-2 (CC §7.09), 1987)

**9.16.100 Obstructing Collection of Revenue.** Every person who willfully obstructs or hinders any public officer from collecting any revenue, taxes, or other sums of money in which the people of this state are interested and which such officer is by law empowered to collect, is guilty of a class B misdemeanor. (Ord. 87-2 (CC §7.10), 1987)

**9.16.110 Refusing to Give Tax or License Collector List or Denying Access to Employees** Every person who, when requested by the assessor or collector of taxes or license fees, refuses to give to the assessor or collector the name and residence of each man in his/her employ, or to give the assessor or collector access to the building or place where such men are employed, is guilty of a class B misdemeanor. (Ord. 87-2 (CC §7.11), 1987)

**9.16.120 Doing Business Without a License.** Every person who commences or carries on any business, trade, profession, or calling, for the transaction or carrying on of which a license is required by any law, or by any county, city or town ordinance, without taking out the license required by law or ordinance is guilty of a class B misdemeanor. (Ord. 87-2 (CC §7.12), 1987)

**9.16.130 Tampering with Official Notice or Proclamation.** Every person who intentionally defaces, obliterates, tears down, or destroys any copy or transcript or extract from or of any law of the United States or of this state, or any proclamation, advertisement, or notice set up at any place in this state by authority of any law of the United States or of this state, or by order of any court or of any public officer, before the expiration of the time for which the same was to remain set up, is guilty of an infraction. (Ord. 87-2 (CC §7.13), 1987)

**9.16.140 Removing or Injuring Road Signs.** Every person who maliciously removes or injures any milepost or milestone or guidepost or any inscription on them, erected upon any highway, is guilty of a class B misdemeanor. (Ord. 87-2 (CC §7.14), 1987)

**9.16.150 Falsification in Official Matters-Definitions.** For the purpose of Sections 9.16.160 through 9.16.220:

A. "Material" means capable of affecting the course or outcome of the proceeding. A statement is not material if it is retracted in the course of the official proceeding in which it was made before it became manifest that the falsification was or would be exposed and before it substantially affected the proceeding. Whether a statement is material is a question of law to be determined by the court.

B. "Official proceeding" means any proceeding before a legislative, judicial, administrative or other governmental body or official authorized by law to take evidence under oath or affirmation, including a notary or other person taking evidence in connection with any of these proceedings. (Ord. 87-2 (CC §7.15), 1987)

**9.16.160 False or Inconsistent Statement.** A person is guilty of a class B misdemeanor if:

A. He/she makes a false statement under oath or affirmation or swears or affirms the truth of the statement previously made and he/she does not believe the statement to be true if:

1. The falsification occurs in an official proceeding, or is made with a purpose to mislead a public servant in performing his/her official functions or

2. The statement is one which is required by law to be sworn or affirmed before a notary or other person authorized to administer oaths; or

B. He/she makes inconsistent statements under oath or affirmation, both within the period of limitations, one of which is false and not believed by him/her to be true. In a prosecution under this section, it need not be alleged or proved

which of the statements is false but only that one or the other was false and not believed by the defendant to be true.

C. No person shall be guilty under this section if he/she retracts the falsification before it becomes manifest that the falsification was or would be exposed. (Ord. 87-2 (CC §7.16), 1987)

**9.16.170 False Statement-Written.** A person is guilty of a class B misdemeanor if:

A. He/she makes a written false statement which he/she does not believe to be true on or pursuant to a form bearing a notification authorized by law to the effect that false statements made therein are punishable; or

B. With intent to deceive a public servant in the performance of his/her official function, he:

1. Makes any written false statement which he/she does not believe to be true, or

2. Knowingly creates a false impression in a written application for any pecuniary or other benefit by omitting, information necessary to prevent statements therein from being misleading, or

3. Submits or invites reliance on any writing which he/she knows to be lacking in authenticity, or

4. Submits or invites reliance on any sample, specimen, map, boundary mark or other object which he/she knows to be false.

C. No person shall be guilty under this section if he/she retracts the falsification before it becomes manifest that the falsification was or would be exposed. (Ord. 87-2 (CC §7.17), 1987)

**9.16.180 False Report to Law Enforcement Officer.** A person is guilty of a class B misdemeanor if he:

A. Knowingly gives or causes to be given false information to any law enforcement officer with a purpose of inducing the officer to believe that another has committed an offense; or

B. Knowingly gives or causes to be given information to any law enforcement officer concerning the commission of an offense, knowing that the offense did not occur or knowing that he/she has no information relating to the offense or danger. (Ord. 87-2 (CC §7.18), 1987)

**9.16.190 False Name or Address to Law Enforcement Officer.** A person commits a class C misdemeanor if, with intent of misleading a law enforcement officer as to his/her identity, he/she knowingly gives a false name or address to a law enforcement officer in the lawful discharge of his/her official duties. (Ord. 87-2 (CC §7.19), 1987)

**9.16.200 Falsification or Alteration of Government Record.** A person is guilty of a class B misdemeanor if he:

A. Knowingly makes a false entry in or false alteration of anything belonging to, received or kept by the government for information or record, or required by law to be kept for information of the government; or

B. Presents or uses anything knowing it to be false and with a purpose

that it be taken as a genuine part of information of records referred to in subsection A of this section; or

C. Intentionally and unlawfully destroys, conceals or otherwise impairs the verity or availability of any such thing. (Ord. 87-2 (CC §7.20), 1987)

**9.16.210 Impersonating Officer.** A person is guilty of a class B misdemeanor if he/she impersonates a public servant or a peace officer with intent to deceive another or with intent to induce another to submit to his/her pretended official authority or to rely upon his/her pretended official act. (Ord. 87-2 (CC §7.21), 1987)

**9.16.220 False Judicial or Official Notice.** A person is guilty of a class B misdemeanor who, with a purpose to procure the compliance of another with a request made by the person, knowingly sends, mails or delivers to the person a notice or other writing which has no judicial or other sanction but which in its format or appearance simulates a summons, complaint, court order, or process, or an insignia, seal, or printed form of a federal, state or local government or an instrumentality thereof, or is otherwise calculated to induce a belief that it does have a judicial or other official sanction. (Ord. 87-2 (CC §7.22), 1987)

**9.16.230 False Alarm.**

A. A person is guilty of giving a false alarm if he/she initiates or circulates a report or warning of any fire, impending bombing, or other crime or catastrophe, knowing that the report or warning is false or baseless and is likely to cause evacuation of any building, place of assembly, on facility of public transport, to cause public inconvenience or alarm or action of any sort by any official or volunteer agency organized to deal with emergencies.

B. Giving a false alarm is a class B misdemeanor. (Ord. 87-2 (CC §8.05), 1987)

**9.16.240 Abuse of Flag.**

A. A person is guilty of abuse of a flag if he:

1. Intentionally places any unauthorized inscription or other thing, upon any flag of the United States or of any state of the United States; or

2. Knowingly exhibits any such flag, knowing the inscription or other thing to be unauthorized; or

3. For purposes of advertising a product or service for sale or for distribution, affixes a representation of the flag of the United States or of a state of the United States to the product or on any display whereon the product or service is advertised; or

4. Knowingly casts contempt upon the flag of the United States or of any state of the United States by publicly mutilating, defacing, defiling, burning or trampling upon it.

B. Abuse of a flag is a class B misdemeanor. (Ord. 87-2 (CC §8.16), 1987)

## Chapter 9.20 - Offenses Against the Person

### 9.20.010 Assault.

A. Assault is:

1. An attempt, with unlawful force or violence, to do bodily injury to another; or
2. A threat, accompanied by a show of immediate force or violence, to do bodily injury to another.

B. Assault is a class B misdemeanor. (Ord. 87-2 (CC §5.01), 1987)

### 9.20.020 Harassment.

A. A person is guilty of harassment if, with intent to frighten or harass another, he/she communicates in writing a threat to commit any violent felony.

B. Harassment is a class C misdemeanor. (Ord. 87-2 (CC §5.02), 1987)

**9.20.030 Protective Orders.** Any person who has been restrained from abusing another, or who has been ordered to vacate a dwelling by a protective order issued pursuant to Chapter 6 of Title 30, UCA 1979, violates that order after having been properly served with it, is guilty of a class B misdemeanor. (Ord. 87-2 (CC §5.03), 1987)

### 9.20.040 Terroristic Threat.

A. A person commits terroristic threat if he/she threatens to commit any offense involving violence with intent:

1. To cause action of any sort by an official or volunteer agency organized to deal with emergencies; or
2. To place a person in fear of imminent serious bodily injury; or
3. To prevent or interrupt the occupation of a building, room, place of assembly, place to which the public has access, or aircraft, automobile, or other form of conveyance.

B. Terroristic threat is a class B misdemeanor unless the actor's intent is to prevent or interrupt the occupation of a building, a place to which the public has access, or a facility of public transportation operated by a common carrier. (Ord. 87-2 (CC §5.04), 1987)

### 9.20.050 Unlawful Detention.

A. A person commits unlawful detention if he/she knowingly restrains another unlawfully so as to interfere substantially with his/her liberty.

B. Unlawful detention is a class B misdemeanor. (Ord. 87-2 (CC §5.05), 1987)

### 9.20.060 Telephone Harassment.

A. A person is guilty of telephone harassment and subject to prosecution in the jurisdiction where the telephone call originated or was received if, with intent to annoy or alarm another, he:

1. Makes a telephone call, whether or not a conversation ensues, without purpose of lawful communication; or

2. Makes repeated telephone calls at extremely inconvenient hours or in offensively coarse language; or

3. Insults, taunts or challenges another in a manner likely to intimidate or provoke a violent or disorderly response.

B. Telephone harassment is a class B misdemeanor. (Ord. 87-2 (CC §8.06), 1987)

## Chapter 9.24 - Offenses Against Public Peace

### 9.24.010 Riot.

A. A person is guilty of riot if:

1. Simultaneously with two or more other persons he/she engages in tumultuous or violent conduct and thereby knowingly or recklessly creates a substantial risk of causing public alarm; or

2. He/she assembles with two or more other persons with the purpose of engaging soon thereafter in tumultuous or violent conduct, knowing that the two or more other persons in the assembly have the same purpose; or

3. He/she assembles with two or more other persons with the purpose of committing an offense against a person or property of another whom he/she supposes to be guilty of a violation of law, believing that the two or more other persons in the assembly have the same purpose.

B. Any person who refuses to comply with a lawful order to withdraw given to him/her immediately prior to, during, or immediately following a violation of subsection A is guilty of riot. It is no defense to a prosecution under this subsection that withdrawal must take place over private property; provided, however, that no persons so withdrawing shall incur criminal or civil liability by virtue of acts reasonably necessary to accomplish the withdrawal.

C. Riot is a class B misdemeanor, unless, in the course of and as a result of the conduct, any person suffers bodily injury, or substantial property damage, arson occurs or the defendant was armed with a deadly weapon. (Ord. 87-2 (CC §8.01), 1987)

### 9.24.020 Disorderly Conduct.

A. A person is guilty of disorderly conduct if:

1. He/she refuses to comply with the lawful order of the police to move from a public place, or knowingly creates a hazardous or physically offensive condition, by any act which serves no legitimate purpose; or

2. Intending to cause public inconvenience, annoyance, or alarm, or recklessly creating a risk thereof:

a. He/she engages in fighting or in violent, tumultuous or threatening behavior; or

b. He/she makes unreasonable noises in a public place; or

c. He/she makes unreasonable noises in a private place which can be heard in a public place; or

d. He/she engages in abusive or obscene language or makes obscene gestures in a public place; or

e. He/she obstructs vehicular or pedestrian traffic.

B. "Public place" for the purpose of this section, means any place to which the public or a substantial group of the public has access and includes but is not limited to streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.

C. Disorderly conduct is a class C misdemeanor if the offense continues after a request by a person to desist. Otherwise it is an infraction. (Ord. 87-2 (CC

§8.02), 1987)

**9.24.030 Disrupting a Meeting or Procession.**

A. A person is guilty of disrupting a meeting or procession if, intending to prevent or disrupt a lawful meeting, procession, or gathering he/she obstructs or interferes with the meeting, procession or gathering by physical action, verbal utterance, or any other means.

B. Disrupting a meeting or procession is a class B misdemeanor.  
(Ord. 87-2 (CC §8.03), 1987)

**9.24.040 Failure to Disperse.**

A. A person is guilty of failure to disperse when he/she remains at the scene of a riot, disorderly conduct, or an unlawful assembly after having been ordered to disperse by a peace officer.

B. This section shall not apply to a person who attempted to but was unable to leave the scene of the riot or unlawful assembly.

C. Failure to disperse is a class C misdemeanor. (Ord. 87-2 (CC §8.04), 1987)

**9.24.050 Begging-Prohibited.**

A. It is unlawful for any person, either directly or indirectly, to get or gather alms within the limits of the city.

B. Any person violating the provisions of this section shall be deemed a mendicant and shall be fined in a sum not exceeding twenty-five dollars or be imprisoned for a term not exceeding twenty-five days. (Ord. 87-2 (CC §8.28), 1987)

**9.24.060 Privacy Violation-Definitions.**

A. "Eavesdrop" means to overhear, record, amplify or transmit any part of a wire or oral communication of others without the consent of at least one party thereto by means of any electronic, mechanical or other device.

B. "Private place" means a place where one may reasonably expect to be safe from casual or hostile intrusion or surveillance.

C. "Public" includes any professional or social group of which the victim of a defamation is a member. (Ord. 87-2 (CC §8.13), 1987)

**9.24.070 Privacy Violation-Designated.**

A. A person is guilty of privacy violation if, except as authorized by law, he:

1. Trespasses on property with intent to subject anyone to eavesdropping or other surveillance in a private place; or

2. Installs in any private place, without the consent of the person or persons entitled to privacy there, any device for observing, photographing, recording, amplifying or broadcasting sounds or events in the place or uses any such unauthorized installation; or

3. Installs or uses outside of a private place any device for hearing, recording, amplifying or broadcasting sounds originating in the place which would not ordinarily be audible or comprehensible outside, without



the consent of the person or persons entitled to privacy there.

B. Privacy violation is a class B misdemeanor. (Ord. 87-2 (CC §8.14), 1987)

**9.24.080 Privacy Violation-Communication Abuse.** A person commits communication abuse if, except as authorized by law, he:

A. Intercepts, without the consent of the sender or receiver, a message by telephone, telegraph, letter or other means of communicating privately; this subsection does not extend to:

1. Overhearing of messages through a regularly installed instrument on a telephone party line or on an extension; or

2. Interception by the telephone company or subscriber incident to enforcement of regulations limiting use of the facilities or to other normal operation and use; or

B. Divulges without consent of the sender or receiver the existence or contents of any such message if the actor knows that the message was illegally intercepted or if he/she learned of the message in the course of employment with an agency engaged in transmitting it. (Ord. 87-2 (CC §8.15), 1987)

**9.24.090 Privacy Violation-Emergency Telephone Abuse.**

A. A person is guilty of emergency telephone abuse if he:

1. Intentionally refuses to yield or surrender the use of a party line or a public pay telephone to another person upon being informed that the telephone is needed to report a fire or summon police, medical or other aid in case of emergency, unless the telephone is likewise being used for an emergency call; or

2. Asks for or requests the use of a party line or a public pay telephone on the pretext that an emergency exists, knowing that no emergency exists.

B. Emergency telephone abuse is a class C misdemeanor.

C. For the purpose of this section:

1. "Emergency" means a situation in which property or human life is in jeopardy and the prompt summoning of aid is essential to the preservation of human life or property.

2. "Party line" means a subscriber's line or telephone circuit consisting of two or more main telephone stations connected therewith, each station with a distinctive ring or telephone number. (Ord. 87-2 (CC §8.07), 1987)

## Chapter 9.28 - Offenses Against Public Decency

**9.28.010 Expectoration-Littering.** It is unlawful for any person to expectorate or spit, or throw cigar stumps, quids of tobacco, cigarette stumps, banana peels or any other unhealthy or dangerous substance on the floor of any street or railway car or other public conveyance or public building or upon any paved sidewalk within the city. (Ord. 87-2 (CC §8.24), 1987)

**9.28.020 Loitering.**

A. A person is guilty of loitering if he/she appears at a place or at a time under circumstances that warrant alarm for the safety of persons or property in the vicinity, and upon inquiry by a law enforcement official, he/she fails to give a reasonably credible account of his/her identity, conduct or purposes.

B. No person shall be convicted under this section if the explanation he/she gave of his/her conduct and purposes was true and, if believed by the law enforcement official at the time, would have dispelled the alarm.

C. Loitering is a class C misdemeanor. (Ord. 87-2 (CC §8.26), 1987)

**9.28.030 Abuse of Corpse.**

A. A person is guilty of abuse of a corpse if he/she intentionally and unlawfully:

1. Removes, conceals, dissects or destroys a corpse or any part thereof; or
2. Disinters a corpse that has been buried or otherwise interred.

B. An offense under this section is a class B misdemeanor. (Ord. 87-2 (CC §8.27), 1987)

**9.28.040 Lewdness and Profanity.<sup>1</sup>**

A. Definitions. As used in this section "willfully" means simply a purpose or willingness to commit the act or to omit an act referred to herein.

B. Except those sections defining crimes and penalties therefore, over which the justice of the peace does not have jurisdiction, the Criminal Code, Title 76, Section 76-10-1201 and 76-10-1203 of the UCA 1953, as amended from time to time is adopted and incorporated in this section by reference.

C. It shall be unlawful for any person:

1. To knowingly or wilfully bathe in the nude in public or in such a manner that the nude body is exposed to the view of other persons;
2. To expose his/her private parts or go nude, or topless (if female) or bottomless in any public place or to procure, counsel or assist any other person to so expose themselves;
3. To urinate or stool in any public place (except public restrooms) or in any place exposed to public view or to procure, counsel, or aid any other person to do so.

D. Lewdness

---

<sup>1</sup> Statutory references: UCA 76-9-702, 76-10-120, 76-10-1203

1. A person is guilty of lewdness if the person under circumstances not amounting to rape, object rape, forcible sodomy, forcible sexual abuse, or an attempt to commit any of these offenses, performs an act of sexual intercourse or sodomy, exposes his/her genitals or private parts, masturbates, engages in trespassory voyeurism, or performs any other act of gross lewdness, in a public place or under circumstances which he/she should know will likely cause affront or alarm to, on, or in the presence of another who is fourteen years of age or older.

2. Lewdness is a class B misdemeanor. (Ord. 87-24 (4), 1987; Ord. 87-9.24, 1987; Ord. 87-2 (CC §8.25, 9.40) 1987)

**9.28.050 Public Drinking or Intoxication-Prohibited.** Any person who drinks any intoxicating liquor in any street, alley, park, theater, store or in any vehicle commonly used for the public transportation of passengers, or who is drunk or intoxicated in a public place, or who is drunk or intoxicated in a private place where he/she unreasonably disturbs another person, within the corporate limits of the city, shall be deemed guilty of a class B misdemeanor. (Ord. 87-2 (CC §8.17), 1987)

**9.28.060 Sale of Liquor to Drunken Person.** No person shall sell or supply any alcoholic beverage or permit alcoholic beverages to be sold or supplied to any person under or apparently under the influence of liquor. A violation of this section is a class B misdemeanor. (Ord. 87-2 (CC §8.18), 1987)

**9.28.070 Permitting Drunkenness.**

A. No person shall:

1. Permit drunkenness to take place in any house or on any premises of which he/she is the owner, tenant or occupant; or
2. Permit or suffer any person apparently under the influence of liquor to consume any liquor in any house or on any premises of which the first-named is owner, tenant or occupant; or
3. Give any liquor to any person apparently under the influence of liquor.

B. A violation of this section is a class B misdemeanor. (Ord. 87-2 (CC §8.22), 1987)

**9.28.080 Alcoholic Beverages - Unauthorized Use Prohibited.** Except as provided by state law, the manufacture, sale, keeping or storing for sale in the city, or offering or exposing for sale, or importing, carrying, transporting, advertising, distributing, giving away, exchanging, dispensing or serving of liquors in the city, is prohibited, and it is unlawful for any person within the corporate limits of the city to knowingly have in his, her or its possession any intoxicating liquors except as provided by state law. (Ord. 87-2 (CC §8.23), 1987)

**9.28.090 Controlled Substances.**<sup>2</sup> Except for those sections defining controlled

---

<sup>2</sup> Statutory references: UCA 58-37-1C58-37b-8

substances, drug paraphernalia and imitation controlled substances crimes, and penalties therefor over which the justice of the peace does not have jurisdiction, the entire Chapter 37, Title 58 UCA, 1953, as amended from time to time is adopted and incorporated in the criminal code by reference. (Ord. 87-9.24(x) §1, 1987)

**9.28.100 Cigarettes, Tobacco and Psychotoxic Chemical Solvents.** The entire Chapter 10, Part 1, Title 76 UCA, 1953, as amended from time to time, is adopted and incorporated in the criminal code by reference. (Ord. 87-9.40, 1987), 1987)

**9.28.110 Gambling-Definitions.**

A. "Gambling" means risking anything of value for a return or risking anything of value upon the outcome of a contest, game, gaming scheme or gaming device when the return or outcome is based upon an element of chance and is in accord with an agreement or understanding that someone will receive something of value in the event of a certain outcome; gambling does not include:

1. A lawful business transaction; or
2. Playing an amusement device that confers only an immediate and unrecorded right of replay not exchangeable for value.

B. "Gambling bet" means money, checks, credit or any other representation of value.

C. "Gambling device or record" means anything specifically designed for use in gambling or used primarily for gambling.

D. "Gambling proceeds" means anything of value used in gambling. (Ord. 87-2 (CC §9.32), 1987)

**9.28.120 Gambling-Elements.**

A. A person is guilty of gambling if he:

1. Participates in gambling; or
2. Knowingly permits any gambling to be played, conducted or

dealt upon or in any real or personal property owned, rented, or under the control of the actor, whether in whole or in part.

B. Gambling is a class B misdemeanor. (Ord. 87-2 (CC §9.33), 1987)

**9.28.130 Gambling-Device Seizure.**

A. Whenever any magistrate shall determine that any devices or equipment is used or kept for the purpose of gambling, the magistrate may authorize the city council in conjunction with its police chief to seize the devices and sell them for the best price obtainable. The sale must be made to a person of good character and repute who is a bona fide resident of a state where it is lawful to use the equipment. The officials conducting the sale shall place the equipment on a public carrier, properly consigned to the purchaser at the place of this residence.

B. The proceeds of any sale shall be paid into the treasury of the city.

C. If no sale is consummated within ninety days of the authorization therefor, the device or equipment shall be destroyed under the direction of the magistrate.

(Ord. 87-2 (CC §9.34), 1987)

**9.28.140 Gambling-Bets or Proceeds Seizure.**

A. At the commencement of any prosecution for a violation of this chapter any gambling bets or gambling proceeds which are reasonably identifiable as having been used or obtained in violation of this chapter may be seized and they shall be held pending the disposition of the proceedings. At the conclusion of the proceedings, any person who is found guilty of a violation of this chapter shall forfeit any sums held by the court which were acquired or being used in violation of this chapter. Any sums not identifiable, or in the event the individual is found not guilty, shall be returned to him.

B. A commencement or prosecution shall occur upon arrest, issuance of a complaint or indictment, whichever occurs first.

C. All sums forfeited under this section shall be paid into the treasury of the city. (Ord. 87-2 (CC §9.35), 1987)

**9.28.150 Prostitution-Definitions.** For purposes of Sections 9.28.160 through 9.28.180, the following terms shall have the meanings set out in this section:

A. "House of prostitution" means a place where prostitution or promotion of prostitution is regularly carried on by one or more persons under the control, management or supervision of another.

B. "Inmate" means a person who engages in prostitution in or through the agency of a house of prostitution.

C. "Public place" means any place to which the public or any substantial group thereof has access.

D. "Sexual activity" means intercourse or any sexual act involving the genitals of one person and the mouth or anus of another person, regardless of the sex of either participant. (Ord. 87-2 (CC §9.36), 1987)

**9.28.160 Prostitution-Elements.**

A. A person is guilty of prostitution when:

1. He/she engages or offers or agrees to engage in any sexual activity with another person for a fee; or

2. Is an inmate of a house of prostitution; or

3. Loiters in or within view of any public place for the purpose of being hired to engage in sexual activity,

B. Prostitution is a class B misdemeanor. (Ord. 87-2 (CC §9.37), 1987)

**9.28.170 Prostitution-Patronizing a Prostitute.** A person is guilty of patronizing a prostitute when:

A. He/she pays or offers or agrees to pay another person a fee for the purpose of engaging in an act of sexual activity; or

B. He/she enters or remains in a house of prostitution for the purpose of engaging in sexual activity. (Ord. 87-2 (CC §9.38), 1987)

**9.28.180 Prostitution-Aiding Prostitution.**

A. A person is guilty of aiding prostitution if he:

1. Solicits a person to patronize a prostitute; or
2. Procures or attempts to procure a prostitute for a patron; or
3. Knowingly leases or otherwise permits a place controlled by the actor, alone or in association with another, to be used for prostitution or the promotion of prostitution; or
4. Solicits, receives or agrees to receive any benefit for doing any of the acts prohibited by this subsection.

B. Aiding prostitution is a class B misdemeanor. (Ord. 87-2 (CC §9.39), 1987)

## Chapter 9.32 - Offenses Against Property

**9.32.010 Property Destruction-Definitions.** For purposes of this chapter, the following words and phrases shall have the following meanings:

A. "Property" means any form of real property or tangible personal property which is capable of being damaged or destroyed and includes a habitable structure.

B. "Property" is that of another, if anyone other than the actor has possessory or proprietary interest in any portion thereof.

C. "Value" means:

1. The market value of the property, if totally destroyed, at the time and place of the offense, or when cost of replacement exceeds the market value; or

2. Where the market value cannot be ascertained, the cost of repairing or replacing the property within a reasonable time following the offense;

3. If the property damaged has a value that cannot be ascertained by the criteria set forth in subsections A and B of this section, the property shall be deemed to have a value of fifty dollars. (Ord- 87-2 (CC §6.01), 1987)

### **9.32.020 Arson.**

A. A person is guilty of arson if under circumstances not amounting to aggravated arson as defined in Section 76-6-103, UCA 1973, by means of fire or explosives, he/she unlawfully and intentionally damages the property of another.

B. A violation of subsection A of this section is a class B misdemeanor if the damage caused exceeds two hundred fifty dollars but is not more than one thousand dollars; a class C misdemeanor if the damage caused is not more than two hundred fifty dollars. (Ord. 87-2 (CC §6.02), 1987)

### **9.32.030 Reckless Burning.<sup>3</sup>**

A. A person is guilty of reckless burning if he/she damages the property of another by reckless use of fire or by causing an explosion.

B. A violation of subsection A is a class B misdemeanor if the damage to property exceeds five hundred dollars but is not more than one thousand dollars; and a class C misdemeanor if the damage to property exceeds fifty dollars.

Violation of this section is an infraction if the damage is less than fifty dollars. (Ord. 87-9.28(x), 1987; Ord. 87-2 (CC §6.03), 1987)

### **9.32.040 Criminal Mischief.<sup>4</sup>**

A. A person commits criminal mischief if:

1. He/she intentionally damages, defaces or destroys the property

---

<sup>3</sup> Statutory references: UCA 76-6-104(2)

<sup>4</sup> Statutory references: UCA 76-6-206

of another.

2. He/she recklessly or wilfully shoots or propels a missile or other object at or against a motor vehicle, bus, airplane, boat, locomotive, train, railway car or caboose, whether moving or standing.

B. Any violation of this section is a class B misdemeanor if the actor's conduct causes or is intended to cause pecuniary loss in excess of two hundred fifty dollars, but less than five hundred dollars and a class C misdemeanor if the actor's conduct causes or is intended to cause loss of less than two hundred fifty dollars. (Ord. 87-9.28(xx), 1987; Ord. 87-2 (CC §6-04), 1987)

#### **9.32.050 Criminal Trespass.**

A. For purposes of this section "enter" means intrusion of the entire body.

B. A person is guilty of criminal trespass if, under circumstances not amounting to burglary as defined in Sections 76-6-202, 76-6-203 or 76-6-204, UCA, 1953:

1. He/she enters or remains unlawfully on property and:

- a. Intends to cause annoyance or injury to any person thereon or damage to any property thereon, or
- b. Intends to commit any crime, other than theft or a felony,
- c. Is reckless as to whether his/her presence will cause fear for the safety of another;

2. Knowing his/her entry or presence is unlawful, he/she enters or remains on property as to which notice against entering is given by;

- a. Personal communication to the actor by the owner or someone with apparent authority to act for the owner; or
- b. Fencing or other enclosure obviously designed to exclude intruders; or
- c. Posting of signs reasonably likely to come to the attention of intruders.

C. It is a defense to prosecution under this section:

1. That the property was open to the public when the actor entered or remained; or
2. The actor's conduct did not substantially interfere with the owner's use of the property.

D. A violation of subsection (B)(1) is a class C misdemeanor unless it was committed in a dwelling, in which event it is a class B misdemeanor. A violation of subsection (B)(2) is an infraction. (Ord. 87-9.28(4), 1987; Ord. 87-2 (CC §6.06), 1987)

**9.32.060 Burglary Instruments.** Any person who manufactures or possesses any instrument, tool, device, article or other thing adapted, designed or commonly used in advancing or facilitating the commission of any offense under circumstances manifesting an intent to use or knowledge that some person intends to use the same in the commission of a burglary or theft is guilty of a class B misdemeanor. (Ord. 87-2 (CC §6.05), 1987)

**9.32.070 Theft-Definitions.** For purposes of Sections 9.32.080 through 9.32.160:



A. "Deception" occurs when a person intentionally:

1. Creates or confirms by words or conduct an impression of law or fact that is false and that the actor does not believe to be true and that is likely to affect the judgment of another in the transaction; or

2. Fails to correct a false impression of law or fact that the actor previously created or confirmed by words or conduct that is likely to affect the judgment of another and that the actor does not now believe to be true; or

3. Prevents another from acquiring information likely to affect his/her judgment in the transaction; or

4. Sells or otherwise transfers or encumbers property without disclosing a lien, security interest, adverse claim, or other legal impediment to the enjoyment of the property, whether the lien, security interest, claim or impediment is or is not valid or is or is not a matter of official record; or

5. Promises performance that is likely to affect the judgment of another in the transaction, which performance the actor does not intend to perform or knows will not be performed; provided, however, that failure to perform the promise in issue without other evidence of intent or knowledge is not sufficient proof that the actor did not intend to perform or knew the promise would not be performed.

B. "Obtain" means, in relation to property, to bring about a transfer of possession or of some other legally recognized interest in property, whether to the obtainer or another; in relation to labor or services, to secure performance thereof; and in relation to a trade secret, to make any facsimile, replica, photograph, or other reproduction.

C. "Obtain or exercise unauthorized control" means, but is not necessarily limited to, conduct heretofore defined or known as common-law larceny by trespassory taking, larceny by conversion, larceny by bailee, and embezzlement.

D. "Property" means anything of value, including real estate, tangible and intangible personal property, captured or domestic animals and birds, written instruments or other writings represented or embodying rights concerning real or personal property, labor, service or otherwise containing anything of value to the owner, commodities of a public utility nature such as telecommunications, gas, electricity, steam or water, and trade secrets meaning the whole or any portion of any scientific or technical information, design, process, procedure, formula or invention which the owner thereof intends to be available only to persons selected by him.

E. "Purpose to deprive" means to have the conscious object:

1. To withhold property permanently or for so extended a period or to use under such circumstances that a substantial portion of its economic value, or of the use and benefit thereof, would be lost; or

2. To restore the property only upon payment of a reward or other compensation; or

3. To dispose of the property under circumstances that make it unlikely that the owner will recover it. (Ord. 87-2 (CC §6.07), 1987)

**9.32.080 Theft-Presumptions and Defenses.** The following presumption shall be

applicable to Sections 9.32.070 through 9.32.160;

A. Possession of property recently stolen, when no satisfactory explanation of such possession is made, shall be deemed prima facie evidence that the person in possession stole the property.

B. It is no defense under this part that the actor has an interest in the property or service stolen if another person also has an interest that the actor is not entitled to infringe, provided an interest in property for purposes of this subsection shall not include a security interest for the repayment of a debt or obligation.

C. It is a defense under sections 9.32.070 through 9.32.160 that the actor:

1. Acted under an honest claim of right to the property or service involved; or

2. Acted in the honest belief that he/she had the right to obtain or exercise control over the property or service as he/she did; or

3. Obtained or exercised control over the property or service honestly believing that the owner, if present, would have consented. (Ord. 87-2 (CC §6.08), 1987)

**9.32.090 Theft-Elements.** A person commits theft if he/she obtains or exercises unauthorized control over the property of another with a purpose to deprive him/her thereof. (Ord. 87-2 (CC §6.09), 1987)

**9.32.100 Theft-By Deception.**

A. A person commits theft if he/she obtains or exercises control over property of another by deception and with a purpose to deprive him/her thereof.

B. Theft by deception does not occur, however, when there is only falsity as to matters having no pecuniary significance, of puffing by statements unlikely to deceive ordinary persons in the group addressed. "Puffing" means an exaggerated commendation of wares or worth in communications addressed to the public or to a class or group. (Ord. 87-2 (CC §6.10), 1987)

**9.32.110 Theft-Extortion.**

A. A person is guilty of theft if he/she obtains or exercises control over the property of another by extortion and with a purpose to deprive him/her thereof.

B. As used in this section, extortion occurs when a person threatens to:

1. Cause physical harm in the future to the person threatened or to property at any time; or

2. Subject the person threatened or any other person to physical confinement or restraint; or

3. Engage in other conduct constituting a crime; or

4. Accuse any person of a crime or expose him/her to hatred, contempt or ridicule; or

5. Reveal any information sought to be concealed by the person threatened; or

6. Testify or provide information or withhold testimony or information with respect to another's legal claim or defense; or

7. Take action as an official against anyone or anything, or

withhold official action, or cause such action or withholding; or

8. Bring about or continue a strike, boycott, or other similar collective action to obtain property which is not demanded or received for the benefit of the group which the actor purports to represent; or

9. Do any other act which would not in itself substantially benefit him/her but which would harm substantially any other person with respect to that person's health, safety, business, calling, career, financial condition, reputation or personal relationships.

(Ord. 87-2 (CC §6.11), 1987)

**9.32.120 Theft-Lost or Mistakenly Delivered Property.** A person commits theft when:

A. He/she obtains property of another which he/she knows to have been lost or mislaid, or to have been delivered under a mistake as to the identity of the recipient or as to the nature or amount of the property, without taking reasonable measures to return it to the owner; and

B. He/she has the purpose to deprive the owner of the property when he/she obtains the property or at any time prior to taking the measures designated in subsection A of this section. (Ord. 87-2 (CC §6.12), 1987)

**9.32.130 Theft-Receiving Stolen Property.**

A. As used in this section:

1. "Dealer" means a person in the business of buying or selling goods.

2. "Receives" means acquiring possession, control or title or lending on security of the property.

B. A person commits theft if he/she receives, retains, or disposes of the property of another knowing that it has been stolen, or believing that it probably has been stolen or who conceals, sells, withholds or aids in concealing, selling or withholding any property from the owner, knowing the property to be stolen, with a purpose to deprive the owner thereof.

C. The knowledge or belief required for subsection B of this section is presumed in the case of an actor who:

1. Is found in possession or control of other property stolen on a separate occasion; or

2. Has received other stolen property within the year preceding the receiving offense charged; or

3. Being a dealer in property of the sort received, retained or disposed, acquires it for a consideration which he/she knows is far below its reasonable value;

4. Is a pawnbroker or person who has or operates a business dealing in or collecting used or secondhand merchandise or personal property, or an agent, employee or representative of the pawnbroker or person who buys, receives or obtains property to certify, in writing, that he/she has the legal rights to sell the property. If the value given the property exceeds twenty dollars, the pawnbroker or person shall also require the seller or person delivering the property to obtain a legible print, preferably the right thumb, at the bottom of the certificate next to his/her

signature and at least one other positive form of identification.

a. Every pawnbroker or person who has or operates a business dealing in or collecting used or secondhand merchandise or personal property, and every agent, employee or representative of the pawnbroker or person who fails to comply with the requirements of subdivision 4 of this subsection shall be presumed to have bought, received or obtained the property knowing it to have been stolen or unlawfully obtained. This presumption may be rebutted by proof.

b. When in a prosecution under this section it appears from the evidence that the defendant was a pawnbroker or a person who has or operates a business dealing in or collecting used or secondhand merchandise or personal property, or was an agent, employee or representative of a pawnbroker or person, that the defendant bought, received, concealed or withheld the property without requiring the person from whom he/she bought, received or obtained the property to sign the certificate required in subdivision 4 of this subsection and in the event the transaction involves an amount exceeding twenty dollars also place his/her legible print, preferably the right thumb, on the certificate, then the burden shall be upon the defendant to show that the property bought, received or obtained was not stolen.

(Ord. 87-2 (CC §6.13), 1987

#### **9.32.140 Theft of Services.**

A. As used in this section, "services" includes, but is not necessarily limited to, labor, professional service, public utility, and transportation services, restaurant, hotel, motel, tourist cabin, rooming house, and accommodations, the supplying of equipment, tools, vehicles, or trailers for temporary use, telephone or telegraph service, gas, electricity, water or steam and the like, admission to entertainment, exhibitions, sporting events, or other events for which a charge is made.

B. A person commits theft if he/she obtains services which he/she knows are available only for compensation by deception, threat, force, or any other means designed to avoid the due payment therefor.

C. A person commits theft if, having control over the disposition of service of another, to which he/she knows he/she is not entitled, he/she diverts such service to his/her own benefit or to the benefit of another who he/she knows is not entitled thereto. (Ord. 87-2 (CC §6.14), 1987)

#### **9.32.150 Theft-Rental Agreements.** A person is guilty of theft if:

A. Having custody or property pursuant to an agreement between himself or another and the owner thereof whereby the actor or another is to perform for compensation a specific service for the owner involving the maintenance, repair or use of such property, he/she intentionally uses or operates it, without the consent of the owner, for his/her own purposes in a manner constituting a gross deviation from the agreed purpose; or

B. Having custody of any property pursuant to a rental or lease agreement where it is to be returned in a specified manner or at a specified time, intentionally fails to comply with the terms of the agreement concerning return so as to render such failure a gross deviation from the agreement. (Ord. 87-2 (CC §6.15), 1987)

#### **9.32.160 Theft-Classification of Offenses.**

A. Theft of property and services as provided in this chapter shall be punishable as a class B misdemeanor if the value of the property stolen was one hundred dollars or less.

B. Any person who has been injured by a violation of subsection B of Section 9.32.130 may bring an action against any person mentioned in subsection C4 of Section 9.32.130 for three times the amount of actual damages, if any sustained by the plaintiff, costs of suit and reasonable attorney's fees. (Ord. 87-2 (CC §6.16), 1987)

#### **9.32.170 Tampering with Records.**

A. Any person who, having no privileges to do so, knowingly falsifies, destroys, removes or conceals any writing, other than the writings enumerated in Section 76-6-503, UCA, 1953, or record, public or private, with intent to deceive or injure any person or to conceal any wrongdoing is guilty of tampering with records.

B. Tampering with records is a class B misdemeanor. (Ord. 87-2 (CC §6.17), 1987)

#### **9.32.180 Altered or Fictitious Card.** A person is guilty of a class B misdemeanor if he/she:

A. Gives false information on an application for the purpose of procuring a card of identification;

B. Knowingly has possession of or has under his/her control an altered or fictitious card of identification; or

C. Alters any information or photograph contained on a card of identification. (Ord. 87-2 (CC §6.18), 1987)

#### **9.32.190 Bad Checks.**

A. Any person who issues or passes a check for the payment of money, for the purpose of obtaining from any person, firm, partnership, or corporation, any money, property or other thing of value or paying for any services, wages, salary, labor or rent, knowing it will not be paid by the drawee and payment is refused by the drawee, is guilty of issuing a bad check.

B. For purposes of this section, a person who issues a check for which payment is refused by the drawee is presumed to know the check would not be paid if he/she had no account with the drawee at the time of issue.

C. An offense of issuing a bad check shall be punished if the check or series of checks made or drawn in this state within a period not exceeding six months amounts to a sum of not more than two hundred dollars. Such offense shall be a class B misdemeanor. (Ord. 87- 9.28(5), 1987; Ord. 87-2 (CC, §6.19), 1987)

**9.32.200 Deceptive Business Practices.** <sup>5</sup>**A. Definitions - Defense.**

1. A person is guilty of a class B misdemeanor if in the course of business, he:

a. Uses or possesses for use a false weight or measure, or any other device for falsely determining or recording any quality or quantity;

b. Takes or attempts to take more than the represented quantity of any commodity or service when as buyer he/she furnishes the weight or measure; or

c. Sells, offers or exposes for sale adulterated or mislabeled commodities.

2a. "Adulterated" means varying from the standard of composition or quality prescribed, or pursuant to any statute providing criminal penalties for a variance, or set by established commercial usage.

b. "Mislabeled" means varying from the standard of truth or disclosure in labeling prescribed by or pursuant to any statute providing criminal penalties for a variance, or set by established commercial usage.

3. It is an affirmative defense to prosecution under this section that the defendant's conduct was not knowing or reckless.

**B. Bribery of or Receiving Bribe by Person in the Business of Selection, Appraisal or Criticism of Goods or Services.**

1. A person is guilty of a class B misdemeanor when, without the consent of the employer or principal, contrary to the interests of the employer or principal:

a. He/she confers, offers or agrees to confer upon the employee, agent or fiduciary of an employer or principal any benefit with the purpose of influencing the conduct of the employee, agent, or fiduciary in relating to his/her employer's or principal's affairs; or

b. He, as an employee, agent or fiduciary of an employer or principal, solicits, accepts or agrees to accept any benefit from another upon an agreement or understanding that such benefit will influence his/her conduct in relation to his/her employer's or principal's affairs; provided, that this section does not apply to inducements made or accepted solely for the purpose of causing a change in employment by an employee, agent or fiduciary.

2. A person is guilty of violation of this section if he/she holds himself out to the public as being engaged in the business of making disinterested selection, appraisal, or criticism of goods or services and he/she solicits, accepts or agrees to accept any benefit to influence his/her selection, appraisal, or criticism.

(Ord. 87-9.28(7) ' ' 1, 2, 1987: Ord. 87-2 (CC §6.22), 1987)

---

<sup>5</sup> Statutory references: UCA 76-6-50

**9.32.210 Defrauding Creditors.** A person is guilty of a class B misdemeanor if:

A. He/she destroys, removes, conceals, encumbers, transfers or otherwise deals with property subject to a security interest with a purpose to hinder enforcement of that interest; or

B. Knowing that proceedings have been or are about to be instituted for the appointment of a person entitled to administer property for the benefit of creditors, he:

1. Destroys, removes, conceals, encumbers, transfers, or otherwise deals with any property with a purpose to defeat or obstruct the claim of any creditor, or otherwise to obstruct the operation of any law relating to administration of property for the benefit of creditors; or

2. Presents to any creditor or to an assignee for the benefit of creditors, orally or in writing, any statement relating to the debtor's estate, knowing that a material part of such statement is false. (Ord. 87-2 (CC §6.23), 1987)

**9.32.220 Slugs-Making or Using.**

A. As used in this section:

1. "Coin machine" means any mechanical or electronic device or receptacle designed to receive a coin or bill of a certain denomination or a token made for the purpose, and in return for the insertion or deposit thereof, automatically to offer, provide, assist in providing or permit the acquisition of property or a public or private service.

2. "Slug" means any object which, by virtue of its size, shape, or other quality, is capable of being inserted, deposited, or otherwise used in a coin machine as an improper substitute for a genuine coin, bill or token.

B. A person is guilty of a class B misdemeanor if:

1. With a purpose to defraud the supplier of property or a service offered or sold by means of a coin machine, he/she inserts, deposits or uses a slug in that machine; or

2. He/she makes, possesses or disposes of a slug with the purpose of enabling a person to use it fraudulently in a coin machine. (Ord. 87-2 (CC §6.24), 1987)

**9.32.230 Criminal Simulation.**

A. A person is guilty of criminal simulation if, with intent to defraud another:

1. He/she makes or alters an object in whole or in part so that it appears to have value because of age, antiquity, rarity, source or authorship that it does not have; or

2. He/she sells, passes or otherwise utters an object so made or altered; or

3. He/she possesses an object so made or altered with intent to sell, pass or otherwise utter it; or

4. He/she authenticates or certifies an object so made or altered as genuine or as different from what it is.

B. Criminal simulation is punishable if the value defrauded or intended to be defrauded is less than one hundred dollars, the offense is a class B misdemeanor. (Ord. 87-2 (CC §6.25), 1987)

**9.32.240 Retail Theft-Definitions.** As used in this section through Section 9.32.290:

A. "Merchandise" means any personal property displayed, held or offered for sale by a merchant.

B. "Merchant" means an owner or operator of any retail mercantile establishment where merchandise is displayed, held or offered for sale and includes the merchant's employees, servants or agents.

C. "Minor" means any unmarried person under eighteen years of age.

D. "Peace officer" means an officer as described in Section 77-10-6, UCA, 1953, including a member of the highway patrol.

E. "Premises of a retail mercantile establishment" includes, but is not limited to, the retail mercantile establishment; any common use areas in shopping centers and all parking lots or areas set aside for the benefit of those patrons of the retail mercantile establishment.

F. "Retail mercantile establishment" means any place where merchandise is displayed, held or offered for sale to the public.

G. "Retail value" means the merchant's stated or advertised price of the merchandise.

H. "Shopping cart" means those push carts of the types which are commonly provided by grocery stores, drug stores, or other mercantile establishments or markets for the use of the public in transporting commodities in stores and markets from the store to a place outside the store.

I. "Under-ring" means to cause the cash register or other sales recording device to reflect less than the retail value of the merchandise. (Ord. 87-2 (CC §6.26), 1987)

**9.32.250 Retail Theft-Designated.** A person commits the offense of retail theft when he/she knowingly:

A. Takes possession of, conceals, carries away, transfers or causes to be carried away or transferred, any merchandise displayed, held, stored or offered for sale in a retail mercantile establishment with the intention of retaining such merchandise or with the intention of depriving the merchant permanently of the possession, use or benefit of such merchandise without paying the retail value of such merchandise; or

B. Alters, transfers or removes any label, price tag, marking, indicia of value or any other markings with aid in determining value of any merchandise displayed, held, stored or offered for sale, in a retail mercantile establishment and attempts to purchase such merchandise personally or in consort with another at less than the retail value with the intention of depriving the merchant of the retail value of such merchandise; or

C. Transfers any merchandise displayed, held, stored or offered for sale in a retail mercantile establishment from the container in or on which such merchandise is displayed to any other container with the intention of depriving the merchant of the retail value of such merchandise; or



D. Under-rings with the intention of depriving the merchant of the retail value of the merchandise; or

E. Removes a shopping cart from the premises of a retail mercantile establishment with the intent of depriving the merchant of the possession, use or benefit of such cart. (Ord. 87-2 (CC §6.27), 1987)

**9.32.260 Retail Theft-Detention of Suspect.** Any merchant who has probable cause to believe that a person has committed retail theft may detain such person, on or off the premises of a retail mercantile establishment, in a reasonable manner and for a reasonable length of time for all or any of the following purposes:

A. To make reasonable inquiry as to whether such person has in his/her possession unpurchased merchandise and to make reasonable investigation of the ownership of such merchandise;

B. To request identification;

C. To verify such identification;

D. To make a reasonable request of such person to place or keep in full view any merchandise such individual may have removed, or which the merchant has reason to believe he/she may have removed, from its place of display or elsewhere, whether for examination, purchase or for any other reasonable purpose;

E. To inform a peace officer of the detention of the person and surrender the person to the custody of a peace officer;

F. In the case of a minor, to inform a peace officer, the parents, guardian or other private person interested in the welfare of that minor immediately, if possible, of this detention and to surrender custody of such minor to such person; A merchant may make a detention as permitted herein off the premises of a retail mercantile establishment only if such detention is pursuant to an immediate pursuit of such person. (Ord. 87-2 (CC §6.28), 1987)

**9.32.270 Retail Theft-Defense.** In any action for false arrest, false imprisonment, unlawful detention, defamation of character, assault, trespass, or invasion of civil rights brought by any person detained by the merchant, it shall be a defense to such action that the merchant detaining such person had probable cause to believe that the person had committed retail theft and that the merchant acted reasonably under all circumstances. (Ord. 87-2 (CC §6.29), 1987)

**9.32.280 Retail Theft-Evidence.** In any prosecution for a violation of this chapter, photographs of the goods or merchandise alleged to have been taken or converted shall be deemed competent evidence of such goods or merchandise and shall be admissible in any proceeding, hearing or trial to the same extent as if such goods and merchandise had been introduced as evidence. Such photographs shall bear a written description of the goods or merchandise alleged to have been taken or converted, the name of the owner of such goods and merchandise, or the store or establishment wherein the alleged offense occurred, the name of the accused, the name of the arresting peace officer, the date of the photograph and the name of the photographer. Such writing shall be made under oath by the arresting peace officer, and the photographs identified by the

signature of the photographer. Upon the filing of such photograph and writing with the authority or court holding in such goods and merchandise as evidence, such goods or merchandise shall be returned to their owner, or the proprietor or manager of the store or establishment wherein the alleged offense occurred. (Ord. 87-2 (CC §6.30), 1987)

**9.32.290 Retail Theft-Penalty.**

A. A violation of Sections 9.32.240 through 9.32.280 shall be punished in accordance with Section 9.32.160.

B. Any arrest made for a violation of this act shall be reported by the appropriate jurisdiction to the State Bureau of Criminal Identification which shall keep a record thereof together with the disposition thereof for purposes of inquiry by any law enforcement agency. (Ord. 87-2 (CC §6.31), 1987)

**9.32.300 Entry on Private Property.**

A. Any person entering upon the property or land owned by any other person, firm or corporation which is properly posted, without permission from the owner or person with apparent authority to act for the owner, is guilty of a class B misdemeanor.

B. Any person who upon request of the owner or person with apparent authority to act for the owner shall refuse to immediately leave such private land, whether posted or not, is guilty of a class B misdemeanor.

C. Any person who without the owner's permission shall obstruct any entrance or exit to private property is guilty of a class B misdemeanor.

D. The minimum fine under this section is fifty dollars.

**E. Private Property**

1. Private property shall be deemed properly posted when "No Trespassing" signs or other signs limiting special behavior and/or a minimum of one hundred square inches of fluorescent or bright yellow paint (on exterior fenceposts, tree; or when metal fenceposts are used, the entire exterior side must be painted) are displayed at approximately one-quarter mile intervals along the exterior boundaries and at all corners of the property and at all fishing streams that cross property lines, and along all roads, trails, gates and right-of-way entering such land. Posting must be confined to prevent access to privately owned land under the control of an individual, group or organization and is not valid in restricting access to public lands other than lands controlled by public agencies posted by such agencies as conservation measures or to prevent property destruction or the obstruction of or befouling of public waters.

2. Any landowner desiring enforcement of this provision must notify the city police department in writing fourteen days prior to enforcement that property is posted in the prescribed manner and that unless anyone has written permission to be on the property, the landowner expects the police to apprehend and prosecute the trespasser.

F. This section shall not apply to peace or conservation officers in performance of their duties.

**G. Restricting Use**

1. Any person, firm or corporation desiring to restrict use of or ingress on to privately owned property by the owner or owners and not others, except by permission, may post a special sign "entrance by permission only."

2. Written permission is not required for access to lands posted "entrance by permission only"; verbal permission is sufficient for access to such lands. However, landowners shall notify city police if such verbal permission is given to another. (Ord. 87-2 (CC §6.32), 1987)

**9.32.310 Destruction of Signs or Equipment.** It is unlawful and punishable as a class B misdemeanor for any person to shoot, deface, damage, remove or destroy signs or placards placed, permitted to be placed, or caused to be placed in any part of the city by the city or by a private landowner; or to damage, destroy, remove, or cause to be damaged, destroyed or removed any equipment or devices owned, controlled, or operated by the city; or to shoot, shoot at, damage, destroy, or remove any road signs placed upon any of the highways of the city. (Ord. 87-2 (CC §6.33), 1987)

**9.32.320 Destruction of Sign on Private Land.** It is unlawful for any person, without the consent of the owner or person with apparent authority to act for the owner of any privately owned land, to tear down, mutilate, or destroy any sign, signboard or other notice located on such property which regulates trespassing or otherwise limits or restricts specific behavior; or to, without such consent, tear down, deface, or destroy any fence or other enclosure on such privately owned land, or any gate or bars belonging to any such fence or enclosure. (Ord. 87-2 (CC §6.34), 1987)

**9.32.330 Obstruction of Sidewalk.**<sup>6</sup> It is unlawful and punishable as a class C misdemeanor for any person to remain standing, lying or sitting on any sidewalk in such a manner as to obstruct the free passage of foot travelers thereon, or wilfully to remain standing, lying or sitting thereon in said manner after being requested to move by another citizen or any police officer or wilfully to remain on the sidewalk in front of any dwelling, house or place of business in such manner as to obstruct the free passage of any person into or out of such dwelling, house or place of business. (Ord. 87-9.25, 1987: Ord. 87-2 (CC §8.39), 1987)

**9.32.340 Obstruction of Street.**<sup>7</sup> It is unlawful and punishable as a class C misdemeanor for any person to remain standing, lying or sitting on the street or highway, in such a manner as to obstruct the free passage of vehicular or pedestrian traffic thereon, or wilfully to remain standing, lying or sitting thereon in said manner after being requested to move by a citizen or any police officer, or wilfully to remain on such street or highway in such manner as to obstruct the free passage of any person or vehicle into or out of any property abutting upon the

---

<sup>6</sup> Statutory reference: UCA 76-9-102

<sup>7</sup> Statutory references: UCA 76-9-102

street or highway or any property having access to the street or highway.  
(Ord. 87-9.26, 1987; Ord. 87-2 (CC §8.40), 1987)

**9.32.350 Motor Vehicles on Private or Public Property.**

A. It is unlawful and punishable as a class B misdemeanor for any person to operate any type of motor vehicle (including but not limited to motorcycles, trail bikes, dune buggies, motor scooters or jeeps) upon the private property of another, except a highway or private street, without first obtaining the written permission of the person in lawful possession of the property or, if the property is unoccupied, the owner of such property.

B. It is unlawful for any person to operate any type of motor vehicle (including but not limited to motorcycles, trail bikes, dune buggies, motor scooters, or jeeps) upon any public property except a highway or private street, without first obtaining the written permission of the public entity which is in possession of such property or, if the property is unoccupied, the public entity which owns such property.

C. Every person who operates any type of motor vehicle upon the private property of another or upon any public property, except a highway or private street, at all times while so operating such motor vehicle shall maintain in his/her possession the written permission required by subsections A and B of this section, except that if the same document grants permission to two or more persons, a person named in such document need not have it in his/her possession while another person named in the same document riding in the same group has such document in his/her possession.

D. As used in this section, "private street" means a street over which private persons have an easement to travel and does not include driveways, paths or other ways over which no one has a right to travel except by license.

E. This section does not prohibit the use of such property by the following:

1. Emergency vehicles;
2. Vehicles of commerce in the course of the conduct of normal business;
3. Vehicles being operated on property devoted to commercial or industrial purposes where such operation is in conjunction with commercial or industrial use and where such operation is implied or expressly given by the person in possession of the property.
4. Vehicles operated on property actually used for residential purposes and where such vehicles are there at the expressed or implied invitation of the owner or occupant;
5. Vehicles being operated on public or private parking lots permission to so operate is implied or expressly given by the person in possession of the lot. (Ord. 87-2 (CC §8.41), 1987)

**9.32.360 Water Use-Interfering with Distribution.** Every person who in anyway interferes with or alters the flow of water in any stream, ditch or lateral while under the control or management of any water commissioner is guilty of a class B misdemeanor. (Ord. 87-2 (CC §9.12), 1987)

**9.32.370 Water Use-Taking Water Out of Turn.** Every person who, in violation of any right of any other person, wilfully turns or uses the water, or any part thereof, of any canal, ditch, pipeline or reservoir, except at a time when the use of the water has been duly distributed to the person, or wilfully uses any greater quantity of the water than has been duly distributed to him/her or in anyway changes the flow of water when lawfully distributed for irrigation or other useful purposes, except when duly authorized to make the change, or wilfully and maliciously breaks or injures any dam, canal, pipeline, watergate, ditch or other means of diverting or conveying water for irrigation or other useful purposes, is guilty of a class B misdemeanor. (Ord. 87-2 (CC §9.13), 1987)

**9.32.380 Water Use-Obstruction of Watergates.** Every person who rafts or floats logs, timber or wood down any river or stream and allows the logs, timber or wood to accumulate at or obstruct the watergates owned by any person or irrigation company taking or diverting the water of the river or stream for irrigation or manufacturing purposes is guilty of a class B misdemeanor. (Ord. 87-2 (CC §9.14), 1987)

**9.32.390 Prohibited Disposal of Carcass or Offal.** Every person who puts the carcass of any dead animal, or the offal from any slaughter pen, corral or butcher shop into any river, creek, pond, street, alley, or public highway, or road in common use, or who attempts to destroy it by fire, within one-fourth of a mile of the city is guilty of a class B misdemeanor. (Ord. 87-2 (CC §9.29), 1987)

**9.32.400 Bonfires on Street.** It is unlawful for any person to build, maintain or assist in building or maintaining any fires upon any of the streets within the limits of the city. (Ord. 87-2 (CC §8.36), 1987)

**9.32.410 Sign or Gate Removal.**

A. It is unlawful for any person to remove mischievously any gates or signs within the limits of the city.

B. A violation of this section is a class B misdemeanor. (Ord. 87-2 (CC §8.37), 1987)

**9.32.420 Tree or Monument Injury.** It is unlawful for any person wilfully and maliciously to take down, injure or remove any monument erected or any tree marked as a boundary of any street, land or city lot, or to destroy or deface or alter the marks of any monuments. (Ord. 87-2 (CC §8.38), 1987)

## **Chapter 9.36 - Offenses by or Against Minors**

### **9.36.010 Alcoholic Beverages-Selling or Supplying Prohibited.**

A. No person shall sell or supply alcoholic beverages to any person under twenty-one years.

B. This section does not apply to the supplying of liquor to a person under the age of twenty-one years for medicinal purposes by the parent or guardian.

C. A violation of this section is a class B misdemeanor. (Ord. 87-2 (CC §8.19), 1987)

### **9.36.020 Alcoholic Beverages-Possession Prohibited.**

A. No person under the age of twenty-one shall purchase, consume or possess any alcoholic beverage.

B. A violation of this section is an infraction. (Ord. 87-2 (CC §8.20), 1987)

**9.36.030 Alcoholic Beverages-Misrepresentation of Age.** It shall be unlawful for any minor to misrepresent his/her age, or for any other person to knowingly misrepresent the age of a minor, for the purpose of obtaining an alcoholic beverage. A violation of this section is a class B misdemeanor. (Ord. 87-2 (CC §8.21), 1987)

**9.36.040 Curfew-Imposed.** It is unlawful for any person under the age of sixteen years to be or to remain in or upon the streets, alleys, public places or vacant lots in the city on any night, except Friday night, between the hours of ten p.m. and four a.m., or to be upon the streets, alleys, public places or lots on Friday night between the hours of twelve midnight and four a.m., unless such person is accompanied by a parent, guardian or other person having legal custody of such minor person. The provisions of this section shall not apply to any such minor person whose employment of lawful business makes it necessary to be upon such streets, alleys or public places during said hours if such minor person has upon his/her person a written permit from the chief of police to be upon the streets, alleys or public places during said hours. (Ord. 87-2 (CC §8.44), 1987)

**9.36.050 Curfew-Parents Responsibility.** It is unlawful for the parent, guardian or person having the legal custody or charge of a person under the age of sixteen years to permit such minor person to go in or be in or upon any streets, alleys, public places or vacant lots in the city contrary to the provisions of this chapter. (Ord. 87-2 (CC §8.45), 1987)

**9.36.060 Curfew-Violation.** Any person violating any of the provisions of Sections 9.36.040 and 9.36.050 shall be guilty of a misdemeanor. (Ord. 87-2 (CC §8.46), 1987)

## Chapter 9.40 - Weapons

### 9.40.010 Definitions. For purposes of this chapter:

A. "Bureau" means the Utah State Bureau of Criminal Identification.

B. "Dangerous weapon" means any item that in the manner of its use or intended use is capable of causing death or serious bodily injury. In construing whether an item, object or thing not commonly known as a dangerous weapon, is a dangerous weapon, the character of the instrument, object or thing; the character of the wound produced, if any; and the manner in which the instrument, object or thing was used shall be determinative.

C. "Firearms" means pistols, revolvers, sawed-off shotguns or sawed-off rifles, and/or any device that could be used as a weapon from which is expelled a projectile by any force.

D. "Prohibited area" means any place where it is unlawful to discharge a weapon.

E. "Sawed-off shotgun" means a shotgun having a barrel or barrels of less than eighteen inches in length, or in the case of a rifle, having a barrel or barrels of less than sixteen inches in length or any weapon made from a rifle or shotgun (whether by alteration, modification or otherwise), if the weapon as modified has an overall length of less than twenty-six inches. (Ord.2015-1, dated 1/13/15; prior code: Ord. 87-2 (CC §9.15), 1987)

### 9.40.020 Loaded-Designated. For the purpose of this section, any pistol, revolver, shotgun, rifle or other weapon described in this chapter, shall be deemed to be loaded when there is an unexpended cartridge, shell or projectile in the firing position, except in the case of pistols and revolvers, in which case they shall be deemed loaded when the unexpended cartridge, shell or projectile is in a position that the manual operation of any mechanism once would cause the unexpended cartridge, shell or projectile to be fired; and a muzzle loading firearm shall be deemed to be loaded when it is capped or primed and has a powder charge and ball or shot in the barrel or cylinders. (Ord. 87-2 (CC §9.16), 1987)

### 9.40.030 Carrying Concealed Dangerous Weapon. Any person carrying a concealed dangerous weapon as defined in this chapter is guilty of a class B misdemeanor, unless the dangerous weapon is a firearm and is carried with proper permits in accordance with the laws of the State of Utah. (Ord.2015-1, dated 1/13/15; prior code: Ord. 87-2 (CC §9.17), 1987)

### 9.40.040 Carrying Loaded Firearm in Vehicle or On Street. Every person who carries a loaded firearm in a vehicle or on any public street in the city is guilty of a class B misdemeanor, unless the firearm is carried with proper permits in accordance with the laws of the State of Utah. (Ord.2015-1, dated 1/13/15; prior code: Ord. 87-2 (CC §9.18), 1987)

### 9.40.050 Threatening Use in Fight or Quarrel. Every person, except those persons described in Section 76-10-503, UCA, 1953, who, not in necessary self-defense in the presence of two or more persons, draws or exhibits any dangerous weapon

in any angry and threatening manner or unlawfully uses the same in any fight or quarrel is guilty of a class B misdemeanor. (Ord. 87-2 (CC §9.19), 1987)

**9.40.060 Discharge of Firearm from Vehicle or Near Highway.** It is unlawful for any person to discharge any kind of firearm from an automobile or other vehicle or to discharge a firearm from, upon or across any highway. A person violating any provision of this section is guilty of a class B misdemeanor. (Ord. 87-2 (CC §9.20), 1987)

**9.40.070 Possession by Minor.** A minor under the age of eighteen may not possess a dangerous weapon as defined in this chapter unless he/she has the permission of his/her parent or guardian to have such weapon or is accompanied by parent or guardian while he/she has such weapon in his/her possession. In any event, any minor who is under the age of fourteen years must be accompanied by a responsible adult. (Ord. 87-2 (CC §9.21), 1987)

**9.40.080 Use Under Influence of Alcohol or Drugs.** It is unlawful for any person to possess or use weapons in the city while under the influence of alcohol or illegal drugs. A violation of this section is a class B misdemeanor. (Ord. 87-2 (CC §9.22), 1987)

**9.40.090 Firearms Discharge Generally.** A person may not discharge any kind of dangerous weapon or firearm in violation of Utah Code Annotated §76-10-508, 1953, as amended. It is further unlawful for any person to discharge any gun, pistol or other firearm within the corporate limits of the city, with the following exceptions:

- A. In self-defense.
- B. The case of the city police officer or any other lawfully appointed peace officer, in the discharge of his/her official duties.
- C. The case of hunting in compliance with the laws of the State of Utah and with the permission of the owner thereof or person entitled to the possession thereof.
- D. The case of target shooting, after the erection in a suitable place of a proper breastwork or battery to ensure projectiles do not leave the owner's property, allowing for the protection of the citizens.
- E. In the harvesting of domestic livestock or for nuisance animals, limited to those nuisance animals that threaten human society by spreading diseases or destroying crops, in such a manner that the projectile does not exit that owner's property. (Ord.2015-1, dated 1/13/15; prior code §7-1-1)

**9.40.100 Target Shooting Area.** Repealed. Commercial shooting ranges are regulated in the Land Use Sections of City Code. (Ord.2015-1, dated 1/15/15; prior code §7-1-2)

**9.40.110 Unlawful Use of Firearms-Hunting.** All hunting within City limits must be done in accordance with Utah State laws governing such activities. It is unlawful for any person on the land of another person, whether with or without his/her



permission, to damage, disarrange or destroy property, real or personal, fixed or moveable; or to shoot at or destroy signs, orchards, gardens, flower-beds, nurseries, buildings, livestock, domestic fowl or bee-hives.

Hunting on private property may not commence until express written permission of the property owner(s) has been obtained. Individuals engaged in hunting must possess such written permission on their persons while they are hunting.  
(Ord.2015-1, dated 1/13/15; prior code: Ord. 7-1-3, 1983: prior code §7-1-3)

**9.40.130 Firearm Violations.** Any person, whether as principal, agent, employee or otherwise, violating or causing or permitting the violation of any of the provisions of this chapter shall be guilty of a misdemeanor. (Amended during 1988 codification; prior code §7-1-4)

**9.40.140 Authorized Possession-Generally.** Nothing in this chapter shall be construed to prohibit a citizen of the United States over the age of eighteen years who resides or is temporarily within this state and who is not within the excepted classes as prescribed by Section 76-10-503, UCA, 1953, from owning, possessing or keeping within his/her place of residence or place of business or any vehicle under his/her control any pistol, revolver or other firearm or dangerous weapon capable of being concealed upon the person, and no permit or license to purchase, own, possess or to keep any such firearm or weapon at his/her place of residence, or place of business or any vehicle under his/her control, shall be required of him. (Ord. 87-9.36, 1987: (CC §9.23), 1987)

**9.40.150 Authorized Possession-At Residence.** Nothing in this chapter shall prevent any person, except persons described in Section 76-10-503, UCA, 1953, from having a loaded weapon at his/her place of residence, including any temporary residence or camp. (Ord. 87-2 (CC §9.24), 1987)

**9.40.160 Return to Owner.** If the police department has in its possession a weapon after it has been used for other purposes, he/she shall determine the true owner of the weapon and return it to him; however, if unable to determine the true owner of the weapon, or if the true owner is the person committing the crime for which the weapon was used as evidence, the department shall confiscate it and shall revert it to that agency for their use and/or disposal as the head of the department determines. (Ord. 87-2 (CC §9.25), 1987)

## Chapter 9.44 - Punishment

### 9.44.010 Misdemeanors Classified.

A. Misdemeanors are classified into two categories:

1. Class B misdemeanors;
2. Class C misdemeanors.

B. An offense designated a misdemeanor, in this code, without specification as to punishment or category, is a class B misdemeanor. (Ord. 87-2 (CC §3.01), 1987)

### 9.44.020 Infractions.

A. Infractions are not classified.

B. Any offense which is an infraction within this code is expressly designated. (Ord. 87-2 (CC §3.02), 1987)

### 9.44.030 Sentences Allowed-Civil Penalties.

A. Within the limits prescribed by this chapter, a court may sentence a person adjudged guilty of an offense to any one of the following sentences or combination of such sentences:

1. To pay a fine; or
2. To remove from and/or disqualification of public or private office;

or

3. To probation; or
4. To imprisonment; or
5. Restitution.

B. Nothing contained in this section shall deprive a court of authority conferred by law to forfeit property, dissolve a corporation, suspend, or cancel a license or permit removal of a person from office, cite for contempt, or impose any other civil penalty. A civil penalty may be included in a sentence.

C. As used in subsection D of this section:

1. "Criminal activities" means any offense with respect to which the defendant is convicted or any other criminal conduct admitted by the defendant.

2. "Pecuniary damages" means all special damages, but not general damages which a person could recover against the defendant in a civil action arising out of the facts or events constituting the defendant's criminal activities and shall include, but not be limited to, the money equivalent of property taken, destroyed, broken or otherwise harmed and losses such as medical expenses.

3. "Restitution" means full, partial or nominal payment of pecuniary damages to a victim.

4. "Victim" means any person whom the court determines has suffered pecuniary damages as a result of the defendant's criminal activities; "victim" shall not include any co-participant in the defendant's criminal activities.

D. Court Action

1. When a person is adjudged guilty of criminal activities which

have resulted in pecuniary damages, in addition to any other sentence it may impose, the court may order that the defendant make restitution to the victim.

2. In determining whether to order restitution which is complete, partial or nominal, the court shall take into account:

a. The financial resources of the defendant and the burden that the payment of restitution will impose, with due regard to the other obligations of the defendant;

b. The ability of the defendant to pay restitution on an installment basis or on other conditions to be fixed by the court;

c. The rehabilitative effect on the defendant of the payment of restitution and the method of payment; and

d. The situation of the victim and requirements of justice.  
(Ord. 87-9.52(3), 1987; Ord. 87-2 (CC §3.03), 1987)

#### **9.44.040 Fine-Nonpayment as Contempt.**

A. When a defendant sentenced to pay a fine or to make restitution defaults in the payment thereof or of any installment, the court on motion of the city attorney, victim, or upon its own motion may require him/her to show cause why his/her default should not be treated as contempt of court, and may issue a show cause citation or a warrant of arrest for his/her appearance.

B. Unless the defendant shows that this default was not attributable to an intentional refusal to obey the order of the court or to a failure on his/her part to make a good faith effort to make the payment, the court may find that his/her default constitutes contempt and may order him/her committed until the fine or the restitution, or a specified part thereof, is paid.

C. When a fine or an order of restitution is imposed on a corporation or unincorporated association, it is the duty of the person authorized to make disbursement from the assets of the corporation or association to pay the fine or make the restitution from those assets, and his/her failure to do so may be held to be contempt unless he/she makes the showing required in subsection B of this section.

D. The term of imprisonment for contempt for nonpayment of fines or failure to make restitution shall be set forth in the commitment order.

E. 1. If it appears to the satisfaction of the court that the default in the payment of a fine or restitution is not contempt, the court may enter an order allowing the defendant additional time for payment, reducing the amount thereof or of each installment or revoking the fine or order of restitution or the unpaid portion thereof in whole or in part.

2. A default in the payment of a fine or costs or failure to make restitution or any installment thereof may be collected by any means authorized by law for the enforcement of a judgment.

3. The levy of execution for the collection of a fine or restitution shall not discharge a defendant committed to imprisonment for contempt until the amount of the fine or restitution has actually been collected. (Ord. 87-2 (CC §3.04), 1987)

**9.44.050 Civil Action by Victim for Damages.**

A. Nothing in these sections limits or impairs the right of a person injured by a defendant's criminal activities to sue and recover damages from the defendant in a civil action. Evidence that the defendant has paid or been ordered to pay restitution pursuant to these sections, may not be introduced in any civil action arising out of the facts and or events which were the basis for the restitution. However, the court shall credit any restitution paid by the defendant to a victim against judgment in favor of the victim in such civil action.

B. If conviction in a criminal trial necessarily decides the issue of a defendant's liability for pecuniary damages of a victim, that issue is conclusively determined as to the defendant if it is involved in a subsequent civil action. (Ord. 87-2 (CC §3.05), 1987)

**9.44.060 Violations.** Unless otherwise specified, any violation of this title is a class B misdemeanor. (Ord. 87-9.52, 1987)**9.44.070 Additional Sanctions Against Corporation.**

A. When a corporation or association is convicted of an offense, the court may, in addition to or in lieu of imposing other authorized sanctions, require the corporation or association to give appropriate publicity of the conviction by notice to the class or classes of persons or section of the public interested in or affected by the conviction, by advertising in designated areas, or by designated media or otherwise.

B. When an executive or high managerial officer of a corporation or association is convicted of an offense committed in the furtherance of the affairs of the corporation or association, the court may include in the sentence an order disqualifying him/her from exercising similar functions in the same and other corporations or associations for a period of not exceeding five years if it finds the scope or wilfulness of his/her illegal actions make it dangerous or inadvisable for such functions to be entrusted to him. (Ord. 87-2 (CC §3.07), 1987)

## **Title 10**

### **Vehicles and Traffic**

#### Chapters:

10.04	Utah Traffic Code .....	10 - 1
10.08	Vehicle Weight Limits .....	10 - 2
10.12	Vehicles on Public School Property .....	10 - 5
10.16	Parking.....	10 - 6
10.20	Speed Limits .....	10 - 9
10.24	Traffic Control .....	10 - 10
10.28	Motor Vehicles .....	10 - 11
10.29	Street Legal All-Terrain Vehicles .....	10 - 12
10.32	Traffic Safety Regulations.....	10 - 13

## Title 10

### Vehicles and Traffic

<b>Chapter 10.04 - Utah Traffic Code .....</b>	<b>10 - 1</b>
10.04.010 Adoption.....	10 - 1
10.04.020 Definitions.....	10 - 1
10.04.030 Citation.....	10 - 1
10.04.040 Amendments.....	10 - 1
10.04.050 Violation.....	10 - 1
 <b>Chapter 10.08 - Vehicle Weight Limits.....</b>	 <b>10 - 2</b>
10.08.010 Permit-Requirements.....	10 - 2
10.08.020 Maximum Limitations.....	10 - 2
10.08.030 Permit-Overweight.....	10 - 2
10.08.040 Standards .....	10 - 2
10.08.050 Restrictions.....	10 - 3
10.08.060 Violation.....	10 - 4
 <b>Chapter 10.12 - Vehicles on Public School Property .....</b>	 <b>10 - 5</b>
10.12.010 Speed Limit.....	10 - 5
10.12.020 Parking-No Parking Area.....	10 - 5
10.12.030 Parking-Blocking Roadway.....	10 - 5
10.12.040 Parking-Special Parking Area.....	10 - 5
10.12.050 Parking-Sidewalk and Lawn.....	10 - 5
10.12.060 Pedestrian Right-of-Way.....	10 - 5
10.12.070 Safe Speed.....	10 - 5
10.12.080 Acceleration Contests.....	10 - 5
10.12.090 Accident Reports.....	10 - 5
10.12.100 Applicability of Other Traffic Regulations.....	10 - 5
10.12.110 Violation.....	10 - 5
 <b>Chapter 10.16 - Parking.....</b>	 <b>10 - 6</b>
10.16.010 Unlawful Designated Generally.....	10 - 6
10.16.020 Registration of Vehicle Required.....	10 - 6
10.16.030 Prohibited in the Event of a Snowfall.....	10 - 7
10.16.035 Prohibited Commercial Vehicle.....	10 - 7
10.16.040 Violation.....	10 - 8
 <b>Chapter 10.20 - Speed Limits.....</b>	 <b>10 - 9</b>
10.20.010 Prescribed Generally.....	10 - 9
10.20.020 Prima Facie-Posted Streets.....	10 - 9
10.20.030 Violation.....	10 - 9

<b>Chapter 10.24 - Traffic Control .....</b>	<b>10 - 10</b>
10.24.010 Traffic Control Signs and Devices.....	10 - 10
10.24.020 Stop and Yield Signs.....	10 - 10
10.24.030 Violation.....	10 - 10
 <b>Chapter 10.28 - Motor Vehicles .....</b>	 <b>10 - 11</b>
10.28.010 Proper Lookout Required .....	10 - 11
10.28.020 Reasonable Care Required When Driving.....	10 - 11
10.28.030 Penalty.....	10 - 11
 <b>Chapter 10.29 – Street Legal All-Terrain Vehicles.....</b>	 <b>10 - 12</b>
10.29.010 City Streets Open to Street Legal ATVs.....	10 - 12
10.29.020 Minimum Age; Driver's License Required .....	10 - 12
10.29.030 Statutory Requirements for ATV Equipment and Operation.....	10 – 12
10.29.040 Street Excluded and Not Open to ATVs .....	10 – 12
 <b>Chapter 10.32 - Traffic Safety Regulations .....</b>	 <b>10 - 13</b>
10.32.010 Purpose .....	10 - 13
10.32.020 Definitions.....	10 - 13
10.32.030 Speed Limit and Passing Restrictions .....	10 – 14
10.32.035 Designated Heavy Commercial Truck Route .....	10 – 14
10.32.040 Mandatory Stop for Brake Check, Downhill Gearing and Shifting .....	10 - 14
10.32.050 Additional Restrictions on Use of Roads.....	10 - 15
10-32-060 Violation.....	10 - 15





## Chapter 10.04 - Utah Traffic Code

### 10.04.010 Adoption.

A. Traffic rules and regulations pursuant to Utah Code Annotated 1953, as amended, Title 41, Chapter 6, are enacted as the city traffic rules and regulations by reference to the foregoing state statute as presently enacted and as from time to time is amended and are made a part of this section as though set forth in their entirety in this chapter. All laws, rules and regulations contained therein shall be in full force and effect within the city as same may be construed to be applicable within the city. (UCA 10-3-710, 41-6-16, 41-6-17)

B. The provisions of Utah State Law as set forth in Utah Code Annotated 1953, as amended, Title 41, Chapters 1, 2, 5, 7, 8, 12, 15, 19, 20, 21, 22 and 23 as presently enacted and as amended hereafter from time to time are adopted by reference as though set forth in this chapter in their entirety and all laws, rules and regulations contained therein shall be in full force and effect within the city as though set forth in this chapter in their entirety. (UCA 10-3-710) (Ord. 87-10.04, 1987: Ord. 79-8 §1(A), 1978)

### 10.04.020 Definitions.

Unless the context requires otherwise, all references in the Utah Traffic Code - Rules of the Road, 1978 to:

A. "The Department of Public Safety of the State of Utah" means the chief of police of this city or his/her agent.

B. "Local authorities" means the city council of this municipality.

C. "Magistrate" means the justice of the peace or judge of this city.

D. "The State Road Commission" means this city and its officers, departments, agencies and agents. (Ord. 79-8 §1(B), 1978)

### 10.04.030 Citation.

Where a citation or complaint is issued, it shall be sufficient to use the number of the Utah Code followed by "the ordinance of (name of the municipality)" to show the section of the ordinance of the city which has been violated. (Ord. 78-8 §2, 1978)

### 10.04.040 Amendments.

The following sections of the Utah Code, 1987-1988, and as those sections may be amended from time to time, are adopted by reference and incorporated into this code as though set forth in their entirety. The sections will be in full force and effect within the city limits:

A. 27-12-143(1) Damage to signs;

B. 27-12-146 Secure loads;

C. 27-12-148 Size, weight and load limitations;

D. 27-12-149 Limitations as to size dimensions and extensions of vehicle;

E. 27-12-153 Weighing vehicles. (Ord. 87-10.12, 1987)

### 10.04.050 Violation.

Unless a violation is otherwise designated, any person who violates any section of this chapter shall be guilty of a class B misdemeanor. (Ord. 78-10.05, 1987)

## Chapter 10.08 - Vehicle Weight Limits

**10.08.010 Permit-Requirements.** No vehicle or combination of vehicles having a gross weight in excess of those permitted in this title shall be driven on any street within this city unless the owner shall have first secured an overweight permit as provided in this chapter. (Prior code §30-2-1)

**10.08.020 Maximum Limitations**

A. No vehicle shall be driven or moved on any street in this city with a maximum gross weight in excess of nine thousand five hundred pounds on one wheel, or in excess of eighteen thousand pounds on one axle.

B. An axle shall be defined as the total load on all wheels whose centers may be included between two parallel transverse vertical planes forty inches apart.  
(Prior code §30-2-2)

**10.08.030 Permit-Overweight.** The city council is authorized to issue overweight permits for the operation of such vehicles or combination of vehicles whenever the city council shall deem it to be appropriate. Overweight permits shall only be issued with the approval of the city engineer. (Prior code §30-2-3)

**10.08.040 Standards.**

A. Subject to the limitations in Sections 10.08.020 and 10.08.030, no group of axles between the first and last axle of a vehicle or combination of vehicles and no vehicle or combination of vehicles shall carry a gross weight in excess of the tabular values in the following table, showing the distance in feet and the corresponding allowable weight in pounds.

B. The distance between axles shall be measured to the nearest foot from the center of the first axle being measured to the center of the last axle being measured. When fraction is exactly one-half foot the next large size number shall be used.

Distance in Feet Between First and Last Axle of Group	Maximum Load in Pounds Carried on any Group of Axles		Distance in Feet Between First and Last Axle of Group	Maximum Load in Pounds Carried on any Group of Axles
4-7	33,000		30	67,000
8	36,000		31	68,000
9-10	43,000		32	69,000
11	45,000		33	70,000
12	48,000		34	71,000
13	50,000		35	72,000
14	52,000		36	73,000
15-17	54,000		37	74,000
18	56,000		38	75,000
19	58,000		39-44	76,000
20	62,000		45	77,000
21	64,000		46	77,400
22	65,000		47	78,300
23-29	66,000		48-54 }	79,900

C. The standards and limitations set out in this section are intended to reflect the standards set out by the state in Section 27-12-151, UCA, 1953, as amended.  
(Prior code §30-2-4)

**10.08.050 Restrictions.** Pursuant to the authority of Section 27-12-145, UCA, 1953, as amended, the city council further ordains that during such months as the city council designates each and every weight limitation listed aforesaid shall be reduced by one-third on the following streets because in the opinion of the city council these the streets will be seriously damaged unless the use of vehicles thereon is so restricted:

- A. 1100 West Street from Pleasant View Drive to the Ogden-Brigham Canal;
- B. 900 West Street from Pleasant View Drive to 4300 North;

C. 500 West Street from Pleasant View Drive to 4300 North.  
(Prior code §30-2-5)

**10.08.060 Violation.** Anyone violating this chapter shall be guilty of a misdemeanor.  
(Prior code §30-2-6)

## Chapter 10.12 - Vehicles on Public School Property

- 10.12.010 Speed Limit.** No person shall drive a vehicle on any public school property at a speed greater than five miles per hour. (Ord. dated 8/28/75 §1(30-3-1))
- 10.12.020 Parking-No Parking Area.** No person shall park a vehicle on public school property in any area that is designated a no parking area by signs or by yellow markings. (Ord. dated 8/28/75 §1(30-3-2))
- 10.12.030 Parking-Blocking Roadway.** No person shall park a vehicle on public school property so as to block a roadway or driveway. (Ord. dated 8/28/75 §1(30-3-3))
- 10.12.040 Parking-Special Parking Area.** No person shall park a vehicle on public school property in an area designated for special parking unless they have obtained the necessary permit or authority to park therein. (Ord. dated 8/28/75 §1(30-3-4))
- 10.12.050 Parking-Sidewalk and Lawn.** No person shall park a vehicle on public school property on a sidewalk or lawn. (Ord. dated 8/28/75 §1(30-3-5))
- 10.12.060 Pedestrian Right-of-Way.** All persons operating vehicles on public school property shall yield the right-of-way to pedestrians on all campus parking lots and driveway areas. (Ord. dated 8/28/75 §1(30-3-6))
- 10.12.070 Safe Speed.** No person shall operate a vehicle on public school property too fast for existing conditions. (Ord. dated 8/28/75 §1(30-3-7))
- 10.12.080 Acceleration Contests.** No person shall participate on public school property in an acceleration contest between vehicles. (Ord. dated 8/28/75 §1(30-3-8))
- 10.12.090 Accident Reports.** All persons shall report immediately any accidents involving vehicles occurring on public school property to the police department. (Ord. dated 8/28/75 §1(30-3-9))
- 10.12.100 Applicability of Other Traffic Regulations.** All of the traffic rules and regulations enacted by the city which are not in direct conflict with the rules and regulations set forth in this chapter shall apply to vehicular traffic on public school property. (Ord. dated 8/28/75 §1(30-3-10))
- 10.12.110 Violation.** It is an infraction for any person to do any act forbidden or fail to perform any act required by this ordinance on public school property. (Ord. dated 8/28/75 §1(30-3-11))

## Chapter 10.16 - Parking

### 10.16.010 Unlawful Designated Generally.

A. Parking at Curb. No motor vehicle shall be parked with the left side of the vehicle next to the curb, except on one-way streets. It is unlawful to stand or park any motor vehicle in a street other than parallel with the curb and with the two right wheels of the vehicle within twelve inches of the regularly established curb line except on those streets which have been marked for angle parking; then vehicles shall be parked at the angle to the curb indicated by such marks.

B. Vehicles for Sale. It is unlawful to park any motor vehicle, vehicle, camper; or any trailers, off-highway vehicles, boats, personal watercrafts or recreational vehicles of any kind on any street for the purpose of displaying it for sale. (Ord. 2007-11, 8/14/07)

C. Loading Zone. When so posted, it is unlawful for the driver of a passenger vehicle to stand or park such vehicle for a period of time longer than is permitted by the posted sign for the loading or unloading of passengers, or for the driver to stand or park any freight carrying motor vehicle for a period of time longer than is necessary to load, unload and deliver materials in any place designated as a loading zone and marked as such.

D. Parking Prohibited. It is unlawful for any person, except physicians on emergency calls or designated emergency vehicles when properly posted to park any motor vehicle on any street in violation of the posted restrictions.

E. Alleys. No person shall park any motor vehicle, vehicle, camper; or any trailers, off-highway vehicles, boats, personal watercrafts or recreational vehicles of any kind within an alley in such manner or under such conditions as to leave less than ten feet of the width of the roadway available for the free movement of vehicular traffic. No person shall stop, stand or park any such property within an alley in such a position as to block the driveway entrance to any abutting property. (Ord. 2007-11, 8/14/07)

F. Cab Stands-Bus Stands. No motor vehicle other than a licensed taxicab shall be parked in any area designated by ordinance as a taxicab stand and no vehicle other than a bus shall be parked in a place so designated as a bus loading zone.

G. Parking Prohibited. It shall be an infraction for any person to park or leave standing on any public road, street, alley or municipal property any motor vehicle, vehicle, camper; or any trailers, off-highway vehicles, boats, personal watercrafts or recreational vehicles of any kind for forty-eight or more consecutive hours and any such property so parked or left standing may be impounded or removed by a law enforcement officer. For purposes of impoundment and removal, the law enforcement officer may after making reasonable effort to locate the owner impound and remove any such property which has been unmoved for forty-eight consecutive hours. The cost of impoundment and removal shall be charged to the owner or any person who claims the impounded motor vehicle. (Ord. 2007-11, 8/14/07; prior code: Ord. 79-8 §5, 1979)

**10.16.020 Registration of Vehicle Required.** It is prohibited for any person to park any motor vehicle, recreational vehicle, or any other vehicle of any kind on any public street in the city unless the vehicle is currently registered with the state and is properly posted with a valid state inspection sticker. (Ord. dated 1/10/74 (part))

**10.16.030 Prohibited in the Event of a Snowfall.**

A. From November 15 through March 15, it is unlawful for any person to park a motor vehicle, recreational vehicle, trailer, any other vehicle, or object of any kind, on any public street or right of way while snow plows are operating or while streets are snow or ice covered.

B. It is further unlawful for an individual to permit another individual to park and/or leave a motor vehicle, recreational vehicle, trailer, any other vehicle, or object of any kind, to park on any public street or right of way while snow plows are operating or while streets are snow or ice covered.

C. Penalties for violating this chapter shall be an infraction and the following fines shall apply.

1<sup>st</sup> offense - \$25.00 fine

2<sup>nd</sup> offense - \$100.00 fine

3<sup>rd</sup> offense - \$100.00 fine and mandatory vehicle impound

(Ord. 2016-1, dated 1/12/16; prior codes: Ord.2010-1, dated 1/12/10, Ord.2005-13, 11/29/05, Ord. dated 1/10/74 (part))

**10.16.035 Prohibited Commercial Vehicle.**

A. It is unlawful for any operator or owner of a commercial vehicle to park or leave unattended any commercial vehicle on city roads or state highways within Pleasant View City limits, except while the truck owner or operator is loading or unloading passengers or cargo, while the commercial vehicle is disabled, or while the commercial vehicle is being inspected.

B. Commercial vehicles cannot be parked or left unattended on:

1. 2700 North from the city limits at 1700 West east to the city limits at 200 West;
2. From the city limits on Highway 89 at 2200 North to 4000 North;
3. Any major highways, public roadways or residential roadways within Pleasant View City.

C. Penalties for violating this section of the chapter shall be an infraction and the following fines shall apply.

1<sup>st</sup> offense - \$100.00 fine

2<sup>nd</sup> offense - \$200.00 fine

3<sup>rd</sup> offense and thereafter - \$500.00 fine and vehicle impound

D. Definitions: "Commercial vehicle" means a motor vehicle, trailer, or semitrailer used or maintained for the transportation of persons or property that operates:

- a. as a carrier for hire, compensation, or profit; or
- b. as a carrier to transport the vehicle owner's goods or property in furtherance of the owner's commercial enterprise.

(Ord. 2017-1, dated 2/14/17)

**10.16.040 Violation.** Any person who shall violate the provisions of this chapter and shall fail to comply therewith shall be guilty of a misdemeanor. (Ord. dated 1/10/74 (part))



## **Chapter 10.20 - Speed Limits**

**10.20.010 Prescribed Generally.** No person shall drive a motor vehicle upon any street in the city at any time in excess of those speeds established and posted by the city council; provided, however, that the speeds upon the state and county highways passing through the city shall be as prescribed by state law and county ordinances. (Prior code §30-1-4)

**10.20.020 Prima Facie-Posted Streets.**

A. When appropriate traffic control or regulatory signs giving notice of speeds are posted, the prima facie maximum speed limits designated upon the signs shall apply to the appropriate streets or portions of streets so posted.

B. In the absence of any speed limit sign designating a speed limit applicable thereto, the prima facie speed limit shall be thirty miles per hour. (Ord. 79-8 §3, 1979)

**10.20.030 Violation.** Unless a violation is otherwise designated, any person who violates any section of this chapter shall be guilty of a class B misdemeanor.  
(Ord. 87-10.05 (part), 1987)

## **Chapter 10.24 - Traffic Control**

**10.24.010 Traffic Control Signs and Devices.** The traffic control and regulation of all public streets shall be as posted, regulated or controlled by appropriate traffic control devices, signs or other regulatory devices or controls. (Ord. 79-8 §4, 1979)

**10.24.020 Stop and Yield Signs.** When appropriate traffic control or regulatory signs are posted at entrances to intersections identifying them as stop or yield entrances, such streets are declared to be stop entrances as designated by the signs.  
(Ord. 79-8 §6, 1979)

**10.24.030 Violation.** Unless a violation is otherwise designated, any person who violates any section of this chapter shall be guilty of a class B misdemeanor.  
(Ord. 87-10.05 (part), 1987)

## **Chapter 10.28 - Motor Vehicles**

**10.28.010 Proper Lookout Required.** No person shall drive a motor vehicle within the corporate limits of Pleasant View City in such a manner as to endanger life or property by failing to keep a safe and proper lookout for other traffic, objects or persons. (Ord 96-8, 5/28/96)

**10.28.020 Reasonable Care Required When Driving.** It shall be unlawful for any person to drive a vehicle without the care and caution of a reasonable, prudent person under the circumstances then and there existing, or in a manner so as to endanger or be likely to endanger any person or property. (Ord 96-8, 5/28/96)

**10.28.030 Penalty.** Any person who violates Section 10.28.010 or Section 10.28.020 shall be guilty of a Class B Misdemeanor (Ord 96-8, 5/28/96)

## **Chapter 10.29 - Street Legal All-Terrain Vehicles**

**10.29.010 City Streets Open to Street Legal ATVs.** All City streets within the jurisdictional limits of Pleasant View City are designated as open for street legal all-terrain vehicles as defined in Utah Code 41-6a-102 and 41-6a-1509. (Ord 2011-6, 10/11/11)

**10.29.020 Minimum Age; Driver's License Required.** This designation does not apply to any individual operator of an all-terrain vehicle under the age of 16 years old. All operators of all-terrain vehicles on Pleasant View City streets and highways must be 16 years of age or older and have obtained and maintained a valid driver's license in accordance with the Utah Uniform Drivers License Act. (Ord 2011-6, 10/11/11)

**10.29.030 Statutory Requirements for ATV Equipment and Operation.** Each all-terrain vehicle operating on Pleasant View City streets and highways shall comply with all requirements as found in Utah Code 41-6a-1509, and their operators shall follow all state traffic laws that apply while operating any other legal motor vehicle on Utah roadways. (Ord 2011-6, 10/11/11)

**10.29.040 Streets Excluded and Not Open to ATVs.** This designation specifically excludes any interstate freeways or limited access highways located within the boundaries of Pleasant View City, namely I-15, Hwy 89, and SR 134 (2700 North). (Ord 2011-6, 10/11/11)

## Chapter 10.32 - Traffic Safety Regulations

### 10.32.010 Purpose.

A. The City of Pleasant View has authority to regulate traffic within the corporate limits of the City; and

B. The City Council is concerned about the health, safety and general welfare of its residents based on the accident history arising out of heavy truck travel heading downhill on the steep streets leading from the northern areas of the City located at a higher elevation south to Elberta Drive and Pleasant View Drive, including 500 West, 800 West, 900 West, and 1100 West; and

C. The City is continuing to work with all interested parties to obtain a permanent alternative western access in order to eventually reduce the volume of heavy truck traffic on 500 West, 800 West, 900 West, and 1100 West, but needs to address existing public safety concerns on an interim basis; and

D. The City is also concerned about the deterioration of these same steep streets caused by climatic conditions due to the use of the streets by heavy vehicle traffic and is seeking to prevent undue damage to these streets within the City through the establishment of designated heavy commercial truck routes. (Ord.2007-3, 2/13/07 prior code: Ord.2000-19, 8/22/00)

E. The City has previously identified 600 West as a major street in the General Plan Master Street Map and specified the priority of widening and improving 600 West in Section VI *Transportation* as a major road project. Furthermore, with the completion of the 600 West road project, the findings for section of the preferred truck route include the following:

1. The road standards for 600 West were designed to be able to handle truck traffic.
2. 600 West is the most direct route to major arterial roads out of the City and onto State Highways.
3. 600 West is a shorter distance (approximately one mile) out of the City than the previously designated truck route of Pleasant View Drive.
4. 600 West designated route has fewer residents impacted because there are fewer residential properties located along this route, and because the route is shorter to exit the City so fewer impacts are anticipated. (Ord.2014-3, dated 4/15/14; prior codes: Ord.2007-3, 2/13/07 & Ord.2000-19, 8/22/00)

### 10.32.020 Definitions.

A. Gross Vehicle Weight Rating: As used in this section, "Gross Vehicle Weight Rating" means the registered gross weight of the vehicle, including both the weight of the vehicle and any potential load.

B. Tandem Axle Trucks: As used in this section, "Tandem Axle Trucks" shall have the same definition as that found in Utah Code Ann. § 72-7-404(1)(a)(ii), wherein it states that tandem axle means "two or more axles spaced not less than 40 inches nor more than 96 inches apart and having at least one common point of weight suspension."

C. Restricted Vehicle: "Restricted Vehicle" shall mean all vehicles, combination of vehicles or combinations of vehicles and load having a length of more than forty-five (45) feet, all

"Tandem Axle Trucks," and all vehicles with a Gross Vehicle Weight Rating of more than thirty six thousand (36,000) pounds.

D. Local Deliveries: "Local Deliveries" are defined as those with destination points within Pleasant View City limits and immediately adjacent cities for defined temporary, short-term timeframes. (Ord.2014-3, dated 4/15/14; prior codes: Ord.2007-3, 2/13/07 & Ord.2000-19, 8/22/00)

#### **10.32.030 Speed Limit and Passing Restrictions.**

A. A speed limit is hereby established for all Restricted Vehicles traveling on 4300 North between 900 West and 500 West and traveling south or downhill from the intersection with 4300 North on 500 West, 800 West, 900 West, and 1100 West and traveling south or downhill on 600 West from the intersection of Elberta Drive through the Pleasant View Drive intersection and past the canal crossing of not to exceed fifteen (15) miles per hour.

B. A speed limit is hereby established for all Restricted Vehicles traveling in any direction on all other City streets of not to exceed thirty (30) miles per hour, unless otherwise posted for a lower speed limit.

C. Restricted Vehicles are also prohibited from passing other vehicles while traveling on any streets within the City. (Ord. 2014-3, dated 4/15/14; prior codes: Ord.2007-3, 2/13/07 & Ord.2000-19, 8/22/00)

#### **10.32.035 Designated Heavy Commercial Truck Route.**

A. All Restricted Vehicles accessing any areas above or to the north of 4300 North in Pleasant View City shall be limited to the use of and shall only be driven upon 500 West between 4300 North and Elberta Drive; and shall be further limited to the use of and shall only be driven upon the route from there between Elberta Drive and 600 West, and following 600 West to 2700 North while both entering and leaving Pleasant View City, with the exception of local deliveries. Any local deliveries shall be accomplished by the most reasonable and direct route available.

B. Upon request (phone, e-mail communication or written), an exception to the designated route may be approved by City Administration for repeated trips during a defined temporary, short-term timeframe (e.g. several deliveries per day for a specific project), when due to the destination point the designated route is counterproductive. The request must be approved at least two (2) hours prior to using the designated route.

C. When contractual obligations require nighttime hauling, 900 West and 1100 West, on alternating weeks as determined by City Administration, shall be used for uphill traffic between sunset and sunrise. 500 West shall not be used for uphill traffic during these hours. (Ord. 2014-3 dated 4/15/14; prior codes: Ord.2011-4, 7/12/11, Ord.2011-3, 5/10/11, Ord.2007-3, 2/13/07, & Ord.2000-19, 8/22/00)

**10.32.040 Mandatory Stop for Brake Check, Downhill Gearing and Shifting.** All Restricted Vehicles shall come to a complete stop in designated areas, check their brakes, and shift into the lowest gear that would not allow them to exceed the speed limit of fifteen (15) miles per hour without brake application before proceeding south or downhill on 500 West. All Restricted Vehicles are hereby prohibited from shifting gears when traveling south or downhill on 500 West, 800 West, 900 West, and 1100 West unless the vehicle first comes to a complete stop before shifting gears. (Ord.2007-3, 2/13/07 prior code: Ord.2000-19, 8/22/00)

**10.32.050 Additional Restrictions on Use of Roads.**

A. Existing regulations shall continue to apply to Restricted Vehicles traveling on 900 West and shall be expanded to include 800 West and 1100 West. Restricted Vehicles traveling on 800 West, 900 West and 1100 West shall be limited for the present time to local deliveries or local destination points only because these streets have steep grades, are located in high density residential areas, provide access to schools, churches, parks, and daycare facilities, and have limited sidewalks to provide safe pedestrian access.

B. Other than while traveling downhill on 500 West, 600 West, 800 West, 900 West, 1100 West or another downhill route, Restricted Vehicles shall be prohibited from the use of compression release engine braking systems or "jake brakes" while driving within the City.

C. At such time as an alternative access to 500 West is available, the City Council may prohibit or further restrict the operation of all Restricted Vehicles from the use of 500 West if determined to be incompatible with the normal and safe movement of traffic on that street. (Ord.2014-3, dated 4/15/14; prior codes: Ord.2007-3, 2/13/07 & Ord.2000-19, 8/22/00)

**10.32.060 Violation.** Any violation of this ordinance is punishable as a Class C misdemeanor. All other ordinances in conflict with the provisions of this ordinance are hereby repealed. (Ord.2007-3, 2/13/07 prior code: Ord.2000-19, 8/22/00)

## **Title 12**

### **Streets, Sidewalks, and Public Places**

Chapters:

12.04	Excavations .....	12 - 1
12.08	Obstructions.....	12 - 3
12.12	Park Regulations .....	12 - 4
12.16	Snow Removal.....	12 - 6



# Title 12

## Streets, Sidewalks, and Public Places

<b>Chapter 12.04 - Excavations .....</b>	<b>12 - 1</b>
12.04.010 Permit Required .....	12 - 1
12.04.020 Compaction and Repair .....	12 - 1
12.04.030 Security Deposit .....	12 - 1
12.04.040 Damage Liability. ....	12 - 1
12.04.050 Safety Requirements. ....	12 - 2
12.04.060 Violation. ....	12 - 2
 <b>Chapter 12.08 - Obstructions.....</b>	 <b>12 - 3</b>
12.08.010 Obstructing Streets and Sidewalks Prohibited. ....	12 - 3
12.08.020 Violation. ....	12 - 3
 <b>Chapter 12.12 - Park Regulations.....</b>	 <b>12 - 4</b>
12.12.010 Prohibited Acts .....	12 - 4
12.12.015 Special Regulations - Wadman Nature Park .....	12 - 4
12.12.020 Applicability. ....	12 - 5
12.12.030 Violations. ....	12 - 5
 <b>Chapter 12.16 - Snow Removal. ....</b>	 <b>12 - 6</b>
12.16.010 General. ....	12 - 6
12.16.020 Discharge and Penalty.....	12 - 6

## Chapter 12.04 - Excavations

**12.04.010 Permit Required.** The city council shall have control over all excavations made in the streets of the city by private person, firms, corporations, business entities, or public utilities, for any purpose. No such person or party shall make any excavation for any purpose in any street in the city without first obtaining a permit therefor from the city recorder of the city, or his/her authorized representative, and in doing the work of excavation such person or party shall conform to all rules and regulations prescribed by the city council and ordinances of the city. (Ord. dated 12/27/77) §1(part): prior code §26-1-1)

**12.04.020 Compaction and Repair.** Any cut or excavation in a street in the city shall be mechanically compacted and repaired as required by the city and within a time limit set by the city. The person or parties making the cut or excavation shall repair the cut or excavation and maintain the road in a good, usable condition until such time as a permanent repair is made. Any person or parties making any such cut or excavation shall be responsible for the repair of the cut or excavation for a period of one year after it is made and shall be required to replace, repair or otherwise insure that the repair remains in good condition for a period of one year after it is made. (Ord. dated 12/27/77) §1 (part): prior code §26-1-2)

**12.04.030 Security Deposit.** A bond approved by the city council shall be posted in double the sum as may be required to insure payment of the repair and replacement of the road in its original condition and the cost of inspection. In the event the person or parties making the cut in the street fail to repair the street within the time prescribed on the written permission issued by the city recorder, the surety on the bond shall be required to pay the amount of the bond to the city for the repair of the street and the cost of inspection. Any moneys left over after paying the expenses shall be returned to the bonding company or sureties. The city may proceed in any court of competent jurisdiction to enforce compliance with provisions of this section and may collect any sums over and above the amount of the bond posted which are required for the inspection, compaction, and/or repairing of the street surface, including reasonable attorney's fees for the maintenance of the action. (Ord. dated 12/27/77 §1(part): prior code §26-1-3)

**12.04.040 Damage Liability.**

A. That any person or party applying for and obtaining a permit to excavate in any street of the city, shall hold the city harmless for any and all damage that it may sustain by reason of any defect or neglect in making such excavation, or failure to refill such excavation and place the street in the same condition as before making such excavation.

B. This chapter shall not be construed as imposing upon the city any liability or responsibility for damages resulting from failure of any excavator to comply with the requirements of this chapter, nor shall the city or any official or employee thereof be held as assuming any such liability or responsibility by reason of the inspection authorized under this chapter. (Ord. dated 12/27/77 §1(part): prior code §26-1-4)

**12.04.050 Safety Requirements.** The excavator shall, at all times, do such work in such manner as to guarantee safety of all persons using the street. The excavator shall be required to maintain a flasher barricade at the site of the excavation so as to warn and protect motorists from any cuts or dangerous conditions created by the excavation. (Ord. dated 12/27/77 §1(part): prior code §26-1-5)

**12.04.060 Violation.** Any person convicted of violating any of the provisions of this chapter shall be guilty of a misdemeanor, and shall be punishable as provided by law. (Ord. dated 12/27/77 §1(part): prior code §26-1-6)

## Chapter 12.08 - Obstructions

**12.08.010 Obstructing Streets and Sidewalks Prohibited.** It is unlawful for any person, corporation, or organization to park, place, or exhibit any automobile, trailer, fruit stand or any merchandise of any nature or kind upon the right-of-way of the public highway or streets within the corporate limits of the city, if the same are parked or placed on such streets for the purpose of sale or exhibiting the merchandise or vehicle to attract a buyer, or buyers. It shall be the duty of the city police officers and building inspector to investigate and determine if there are any violations and require that this chapter is complied with. (Ord. I-1962 §1, 1962: prior code §26-2-1)

**12.08.020 Violation.** Any person, firm or corporation violating any of the provisions of this chapter shall be guilty of a misdemeanor. (Amended during 1988 codification; Ord. I-1962 §2, 1962: prior code §26-2-2)

## Chapter 12.12 - Park Regulations

### 12.12.010 Prohibited Acts. It is unlawful for any person:

A. To ride or operate any vehicle, or any bicycle, or similar device, or any horse or animal in or about any park within the corporate limits of the city, except upon roadways lawfully established for that purpose, or to play or practice golf or similar games on any such park;

B. To park or stop any trailer at any place within a park except for such a time as may be reasonably required to unload any property from the trailer;

C. To sleep at any place in any park except as authorized by city officials;

D. To hitch or fasten any horse or other animal to any tree, shrub, fountain, monument, lamp post, or any other ornament or improvement situated in any park, other than designated hitching rails;

E. To allow any animal under his/her control to stand near enough to any tree or shrub to bite, rub against, or otherwise injure the same;

F. To wilfully deface or injure any grass, plant, tree or shrub within any park;

G. To use threatening, abusive, insulting or indecent language in any park, or to create any nuisance or offense or to scratch, cut, injure, or deface, or write upon, any of the buildings, fences, or structures, or to foul any of the fountains, streams, or improvements within such parks, or for the owner or person in charge of any dog, or other animal to permit such dog, or other animal, to run at large within such park;

H. To hold any meeting, gathering or picnic, musical, theatrical or other entertainment in any park without first having obtained permission for the same from the mayor or city council;

I. To fire or discharge any firearm, firecracker, fireworks, or explosives within any park without first having obtained the permission for the same from the mayor or city council;

J. To litter any park, or to leave or deposit any garbage, junk, or refuse of any kind, other than in receptacles provided for that purpose.  
(Ord. 87-2 (CC §8-47(1)), 1987)

### 12.12.015 Special Regulations – Wadman Nature Park. The following special regulations apply to Wadman Nature Park:

A. Park patrons shall stay on the improved trails and paths, so as to not tread on or disturb the delineated wetland area. Special exceptions may be granted by the city administrator, or his/her designee, for maintenance of or improvements/enhancements to the park. Any authorized activity in the delineated wetland area shall comply with the requirements of the wetland mitigation permit.

B. Park trails and paths are for pedestrian purposes only. No horses or pack animals or wheeled means of transportation, motorized or not, are allowed (except for child strollers and mobility devices for disabled persons).

C. Park hour: The park trails shall be open to the public on a daily basis from dawn to dusk. (Ord. 2010-20, dated 9/28/10)

**12.12.020 Applicability.** The provisions of this section shall not be applicable to any public officer or employee, nor to any officer or employee of any school or church, while such officer or employee is acting within the scope of his/her employment or position. (Ord. 87-2 (CC §8-47(2)), 1987)

**12.12.030 Violations.** Any person violating any provision of this section shall be deemed guilty of a misdemeanor, and shall be punished as provided by law. (Ord. 87-2 (CC. §8-47(3)), 1987)

## **Chapter 12.16 - Snow Removal.**

### **12.16.010 General.**

A. It is unlawful for any person, firm or corporation, owning, having charge of, having control of, or occupying any property, building, or lot, or part of lot, land or real estate of any kind abutting on any public street in the city to fail, neglect, or refuse to remove promptly, and effectually, all snow and ice from the sidewalk in front of such property. In case of any such failure, refusal, or neglect, the public works director of the city may cause the removal of such snow and/or ice and charge the cost thereof to the person so owning, having charge, having control of, or occupying such property.

B. Any person violating any provision of this section is guilty of a class C misdemeanor and upon conviction shall be punished according to law. (Ord. 93-4, 2/9/93)

### **12.16.020 Discharge and Penalty.**

A. It is unlawful for any person owning, occupying or having control of any premises to suffers cause or permit water, snow or ice which has accumulated on such premises, regardless of the source, to be discharged upon the sidewalk or street(s) abutting such premises.

B. Any person violating any provision of this section is guilty of a class C misdemeanor and upon conviction shall be punished according to law. (Ord. 93-4, 2/9/93)

## Title 13

### Public Services

<b>Chapters: 13.04 - Sewer Systems .....</b>	<b>13 - 1</b>
13.04.010 Supervision. ....	13 - 1
13.04.020 Rates and Inspection Fees. ....	13 - 1
13.04.030 Connection to Sewer System. ....	13 - 1
13.04.040 Pipe Laying-Repairs. ....	13 - 2
13.04.050 Permit-Required. ....	13 - 2
13.04.060 Permit-Application-Fees. ....	13 - 2
13.04.070 Permit-Revocation. ....	13 - 3
13.04.080 Permit-Denial. ....	13 - 3
13.04.090 Completion of work. ....	13 - 3
13.04.100 Buildings-Separate Connection-Exceptions.....	13 - 3
13.04.110 Fixtures. ....	13 - 4
13.04.120 Use Without Payment Prohibited. ....	13 - 4
13.04.130 Service Charges-Connection Fees. ....	13 - 4
13.04.140 Installation Inspection. ....	13 - 4
13.04.150 Sewer Manhole.....	13 - 5
13.04.160 New Construction. ....	13 - 5
13.04.170 Policy Declaration. ....	13 - 5
13.04.180 Violation. ....	13 - 5
 <b>Chapter 13.08 - Storm Water Utility.....</b>	 <b>13 - 6</b>
13.08.010 Findings. ....	13 - 6
13.08.020 Purpose. ....	13 - 7
13.08.030 Definitions. ....	13 - 7
13.08.040 Storm Water Utility. ....	13 - 10
13.08.050 Storm Water Utility Fee. ....	13 - 11
13.08.060 Billing. ....	13 - 11
 <b>Chapter 13.09 - Storm Drainage .....</b>	 <b>13 - 13</b>
13.09.010 Prohibited Obstructions .....	13 - 13
13.09.020 Prohibited Discharges .....	13 - 13
13.09.030 Prohibited Storage and Littering.....	13 - 14
13.09.040 Best Management Practices .....	13 - 14
13.09.050 Easements.....	13 - 15
13.09.060 Authority to Inspect.....	13 - 15
13.09.070 Requirement to Monitor and Analyze .....	13 - 16
13.09.080 Enforcement Procedures.....	13 - 16
13.09.090 Damage to Storm Water System .....	13 - 18
13.09.100 Manhole Covers .....	13 - 19
13.09.110 Compliance with Federal and State Law.....	13 - 19



<b>Chapter 13.10 - Storm Water Permits .....</b>	<b>13 - 20</b>
13.10.010 Purpose and Intent .....	13 - 20
13.10.020 Storm Water construction Activity Permit - When Required .....	13 - 20
13.10.030 Storm Water Construction Activity Permit - Application .....	13 - 20
13.10.040 Storm Water Pollution Prevention Plan.....	13 - 22
13.10.050 Proper Operation and Maintenance .....	13 - 24
13.10.060 Inspection and Entry .....	13 - 24
13.10.070 Revocation or Suspension of Strom Water Construction Activity Permit .....	13 - 25
13.10.080 Storm Water Connection Permit .....	13 - 26
13.10.090 Violations and Enforcement .....	13 - 27
13.10.100 Exemptions.....	13 - 28
13.10.110 Compliance with Federal and State Law.....	13 - 28
 <b>Chapter 13.12 - Culinary Water.....</b>	 <b>13 - 29</b>
13.12.010 Regulations and Specifications. ....	13 - 29
13.12.020 Drilling of New Water Wells. ....	13 - 29
13.12.030 Establishment of the Pleasant View City Water Department. ....	13 - 29
13.12.040 Water Department and System.....	13 - 30
13.12.050 Superintendent. ....	13 - 30
13.12.060 Application for Water Connection. ....	13 - 30
13.12.070 Application for Water Connection by Subdivider. ....	13 - 30
13.12.080 Application for Water Service. ....	13 - 30
13.12.090 Non-Owner Applicants Agreement of Owner. ....	13 - 30
13.12.100 Rates and Connection Fee. ....	13 - 30
13.12.110 Special Rates. ....	13 - 34
13.12.120 Board of Equalization, Rates, and Rebates. ....	13 - 34
13.12.130 Use Without Payment Prohibited. ....	13 - 34
13.12.140 Delinquency-Discontinuance of Service. ....	13 - 34
13.12.150 Turning on Water after Being Turned off Prohibited. ....	13 - 35
13.12.160 Separate Connections. ....	13 - 35
13.12.170 Unauthorized Users. ....	13 - 35
13.12.180 Pipes to Be Kept in Good Repair. ....	13 - 35
13.12.190 Quality of Service Pipe. ....	13 - 35
13.12.200 Faulty Equipment. ....	13 - 35
13.12.210 Sprinkling Vehicles. ....	13 - 36
13.12.220 Department to Have Free Access. ....	13 - 36
13.12.230 Non-liability for Damages. ....	13 - 36
13.12.240 Water Not Supplied for Motors, Syphons, Etc. ....	13 - 36
13.12.250 Sprinklers. ....	13 - 36
13.12.260 Scarcity of Water. ....	13 - 36
13.12.270 Waste of Water. ....	13 - 37
13.12.280 Water Meters.....	13 - 37
13.12.290 Permits for Installation. ....	13 - 38
13.12.300 Applications for Installation Permit. ....	13 - 38

13.12.310 Moving or Replacement of Water Lines. ....	13 - 38
13.12.320 When Permits Shall Not Be Issued. ....	13 - 38
13.12.330 Discontinuance of Service. ....	13 - 38
13.12.340 Fire Hydrants. ....	13 - 39
13.12.350 Extension of Water Mains Within the City. ....	13 - 39
13.12.360 Cost of Extensions Determined. ....	13 - 39
13.12.370 Amount of Cost to Be Deposited with Recorder. ....	13 - 39
13.12.380 Return of Any Money - Forfeiture. ....	13 - 39
13.12.390 Ownership of Extension. ....	13 - 39
13.12.400 Supply of Water Services to Outside the Municipal Limits. ....	13 - 39
13.12.410 Petition for Service. ....	13 - 39
13.12.420 Extensions May Be Master-Metered. ....	13 - 40
13.12.430 Cost of Extensions to Be Determined by Water Superintendent.....	13 - 40
<b>Chapter 13.13 - Culinary Water Cross Connection Control .....</b>	<b>13 - 41</b>
13.13.110 Purposes of Ordinance.....	13 - 41
13.13.120 Responsibility: Pleasant View City. ....	13 - 41
13.13.130 Responsibility: Customer. ....	13 - 41
13.13.140 Responsibility: Plumbing Official .....	13 - 42
13.13.150 Responsibility: Certified Backflow Technician, Surveyor, etc. ....	13 - 42
13.13.210 Word Usage and Interpretation. ....	13 - 43
13.13.310 Policy. ....	13 - 44
13.13.320 Violation of this Policy. ....	13 - 46
<b>Chapter 13.14 - Drinking Water Source Protection Ordinance .....</b>	<b>13 - 47</b>
13.14.010 Short title and Purpose.....	13 - 47
13.14.020 Definitions.....	13 - 47
13.14.030 Establishment of drinking water source protection zones.....	13 - 48
13.14.040 Permitted uses.....	13 - 48
13.14.050 Prohibited uses .....	13 - 48
13.14.060 Administration .....	13 - 49
13.14.070 Conflicting Provision .....	13 - 49
<b>Chapter 13.16 - Secondary Water.....</b>	<b>13 - 50</b>
13.16.010 Connection to Secondary Water System. ....	13 - 50
13.16.020 Prohibited Irrigation Systems. ....	13 - 50
13.16.030 Use of Culinary Water for Irrigation Prohibited. ....	13 - 50
13.16.040 Building Permits Issued.....	13 - 50
13.16.050 Violation-Penalty.....	13 - 50
<b>Chapter 13.20 - Land Drains .....</b>	<b>13 - 51</b>
13.20.010 Homeowner's Responsibility. ....	13 - 51
13.20.020 City's Responsibility.....	13 - 51
13.20.030 Developer's Responsibility. ....	13 - 51

13.20.040 Installation Inspection .....	13 - 51
13.20.050 Termination .....	13 - 51
<b>Chapter 13.30 - Wastewater Control .....</b>	<b>13 - 52</b>
13.30.010 Controls .....	13 - 52
13.30.020 Repeater .....	13 - 52
<b>Chapter 13.40 - Inspection Fees .....</b>	<b>13 - 53</b>
13.40.010 Inspection Fee .....	13 - 53
<b>Appendix 1 Application for Water Connection</b>	
<b>Appendix 2 Application for Water Service</b>	
<b>Appendix 3 Non-Owner Applicants-Agreement of Owner</b>	

## **Chapters: 13.04 - Sewer Systems**

### **13.04.010 Supervision.**

A. The sewer system of the city shall be under the immediate care, supervision and control of the director of public works, who shall in this chapter be referred to as the "director." The director shall have charge of all the equipment, appurtenances pertaining to the sewage system of the city. He shall have the direction of the laying of the sewer mains and of putting in all service pipes, and the regulation and disposal of sewage, and shall perform such other duties as may be required of him by law or ordinance or by this contract of employment. He shall make such reports to the city council as the city council shall by resolution provide and shall make such suggestions as the nature of the service may require. (Ord. dated 11/14/71 §1)

### **13.04.020 Rates and Inspection Fees.**

A. The mayor and the city council shall from time to time enact by resolution regulations prescribing connection charges and rates to be charged for the use of the sewer system, inspection and permit fees and procedures, rules for levying, billing, guaranteeing and collecting the charges for sewer service, rules governing the manner of making connections to the sewer system, materials to be used and such other rules and regulations for the management and control of sewage disposal as they shall deem fit. (Ord. dated 11/14/71 §2)

B. All sewer connections fees incurred by Pleasant View City for any sewer connections made to Central Weber Sewer District will be reimbursed to the city by building permit applicant at the time of the issuance of a building permit. (Ord. 93-K, 7/13/93)

C. E.P.A. Industrial Pretreatment charges allocated to Pleasant View City from Central Weber Sewer District will be prorated by and reimbursed to the city by said invoice from the city to the following businesses in Pleasant View City.

1. Businesses whose monthly average use of water is 20,000 gallons or more, regardless of the kind of service process, sales or any other endeavor in which they are engaged.

2. Businesses which by virtue of their processes, fall into the categorical standards as promulgated by the environmental protection agency, regardless of the amount of water consumption.

(Ord. 93-K, 7/13/93)

### **13.04.030 Connection to Sewer System.**

A. It is expressly provided that it shall be unlawful for the owner or other persons having charge of or occupying any property upon which a building shall have been or is being constructed for use for human occupancy, any part of which building is within three hundred feet of any street, alley or way in which a public sewer is then in existence and used in the city to construct or permit to be constructed or to use or to permit to be used any privy vault, septic tank, or cesspool connected with such building. Every such owner or other person shall, with thirty days after having been given notice by the city,

that an accepted public sewer is ready to receive connections, therewith cause such building to be connected with the sewer, and it shall thereafter be unlawful for such owner or other person to have the plumbing in such building remain unconnected to the public sewer or to maintain or use or cause or permit to exist any privy vault, septic tank or cesspool to which the building is connected or which is used by the occupant thereof. Whenever an accepted public sewer system is available to receive connections therewith, the director shall cause appropriate notice to be served upon the owner, agent or other person having charge of or occupying all property coming within the scope of this section, that the public sewer is ready to receive connection therewith, and that all plumbing must be connected with such sewer. (Ord. dated 11/14/71 §3)

B. The city policy for maintenance and installation of sewer lateral has been, and will continue to be, the responsibility of the property owner. (Ord. 92-9, 8/11/92)

C. The sewer lateral is defined as that portion of sewer line that branches from the main sewer line to the building, and includes the connection to the main sewer line. (Ord. 92-9, 8/11/92)

D. It shall be the responsibility of the individual property owners to maintain, repair, and keep free from obstructions, all sewer facilities on their premises and the sewer connection lines or laterals that connect the sewer facilities on said premises with the main sewer lines in the adjacent streets, or wherever located. It shall be the responsibility of the city to maintain, repair, and keep free from obstructions, the main sewer lines in the streets, or wherever located. (Ord. 92-9, 8/11/1992)

**13.04.040 Pipe Laying-Repairs.** It shall be unlawful for any person to commence or carry on the work of laying, repairing, altering or connecting any private drain or sewer pipe directly or indirectly with the public sewer without first having received the regular permit required by ordinance from the director. The license of the plumber so doing shall be revoked by proper authorities. (Ord. dated 11/14/71 §4)

**13.04.050 Permit-Required.** It shall be unlawful for any person to connect or attach any private drain or house connection directly or indirectly with the public sewer without having first paid for and received a sewer installation permit from the director. If any work requiring a permit under these ordinances be commenced without a permit first having been obtained therefor double the permit fee herein prescribed shall be collected when a permit is finally obtained. A payment of any fee provided for in this section, however, shall in no way relieve any person of the penalties that may be imposed for the violation of any section in this chapter. In no event shall any person be issued a permit for a sewer connection or otherwise be allowed to connect to the sewer system without first paying or arranging for the payment of the standard connection fee provided for in this chapter. (Ord. dated 11/14/71 §5)

**13.04.060 Permit Application-Fees.** Application for permits for sewer connections must be made in writing jointly by a plumber duly licensed and registered by the Utah State Department of Registration and holding a valid contractor's license duly issued by the city, and by the owner of the premises involved, on an application blank furnished by the

director. If, in the judgment of the director the carrying out of such connection will cause no injury to the street in which the sewer sought to be connected with is laid or to the carrying out of the improvements projected or which may thereafter be made on the street, or prejudicial to the interest of persons whose property has been or may thereafter be connected with the sewer, and that the connection in all things shall conform to the ordinances of the city, then the application to connect with the sewer shall be granted subject to the provisions of this chapter. All sewer connections shall be to line and grade designated by the director who shall prepare a plat for each connection and file such plat in his office for which services filing and inspection the director shall collect a fee in the amount fixed by a resolution of the council. (Ord. dated 11/14/71 §6)

**13.04.070 Permit-Revocation.** All permits for sewer connections shall be issued to the plumber who is to do the work, but the director may at any time revoke a permit on account of defective work. (Ord. dated 11/14/71 §7)

**13.04.080 Permit-Denial.** Permits to connect with the sewer shall not be issued unless the plumbing in the house or building to be connected is in accordance with the provisions of all ordinances and codes of the city relating thereto. No permit shall be issued nor shall any connection be made to the main sewer when the fixtures in the house or buildings are located lower than the present elevation of the main sewer unless adequate means such as a pump or pneumatic ejector is installed in the plumbing of the house or building to lift and discharge the sewage at the required elevation to permit gravity flow from the building to the main sewer. (Ord. dated 11/14/71 §8)

**13.04.090 Completion of work.** The work authorized by the permit shall be done with all possible speed in accordance with city ordinances. If the work is not completed within thirty days, unless special extension is granted by the director, the permit shall be void and no refund made for the delay. (Ord. dated 11/14/71 §9)

**13.04.100 Buildings-Separate Connection-Exceptions.** Each separate building or premises shall have a separate connection to the main line sewer except only in cases where that is impracticable or inadvisable and then only on special permission to be granted by city council upon recommendation of the director; provided, however, that no such special permission shall be granted by the city council unless and until the owner of each building or premises to be thus connected shall grant to and receive from each other perpetual easements and rights-of-way which shall be properly recorded in the county recorder's office across and upon each of the premises involved, for the purpose of constructing and maintaining each separate connection, and shall covenant and agree as a part of such right-of-way or easement, so that the same shall be a covenant appurtenant to and running with the land that each owner will bear and pay his proportionate share for the maintenance and repair of the connection, whether the expenditure, maintenance or repair is, or becomes necessary, upon his own premises or upon the premises with which he is connected, except for where a dwelling is in the rear

of another building and on the same building lot and owned by the same party, then the director may issue a sewer permit for a double connection. (Ord. dated 11/14/71 §10)

**13.04.110 Fixtures.** It is unlawful for any person to use any kind of equipment or material in connection with the sewer system except the kind prescribed or approved by the ordinance in the city. (Ord. dated 11/14/71 §11)

**13.04.120 Use Without Payment Prohibited.** It shall be unlawful for any person by himself, family, servants or agents to utilize the city sewer system without first paying therefor, as provided in this chapter or to in any manner injure, deface or impair any part of the sewer system. (Ord. dated 11/14/71 §12)

**13.04.130 Service Charges-Connection Fees.**

A. All structures that can be served by the sewer when the same is completed and ready for use shall be charged the rates fixed as provided in this chapter, whether or not such structures are connected to the sewer, commencing with the month following the month when the sewer is completed to the point when the connection would be made

B. The city's culinary water collection system, sanitary system, storm sewer system, and solid waste collection system are interrelated services that are, and of right ought to be, part of a unified city plan to provide for the health, safety and welfare of the city and its residents in an environmentally responsible manner.

C. The city shall mail a written statement to each user of the sewer services once each month or such other regular intervals as the city council shall direct. The statement shall separately specify the amount of the bill and the place of payment and date due.

D. If any person fails to pay sewer utility or any combination of city utility charges by the 10<sup>th</sup> day of the month following the date due, a penalty will be charged on the unpaid balance. If the balance remains unpaid for 30 days of the date due, under the direction of the utility superintendent the customer may be given notice in writing of intent to discontinue the water service to the customer unless the customer pays the bill in full ten days from the date of notice. The customer will be charged a fee for the notice given of the intent to discontinue the water service as set by resolution of the governing body.

E. If the water service is thereafter discontinued for failure to make payment, then before the water service to the premises shall again be provided, all delinquent charges must have been paid to the city or arrangements made for their payment in a manner satisfactory to the city. In the event the Pleasant View City water is turned off for nonpayment of charges, then before the water service to the premises shall again be provided, the customer shall pay, in addition to all delinquent water charges, such extra charge for turning the water on as established by resolution of the governing body. (Ord.2010-16, dated 6/8/10; prior ordinances: Ord. dated 11/14/71 §13)

**13.04.140 Installation Inspection.** The inspection of sewer connections between the main sewer and three feet outside of the building line shall be made by/or under the direction of the director. He shall be notified at least twenty-four hours in advance by the plumber that the connection is complete and ready for inspection. The entire length of the sewer

connection, including a "Y" at the main sewer shall be fully exposed. No back-filling shall be done until the inspection is made and the work accepted. If any portion of the work is not done in accordance with this chapter and the instructions of the director or his inspectors, it shall be rectified promptly. In the event that the connections are not complete, or if change makes necessary another inspection, a charge of thirty dollars per hour. Work done without notice to inspect or without inspection shall be treated as defective work and shall be condemned, uncovered and re-laid, if necessary, to the grade given by the director and inspected by the property officer upon the proper permits being taken out and paid for. The license of the plumber or sewer contractor shall be revoked. No permit shall be issued to any licensed plumber during the time he shall fail to remedy any defective work after he has been notified that he has been held responsible therefor under these regulations. The permit must be on the premise during the whole time the work is in progress and until such time as the work is approved by the director as attested to by his signature of approval on the permit. (Ord. dated 11/14/71 §14)

**13.04.150 Sewer Manhole.** It shall be unlawful for any person to open any sewer manhole without permission from the director. (Ord. dated 11/14/71 §15)

**13.04.160 New Construction.** No building permit for new construction or remodeling shall be issued until the owners of the proposed new construction or remodeling shall have paid the sewer connection fee provided for in this chapter. (Ord. dated 11/14/71 §16)

**13.04.170 Policy Declaration.** The council has caused a survey to be made of sanitary conditions within the city, including the geological aspects in relation to industrial, business and residential establishments as the same affect the health and welfare of the inhabitants of the city, and has determined and does determine and require that it is necessary for the protection of the public health that owners of improved property within the city be required to connect their industrial business and residential establishments to the sewer system and to cease to use all other methods of sewage disposal, if such establishments are capable of being served by and through the municipal sewer system. (Ord. dated 11/14/71 §17)

**13.04.180 Violation.** Any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this chapter is committed, continued or permitted. (Amended during 1988 codification; Ord. dated 11/14/71 §18)



## Chapter 13.08 - Storm Water Utility

### 13.08.010 Findings.

The City Council makes the following findings regarding storm water runoff and the City's storm water system:

- A. The City's existing storm water system consists of a network of man-made and natural facilities, structures and conduits, including groundwater and aquifers, that collect and route storm water runoff.
- B. Uncontrolled or inadequately controlled storm water runoff endangers the City's groundwater supply.
- C. Uncontrolled or inadequately controlled storm water runoff causes erosion and property damage.
- D. Uncontrolled or inadequately controlled storm water runoff hinders the City's ability to provide emergency services to its residents.
- E. Uncontrolled or inadequately controlled storm water runoff impedes the regular flow of traffic in the City.
- F. Uncontrolled or inadequately controlled storm water runoff poses health hazards to the citizens of the community.
- G. Storm water runoff carries concentrations of oil, grease, nutrients, chemicals, heavy metals, toxic materials and other undesirable materials that may jeopardize the integrity of ground waters and receiving waters, including the City's culinary water supply.
- H. All developed properties in the City contribute to the need for the storm water system by converting natural ground cover into impervious surfaces.
- I. All developed properties in the City make use of or benefit from the City's operation and maintenance of the storm water system.
- J. The EPA and the DEQ are developing additional storm water permitting requirements that will apply to cities.
- K. Absent effective maintenance, operation, regulation and control, existing storm water drainage conditions in the City constitute a potential hazard to the health, safety and general welfare of the City, its residents, and its businesses.
- L. A storm water utility is the most equitable and efficient method of managing storm water in the City and ensuring that each property in the City pays its fair share of the amount that the

property contributes to, benefits from, and otherwise uses the storm water system. (Ord.2011-2, dated 3/22/11)

#### **13.08.020 Purpose.**

The purpose of this Chapter is to protect the health, safety and welfare of the City and its inhabitants by improving the City's storm water system, managing and controlling storm water runoff, protecting property, preventing polluted waters from entering the City's water supply and other receiving waters, and establishing a viable and fair method of financing the construction, operation and maintenance of the storm water system. (Ord.2011-2, dated 3/22/11)

#### **13.08.030 Definitions.**

The following bolded words and phrases shall be defined as follows in this Chapter and for all other chapters relating to storm water:

- A. **Best Management Practices (BMPs).** A wide range of management procedures, schedules of activities, prohibitions of practices, maintenance procedures, and other management practices which have been demonstrated to effectively control the quality and/or quantity of storm water runoff and which are compatible with the planned land use. BMPs also include treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw material storage. A list of sample BMP's and their effectiveness ratings can be found in the Pleasant View City Storm Water Management Plan dated 2010 (available at the Pleasant View City Hall.)
- B. **Catch Basin.** A drain inlet designed to keep out large or obstructive matter.
- C. **City or Municipality** or similar term means Pleasant View City, Utah, its geographical boundaries, jurisdiction, and its contract providers as the context may dictate. The City may also be referred to as a Municipal Separate Storm Sewer System (MS4).
- D. **City Council** or **Council** means the governing body of the City.
- E. **Debris.** Any dirt, rock, sand, vegetation, rubbish or litter.
- F. **Detention Basin.** An area designed to detain peak flows from storm water runoff and to regulate release rates of that water into the City's storm drainage system, also allowing debris to settle out. Detention basin outlets are connected directly to downstream storm drains. All flow entering detention basins are released via outlet piping. Regional Detention Basins are defined as large detention basins owned and maintained by the City. Local Detention Basins are defined as smaller basins typically in subdivisions and constructed by developers. Following acceptance of the construction, the ownership, operation and maintenance may either be conveyed and maintained by the City or owned and maintained by private property owners.

- G. **Developed Property.** Any property that has been altered from its natural condition by grading, filling, or the construction of improvements or other impervious surfaces.
- H. **Development or Land Development.** Any man-made change to improved or unimproved real estate, including but not limited to site preparation, filling, grading, paving, excavation, development of a parcel, lot, subdivision plat or site plan and construction of buildings or other structures.
- I. **Director.** The Public Works Director or Superintendent of Pleasant View City or his duly appointed deputy, agent, or representative.
- J. **Disturb.** To alter the physical condition, natural terrain or vegetation of land by clearing, grubbing, grading, excavating, filling, building or other construction activity.
- K. **Drain Inlet.** A point of entry into a sump, detention basin, or storm drain system.
- L. **Drinking Water Source Protection Zone.** Zones determined by Geo-Hydrology designed to protect groundwater aquifers of a well in a Culinary Water System.
- M. **Equivalent Residential Unit ("ERU").** The average amount of impervious surface, expressed in square feet, on developed single family residential parcels in Pleasant View.
- N. **Hazardous Material.** Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial presence or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed. Hazardous material includes, but is not limited to, any hazardous substance designated under 40 CFR part 116 pursuant to section 311 of the Clean Water Act.
- O. **Illicit Connection.** Illicit connection means either of the following:
  - 1. Any drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the storm drain system. Examples include, but are not limited to, any conveyances which allow non-storm water discharge such as sewage, process wastewater, or wash water to enter the storm drain system, and any connections to the storm drain system from indoor drains or sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by a government agency; or
  - 2. Any drain or conveyance connected to or discharging to the storm drain system, which has not been (1) documented in plans, maps, or equivalent records submitted to the City, and (2) approved in writing by the City.

- P. **Illicit Discharge.** Any non-storm water discharge to the storm water system. Illicit discharges include both direct connections (e.g. wastewater piping either mistakenly or deliberately connected to the storm water system) and indirect connections (e.g. infiltration into the storm water system or spills collected by drain inlets).
- Q. **Impervious Surface.** Any hard surface, other than the natural surface, that prevents or retards the absorption of water into the soil, or that causes water to run off the surface in greater quantities or at a greater rates of flow than the natural surface (including roofs, concrete, etc.).
- R. **Municipal Separate Storm Sewer System (MS4).** A conveyance or system of conveyances including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains.
- S. **NPDES Permit.** A general permit obtained by the State of Utah from the Environmental Protection Agency under the National Pollutant Discharge Elimination System (NPDES), as authorized by the Clean Water Act, under which the City's discharges of storm water are regulated.
- T. **Percolation.** The ability of a soil to absorb water. Typically measured by a Standard Percolation Test in units of minute per inch.
- U. **Person.** Any individual, corporation, partnership, association, company or body politic, including any agency of the State of Utah and the United States government.
- V. **Pollutant.** Dredged spoil; solid waste; incinerator residue; filter backwash; sewage sludge; munitions; chemical wastes; biological materials; radioactive materials; wrecked or discarded equipment; rock; sand; cellar dirt; industrial, municipal and agricultural waste; paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, articles, and accumulations, that may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure (including but not limited to sediments, slurries, and concrete resins); and noxious or offensive matter of any kind.
- W. **Redevelopment.** Alterations of a property that change the footprint of a site or building in such a way that disturbs one acre of land or more.
- X. **Retention Basin.** Means an area designed to retain flows from storm water runoff and to encourage infiltration into surrounding sub-surface soils. Retention basins do not have

outlet piping connected into a storm water system. A retention basin allows debris to settle out.

Y. **Sanitary Sewer Overflow (SSO).** A discharge of untreated sanitary wastewater. SSOs are illegal and must be eliminated. All SSOs must be reported to the Division of Water Quality.

Z. **Storm Drain.** A closed conduit for conducting collected storm water.

AA. **Storm Water.** Any flow that occurs during or following any form of natural precipitation. Storm water includes only the portion of such flow that is composed of precipitation.

BB. **Storm Water System.** The system of conveyances (including sidewalks, roads with drainage systems, municipal streets, catch basins, detention basins, curbs, gutters, ditches, natural channels, man-made channels, sumps, storm drains, and ground water) owned and operated or utilized by the City, which is designed and used for collecting or conveying storm water. The storm water system is also referred to as a "municipal separate storm sewer system" or "MS4".

CC. **Storm Water Runoff.** Water that is generated by storm water flows over land.

DD. **Sump.** A formalized underground structure, surrounded by drain rock, that acts as a detention basin to allow the slow release of water into the surrounding sub-soil. Sumps usually receive storm water runoff from paved areas such as streets, parking lots, building roofs, etc. (Ord.2011-2, dated 3/22/11)

#### **13.08.040 Storm Water Utility.**

A. **Creation.** The Storm Sewer Utility created by Ordinance No. 99-13 shall henceforth be known as the Storm Water Utility. The storm water utility shall plan, design, construct, maintain, administer and operate the City's storm water system.

B. **Enterprise Fund.** The storm water utility enterprise fund established by Ordinance No. 99-13 shall handle all income, expenses and other financial transactions related to the storm water utility. All storm water utility service charges shall be deposited in the enterprise fund. Money in the storm water utility enterprise fund shall not be commingled with or transferred to other City funds. However, the storm water utility may pay other City funds for services and expenses directly attributable to the storm water utility. The enterprise fund shall be operated according to State law and City policy.

C. **Facilities and Assets.** The storm water utility shall operate independently of City operations funded by the general fund. The storm water utility shall have the same relationship to the City as other City utilities, such as the water utility and the sanitary sewer (waste water) utility. Upon creation of the utility by Ordinance No. 99-13, all of the City's storm water facilities and assets (other than streets and other facilities and assets designated by the City

Council) were transferred to the storm water utility in consideration for the storm water utility's agreement to take primary responsibility for planning, designing, constructing, maintaining, administering and operating the City's storm water system. (Ord.2011-2, dated 3/22/11)

#### **13.08.050 Storm Water Utility Fee.**

- A. **Imposed.** Each developed parcel of real property in the City shall be charged a storm water utility fee.
- B. **ERU.** The fee shall be based on the number of equivalent residential units (ERU's) contained in the parcel. The City Council finds that the ERU is the most accurate measurement for determining the amount that each parcel contributes to, benefits from, and otherwise uses the storm water utility. The storm water utility fee shall be based on the number of ERU's contained in the parcel. The ERU for one single family residential lot is an average of 3,000 square feet of impervious surface.
- C. **Calculation.** The City Council finds that each single family residential parcel contributes approximately the same amount of storm water runoff; therefore, each developed single family residential parcel shall pay a base rate of one (1) ERU. All non-single family residential parcels shall pay a multiple of this base rate, expressed in ERU's, according to the measured impervious area on the parcel.
- D. **Charge per ERU.** The amount charged for each ERU shall be established by resolution of the City Council.
- E. **Exemptions and Credits.** The City Council may establish exemptions and credits to the storm water utility fee by resolution.
- F. **Policies.** The City may adopt policies, consistent with this Chapter and any resolutions passed by the City Council, to assist in the application, administration and interpretation of this Chapter and any resolutions related to the storm water utility.
- G. **Appeals.** Any person or entity that believes that this Chapter, or any storm water utility rate resolution, was interpreted or applied erroneously may appeal to the City Council. The appeal shall be in writing, shall state any facts supporting the appeal, and shall be made within ten (10) days of the decision, action, or bill being appealed. The City Council's decision shall be final and binding on all parties. (Ord.2011-5, dated 9/27/11 and Ord.2011-2, dated 3/22/11)

#### **13.08.060 Billing.**

- A. **Consolidated Utility Bill.** The City's culinary water distribution system, sanitary sewer system, storm water system, and solid waste collection system are interrelated services that are part of a unified city plan to provide for the health, safety and welfare of the city

and its residents in an environmentally responsible manner. Therefore, the storm water utility fee shall be included on the city's regular utility bill for any given property.

- B. **Applies to All Developed Properties with Impervious Surface.** All developed properties with impervious surface within the city shall be charged the storm water utility fee, regardless of whether or not the owner or occupant of the property requests the storm water utility service. The city shall mail a written statement for the storm sewer utility fee once each month or such other regular intervals as the city council shall direct. The statement shall separately specify the amount of the bill and the place of payment and date due.
- C. **Late Penalties.** If any person fails to pay storm water utility or any combination of city utility charges by the 10<sup>th</sup> day of the month following the date due, a penalty will be charged on the unpaid balance. If the balance remains unpaid for 30 days of the date due, under the direction of the utility superintendent, the customer may be given notice in writing of intent to discontinue the water service to the customer unless the customer pays the bill in full ten days from the date of notice. The customer will be charged a fee for the notice given of the intent to discontinue the water service as set by resolution of the governing body. If there is no water service for the property, the storm water utility fee shall be deemed a civil debt owed to the city by the person or entity paying for city utility services provided to the property.
- D. **Restoration of Service.** If the water service is thereafter discontinued for failure to make payment, then before the water service to the premises shall again be provided, all delinquent charges must have been paid to the city or arrangements made for their payment in a manner satisfactory to the city. In the event water is turned off for nonpayment of charges, then before the water service to the premises shall again be provided, the customer shall pay, in addition to all delinquent water charges, such extra charge for turning the water on as established by resolution of the governing body. (Ord.2011-2, dated 3/22/11)

*(Ord.2011-2, dated 3/22/11 repealed and replaced Chapter 13.08 in its entirety which consisted of the following ordinances: Ord. 87-15.04(x), 1987 and Ord. 91-5, 7/9/91)*

## **Chapter 13.09 - Storm Drainage**

### **13.09.010 Prohibited Obstructions.**

A. It is unlawful for any person to:

1. Obstruct the flow of water in the storm water system.
2. Contribute to the obstruction of the flow of water in the storm water system.
3. Cover or obstruct any drain inlet.

B. The following obstructions are exempt from the prohibitions of this section:

1. Street and/or storm water improvement projects authorized by the City.
2. Flood control and prevention activities performed by the City.
3. Obstructions approved by the City as part of a site's storm water drainage plan.

M. Obstructions occurring during clean-up periods established by the City, provided that the materials are placed according to City directions and do not obstruct drain inlets. (Ord.2011-2, dated 3/22/11)

### **13.09.020 Prohibited Discharges.**

A. It is unlawful for any person to discharge non-storm water discharges to the MS4 including spills, illicit connections, illegal dumping and sanitary sewer overflows ("SSOs") into the storm sewer system. All SSOs must be reported to the Division of Water Quality.

B. The following discharges to the storm water system are exempt from the prohibitions of this section:

1. Water line flushing
2. Water line breaks / leaks
3. Landscape irrigation runoff
4. Diverted stream flows
5. Rising ground waters
6. Uncontaminated ground water infiltration
7. Uncontaminated pumped ground water



8. Discharges from potable water sources
9. Foundation drains
10. Air conditioning condensate
11. Springs
12. Water from crawl space pumps
13. Footing drains
14. Individual residential car washing
15. Flows from riparian habitats and wetlands
16. Dechlorinated swimming pool discharges
17. Residual wash water (e.g. home maintenance)
18. Dechlorinated water reservoir discharges
19. Discharges or flows from fire fighting activity  
(Ord.2011-2, dated 3/22/11)

**13.09.030 Prohibited Storage and Littering.**

- A. It is unlawful for any person to maintain, store, keep, deposit or leave any pollutant or hazardous material, or any item containing a pollutant or hazardous material, in a manner that is likely to result in the discharge of the pollutant or hazardous material to the storm water system (e.g. open containers of paint or chemicals, rusted items, etc.). (Ord.2011-2, dated 3/22/11)

**13.09.040 Best Management Practices.**

- A. Any person connecting to the storm water system or developing a commercial or industrial site shall employ Best Management Practices (BMPs) approved by the City. The City shall adopt a policy establishing a menu of BMPs that may be used to satisfy this requirement. The BMPs may be structural and/or non-structural, depending on the needs of the site. The BMPs shall be designed to ensure that the quality and quantity of storm water released to the City's storm water system meets the requirements of federal, state and local laws and regulations and the City's NPDES permit, and will not exceed the designed capacity of the storm water system or jeopardize the integrity of the storm water system. (Ord.2011-2, dated 3/22/11)

**13.09.050 Easements.**

- A. The director may enter all private properties through which the City holds an easement for the purposes of inspecting, observing, measuring, sampling, repairing or maintaining any portion of the storm water facilities lying within the easement, or the performance of any other duties pertinent to the operation of the storm water system. All entry and subsequent work, if any, on an easement, shall be completed according to any special terms of the easement. (Ord.2011-2, dated 3/22/11)

**13.09.060 Authority to Inspect.**

- A. Whenever necessary to make an inspection to enforce any provision of this Chapter, or whenever the City has cause to believe that there exists, or potentially exists, a condition which constitutes a violation of this Chapter, the City may direct its qualified personnel to request entrance to the premises at all reasonable times to inspect, detect, investigate, eliminate and enforce any suspected non-storm water discharges, including illegal dumping, into the City. During the same time the City may inspect and copy records related to storm water compliance. In the event the owner or occupant refuses entry after a request to enter and inspect has been made, the City is hereby empowered to seek assistance from any court of competent jurisdiction in obtaining such entry.
- B. The access for the City to inspect storm water control measures on private property that is vested subsequent to the effective date of this Chapter includes both construction-phase and post-construction access. Upon approval of the Director, and in lieu of City employees inspecting and maintaining storm water controls on private property, the City may allow the owner/operators or a qualified third party to conduct maintenance so long as:
  - 1. At least annual certification, in the form of inspection documentation which has been performed, is provided to the City; and
  - 2. The structural controls are adequately operating and maintained as such were designed to protect water quality as provided in the original maintenance agreement and plans submitted upon vesting and approval of the site.
- C. A maintenance agreement is required on private property that is vested subsequent to the effective date of this Chapter including both construction-phase and post-construction access and where owner/operators or a qualified third party conduct maintenance as provided herein. Said maintenance agreement shall be promulgated in the form and manner as determined by the Director so long as the agreement at a minimum:
  - 1. Allows the City oversight authority of the storm water measures;
  - 2. Includes a provision that the agreement acts as a covenant that runs with the land;
  - 3. Allows the City to perform necessary maintenance or corrective actions neglected by the owner/operators or the qualified third party; and

4. Allows the City to recoup the costs from the owner/operator as necessary to cover the expenses for actions conducted by the City.
- N. The City interprets this regulation as secondary and subservient to the United States Constitution and the Utah State Constitution as applied to property rights, land use, development, and similar rights. Specifically, the intent of this regulation is not to be applied to violate vested property rights nor to be a physical invasion of property rights as determined by the United States Supreme Court in Loretto v. Teleprompter Manhattan CATV Corp., 458 U.S. 419 (1982). The City recognizes that the United States Supreme Court interprets property right in conjunction with the laws and constitutions of each state. Therefore, Utah law also plays an important role in defining property rights. For the purpose of determining when a property right is vested the City shall continue to apply the Utah Supreme Court ruling in Western Land Equities, Inc. V. City of Logan, 617 P.2d 388 (1980) that states a property owner is vested to follow the City's regulations in effect at the time a land use application is filed. Furthermore, where there is vagueness in any land use regulation, including the storm water regulations, it shall be interpreted in favor of the property owner. (Ord.2011-2, dated 3/22/11)

#### **13.09.070 Requirement to Monitor and Analyze.**

- A. If City tests or inspections indicate that a site is causing or contributing to storm water pollution, illegal discharges, and/or non-storm water discharges to the storm water system or waters of the United States, and if the violations continue after notice from the City, the City may require any person engaged in the illicit activity and/or the owner of operator of the site to provide, at their own expense, monitoring and analyses required by the City to determine compliance with this Chapter. (Ord.2011-2, dated 3/22/11)

#### **13.09.080 Enforcement Procedures.**

Whenever the City finds that a person, organization, or institution (not to exclude the State or Federal government) has violated a prohibition or failed to comply with a requirement of this Chapter, the Director or his designee will order compliance by the following procedure:

- A. A verbal warning shall be given. The verbal warning shall be documented in the City records by the qualified person (code enforcement officer, city inspector, public works employee) who issued the warning. The City may skip the requirements set forth in this Section and immediately proceed with other more severe actions against the violator if:
  1. The violator has committed the same violation in the past, or
  2. The violation, in the opinion of the City, creates a serious risk to persons, the environment or property, or
  3. The City deems the violation to constitute an emergency.

- B. Issue a written notice of violation to the responsible person(s), company or institution. The notice of violation shall be documented in the City records by the qualified person who issued the notice. Such notice may require without limitation:
1. The performance of monitoring, analyses, and reporting;
  2. The elimination of illicit connections or discharges;
  3. That violating discharges, practices, or operations shall cease and desist;
  4. The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property;
  5. Payment to cover administrative, remediation, monitoring, analyses, and reporting costs; and
  6. The implementation of source control or treatment BMPs.

The City may skip the notice requirements set forth in this Section and immediately proceed with criminal and/or civil action against the violator if:

1. The violator has committed the same violation in the past, or
  2. The violation, in the opinion of the City, creates a serious risk to persons, the environment or property, or
  3. The City deems the violation to constitute an emergency.
- C. Issue a citation, penalty or stop work order. The citation, penalty, or stop work order shall be documented in the City records by the qualified person who issued it. Such violations may penalize the violator as follows:
1. The violation of any provision of this Chapter is a Class B misdemeanor. Each day that a violation occurs shall constitute a separate offense.
  2. If, as the result of the violation of any provision of this Chapter, the City or any other party suffers damages and is required to make repairs and/or replace any materials, the cost of repair and/or replacement shall be borne by the violating party and shall be in addition to any criminal or civil fines and/or penalties.
  3. In addition to the provisions of 1 and 2 above, violators of this Chapter may also be subject to prosecution, fines and penalties from the State of Utah and the United States EPA, as provided by the Small MS4 General UPDES Permit No. UTR090000, Utah stormwater regulations, and the Clean Water Act. As circumstances warrant,

the City may request that the State of Utah and/or the United States EPA assist with enforcement.

4. The Small MS4 General UPDES Permit, Permit No. UTR090000 defines the maximum penalties for violations of Permit conditions as follows:
  - a. The *General UPDES Permit* provides that any person who violates a Permit condition implementing provisions of the [Utah Water Quality] Act is subject to a civil penalty not to exceed \$10,000 per day of such violation. Any person who willfully or negligently violates Permit conditions or the Act is subject to a fine not exceeding \$25,000 per day of violation. Any person convicted under UCA 19-5-115(2) a second time shall be punished by a fine not exceeding \$50,000 per day.
  - b. The *General UPDES Permit* provides that any person who knowingly makes any false statement, representation, or certification in any record or other document submitted or required to be maintained under this Permit, including monitoring reports or reports of compliance or noncompliance shall, upon conviction be punished by a fine of not more than \$10,000.00 per violation, or by imprisonment for not more than six months per violation, or by both. Utah Code Ann. § 19-5-115(4).
  - c. The *General UPDES Permit* provides that any person who falsifies, tampers with, or knowingly renders inaccurate, any monitoring device or method required to be maintained under this Permit shall, upon conviction, be punished by a fine of not more than \$10,000 per violation, or by imprisonment for not more than six months per violation, or by both.
5. A stop work order may be issued upon the discovery of work being conducted without a permit as required by Chapter 13.10. The stop work order may be issued by inspectors in the Public Works or Community Development Departments (including Building Inspection and Code Enforcement). No construction activity may be commenced or continued on any site for which a Permit has been revoked or suspended until the Permit has been reinstated or reissued. (Ord.2011-2, dated 3/22/11)

#### **13.09.090 Damage to Storm Water System.**

Any person who damages any portion of the storm water system, including ditches, man-made channels, and natural channels, shall be responsible for repairing the damages. Owners of property affected by easements for the storm water system or adjacent to any portion of the storm water system shall be responsible for maintaining their property in a manner that does not damage the storm water system. Any damages shall be repaired by a licensed contractor bonded to do work in the City and shall be repaired in accordance with the City's Construction

Standards and Specifications. It is unlawful to remove or alter any portion of the storm water system without permission from the Director. (Ord.2011-2, dated 3/22/11)

**13.09.100 Manhole Covers.**

It shall be unlawful to open any storm water manhole or other storm water fixture (such as grates, lids or inlets) without permission from the Director. (Ord.2011-2, dated 3/22/11)

**13.09.110 Compliance with Federal and State Law.**

Nothing in this Chapter shall be interpreted to relieve any person from an obligation to comply with an applicable Federal, State or local law relating to storm water discharges or drinking water protection. (Ord.2011-2, dated 3/22/11)

*(Ord.2011-2, dated 3/22/11 repealed and replaced Chapter 13.09 in its entirety which consisted of the following ordinances: Ord. 99-13, dated 6/8/99, Ord. 99-16, dated 7/27/99, Res. 2009-B, dated 2/27/09, Ord.2000-14, dated 5/23/00, and Ord.2010-16, dated 6/8/10)*

## Chapter 13.10 - STORM WATER PERMITS

### 13.10.010 Purpose and Intent.

The purpose of this Chapter is to prevent the discharge of sediment and other construction-related pollutants from construction sites. Sediment and debris from construction sites are a major source of pollution to waterways and water systems located within the City and surrounding areas. Each year storm water runoff carries tons of sediment from construction sites into local drainage systems, irrigation systems, canals, rivers, and lakes. Sediment from storm water runoff also clogs and obstructs storm drains, culverts, and canals and causes damage to private property, wildlife habitat and water quality. (Ord.2011-2, dated 3/22/11)

### 13.10.020 Storm Water Construction Activity Permit - When Required.

A Pleasant View City Storm Water Construction Activity Permit is required before any person or entity may excavate, grub and clear, grade, or perform any type of construction activity that will disrupt or cause a change in the natural landscape upon any of the following types of property located within the City:

- A. **One Acre or More.** Any parcel, lot or land development which is equal to or greater than one acre (43,560 square feet) in size or less than one acre and part of a larger common plan of development or sale. A subdivision development greater than or equal to one acre in size qualifies under this subsection even if each of the individual lots in the subdivision is smaller than one acre.
- B. **Special Concern Areas.** Any parcel, lot or land development for which the City determines that because of the nature or type of the parcel, lot or development, disturbance of the land is likely to result in erosion or the transport of sediment off of the site by storm water to a degree substantially greater than that which would occur under natural landscape conditions. (Ord.2011-2, dated 3/22/11)

### 13.10.030 Storm Water Construction Activity Permit - Application.

Any person or entity desiring a Storm Water Construction Activity Permit must first file an application with the City. The application shall be submitted with, or as part of an application for a site plan or subdivision approval or building permit. Any person or entity desiring a Storm Water Construction Activity Permit must also submit a Notice of Intent (NOI) with the State of Utah.

- A. **Content.** The application shall include a Storm Water Pollution Prevention Plan which meets the criteria set forth in Section 13.10.040.
- B. **Timing.** The applicant shall file the application on or before the following dates:
  - 1. **Subdivision.** The date that the applicant submits the preliminary subdivision plat application if the applicant proposes to develop a subdivision.

2. **Site Plan.** The date that the applicant submits a site plan application if the applicant proposes to develop a site plan or amended site plan.
  3. **Building Permit.** The date that the applicant submits a building permit application if the applicant proposes to construct a building on an existing lot or parcel.
  4. **Other.** At least two (2) weeks before the developer intends to perform any type of work not listed above that would require a Storm Water Construction Activity Permit pursuant to this Chapter.
- C. **Compliance.** If an applicant's development comes under more than one of the categories listed above, then the applicant shall submit the Storm Water Construction Activity Permit Application on the earliest of the listed dates. Failure to comply with the application dates set forth above is not a criminal offense, but may delay the applicant's project. Failure to acquire a required Storm Water Construction Activity Permit is grounds for denying a related subdivision application, site plan application, conditional use permit application, or building permit application. It is unlawful to commence work (move dirt) on a development site before obtaining a required Storm Water Construction Activity Permit.
- D. **Fee.** The applicant for a Storm Water Construction Activity Permit shall pay a fee in an amount set by resolution of the City Council.
- E. **Application Approval.** The City shall approve the application and grant the permit if the application is complete and meets the criteria set forth in Section 13.10.040. The City shall deny the application or approve the application with conditions if the City determines that the measures proposed in the Plan fail to meet the criteria set forth in Section 13.10.040. Conditions the City may impose in connection with the approval of a Permit include, but are not limited to, the establishment of specific measures and controls to prevent erosion and the discharge of sediment, debris and other construction-related pollutants from the site by storm water.
- F. **Term.** Unless otherwise revoked or suspended, a Storm Water Construction Activity Permit shall be in effect for the full period of the construction activity. The construction activity will not be considered to be completed until the following events occur:
1. **Subdivisions.** For Permits associated with a subdivision plat approval:
    - a. The Permittee must complete all required subdivision improvements; and
    - b. One of the following three events must occur:



- i. The City issues a final certificate of occupancy for each lot in the subdivision, or
    - ii. Individual Storm Water Construction Activity Permits have been issued for each lot in the subdivision not having a final occupancy permit, or
    - iii. The property has been re-vegetated or landscaped in a manner that eliminates erosion and sediment discharge or that brings the property back to its natural state.
  2. **Site Plans.** For Permits associated with a site plan approval, the date that the Permittee has completed all required landscaping and all outside construction work associated with the site plan.
  3. **Building Permits.** For Permits associated with a building permit application, the date that the City issues a final occupancy permit for the structure covered by the building permit.
  4. **Other.** For Permits issued that are not tied to other approvals from the City, the date that the Permittee has completed all work associated with the Permit and takes steps required by the Permit to prevent further erosion and runoff from the site.
- G. **Termination.** No Storm Water Construction Activity Permit shall be considered terminated until the Permittee notifies the City of the completion of the project and a final inspection is performed by an authorized City inspector to verify site stabilization. When the City inspector has verified the site is stabilized a Notice of Termination shall be submitted to the State of Utah. The Permittee shall keep and maintain all Permit-required improvements on the site until the City accepts the Notice of Termination.
- H. **Amendments.** In the event that the proposed construction activity for a site to which a Permit pertains is materially altered from that described in an original Plan in a way that may have a significant impact upon the effectiveness of the measures and controls described in the original Plan, the Permittee shall file an amended Storm Water Pollution Prevention Plan which meets the criteria set forth in Section 13.10.040. (Ord.2011-2, dated 3/22/11)

#### **13.10.040 Storm Water Pollution Prevention Plan.**

- A. **Required Information.** The Storm Water Pollution Prevention Plan (SWPPP) shall be required for all sites disturbing one acre or greater and for sites that are less than one acre that are part of a common plan of development. The SWPPP shall contain the following information, though the following is not a comprehensive list of required

elements of a Storm Water Pollution Prevention Plan. For complete requirements, see the General Permit for Construction Activities, which can be found at the State of Utah Division of Water Quality.

1. **Site Description.** A site description (including a map with spot elevations and contour lines) which includes a description of the nature and location of the construction activity, a description of the intended sequence of major activities which will disturb soils for major portions of the site (e.g. grubbing, excavation, grading, utilities, and infrastructure installation, etc.), and estimates of the total area of the site and the total area of the site that is expected to be disturbed by excavation, grading, or other activities;
  2. **Control Description.** A description of the proposed measures and controls that will be implemented during construction activity and/or while the site is not stable. The Plan must clearly describe the times during the construction process that the measures will be implemented for each major activity identified pursuant to subsection (A). The Plan shall also state the name, phone number, and email address of the person or entity responsible for implementation of each control measure.
- B. **Goals and Criteria.** The proposed measures and controls described in the Plan shall be designed to meet the following goals and criteria:
1. **Prevent or Minimize Discharge.** The proposed measures and controls shall be designed to prevent or minimize, to the maximum extent practicable, the discharge of sediment, debris and other construction-related pollutants from the construction site by storm water runoff into the storm drainage system.
  2. **Prevent or Minimize Construction Debris.** The proposed measures and controls shall be designed to prevent or minimize, to the maximum extent practicable, the deposit, discharge, tracking by construction vehicles, or dropping of mud, sediment, debris or other potential pollutants onto public streets and rights-of-way. Any such discharge shall be cleaned up and removed immediately upon notification to the Permittee or when it otherwise comes to the attention of the Permittee. At a minimum, the deposit or discharge shall be cleaned and removed at the end of the work shift in which the deposit occurred, or at the end of the work day, whichever comes first.
  3. **BMPs.** The proposed measures and controls shall consist of Best Management Practices (BMPs) available at the time that the Plan is submitted. BMPs may include, but shall not be limited to, temporary silt or sediment fences, sediment traps and detention ponds, gravel construction entrances and wash down pads to reduce or eliminate off-site tracking, straw bale sediment barriers, establishment of temporary grasses and permanent vegetative cover, use of straw mulch as a

temporary ground cover, erosion control blankets, temporary interceptor dikes and swales, storm drain inlet protection, check dams, pipe slope drains, rock outlet protection, reinforced soil retaining systems, and gabions.

4. **Stabilization.** The proposed measures and controls shall be designed to preserve existing vegetation, where possible. Disturbed portions of the site shall be stabilized. Stabilization practices may include temporary seeding, permanent seeding, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of trees, preservation of mature vegetation, and other appropriate measures. Use of impervious surfaces for stabilization should be avoided. Stabilization measures shall be initiated as soon as practicable in disturbed portions of the site where construction activities have temporarily or permanently ceased, but in no case more than 14 days after the construction activity in that portion of the site has temporarily or permanently ceased, except under the following circumstances:
  - a. If the initiation of stabilization measures by the 14<sup>th</sup> day after construction activity temporarily or permanently ceases is precluded by snow cover or frozen ground conditions, stabilization measures shall be initiated as soon as practicable; or
  - b. If construction activity on a portion of the site is temporarily ceased, and earth disturbing will resume within 21 days, temporary stabilization measures need not be initiated on that portion of the site.
5. **Minimize Risk of Discharge of Other Materials.** The proposed measures and controls shall be employed to minimize the risk of discharge of construction-related pollutants (such as paint, thinners, solvents and other chemicals) from the construction site. Such measures may include implementation of storage practices to minimize exposure of the material to storm water as well as spill prevention and response. (Ord.2011-2, dated 3/22/11)

#### **13.10.050 Proper Operation and Maintenance.**

The recipient of a Storm Water Construction Activity Permit (the Permittee) shall install the erosion and sediment control measures required by the approved Storm Water Pollution Prevention Plan before commencing any construction activity on the site to which the Plan applies or at such times indicated in the Plan. The erosion and sediment control measures shall be properly installed and maintained in accordance with the Permit, the manufacturers' specifications, and good engineering practices. The Permittee shall maintain such measures on the site until the City accepts the termination of the Permit pursuant to Section 3.10.030(G). (Ord.2011-2, dated 3/22/11)

#### **13.10.060 Inspection and Entry.**

The Permittee shall allow any authorized employees and representatives of the City, representatives of the State of Utah Division of Water Quality, and representatives of the EPA, to enter the site to which a Permit applies at any time and to inspect the erosion and sediment control measures maintained by the Permittee. The Permittee shall also allow inspection of any records pertaining to the conditions of the Permit. See Section 13.09.060 for further information on inspection authority. (Ord.2011-2, dated 3/22/11)

#### **13.10.070 Revocation or Suspension of Storm Water Construction Activity Permit.**

- A. **Revocation or Suspension.** A Storm Water Construction Activity Permit may be revoked or suspended by the City upon the occurrence of any one of the following events:
1. Failure of a Permittee to comply with the Plan or any condition of the Permit; or
  2. Failure of a Permittee to comply with any provision of this Chapter or any other applicable law, ordinance, rule or regulation related to storm water; or
  3. A determination by the City that the erosion and sediment control measures implemented by a Permittee pursuant to the Plan are inadequate to prevent or minimize, to the maximum extent practicable, the discharge of sediment, debris or other pollutants from the construction site by storm water.
- B. **Notice.** The City shall mail and/or personally deliver a Permittee written notice of noncompliance before revoking or suspending a Permit. The notice shall state the location and nature of the noncompliance and shall also specify what action is required for the Permittee to avoid revocation or suspension of the Permit. The notice shall allow the Permittee a reasonable time to take the necessary corrective action to avoid revocation or suspension of the Permit which time, in the absence of exceptional circumstances, shall not be less than ten (10) nor more than thirty (30) days. The notice shall be mailed to the address listed for the Permittee in the Application. If the Permittee fails to correct the problems identified in the notice during the time specified in the notice, the City may suspend or revoke the Permit by mailing or delivering written notice of the suspension or revocation to the Permittee.
- C. **Exceptional Circumstances.** For purposes of this Section, exceptional circumstances include, but are not limited to, situations which involve a risk of injury to persons, damage to storm drain facilities, or damage to other property or the environment. The City may take any steps the City deems necessary to alleviate any such exceptional circumstances as defined above, and may bill the owner, developer, or contractor responsible for creating the exceptional circumstances for the cost of alleviating said circumstances.

- D. **Stop Work Order.** A stop work order may be issued upon the revocation or suspension of a Permit, or upon the discovery of work being conducted without a required Permit. The stop work order may be issued by inspectors in the Public Works or Community Development Departments. No construction activity may be commenced or continued on any site for which a Permit has been revoked or suspended until the Permit has been reinstated or reissued.
- E. **Reinstatement.** A Storm Water Construction Activity Permit may be reinstated or reissued upon compliance with all provisions of this Chapter and all Permit conditions, or in the case of a suspension for reasons provided in subsection (A)(3), upon the filing of an amended Storm Water Pollution Prevention Plan which is designed to correct the deficiencies of the original Plan. (Ord.2011-2, dated 3/22/11)

#### **13.10.080 Storm Water Connection Permit.**

- A. **Permit Required.** No person shall connect to the City's storm water system, either directly or indirectly, without first obtaining a storm water connection permit from the City.
- B. **When Permit Required.** Any person beginning new construction (development of an undeveloped parcel) or redevelopment (as defined in this Chapter) in the City shall obtain a Storm Water Connection Permit before commencing construction.
- C. **Application.** The applicant for a Storm Water Connection Permit shall submit the following to the City as part of the Building Permit or Subdivision Approval:
  - 1. **Application Form.** A completed application form. Application forms will be available at the City.
  - 2. **BMP Plan.** A plan incorporating storm water BMPs that meet the requirements of Section 13.09.040.
  - 3. **Maintenance Plan.** A plan outlining how the applicant will maintain the storm water improvements listed in the application.
  - 4. **Fee.** A fee in an amount set by resolution of the City Council.
- D. **Review.** The Storm Water Connection Permit application shall be reviewed by the City Engineer or Building Official, or his designee, for respectively subdivision and commercial site plans or private residences.
- E. **Factors.** A Storm Water Connection Permit application will be approved if:
  - 1. The application complies with applicable City ordinances and policies.

2. The application complies with the Pleasant View City Storm Water Master Plan.
  3. The proposed connection incorporates effective Best Management Practices.
  4. The proposed connection does not introduce pollutants into the storm water system.
  5. The proposed connection does not create a safety hazard.
  6. The proposed connection does not negatively affect the integrity of the storm water system infrastructure.
  7. The proposed connection does not endanger the City's drinking water.
  8. The applicant has submitted a maintenance plan ensuring the proper maintenance and upkeep of the applicant's connection and on-site storm water improvements.
- F. **Failure.** Failure to construct or maintain storm water improvements in accordance with an approved Storm Water Connection Permit shall be a violation of this Chapter.
- G. **As-Built.** Any person connecting to the storm water system shall provide the City's Storm Water Utility with "as-built" plans showing the details and the location of the connection and all system extensions. The plans shall be in a format that is acceptable to the City.
- H. **Discharge Rate.** Connections to the storm water system shall be designed so that the discharge to the storm water system does not exceed one tenth cubic foot per second (0.1 cfs) per acre.
- I. **Exempt Connections.** The following connections to the storm water system are exempt from the permitting requirements of this section:
1. Connections from single family residences, provided that the runoff from the residences is handled according to a plat or site plan approved by the City. However, any person desiring to use a basement pump, foundation drain, or other related fixture directly or indirectly connecting to the storm sewer system must obtain a Storm Water Connection Permit.
  2. Connections made by the City. (Ord.2011-2, dated 3/22/11)

#### 13.10.090 Violations and Enforcement.

- A. The violation of any of the provisions of this Chapter shall be a Class B misdemeanor. Each day that a violation occurs shall constitute a separate offense.
- B. Violators of this Chapter are also subject to any penalties that may be imposed by the State of Utah, under the authority of the Utah Water Quality Act, Title 19, Chapter 5 of the Utah Code.
- C. In addition to any criminal fines and/or penalties which may be assessed for a violation of this Chapter, the City shall have the right to issue a stop work order or to install and/or maintain appropriate erosion and sediment control measures on any site which is required to have such measures in the event that construction activity is commenced or continued without such measures having been installed as required by this Chapter. The City shall have the right to have such measures installed or maintained by City personnel or to hire a private contractor to perform such work and the contractor and/or the property owner shall be liable for any and all expenses related to performing such work plus a 25% penalty charge. The City may assess said charges against the bond posted by the contractor and/or property owner.
- D. Inasmuch as they are applicable, the City may utilize the same enforcement procedures as outlined in Section 13.09.080 of the Pleasant View City Code to enforce the provisions of this Chapter.
- E. Violators of this Chapter may also be subject to prosecution, fines and penalties from the State of Utah and the United States EPA. (Ord.2011-2, dated 3/22/11)

**13.10.100 Exemptions.**

The following activities are exempt from the requirements of this Chapter:

- A. Actions by a public utility, the City, or any other entity to remove or alleviate an emergency condition, restore utility service, reopen a public thoroughfare to traffic, or otherwise protect public health and safety and welfare.
- B. Bona fide agricultural and farming operations which constitute the principal use of any lot or tract of ground located within the City and which meet the requirements of the zoning code of the City. (Ord.2011-2, dated 3/22/11)

**13.10.110 Compliance with Federal and State Law.**

Nothing contained in this Chapter is intended to relieve any person or entity from any obligation to comply with applicable federal and state laws and regulations pertaining to clean water and/or storm water runoff. (Ord.2011-2, dated 3/22/11)

## **Chapter 13.12 - Culinary Water**

**13.12.010 Regulations and Specifications.** All new residences, business, etc. that are located within 500 feet of the existing municipal water system or is close enough in the opinion of the city council after recommendation by the city engineer be required to connect to the municipal water system for culinary water and for adequate fire protection. Such culinary water connections shall comply with the regulations and specifications of, and shall be approved by, the city council and city engineer. (Res. 93-I, 6/22/1993)

**13.12.020 Drilling of New Water Wells.**

A. The city “protests” all new well applications within the corporate limits to the minimum extent that the city might retain control of the culinary water sources within the city. Wells for stock watering and irrigation only could be considered an allowable use. The reasons for the “protest” are:

1. When the property is later desired or required to be connected to the municipal culinary water system, it is sometimes very difficult to determine with total certainty that a “cross connection” does not exist and cross connections are a violation of the state laws.

2. A cross connection, if discovered can also jeopardize the municipal systems ranking as an approved system.

3. If a private well is approved and an extension of the municipal system is later needed in that area, participation in the proposed extended system generally does not receive the support of those people that already have their own private systems.

4. Private wells do not generally have sufficient volume or pressure to furnish adequate flow for fire fighting.

5. The State of Utah recently adopted the new “Drinking Water Source Protection Program” and its very stringent new regulations and controls. (Res 93-H, 6/22/93)

**13.12.030 Establishment of the Pleasant View City Water Department.**

A. Pleasant View City, Utah approved the purchase of a water system from Pleasant View Culinary Water Association pursuant to an Agreement of Purchase and Sale, dated as of April 25, 1989; and

B. On April 25, 1989 Pleasant View City approved the issuance and sale of its Water Revenue Bonds, Series 1989A and its Water Revenue Bonds, Series 1989B (the “Series 1989 Bonds”) for the purpose, among other things, of paying the purchase price of the System; and

C. The Series 1989B Bonds are being purchased by the State of Utah, Department of Health, Division of Environmental Health, Utah Safe Drinking Water Committee (the “State”); and

D. The State has requested that Pleasant View City adopt rules and regulations for the System before the State purchases the Series 1989B Bonds; and



E. Pleasant View City desires to adopt rules and regulations for the Water System. Therefore, on May 1, 1989 the City Council of the City of Pleasant View, Utah adopted rules and regulations for the Pleasant View Water Department. (Ord. 89-3, 5/1/89)

**13.12.040 Water Department and System.** The water department of the city is hereby created. It shall administer the operation and maintenance of the water system of the city. (Ord. 89-3, 5/1/89)

**13.12.050 Superintendent.** There is hereby created the position of superintendent of the water department.

A. Duties of the Superintendent. The superintendent of the water system shall manage and supervise the municipal water system pursuant to the provisions of this part and pursuant to resolutions, rules and regulations adopted by the governing body from time to time prescribing his powers and duties and directing the manner and frequency with which he shall make reports to the mayor relating to the water system. All of the functions and activities of the superintendent shall be carried on under the direction of the water superintendent. (Ord. 89-3, 5/1/89)

**13.12.060 Application for Water Connection.** Any person, other than a subdivider or developer seeking multiple connections, who desires or is required to secure a new connection to the municipal water system, shall file with the water department for each such connection a written and signed connection application. (See appendix 1 of Title 13. (Ord. 89-3, 5/1/89))

**13.12.070 Application for Water Connection by Subdivider.** Whenever a subdivider or developer desires or is required to install water connections and extensions for a subdivision or development, the subdivider or developer shall enter into a written extension agreement which shall constitute an application for permission to make the extensions and connections and an agreement specifying the terms and conditions under which the water extensions and connections shall be made and the payments that shall be required. (Ord. 89-3, 5/1/89)

**13.12.080 Application for Water Service.** Any person who desires or is required to secure water service when such service is available from the municipal water system, shall file with the water department a written application and agreement for the service which shall be in substantially the form shown as appendix 2 of Title 13. (Ord. 89-3, 5/1/89)

**13.12.090 Non-Owner Applicants Agreement of Owner.** Applications for water service made by the tenant of an owner must in addition to the above requirements be guaranteed by an agreement signed by the owner of the premises or his duly authorized agent in substantially the form shown as appendix 3 of Title 13. (Ord. 89-3, 5/1/89)

**13.12.100 Rates and Connection Fee.**

A. The rates, penalty fee for delinquency in payment, connection fee, reservoir fee, inspection fee and other charges incidental to connection and services from the municipal water system shall be fixed from time to time by resolution enacted by the governing body. The governing body may from time to time promulgate rules for levying, billing, guaranteeing and collecting charges for water services and all other rules necessary for the management and control of the water system. Rates for services furnished shall be uniform with respect to each class or classes of service established or that may hereafter be established. (Ord. 89-3, 5/1/89)

B. Residential and Commercial Rates

**DEFAULT WATER RATES:**

base rate.....	\$18.75
0 to 6,000 gallons .....	\$ 1.25 per 1,000 gallons
6,001 to 12,000 .....	\$ 2.25 per 1,000 gallons
12,001 to 20,000 .....	\$ 3.25 per 1,000 gallons
20,001 to 84,000 .....	\$ 4.25 per 1,000 gallons
84,001+ gallons .....	\$ 7.00 per 1,000 gallons

**SCHOOL WATER RATES:**

base rate.....	\$18.75
0 to 30,000 gallons .....	\$ 2.50 per 1,000 gallons
30,001 to 250,000 .....	\$ 3.20 per 1,000 gallons
250,000+ gallons .....	\$ 3.50 per 1,000 gallons

**NON-SECONDARY WATER USERS RATES**

(only during the months of April through September):

base rate.....	\$18.75
0 to 6,000 gallons .....	\$ 1.25 per 1,000 gallons
6,001 to 84,000 .....	\$ 2.25 per 1,000 gallons
84,001+ gallons .....	\$ 7.00 per 1,000 gallons

**BULK WATER**

Bulk water .....	\$ 7.00 per 1,000 gallons
------------------	---------------------------

(Res 2016-C, dated 1/26/16, Res 2014-A, dated 3/25/14 and adopted 7-25-06;  
prior codes: Res 2004-P, 9/07/04)

**WATER SHUT-OFF FEE:**

Water Shut-off Fee (request by resident).....	\$25.00
Water Shut-off Notice Fee.....	\$25.00

**LATE FEE ASSOCIATED WITH WATER SHUT-OFF NOTICE:**

A late fee associated with sending the "Water Shut-Off Notice" will be automatically charged to any late utility account in the amount of \$10.00. (Res.99-G, 9/14/99)

**WATER CONNECTION FEES:**

*Culinary Water Impact Fee ..... \$see charts below*

*The Maximum Impact Fee per ERC is based on Service Size and its Ratio*

<b>Year</b>	<b>Maximum Impact fee per ERC</b>
2017	\$3,460.18
2018	\$3,496.05
2019	\$3,547.95
2020	\$3,601.17
2021	\$3,656.09
2022	\$3,712.26
2023	\$3,768.86
2024	\$3,825.98
2025	\$3,842.62
2026	\$3,859.31
2027	\$3,876.04
2028	\$3,892.94
2029	\$3,910.02
2030	\$3,927.28
2031	\$3,944.76
2032	\$3,962.30
2033	\$3,979.82
2034	\$3,997.46
2035	\$4,015.23
2036	\$4,033.16

<b>Service Size (in)</b>	<b>Ratio</b>
Residential*(per unit)	1
Apartments (per unit)	0.75
Commercial – 1 ½”	1.5
Commercial – 2”	2
Commercial – 3”	6.4
Commercial – 4”	10

*\*Residential includes single family, duplex, townhome, condominium, and all other multi-family dwellings, except apartments.*

*(Ord.2017-15, dated 10/10/17 effective date 1/8/2018; prior codes: Ord.2009-11, dated 8/25/09; Ord.2001-21, 12/11/01 & Res.99-M, 12/14/99)*

**WATER METER SURCHARGE**

Monthly Surcharges for water meter replacements:

Water Connection Sizes	Monthly Surcharges
3/4"	\$ .00
1"	\$ 1.10
1 2"	\$ 2.50
2"	\$13.50
3"	\$16.00
4"	\$23.00
6"	\$41.00
8"	\$62.79

(Res.98-C, 2/10/98)

For developments where a master water meter replaces individual water meters for city assessing usage, the water meter surcharge for meter replacement may be adjusted by the city treasurer using the following formula:

Cost of master meter replacement minus \$54.00 per unit divided by 120 months equals the monthly meter charge. (Res. 96-B, dated 2/27/96)

**WATER FROM FIRE HYDRANTS**

Those requesting water usage from fire hydrants will be subject to the following fees:

Fire Hydrant Meter Deposit .....\$200.00  
(To be refunded when the fire hydrant meter is returned to the Pleasant View City Water Department in the same condition as it was originally rented. If the fire hydrant meter is to be fixed from its original condition the deposit will be applied to the costs of repair and then any balance from the deposit will be refunded.)

Fire Hydrant Meter Rental (minimum charge).....\$25.00 per week  
(Res.97-C, 4/8/97)

**WATER BILL ADJUSTMENT POLICY**

This policy is designed to correct problems that may exist when there are extraordinary water charges because of unforeseen circumstances. IE: leak during extended periods of time when meters are not read, possible meter malfunction, or some other unexplainable event.

After an audit by the staff, including a test or replacement of the meter, relief may be granted by the City Water Superintendent in accordance with the guidelines as stated below. It shall be the burden of the petitioner to prove that a malfunction or other unexplainable circumstance has occurred. The City Water Superintendent may only grant an adjustment once every five years. Petitioners may appeal the Water Superintendent's decision to the City Council.

Initial Water Bill is \$10.00 (base rate) or less.....No Adjustment  
Initial Water Bill is greater than \$10.00 (base rate).....  $B = k(b - nu) + nu$

Where:  $B$  = Adjusted Water Bill  
 $k$  = Adjustment Factor

*b = Initial Water Bill*  
*n = Number of Months*  
*u = Average Bill During last 12 months*

*Adjustment Factor = 0.25*  
*(Policy 6/20/00 and Res.2000-N, 8/22/00(base rate change))*

**13.12.110 Special Rates.** The governing body may from time to time fix by agreement or resolution special rates and conditions for users using exceptionally large amounts of water service or making use of the water system under exceptional circumstances, upon such terms and conditions as they may deem proper. (Ord 89-3, 5/1/89)

**13.12.120 Board of Equalization, Rates, and Rebates.** The governing body is hereby constituted a board of equalization of water rates to hear complaints and make corrections of any assessments deemed to be illegal, unequal, or unjust. They may, if they see fit, rebate all or any part of the water bill of any indigent person. (Ord 89-3, 5/1/89)

**13.12.130 Use Without Payment Prohibited.** It shall be unlawful for any person by himself, family, servants, or agents to utilize the municipal water or sewer system without paying therefor, as herein provided, or without authority, to open any fire hydrant, stopcock, valve, or other fixtures attached to the system of water supply unless it is done pursuant to proper application, agreement or resolution. It shall be unlawful to injure, deface, or impair any part or appurtenance of the water or sewer system, or to cast anything into any reservoir or tank belonging to the water system. (Ord 89-3, 5/1/89)

**13.12.140 Delinquency-Discontinuance of Service.**

A. The city's culinary water collection system, sanitary system, storm sewer system, and solid waste collection system are interrelated services that are, and of right ought to be, part of a unified city plan to provide for the health, safety and welfare of the city and its residents in an environmentally responsible manner.

B. The city shall mail a written statement to each user of the water services once each month or such other regular intervals as the city council shall direct. The statement shall separately specify the amount of the bill and the place of payment and date due.

C. If any person fails to pay the water and/or any combination of city utility charges by the 10<sup>th</sup> day of the month following the date due, a penalty will be charged on the unpaid balance. If the balance remains unpaid for 30 days of the date due, under the direction of the utility superintendent the customer may be given notice in writing of intent to discontinue the water service to the customer unless the customer pays the bill in full ten days from the date of notice. The customer will be charged a fee for the notice given of the intent to discontinue the water service as set by resolution of the governing body.

D. If the water service is thereafter discontinued for failure to make payment, then before the water service to the premises shall again be provided, all delinquent charges must have been paid to the city or arrangements made for their payment in a manner satisfactory to the city. In the event water is turned off for nonpayment of charges, then before the water service to the premises shall again be provided, the customer shall pay, in addition to all delinquent water charges, such extra charge for turning the water on as established by resolution of the governing body.

E. Furthermore, in addition to such payments and penalties, a delinquent customer may be required to make and file a new application and deposit if the previous deposit has theretofore been applied to the payment of delinquent bills. The utility superintendent is

hereby authorized and empowered to enforce the payment of all delinquent water charges by an action at law in the name of the city.

(Ord.2010-16, dated 6/8/10 and Ord 89-3, 5/1/89) (Also see fee schedule adopted annually)

**13.12.150 Turning on Water after Being Turned off Prohibited.** It shall be unlawful for any person, after the water has been turned off from the premises for nonpayment of water charges or other violation of the ordinances, rules, regulations, or resolutions pertaining to the water supply, to turn on or allow the water to be turned on or used without authority from the superintendent or recorder. (Ord 89-3, 5/1/89)

**13.12.160 Separate Connections.** It shall be unlawful for two or more families or service users to be supplied from the same service pipe, connection or water meter unless special permission for such combination usage has been granted by the governing body and the premises served are owned by the same owner. In all such cases, a failure on the part of any one of the users to comply with this section shall warrant a withholding of a supply of water through the service connections until compliance or payment has been made, and in any event, the property owner shall be primarily liable to the city for all water services utilized on all such premises. Nothing herein shall be deemed to preclude the power of the city to require separate pipes, connections, or meters at a subsequent time. (Ord 89-3, 5/1/89)

**13.12.170 Unauthorized Users.** It shall be unlawful for any water service user to permit any person from other premises or any unauthorized person to use or obtain water services regularly from his premises or water facilities, either outside or inside his premises. (Ord 89-3, 5/1/89)

**13.12.180 Pipes to Be Kept in Good Repair.** All users of water services shall keep their service pipes and connections and other apparatus in good repair and protected from frost at their own expense. No person except under the direction of the water superintendent shall be allowed to dig into the street for the purpose of laying, removing or repairing any service pipe. (Ord 89-3, 5/1/89)

**13.12.190 Quality of Service Pipe.**

A. All service and other pipe used in conjunction with the water services of the city shall be of such material, quality, and specifications as the governing body may from time to time by resolution provide, and shall be installed at such distances below ground as may be specified by regulations relating to the water department. All work, alterations, or extensions affecting water pipes shall be subject to the acceptance of the water superintendent, and no connections with any water mains shall be made without first obtaining a permit therefor from the recorder/clerk.

B. No consumer shall be permitted to conduct water pipes across lots or buildings to adjoining premises without permission from the water superintendent and subject to such requirements relating to controls as may be imposed by him. (Ord 89-3, 5/1/89)

**13.12.200 Faulty Equipment.** It shall be unlawful for any water user to:

A. Waste water.

B. Allow it to be wasted by stops, taps, valves, leaky joints or pipes, or to allow tanks or watering troughs to leak or overflow.

C. Wastefully run water from hydrants, faucets, or stops or through basins, water closets, urinals, sinks or other apparatus.

D. Use the water for purposes other than for those which he has applied, or to use water in violation of the rules and regulations for controlling the water supply. (Ord 89-3, 5/1/89)

**13.12.210 Sprinkling Vehicles.** Vehicles for sprinkling shall be regulated and controlled by the water department through the superintendent of the water department. (Ord 89-3, 5/1/89)

**13.12.220 Department to Have Free Access.** The water superintendent and his agents shall at all ordinary hours have free access to any place supplied with water services from municipal system for the purpose of examining the apparatus and ascertaining the amount of water service being used and the manner of its use. (Ord 89-3, 5/1/89)

**13.12.230 Non-liability for Damages.** The city shall not be liable for any damage to a water service user by reason of stoppage or interruption of his or her water supply service caused by fires, scarcity of water, accidents to the water system or its mains, or which occurs as the result of maintenance and extension operations, or from any other unavoidable cause. This section shall not be construed to extend the liability of the city beyond that provided in the Governmental Immunity Act. (Ord 89-3, 5/1/89)

**13.12.240 Water Not Supplied for Motors, Syphons, Etc.** No water shall be supplied from the pipes of the municipal water system for the purpose of driving motor, syphon, turbine, or other wheels, or any hydraulic engines, or elevators, or for driving or propelling machinery of any kind whatsoever, nor shall any license be granted or issued for any such purpose except by special permission of the governing body. (Ord 89-3, 5/1/89)

**13.12.250 Sprinklers.**

A. It shall be unlawful for any person to use such number of outlets simultaneously or to use such sprinkler or combinations of sprinkler or outlets as will in the opinion of the governing body materially affect the pressure or supply of water in the municipal water system or any part thereof, and the governing body may from time to time, by resolution, specify combinations or numbers of outlets which may have such effect.

B. The governing body shall, after determining that such improper use exists, notify the affected water user or the owner of the premises whereon such use occurs of such determination in writing, order such use discontinued and advise that such continued usage constitutes a violation of this part. (Ord 89-3, 5/1/89)

**13.12.260 Scarcity of Water.** In time of scarcity of water, whenever it shall in the judgment of the mayor and the governing body be necessary, the mayor shall by proclamation limit the use of water to such extent as may be necessary. It shall be unlawful for any person, his family, servants, or agents, to violate any proclamation made by the mayor in pursuance of this part. (Ord 89-3, 5/1/89)

**13.12.270 Waste of Water.**

A. Users of water from the municipal water system shall not permit water to continue to run wastefully and without due efforts to conserve water. If, in the judgment of the water superintendent or of any of the officers of the city, a user of municipal water engages in practices which result in the needless waste of water and continues so to do after reasonable notice to discontinue wastefulness has been given, the superintendent or any officer may refer the matter to the governing body.

B. The governing body may thereupon consider terminating the right of the individual to use culinary water. If it elects to consider the matter of termination, it shall give notice to the water user of the intention to terminate his water connection at least five days prior to the meeting of the governing body at which termination of water service is to be considered. The notice shall inform him of the time and place of the meeting and of the charges which lead to the consideration of the termination.

C. A water user whose right to utilize municipal water is being reviewed shall have opportunity to appear with or without counsel and present his reasons why his water service should not be discontinued.

D. After due hearing, the governing body may arrive at a determination. If the determination is to discontinue the wasteful water user's service connection, it shall notify him of the decision and of the period during which the service will remain discontinued. (Ord 89-3, 5/1/89)

**13.12.280 Water Meters.**

A. The city council may by order require that all structures, dwelling units, establishments and person using water from the municipal water system have such number of water meters connected to their water system as are necessary in the judgment of the superintendent to adequately measure use and determine water charges to the respective users.

B. Meters will be furnished by the city upon application for a connection, and upon payment of such connection fees and other costs as may be established by the governing body from time to time by resolution.

C. Meters shall be deemed to be and remain the property of the city. Whenever a dispute between superintendent and the property owner arises as to the appropriate number of meters to be installed on any premises, the matter shall be heard and determined by the governing body after due notice in writing to the parties involved.

D. The superintendent shall cause meter readings to be taken regularly and shall advise the recorder/clerk thereof for the purpose of recording the necessary billings for water service.

E. Meters may be checked, inspected or adjusted at the discretion of the city, and they shall not be adjusted or tampered with by the customer. Meter boxes shall not be opened for the purpose of turning on or off the water except by an authorized representative of the city unless special permission is given by the city through its representatives to the customer to do so.

F. If a customer submits a written request to the superintendent to test his water meter, the city may, if under the circumstances it deems it advisable and in its discretion, order a test of the meter measuring the water delivered to such customer. If such request is made within twelve months after the date of the last previous test, the customer may be required to pay the cost of such test. If the meter is found in such test to record from 97% to 103% of accuracy under methods of testing satisfactory to the governing body, the meter shall be deemed to accurately measure the use of water.



G. If the city's meters fail to register at any time, the water delivered during the period of failure shall be estimated on the basis of previous consumption during a period which is not questioned. In the event a meter is found to be recording less than 97% or more than 103% of accuracy, the city shall make such adjustments in the customer's previous bills as are just and fair under the circumstances.

H. All damages or injury to the lines, meters or other materials of the city on or near the customer's premises caused by any act or neglect of the customer shall in the discretion of the city be repaired by and at the expense of the customer, and the customer shall pay all costs and expenses, including a reasonable attorney fee, which may arise or accrue to the city through its efforts to repair the damage to the lines, meters or to other equipment of the department or collect such costs from the customer.

I. The council may provide a higher rate for water users without a meter than for users having a meter. (Ord 89-3, 5/1/89)

**13.12.290 Permits for Installation.** It shall be unlawful for any person to lay, repair, alter or connect any water line to the municipal culinary water system without first having received a construction permit from the office of the recorder/clerk or from the water superintendent. (Ord 89-3, 5/1/89)

**13.12.300 Applications for Installation Permit.**

A. Applications for permits to make water connections or other alteration or for laying or repairing lines connected directly or indirectly to the municipal water system must be made in writing by a licensed plumber, his authorized agent, or by the owner of the premises who shall describe the nature or the work to be done for which the application is made. The application shall be granted if the superintendent determines that,

1. The connection, repair, alteration or installation will cause no damage to the street in which the water main is laid, or that it will not be prejudicial to the interests of persons whose property has been or may thereafter be connected to the water main.

2. The connection conforms to the ordinances, regulations, specifications and standards of materials required by the city.

All connections, alterations or installations shall be to the line and grade designated by the water superintendent.

B. Fees for permits or for inspection services shall be of such amounts as the governing body shall from time to time determine by resolution. (Ord 89-3, 5/1/89)

**13.12.310 Moving or Replacement of Water Lines.** In the event that the city in its sole discretion determines that any water line of the city must be moved or replaced, the city shall bear that portion of the cost of such move or replacement which applies to main lines up to the property line of the customer. The cost of reconnecting such new line or lines from the house of the customer to his property line shall be borne by the customer. (Ord 89-3, 5/1/89)

**13.12.320 When Permits Shall Not Be Issued.** Permission to connect with the municipal water system shall not be given unless the plumbing in the house or building to be connected meets the provisions of the building and plumbing codes of the city. (Ord 89-3, 5/1/89)

**13.12.330 Discontinuance of Service.** Any customer desiring to discontinue service shall notify the city in writing of such fact at least ten days before the date when such service shall be discontinued. On giving such written notice, the customer shall not be responsible for water bills incurred after the date specified in the notice. Any credit balance in favor of

the customer as a result of an advance payment of bills or a deposit will be refunded upon discontinuance of service. (Ord 89-3, 5/1/89)

**13.12.340 Fire Hydrants.** Water for fire hydrants will be furnished free of charge by the city. Installation and repairs on such hydrants shall be at the expense of the city and shall be made under the direction of the city. All customers shall grant the city, upon demand, a right-of-way or easement to install and maintain such hydrants on their premises if the city concludes that hydrants shall be so installed for the protection of the residents of the city. (Ord 89-3, 5/1/89)

**13.12.350 Extension of Water Mains Within the city.** Any person or persons, including any subdivider, who desires to have the water mains extended within the city, and is willing to advance the whole expense of such extension and receive the return of an agreed portion thereof, as hereinafter provided, may make application to the governing body by petition. The petition shall contain a description of such proposed extension accompanied by a map showing the location of the proposed extension together with an offer to advance the whole expense thereof, which cost shall be verified by the water superintendent. The governing body may grant or deny the petition as in its discretion seems best for the welfare of existing water users in the city. (Ord 89-3, 5/1/89)

**13.12.360 Cost of Extensions Determined.** Upon the receipt of such petition and map and before the petition is granted, the governing body shall obtain from the water superintendent a certified statement showing the whole cost of expense of making such extension. (Ord 89-3, 5/1/89)

**13.12.370 Amount of Cost to Be Deposited with Recorder.** If the governing body grants the petition, the amount of the cost of making the extension, as certified by the superintendent shall be deposited with the recorder/clerk before any work shall be done on such extension. The deposit shall be made within 30 days, or such other time as the governing body shall indicate, after the granting thereof. (Ord 89-3, 5/1/89)

**13.12.380 Return of Any Money - Forfeiture.**

A. At the time the governing body decides whether or not to grant petition for an extension, it shall also decide whether or not any portion of the costs is to be refunded and the manner and circumstances under which such refund shall be made or credited to the applicant, his successors or representatives. Such determination shall be duly recorded in writing and a copy thereof furnished to the applicant.

B. In the event any deposit remains unclaimed for a period of five years after the depositor has discontinued water service, the deposit may be forfeited and then transferred to the water utility fund. (Ord 89-3, 5/1/89)

**13.12.390 Ownership of Extension.** Any such extension shall be deemed the property of the city.

**13.12.400 Supply of Water Services to Outside the Municipal Limits.** The city may furnish water service from its water system to persons outside the city in accordance with the provision of this part. (Ord 89-3, 5/1/89)

**13.12.410 Petition for Service.** A. Any person located outside the municipal limits who desires to be supplied with water services from the municipal water system and is willing to pay in advance the whole expense of extending the water system to his property,

including the cost of extending the water main beyond its present location, may make application to the governing body by petition containing:

1. A description of the proposed extension.
2. A map showing the location thereof.
3. An offer to pay the whole expense incurred by the city in providing such extension and to advance such expenses as shall be verified to by the water superintendent. The governing body and the person or persons seeking such extension may enter into an agreement providing in detail the terms under which the extension may be utilized by others in the future and the terms under which all or any portion of the cost of installing such extension may be refunded.
4. An acknowledgment that the city in granting the petition need supply only such water to the petitioner which from time to time the governing body deems beyond the requirements of water users within the municipal limits, and that such extension shall be the property of and subject to the control of the city. (Ord 89-3, 5/1/89)

**13.12.420 Extensions May Be Master-Metered.** When an extension supplying more than one house or user outside the municipal limits is connected to municipal water mains, the water superintendent may require a master meter to be installed near the point where the connection is to be made to the municipal main. This installation will be at the expense of the persons served by such extension according to the regular rates for meter installation. Responsible parties must agree to pay all bills for water served through the meter at the applicable water rates. (Ord 89-3, 5/1/89)

**13.12.430 Cost of Extensions to Be Determined by Water Superintendent.** Upon receipt of such petition and map and before the petition is granted, the governing body shall determine what portion, if any, of the extension of the municipal water mains to the municipal limits the city shall construct, and shall obtain from the water superintendent a verified statement showing the whole cost and expense of making such extension. Such costs and expenses shall include administrative and supervisory expenditures of the municipal water department, which shall in no event be deemed to be less than ten percent of the cost of materials and labor. (Ord. 89-3, 1/5/89)

## **Chapter 13.13 - Culinary Water Cross Connection Control**

### **SECTION 1. CROSS CONNECTION CONTROL-GENERAL POLICY**

#### **13.13.110 Purposes of Ordinance**

- A. To protect the public drinking water supply of Pleasant View City from the possibility of contamination or pollution by requiring compliance with the Utah State Rules for Public Drinking Water Systems and the Plumbing Code as adopted by the State of Utah, that require cross connection control protection of all public drinking water systems in the State of Utah. Compliance with these minimum safety codes will be considered reasonable diligence for the prevention of contaminants or pollutants which could backflow into the public drinking water system; and,
- B. To promote the reasonable elimination or control of cross connection in the plumbing fixtures and industrial piping system(s) of the customer, as required by the state and plumbing regulations to assure water system safety; and,
- C. To provide for the administration of a continuing program of backflow prevention, which will systematically examine risk and effectively prevent the contamination or pollution of the drinking water system. (Ord.2009-15, dated 10/13/09)

#### **13.13.120 Responsibility: Pleasant View City**

- A. Pleasant View City shall be responsible for the protection of the drinking water distribution system from the foreseeable condition leading to the possible contamination or pollution of the drinking water system due to the backflow of contaminants or pollutants into the drinking water supply.
- B. Drinking water system surveys/inspections of the customer's water distribution system(s) shall be conducted or caused to be conducted by individuals deemed qualified by and representing Pleasant View City. Survey records shall indicate compliance with the State of Utah Regulations. All such records will be maintained by Pleasant View City.
- C. Pleasant View City shall schedule and notify in writing, all customers of the need for the periodic system survey to insure compliance with exiting applicable minimum health and safety standards.
- D. Selection of an approved backflow prevention assembly for containment control required at the service entrance shall be determined from the results of the system survey. (Ord.2009-15, dated 10/13/09)

#### **13.13.130 Responsibility: Customer**

- A. To comply with this ordinance as a term and condition of water supply and customer's acceptance of service is admittance of his/her awareness and of his/her responsibilities as a water system user.

- B. It shall be the responsibility of the customer to purchase, install, and arrange testing and maintenance of any backflow prevention device/assembly required to comply with this ordinance. Failure to comply with this ordinance shall constitute grounds for discontinuation of service. (Ord.2009-15, dated 10/13/09)

#### **13.13.140 Responsibility: Plumbing Official**

- A. The plumbing official's responsibility to enforce the applicable sections of the plumbing code begins at the point of service (downstream or customer side of the meter) and continues throughout the length of the customer's water system.
- B. The plumbing official will review all plans to ensure that unprotected cross connections are not an integral part of the customer's water system. If a cross connection cannot be eliminated, it must be protected by the installation of an air gap or an approved backflow prevention device/assembly, in accordance with the Plumbing Code as adopted by the State of Utah. (Ord.2009-15, dated 10/13/09)

#### **13.13.150 Responsibility: Certified Backflow Technician, Surveyor, or Repair Person**

Whether employed by the customer or a utility to survey, test, repair, or maintain backflow prevention assemblies, the Certified Backflow Technician, Surveyor, or Repair Person will have the following responsibilities:

- A. Insuring that acceptable testing equipment and procedures are used for testing, repairing or overhauling backflow prevention assemblies.
- B. Make reports of such testing and/or repairs to the customer and Pleasant View City on a form approved for such use by Pleasant View City within time frames as described by the Division of Drinking Water.
- C. Include the list of materials or replacement parts being used of the reports.
- D. Insuring that replacement parts are equal in quality to parts originally supplied by the manufacturer of the assembly being repaired.
- E. Not changing the design, material or operational characteristics of the assembly during testing, repair or maintenance.
- F. Performing all tests of the mechanical devices/assemblies and shall be responsible for the competence and accuracy of all tests and reports.
- G. Insuring that his/her license is current, the testing equipment being used is acceptable to the State of Utah, and is in proper operating condition.

- H. Being equipped with, and competent to use, all necessary tools, gauges, test tags, and other equipment necessary to properly test, and maintain backflow prevention assemblies.
- I. Tagging each double check valve, pressure vacuum breaker, reduced pressure backflow assembly, and high hazard air gap, showing the serial number date tested and by whom. The certified technician's license number must also be on the tag.
- J. In the case of a customer requiring an assembly to be tested, any currently Certified Backflow Technician is authorized to make the test and report the results to the customer and to Pleasant View City. Any installation repair or relocation shall be done with individuals having appropriate licensure from the department of licensing. (Ord.2009-15, dated 10/13/09)

## SECTION 2. DEFINITIONS

### 13.13.210 Word Usage and Interpretation

In this chapter, the terms, phrases, words and their derivatives shall have the meanings as stated and defined in this section. The word "shall" is always mandatory and not merely directory. Words not defined in this section but defined elsewhere in adopted city codes shall be construed as defined in those codes or ordinances or shall be as commonly defined or used.

**Approved Backflow Assembly:** An assembly accepted by the Utah State Department of Environmental Quality, Division of Drinking Water, as meeting all applicable specifications or as suitable for the proposed use.

**Auxiliary Water Supply:** Any water supply on or available to the premises other than the Pleasant View City's culinary water supply will be considered as an auxiliary water supply. These auxiliary waters may include water from another purveyor's public potable water supply or any natural source(s) such as a well, spring, river, stream, etc., or "used waters" or "industrial fluids". These waters may be contaminated or polluted or they may be objectionable and constitute and unacceptable water source over which the City does not have authority for sanitary control.

**Backflow:** The reversal of the normal flow of water caused by wither backpressure or back siphonage.

**Back-Pressure:** The flow of water or other liquids, mixtures, or substances from a region of high pressure to a region of lower pressure into the water distribution pipes of a potable water supply system from any source(s) other than the intended source.

**Back-Siphonage:** The flow of water or other liquids, mixtures, or substances under vacuum conditions into the distribution pipes of a potable water supply system from any source(s) other than the intended source, caused by the reduction of pressure in the potable water system.

**Backflow Prevention Assembly:** An assembly or means designed to prevent backflow. Specifications for backflow prevention assemblies are contained within the Plumbing Code as

adopted by the State of Utah and in the Cross Connection Control Program for Utah maintained by the Division of Drinking Water.

**Contamination:** Means a degradation of the quality of the potable water supply by sewage industrial fluids or waste liquids, compounds or other materials that may create a health hazard.

**Cross Connection:** Any physical connection or arrangement of piping or fixture which **may** allow non-potable water or industrial fluids or other material of questionable quality to come into contact with potable water inside a water distribution system. This would include temporary conditions, such as swing connections, removable sections, four way plug valves, spools, dummy sections of pipe, swivel or change-over devices or sliding multiport tubes or other plumbing arrangements.

**Cross Connection Control by Containment:** The installation of an approved backflow assembly at the water service connection to any customer's premises where it is physically and economically infeasible to find permanently eliminate or control all actual or potential cross connection within the customer's water distribution system; or, it shall mean the installation of an approved backflow prevention assembly on the service line leading to and supply a portion of a customer's water distribution system; or, it shall mean the installation of an portion of a customer's water system where there are actual or potential cross connections which cannot be affectively eliminated or controlled at the point of the cross connection (isolation).

**Cross Connections - Controlled:** A connection between a potable water system and a non-potable water system with an approved backflow prevention assembly properly installed and maintained so that it will continuously afford the protection commensurate with the degree of hazard.

**Plumbing Official:** The person designated by Pleasant View City, by employment or by contract, with the responsibility for reviewing construction plans and ensuring compliance with applicable codes and regulations. (Ord.2009-15, dated 10/13/09)

### SECTION 3. REQUIREMENTS

#### 13.13.310 Policy

- A. No water service connection to any premises shall be installed or maintained unless the water supply is protected as required by State laws, regulations, codes, and this ordinance. Service shall be discontinued after due process of written notifications of violation and an appropriate time for voluntary compliance, if:
1. A backflow prevention assembly required by this ordinance for the control of backflow and cross connections is not installed, tested, and maintained, or
  2. If it is found that a backflow prevention assembly has been removed or by-passed, or

3. If an unprotected cross connection exists on the premises, or
  4. If the periodic system survey has not been conducted. Service will not be restored until such conditions or defects are corrected.
- B. The customer's system(s) shall be open for inspection at all reasonable times to authorized representatives of Pleasant View City to determine whether cross connections or other structural or sanitary hazards, including violation of this ordinance exist and to audit the results of the required survey (R309.105.12 of the Utah Administrative Code).
- C. Whenever the City deems a service connection's water usage contributes a sufficient hazard to the water supply, an approved backflow prevention assembly shall be installed on the service line of the identified customer's water system, at or near the property line or immediately inside the building being served; but, in all cases, before the first branch line leading off the service line.
- D. The type of protective assembly required under subsection 13.13.310 (C) shall depend upon the degree of hazard which exists at the point of cross connection (whether direct or indirect), applicable to local and state requirements or resulting from the required survey.
- E. All presently installed backflow prevention assemblies which do not meet the requirements of this section but were approved assemblies for the purposes described herein at the time of installation and which have been properly maintained shall, except for the inspection and maintenance requirements under subsection 13.13.310 (F), be excluded from the requirements of these rules so long as the City is assured that they will satisfactorily protect the public water system. Whenever the existing assembly is moved from the present location or requires more than minimum maintenance, or when the City finds that the operation of the assembly constitutes a hazard to health, the unit shall be replaced by an approved backflow prevention assembly meeting all local and state requirements.
- F. It shall be the responsibility of the customer at any premises where backflow prevention assemblies are installed to have certified surveys, inspections, and operational tests made at least once per year at the customer's expense. In those instances where the City deems the hazard to be great, certified surveys/inspections and tests at more frequent intervals may be required. It shall be the duty of the City to see that the test are made according to the standards set forth by the State Department of Environmental Quality, Division of Drinking Water.
- G. All backflow prevention assemblies shall be tested within ten (10) working days of installation.
- H. No backflow prevention assemblies shall be installed so as to create a safety hazard. (Example: Installed over an electrical panel, steam pipes, boilers, or above ceiling level). (Ord.2009-15, dated 10/13/09)



**13.13.320 Violation of this Policy**

If a violation of this ordinance exists and if there has not been any corrective action taken by the customer within ten (10) days of the written notification of the deficiencies noted within the survey or test results, then the City shall deny or immediately discontinue service to the premises by providing a physical break in the service line until the customer has corrected the condition(s) in conformance with all State and local regulations and statutes relating to plumbing, safe drinking water suppliers, and this ordinance. Water service may be discontinued immediately without ten (10) days written notice if an immediate threat to the water supply exists. (Ord.2009-15, dated 10/13/09)

## **Chapters: 13.14 – Drinking Water Source Protection Ordinance**

### **13.14.010 Short title and Purpose.**

A. This ordinance shall be known as the “Drinking Water Source Protection Ordinance.”

B. The purpose of this ordinance is to ensure the provision of a safe and sanitary drinking water supply for the City by the establishment of drinking water source protection zones surrounding the wellheads for all wells which are the supply sources for the City water system and by the designation and regulation of property uses and conditions which may be maintained within such zones. (Ord.2015-3, dated 3/24/15)

### **13.14.020 Definitions.** When used in this ordinance, the following words and phrases shall have the meanings given in this Section:

A. Design standard – means a control that is implemented by a potential contamination source to prevent discharges to the ground water. Spill protection is an example of a design standard.

B. Land management strategies – means zoning and non-zoning controls which include, but are not limited to, the following: zoning and subdivision ordinances, site plan reviews, design and operation standards, source prohibitions, purchase of property and development rights, public education programs, ground-water monitoring, household hazardous waste collection programs, water conservation programs, memoranda of understanding, written contracts and agreements, and so forth.

C. Pollution source – means point source discharges of contaminants to ground water or potential discharges of the liquid forms of “extremely hazardous substances” which are stored in containers in excess of “applicable threshold planning quantities” as specified in SARA Title III. Examples of possible pollution sources include, but are not limited to, the following: storage facilities that store the liquid forms of extremely hazardous substances, septic tanks, drain fields, Class-V underground injection wells, landfills, open dumps, landfilling of sludge and septage, manure piles, salt piles, pit privies, and animal feeding operations with more than ten animal units. The following clarify the definition of pollution source:

1. Animal feeding operation – means a lot or facility where the following conditions are met: animals have been or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12 month period; and crops, vegetation forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility. Two or more animal feeding operations under common ownership are considered to be a single feeding operation if they adjoin each other. If they use a common area, or if they use a common system for the disposal of wastes.

2. Animal unit – means a unit of measurement for any animal feeding operation calculated by adding the following numbers; the number of slaughter and feeder cattle multiplied by 1.0, plus the number of mature dairy cattle multiplied by 1.4, plus the number of swine weighing over 55 pounds multiplied by .04, plus the number of sheep multiplied by .01, plus the number of horses multiplied by 2.0.

3. Extremely hazardous substances – means those substances which are identified in the Sec. 302(EHS) column of the “TITLE II LIST OF LISTS – Consolidated List of Chemicals Subject to Reporting Under SARA Title III,” (EPA 560/4-91-011).

D. Potential contamination source – means any facility or site which employs an activity or procedure which may potentially contaminate ground water. A pollution source is also a potential contamination source.

E. Regulatory agency – means any governmental agency with jurisdiction over hazardous waste as defined herein.

F. Sanitary landfill – means a disposal site where solid wastes, including putrescible wastes, or hazardous wastes, are disposed of on land by placing earth cover thereon.

G. Septic tank/drain-field systems – means a system that is comprised of a septic tank and a drain-field which accepts domestic wastewater from buildings or facilities for subsurface treatment and disposal. By their design, septic tank/drain-field system discharges cannot be controlled with design standards.

H. Wellhead – means the upper terminal of a well, including adapters, ports, seals, valves and other attachments. (Ord.2015-3, dated 3/24/15)

**13.14.030 Establishment of drinking water source protection zones.** There is hereby established use districts to be known as zones one, two, three, and four of the drinking water source protection area identified and described as follows:

A. **Zone one** is the area within a 100-foot radius from the wellhead.

B. **Zone two** is the area within a 250-day ground-water time of travel to the wellhead, the boundary of the aquifer(s) which supplies water to the ground-water source, or the ground water divide, whichever is closer.

C. **Zone three** (waiver criteria zone) is the area within a 3-year ground-water time of travel to the wellhead or margin of the collection area, the boundary of the aquifer(s) which supplies water to the ground-water source, or the ground-water divide, whichever is closer.

D. **Zone four** is the area within a 15-year ground-water time of travel to the wellhead, the boundary of the aquifer(s) which supplies water to the ground-water source, or the ground-water divide, whichever is closer. (Ord.2015-3, dated 3/24/15)

**13.14.040 Permitted uses.** The following uses shall be permitted within drinking water source protection zones:

A. Any use permitted within existing agricultural, single family residential, multi-family residential, and commercial districts so long as uses conform to the rules and regulations of the regulatory agencies.

B. Any other open land use where any building located on the property is incidental and accessory to the primary open land use. (Ord.2015-3, dated 3/24/15)

**13.14.050 Prohibited uses.** The following uses or conditions shall be and are hereby prohibited within drinking water sources protection zones, whether or not such use or

condition may otherwise be ordinarily included as a part of a use permitted under Section 4 of the ordinance.

A. **Zone one** – The location of potential contamination sources as defined herein, unless they are controlled with design standards.

B. **Zone two** – the location of pollution sources as defined herein, unless their contaminated discharges are controlled with design standards.

C. **Zones three and four** – the location of potential contamination sources unless they are controlled through land management strategies. (Ord.2015-3, dated 3/24/15)

**13.14.060 Administration.** The policies and procedures for administration of any source protection zone established under this ordinance, including without limitation those applicable to nonconforming uses, exceptions, enforcement, and penalties, shall be the same as provided in the existing zoning ordinance for the City of Pleasant View, as the same is presently enacted or may from time to time be amended. (Ord.2015-3, dated 3/24/15)

**13.14.070 Conflicting Provision.** The provisions of this ordinance apply, unless otherwise indicated in a specific wellhead or water source protection plan adopted by the City. If there are instances of conflicting provisions between this ordinance, and an adopted water source protection plan, the more stringent standard shall apply. (Ord.2015-3, dated 3/24/15)

## Chapter 13.16 - Secondary Water

**13.16.010 Connection to Secondary Water System.** It is unlawful for the owner of any residential or agricultural property, which has access to a secondary water system for irrigation of such property, to fail to connect to such secondary water system, after the 25th day of August, 1992; provided, however, that any premises for which application has been made to the management of any available secondary water system for connection, and necessary fees paid, before the 25th day of September, 1992, will be allowed ninety additional days after the 25th day of September, 1992, within which to complete such connection. (Ord 92-10, 8/25/92)

**13.16.020 Prohibited Irrigation Systems.** It is unlawful for any person to install, construct or use any irrigation system which is so constructed that water may pass from secondary water system into any culinary water pipe within the corporate limits of the city. (Ord 92-10, 8/25/92)

**13.16.030 Use of Culinary Water for Irrigation Prohibited.** It is unlawful for any person, whether owner or occupant, of any residential or agricultural property, which can be served by secondary water system to use culinary water from the city water works for the purpose of irrigating any yard, garden or lawn, after the 25th day of August, 1992; provided, however, that if application for water connection has been made to the management of any available secondary water system, for connection, and the necessary fees paid, before the 25th day of September, 1992, that this section will not be applicable to use of culinary water on such premises pending completion of installation of such connection to secondary water system before the 25th day of December, 1992. (Ord 92-10, 8/25/92)

It is unlawful for any person, whether owner or occupant, or any residential or agricultural property that does not have access to secondary water, to utilize culinary water for the purpose of irrigation any yard, garden or lawn, or other landscape purposes after the 15<sup>th</sup> of October through the 15<sup>th</sup> of April. (Ord 2014-5, dated 7/8/14)

**13.16.040 Building Permits Issued.** Building permits for individual lots, or lots in subdivisions will be given only when the lot has secondary water available to it. Previous agreements with the city of Pleasant View will be recognized as possible exceptions. (Ord 92-10, 8/25/92)

**13.16.050 Violation-Penalty.** Any person violating any provision of this chapter is guilty of a misdemeanor and shall be punishable as provided by law. (Ord 92-10, 8/25/92)

## Chapter 13.20 - Land Drains

**13.20.010 Homeowner's Responsibility.** The homeowners shall be responsible for the installation and maintenance of the land drain system of which is located on the homeowner's property. Installation:

A. The homeowner shall be responsible to install a perforated pipe to be used in conjunction with gravel envelope around buildings to be drained.

B. The land owner shall be responsible for drain fields and the laterals to the main.

C. A clean out shall be required at the property line and at the front of the building or structure.

D. Required between the two clean outs shall be a 4" PVC sewer class sealed pipe. For identification purposes, the pipe shall be green in color. (Res 94-6, 5/24/94)

**13.20.020 City's Responsibility.** The city will accept and maintain land drains and manholes, after installation, completion, inspection and acceptance by the city engineer or his official representative. (Res 94-6, 5/24/94)

**13.20.030 Developer's Responsibility.** The developer shall design and construct a land drain system according to city specifications and standards. (Res 94-6, 5/24/94)

**13.20.040 Installation Inspection.** The inspection of the land drain system required by the developer shall be made by/or under the direction of the city engineer or his representative. A 24 hour notice is required for all inspections. The entire length of the pipes in the land drain system that has been requested to be inspected shall be exposed as per city engineer requirements when inspected. No back-filling shall be done until the inspection is made and the work accepted. If any portion of the work is not done in accordance with this resolution and the instructions of the engineer or his representative, it shall not be accepted. Work done without notice to inspect or without inspection shall be treated as defective work and shall be condemned, uncovered and re-laid, if required by the city engineer or his official representative to the approved design grade.  
(Ord. 92-11, 9/8/92, repealed) (Res 94-6, 5/24/94)

**13.20.050 Termination.** The terminal end of the land drain system shall be connected to a storm drain system or otherwise as approved. (Res 94-6, 5/24/94)

## **Chapter 13.30 - Wastewater Control**

**13.30.010 Controls.** The wastewater control rules and regulations for the Central Weber Sewer Improvement District, dated June 1, 1991, together with any addendum or attachments thereto, a copy of which rules and regulations is available in the Pleasant View city Offices, by this reference made a part hereof, is part of the Pleasant View city ordinances. (Ord. 91-4, 6/9/91)

**13.30.020 Repealer.** All prior ordinances or rules and regulations previously adopted by the city Council of Pleasant View which are in conflict with the wastewater control rules and regulations for the Central Weber Sewer Improvement District adopted herein are repealed as of the effective date July 1, 1991. (Ord. 91-4, 6/9/91)

## **Chapter 13.40 - Inspection Fees**

**13.40.010 Inspection Fee.** All subdivisions inspections made by Pleasant View city or on behalf of Pleasant View city shall be passed on directly to the subdivider for payment in the amount of \$30.00 per hour. Time will be measured in quarter increments. (Res 93-O, 10/26/93)



**Appendix 1**  
**(See paragraph 13.12.060 above)**

PLEASANT VIEW CITY, UTAH-PLICATION FOR WATER CONNECTION
<p>To Pleasant View city, Utah:            I hereby apply to Pleasant View City, Utah, for permission to connect my premises at _____ (address) with the Pleasant View City, Utah, water system and hereby agree as follows:</p>
<p>1. (a) The city shall make the requested connection from its water main to and including the water meter and up to my property line or to the meter if the meter is installed within my property. I agree to pay the city the connection charges and fees as may be fixed by the governing body by resolution or ordinance including a reservoir charge if so provided.</p> <p>(b) The work of extending the water connection from the point to which the city installs it to the place at which the water is to be used shall be my responsibility and shall be performed at my sole cost.</p> <p>(c) The connection so made by the city, including the meter, shall remain the property of the city at all times, and the city shall have access thereto at all times.</p>
<p>2. The location of the meter, whether on my premises or at some point near my premises, may be decided solely by the city.</p>
<p>3. Before making connection with the water system, I shall cause the plumbing upon my premises to be inspected by the city and if the plumbing is not approved, I will cause the plumbing to be rectified at my own expense to meet the requirements of the city or of any other governmental agency having jurisdiction to regulate the water system within the city.</p>
<p>4. I will be bound by the rules, regulations, resolutions or ordinances enacted now or hereafter by the city applicable to the city's water system.</p>
<p>5. The purpose for which the water connection will be used is _____.</p>
<p>6. The city shall have free access to the lines and meters installed under this agreement and, at reasonable times, through my property if necessary.</p>
<p>Dated this _____ day of _____ 20 _____.</p> <p>_____            (Applicant's Signature)</p>

**Appendix 2**  
**(See paragraph 13.12.080 above)**

PLEASANT VIEW CITY, UTAH APPLICATION FOR WATER SERVICE TO PLEASANT VIEW CITY, UTAH: The undersigned hereby applies for water service from Pleasant View city, Utah, for premises located at \_\_\_\_\_ and hereby agrees:

1. To pay charges for such water service as are fixed from time to time by the governing body until such time as I shall direct such service to be discontinued.
2. In the event of a failure to pay water charges within the due dates fixed by the governing body or of a failure of the occupant of the premises to conform to the ordinances and regulations established by the governing body regulating the use of the water system, that the city shall have the right to discontinue the water system service at its election, pursuant to five days written notice of the city's intention, until all delinquencies and any re-connection fees imposed are paid in full or until any failure to conform to this ordinance or regulations issued thereunder is eliminated.
3. To be bound by the rules, regulations, resolutions, or ordinances enacted or adopted by the governing body applicable to the city's water system.

Applicant does hereby deposit \$100.00 with the city on the filing of this application for water service, and it is agreed and understood that the city may, but need not, apply the deposit upon bills due for prior service and that the right of the city to shut off service as above provided shall exist even though the deposit has not been applied to the payment of past due bills for services. On final settlement of the applicant's account, any unused balance of the deposit will be refunded to applicant upon return of the security deposit receipt issued by the city at the time the deposit is made.

4. That the deposit shall not be considered as an advance payment for any service. Charges and unpaid accounts shall be considered delinquent notwithstanding the existence of the deposit, and the applicant or user of water service shall not have the right to compel the city to apply the deposit to any account to avoid delinquency.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_.

\_\_\_\_\_  
(Applicant Signature)

**Appendix 3**  
**(See paragraph 13.12.090 above)**

In consideration of the acceptance of the application for water service submitted by [tenant], I or we will pay for all water services for any such tenant or any other occupant of \_\_\_\_\_ premises in case such tenant or occupant shall fail to pay for the same according to the ordinances, rules, regulations or resolutions enacted by the city.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_\_.

\_\_\_\_\_  
(Owner)

## **Title 13**

### **Public Services**

#### Chapters:

13.04 - Sewer Systems .....	13 - 1
13.08 - Storm Water Utility .....	13 - 6
13.09 - Storm Drainage .....	13 - 13
13.10 - Storm Water Permit .....	13 - 20
13.12 - Culinary Water .....	13 - 29
13.13 - Culinary Water Cross Connection Control .....	13 - 41
13.14 - Drinking Water Source Protection Ordinance .....	13 - 47
13.16 - Secondary Water .....	13 - 50
13.20 - Land Drains .....	13 - 51
13.30 - Wastewater Control .....	13 - 52
13.40 - Inspection Fees .....	13 - 53

Appendix 1 Application for Water Connection

Appendix 2 Application for Water Service

Appendix 3 Non-Owner Applicants - Agreement of Owner

# **Title 15**

## **Buildings and Construction**

<b>Chapter 15.04 Building Code.</b>	<b>15 - 1</b>
15.04.010 Adopted - Copies on File.	15 - 1
15.04.020 Section 105 Amended-Board of Appeals.	15 - 1
15.04.030 Section 106 Amended-Permits.	15 - 1
15.04.070 Section 310.4 Amended-Group R-Emergency Exits.	15 - 2
15.04.080 Section 310.5 Amended-Group R-Light and Ventilation.	15 - 3
15.04.090 Section 310.6.1 Amended-Group R-Ceiling Height.	15 - 3
15.04.100 Section 709.4 Amended-Parapets.	15 - 3
15.04.120 Section 2305(d) Amended-Roof Design.	15 - 3
15.04.130 Updates.	15 - 3
15.04.140 Fees.	15 - 4
15.04.142 Plan Check Fees.	15 - 4
15.04.144 Limitation on Plan Check Fees.	15 - 4
15.04.146 Fees for Identical Plan Check.	15 - 4
15.04.150 IBC Amendments.	15 - 4
15.04.151 IRC Amendments.	15 - 4
15.04.170 Violation.	15 - 4
<b>Chapter 15.08 Housing Code</b>	<b>15 - 5</b>
15.08.010 Adopted-Copies on File.	15 - 5
15.08.020 Section 503(a) Amended-Room Dimensions.	15 - 5
15.08.030 Section 504(a) Amended-Light and Ventilation.	15 - 5
15.08.040 Section 801 Amended-Exits.	15 - 5
15.08.050 Violation.	15 - 5
<b>Chapter 15.12 Mechanical Code</b>	<b>15 - 6</b>
15.12.010 Adopted-Copies on File.	15 - 6
15.12.020 Fees	15 - 6
15.12.025 IMC Amendments.	15 - 6
15.12.030 Violation.	15 - 6
<b>Chapter 15.16 Plumbing Code</b>	<b>15 - 7</b>
15.16.010 Adopted-Copies on File.	15 - 7
15.16.020 Fees.	15 - 7
15.16.045 IPC Amendments.	15 - 7
15.16.050 Violation.	15 - 7
<b>Chapter 15.20 Electrical Code</b>	<b>15 - 8</b>
15.20.010 Adapted-Copies on File.	15 - 8
15.20.060 Fees.	15 - 8

15.20.065 NEC Amendments. ....	15 - 8
15.20.070 Violation. ....	15 - 8
<b>Chapter 15.24 Fire Code. ....</b>	<b>15 - 9</b>
15.24.010 Adopted. ....	15 - 9
15.24.020 Definitions. ....	15 - 9
15.24.030 Enforcement. ....	15 - 9
15.24.035 Filled Blanks.....	15 - 9
15.24.039 Permit for Storage of Cryogenic Fluid .....	15 - 9
15.24.040 Flammable Liquid Storage in Aboveground Tanks. ....	15 - 9
15.24.050 Liquefied Petroleum Gas Storage. ....	15 - 10
15.24.085 Adoption of Appendices to the International Fire Code .....	15 - 10
15.24.090 Repeal of Conflicting Ordinances.....	15 - 10
15.24.100 Validity.....	15 - 10
<b>Chapter 15.28 Energy Conservation Code .....</b>	<b>15 - 12</b>
15.28.010 Adopted-Copies on File. ....	15 - 12
15.28.020 Violation. ....	15 - 12
<b>Chapter 15.32 Public Construction Standards .....</b>	<b>15 - 13</b>
15.32.010 Adopted-Copies on File. ....	15 - 13
<b>Chapter 15.36 Flood Hazard Control .....</b>	<b>15 - 14</b>
15.36.010 Provisions to be Enacted. ....	15 - 14
15.36.020 Building Inspector Responsibility. ....	15 - 14
15.36.030 Building Permit and Subdivision Review. ....	15 - 14
15.36.040 Permit Requirements. ....	15 - 15

## Chapter 15.04 Building Code.

**15.04.010 Adopted - Copies on File.** The 2000 edition of the International Building Code (IBC) as modified by Chapter 11 of the 2001 edition of the Supplement to the International Building Code, promulgated by the International Code Council, and amendments adopted under the Utah Administrative Code together with standards incorporated into the IBC by reference, including but not limited to, the 2000 edition of the International Residential Code (IRC) promulgated by the International Code Council are adopted for regulation of all buildings and construction within the corporate limits of the city, subject to the additions, deletions and modifications set forth in this chapter. (Ord. 2002-10, 9/10/02: prior codes Ord. 2000-3, 2/8/00 and Ord. 87-15.04 §1(part), 1987)

**15.04.020 Section 105 Amended-Board of Appeals.** Section 105 of the Uniform Building Code is amended by adding the following paragraph:

The Board of Appeals is empowered to determine the intent of all code provisions and to grant variances when appropriate review indicates that the intent of the code will be met. (Ord. 2000-3, 2/8/00: prior code Ord. 87-15.04 §1(part), 1987)

**15.04.030 Section R105 Amended-Permits.**

A. Section R105.2 of the Uniform Building Code is amended by adding the following paragraph:

A building permit shall be required for the installation of a hot tub or spa. The hot tub or spa shall be provided with a cover capable of supporting 50 pounds per square foot or be enclosed by a six-foot high fence.

B. Section R105.2 of the Uniform Building Code is amended to read:

Work exempt from permit. Permits shall not be required for the following. Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

Building:

1. One-story detached accessory structures, provided the floor area does not exceed 200 square feet.
2. Fences not over 6 feet high.
3. Retaining walls that are not over four feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.
4. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed two to one.
5. Sidewalks and driveways not more than 30 inches above adjacent grade and not over any basement or story below.
6. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
7. Prefabricated swimming pools that are less than 24 inches deep.
8. Swings and other playground equipment accessory to

a one- or two-family dwelling.

9. Window awnings supported by an exterior wall.

10. One-story detached accessory agriculture building defined as: a structure designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products. This structure shall not be a place of human habitation or a place of employment where agricultural products are processed, treated or packaged, nor shall it be a place used by the public.

Unless otherwise exempted, separate plumbing, electrical, mechanical and storm sewer permits will be required for the above exempted items.

**Electrical:**

Repairs and maintenance: A permit shall not be required for minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.

**Gas:**

1. Portable heating, cooking or clothes drying appliances.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

**Mechanical:**

1. Portable heating appliance.
2. Portable ventilation appliances.
3. Portable cooling unit.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
6. Portable evaporative cooler.
7. Self-contained refrigeration systems containing 10 pounds or less of refrigerant or that are actuated by motors of 1 horsepower or less.

**Plumbing:**

The stopping of leaks in drains, water, soil, waste or vent pipe; provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.

The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures. (Ord. 2002-10, 9/10/02: prior codes Ord. 2000-3, 2/8/00 and Ord. 87-15.04 §1(B)(1, 2), 1987)

**15.04.070 Section 310.4 Amended-Group R-Emergency Exits.** The last sentence of the fourth paragraph of Section 310.4 of the Uniform Building Code is amended to read:

When windows are provided as a means of escape or rescue, they shall have a



finished sill height not more than 44 inches above the floor, except that buildings constructed prior to 1988 may have an emergency egress window sill height of 48 inches. (Ord. 2000-3, 2/8/00: prior code Ord. 87-15.04 §1(C)(2), 1987)

**15.04.080 Section 310.5 Amended-Group R-Light, Ventilation and Sanitation.** Section 310.5 of the Uniform Building Code is amended by adding the following paragraph:

Buildings constructed prior to 1988, which have existing habitable rooms with less than the minimum amount of window area required by this section, may use artificial lighting in lieu of natural light. (Ord. 2000-3, 2/8/00: prior code Ord. 87-15.04 §1(C)(3), 1987)

**15.04.090 Section 310.6.1 Amended-Group R-Ceiling Height.** Section 310.6.1 of the Uniform Building Code is amended by adding the following paragraph:

Buildings constructed prior to 1988, may have habitable rooms with a ceiling height of not less than 6 feet, 6 inches. (Ord. 2000-3, 2/8/00: prior code Ord. 87-15.04 §1(C)(4), 1987)

**15.04.100 Section R321.2.2 Amended-Parapets.** Section 709.4.1 of the Uniform Building Code is amended by adding the following paragraph under the designation *Exceptions*:

6. Buildings constructed on a property line in compliance with the zero side yard provisions of the zoning ordinance need not have a parapet provided that the building on the adjoining lot is at least 16 feet away. (Ord. 2002-10, 9/10/02: prior codes Ord. 2000-3, 2/8/00 and Ord. 87-15.04 §1(D), 1987)

**15.04.120 Section 1614 Snow Loads.** Section 1614 of the Uniform Building Code is amended by adding the following paragraph:

The minimum basic snow load design for roof structures shall be 30 pounds per square foot. The snow loads for the following elevations are as follows:

Ground Elevation	Ground Snow Load
4500 to 4999	43.0 p.s.f.
5000 to 5499	53.3 p.s.f.
5500 to 5999	76.3 p.s.f.
6000 to 6499	103.8 p.s.f.
6500 to 6999	133.1 p.s.f.

(Ord. 2000-7, 2/22/00: prior code Ord. 87-15.04 §1(F), 1987)

**15.04.130 Updates.** The amendments adopted in Sections 15.04.010, 15.12.010, 15.16.010, 15.20.010 and 15.28.010 shall be automatically updated whenever additional amendments are adopted by the Division of Occupational and Professional Licensing and/or the Uniform Building Code Commission pursuant to their authority under Utah Code Ann. §58-56-4(4) and §58-56-7 and added to the amendments included in R156-56-704, -706, -707, -708 or -710. (Ord. 2002-10, 9/10/02)

**15.04.140 Fees.** Fees authorized in the IBC for inspections, permits, certificates and other purposes shall be established in the Consolidated Fee Schedule of the city. (Ord. 2006-9, 12/19/06 prior: Ord. 2002-10, 9/10/02)

**15.04.142. Plan Check Fees.** When submittal documents are required by Section R106.1, a plan

review fee shall be paid to the city for the review of the plans whether the building permit is issued or not. Said plan review fee shall be set by resolution of the city council. (Ord. 2002-10, 9/10/02)

**15.04.144 Limitation on Plan Check Fees.** The City's fees for reviewing and approving plans for commercial or residential buildings shall be:

- A. In the case of commercial buildings, sixty-five percent (65%) of the amount the City has charged for the building permit, or
- B. In the case of residential buildings, fifty percent (50%) of the amount the City has charged for the building permit. (Ord. 2002-10, 9/10/02)

**15.04.146 Fees for Identical Plan Check.**

- A. The City's fees for reviewing and approving identical plans shall be the greater of:
  - 1. The City's costs of ensuring that the plans are identical and reviewing and approving minor variations between the two identical buildings, or
  - 2. One hundred dollars (\$100.00.) (Ord. 2002-10, 9/10/02)

**15-04-150 IBC Amendments.** The IBC adopted in section 15.04.010 is amended by the statewide amendments contained in R156-56-704 of the Utah Administrative Code. All of those amendments included in R156-56-704 are hereby incorporated into the Pleasant View Municipal Code by this reference. (Ord. 2002-10, 9/10/02)

**15-04-151 IRC Amendments.** The IRC adopted in section 15.04.010 is amended by the statewide amendments contained in R156-56-710 of the Utah Administrative Code. All of those amendments included in R156-56-710 are hereby incorporated into the Pleasant View Municipal Code by this reference. (Ord. 2002-10, 9/10/02)

**15.04.170 Violation.** Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating or causing the violation of the provisions of this chapter shall be guilty of a class C misdemeanor. (Ord. 87-15.04 §9(part), 1987)

## Chapter 15.08 Housing Code

**15.08.010 Adopted-Copies on File.** The 1985 Uniform Housing Code, three copies thereof having been filed for use and examination by the public in the office of the city recorder subject to the amendments set forth in this chapter, establishing rules, regulations and standards for the eviction, alteration, use and maintenance of all buildings used, designed or maintained to be used for human habitation. (Ord. 87-15.04 §2(part), 1987)

**15.08.020 Section 503(a) Amended-Room Dimensions.** Buildings 503(a) is amended by adding the following two paragraphs:

Buildings constructed prior to 1988, may have habitable rooms with ceiling height of not less than six feet six inches.

An existing dwelling having habitable space below the first story may have ceilings less than seven foot six inches provided that:

1. The habitable space is occupied by members of the family of the floor above, and;
2. The minimum ceiling shall not be less than six foot six inches unless permitted by the Board of Appeals. (Ord. 87-15.04 §2(A)(1), 1987)

**15.08.030 Section 504(a) Amended-Light and Ventilation.** Section 504(a) of the Uniform Building Code is amended by adding the following paragraph:

4. Buildings constructed prior to 1988, which have existing habitable rooms with less than the minimum of window area required by this section, may use artificial lighting in lieu of natural light. (Ord. 87-15.04 §2(A)(2), 1987)

**15.08.040 Section 801 Amended-Exits.** Section 801 of the Uniform Building Code is amended by adding the following sentence to the last paragraph thereof:

Buildings constructed prior to 1988 may have emergency egress window sill heights of 48 inches. (Ord. 87-15-04 §3(A)(3), 1987)

**15.08.050 Violation.** Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating or causing the violation of the provisions of this chapter shall be guilty of a class C misdemeanor. (Ord. 87-15.04 §9(part), 1987)

## Chapter 15.12 Mechanical Code

- 15.12.010 Adopted-Copies on File.** The 2000 Edition of the International Mechanical Code (IMC), together with all applicable standards set forth in the 2000 International Fuel Gas Code (IFGC) (formerly included as part of the International Mechanical Code) is adopted as the mechanical code of the city, establishing rules, regulations and standards for the installation and repair of mechanical equipment. (Ord. 2002-10, 9/10/02: prior codes Ord. 2000-4, 2/8/00 and Ord. 87-15.04 §3(A), 1987)
- 15.12.020 Fees.** Fees for mechanical services, as defined by the International Mechanical Code, 2000 Edition, shall be established from time to time by resolution of the city council. (Ord. 2002-10, 9/10/02: prior codes Ord. 2000-4, 2/8/000 and Ord. 87-15.04 §3(B), 1987)
- 15.12.025 IMC Amendments.** The IMC adopted in section 15.12.010 is amended by the statewide amendments contained in R156-56-708 of the Utah Administrative Code. All of those amendments included in R156-56-708 are hereby incorporated into the Pleasant View Municipal Code by this reference. (Ord. 2002-10, 9/10/02)
- 15.12.030 Violation.** Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating or causing the violation of the provisions of this chapter shall be guilty of a class C misdemeanor. (Ord. 87-15.04 '9(part), 1987)

## Chapter 15.16 Plumbing Code

- 15.16.010 Adopted-Copies on File.** The 2000 Edition of the International Plumbing Code (IPC) promulgated by the International Code Council is adopted as the plumbing code of the city, establishing rules, regulations and standards for the installation and repair of plumbing systems. (Ord. 2002-10, 9/10/02: prior codes Ord. 2000-5, 2/8/00 and Ord. 87-15.04 §4(A), 1987)
- 15.16.020 Fees.** Fees for plumbing services, as defined by the International Plumbing Code, 2000 Edition, shall be established from time to time by resolution of the city council. (Ord. 2002-10, 9/10/02: prior codes Ord. 2000-5, 2/8/00 and Ord. 87-15.04 §4(B), 1987)
- 15-16-045 IPC Amendments.** The IPC adopted in section 15.16.010 is amended by the statewide amendments contained in R156-56-707 of the Utah Administrative Code. All of those amendments included in R156-56-707 are hereby incorporated into the Pleasant View Municipal Code by this reference. (Ord. 2002-10, 9/10/02)
- 15.16.050 Violation.** Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating or causing the violation of the provisions of this chapter shall be guilty of a class C misdemeanor. (Ord. 87-15.04 §9(part), 1987)

## Chapter 15.20 Electrical Code

**15.20.010 Adapted-Copies on File.** The 1999 National Electrical Code (NEC) promulgated by the National Fire Protection Association is adopted as the electrical code of the city, establishing rules, regulations and standards for the installation and repair of electrical equipment. (Ord. 2002-10, 9/10/02: prior codes Ord. 2000-6, 2/8/00 and Ord. 87-15.04 §5(A)(part), 1987)

**15.20.060 Fees.** Fees for electrical services, as defined by the National Electrical Code, 1999 Edition, shall be established from time to time by resolution of the city council. (Ord. 2000-6, 2/8/00: prior code Ord. 87-15.04 §5(C), 1987)

**15-20-065 NEC Amendments.** The NEC adopted in section 15.20.010 is amended by the statewide amendments contained in R156-56-706 of the Utah Administrative Code. All of those amendments included in R156-56-706 are hereby incorporated into the Pleasant View Municipal Code by this reference. (Ord. 2002-10, 9/10/02)

**15.20.070 Violation.** Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating or causing the violation of the provisions of this chapter shall be guilty of a class C misdemeanor. (Ord. 87-15.04 §9(part), 1987)

## Chapter 15.24 Fire Code.

**15.24.010 Adopted.** There is hereby adopted by the City of Pleasant View for the purpose of prescribing regulation governing conditions hazardous to life and property from fire, hazardous materials or explosion, that certain code known as The International Fire Code, 2015 Version as well as the version officially adopted by State of Utah, including all changes and appendices. (Ord.2016-4, 7/12/16: prior codes Ord 2003-2, 1/28/03, Ord 98-2, 3/10/98; Ord. 95-17, 12/12/95 & Ord. 1-82 §1, 1982)

**15.24.020 Definitions.**

A. Wherever the word jurisdiction is used in the International Fire Code, it shall mean within the city limits of City of Pleasant View. (Ord 2003-2, 1/28/03: prior codes Ord 98-2, 3/10/98; Ord. 95-17, 12/12/95 & Ord. 1-82 §2, 1982)

**15.24.030 Enforcement.**

A. The International Fire Code as adopted and amended herein shall be enforced by the North View Fire Department which shall be operated under the supervision of the chief of the fire department.

B. The chief of the fire department may detail such members of the fire department as inspectors as shall from time to time be necessary. (Ord 2003-2, 1/28/03: prior codes Ord 98-2 3/10/98; Ord. 95-17, 12/12/95 & Ord. 1-82 §3, 1982)

**15.24.035 Filled Blanks.** The blanks in the following sections of the 2000 International Fire Code are filled in as follows:

- A. The blank in Section 101.1 should read "Pleasant View City";
- B. The first blank in Section 109.3 should read "misdemeanor";
- C. The second blank in Section 109.3 should read "\$299.00";
- D. The third blank in Section 109.3 should read "180 days"; and
- E. Both blanks in Section 111.4 should read "\$599.00." (Ord 2003-2, 1/28/03)

**15.24.039 Permit for Storage of Cryogenic Fluid.**

A. In Section 3204.3.1.1, a permit is required for the storage of any amount of flammable cryogenic fluid used within the City, except that a permit will not be required for 1) vehicles equipped for and using cryogenic fluids as the primary fuel for propelling the vehicle, or 2) for refrigeration. (Ord 2003-2, 1/28/03)

**15.24.040 Storage of Flammable or Combustible Liquids in Outside Aboveground Tanks.**

A. In Section 3406.2.4.4., the storage of flammable or combustible liquids in outside above-ground tanks is prohibited, unless the tanks meet the requirements of Sections 3404.2.9.6.1 through 3404.2.9.6.10, except for storage within the following limits:

1. The storage does not exceed 10 gallons of Class I flammable liquids in all residential zones;
  2. The storage does not exceed 60 gallons of Class II flammable liquids in all residential zones;
- or

3. The storage does not exceed 400 gallons of Class I, II liquids in all other zones.

B. In Section 3406.2.4.4, no bulk storage of flammable or combustible liquids shall be permitted within the corporate limits of Pleasant View City. (Ord 2003-2, 1/28/03: prior codes Ord 98-2, 3/10/98; Ord. 95-17, 12/12/95 & Ord. 1-82 §4, 1982)

**15.24.050 Storage of Liquefied Petroleum Gasses.** In Section 3804.2, the storage of liquified petroleum gas is limited to 800 gallons in all residential zones and 2,000 gallons in all other zones. (Ord 2003-2, 1/28/03: prior codes Ord 98-2, 3/10/98; Ord. 95-17, 12/12/95 & Ord. 1-82 §5, 1982)

**15.24.085 Adoption of Appendices to the International Fire Code.** The following Appendices to the International Fire Code are hereby adopted as if they were fully integrated into the International Fire Code. Any activity which is governed by the terms of the International Fire Code shall also comply with the terms of these Appendices:

- Appendix A: Board of Appeals
- Appendix B: Fire-Flow Requirements for Buildings
- Appendix C: Fire Hydrant Locations and Distribution
- Appendix D: Fire Apparatus Access Road - Appendix D to the International Fire Code is also hereby adopted, provided that if the terms of Appendix are found to be in conflict with the grading and road standards of the City's Public Works Standards or any equivalent document, the provisions of the Public Works Standards shall control.
- Appendix E: Hazard Categories
- Appendix F: Hazard Ranking
- Appendix G: Cryogenic Fluids - Weight and Volume Equivalents (Ord 2003-2, 1/28/03)

**15.24.090 Repeal of Conflicting Ordinances.** All city ordinances or parts thereof conflicting or if this ordinance or of the Uniform Fire Code as adopted and amended herein are hereby repealed. (Ord 2003-2, 1/28/03: prior codes Ord 98-2, 3/10/98; Ord. 95-17, 12/12/95)

**15.24.100 Validity.** If any section, subsection sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, illegal or unenforceable for any reason, that decision shall not affect the validity of the remaining portions of this ordinance. The City Council of Pleasant View City declares that it would have passed this ordinance, and each section, subsection, clause or phrase



thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases might be declared unconstitutional. (Ord 2003-2, 1/28/03: prior codes Ord 98-2 3/10/98; Ord. 95-17, 12/12/95)

## **Chapter 15.28 Energy Conservation Code**

**15.28.010 Adopted-Copies on File.** The 2000 Edition of the International Energy Conservation Code (IECC) promulgated by the International Code Council is adopted for regulation of all building, construction, and work performed as described therein with the corporate limits of the city. (Ord. 2002-10, 9/10/02)

**15.28.020 Violation.** Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating or causing the violation of the provisions of this chapter shall be guilty of a class C misdemeanor.

## **Chapter 15.32 Public Construction Standards**

**15.32.010 Adopted-Copies on File.** A certain document designated "Minimum Standards of Design and Specifications for the Construction of Public Works" for the city, three copies of which are on file with the city recorder, being marked and designated as minimum standards of design and specifications for the construction of public works, are referred to and adopted and made a part thereof as fully set out in the document as part of this chapter. (Ord. dated 2/4/65 §1)

## Chapter 15.36 Flood Hazard Control

**15.36.010 Provisions to be Enacted.** The council assures the Federal Insurance Administration that it will enact as necessary, and maintain in force for those areas having flood or mudslide hazards, adequate land use and control measures with effective enforcement provisions consistent with the criteria set forth in Section 1910 of the National Flood Insurance Program Regulations. (Ord. dated 6/26/75 (part))

**15.36.020 Building Inspector Responsibility.** The council:

A. Vests the building inspector with the responsibility, authority, and means to:

1. Delineate or assist the administrator, at his request, in delineating the limits of the areas having special flood and/or mudslide hazards on available local maps of sufficient scale to identify the location of building sites,

2. Provide such information as the administrator may request concerning present uses and occupancy of the floodplain and/or mudslide area,

3. Cooperate with federal, state and local agencies and private firms which undertake to study, survey, map and identify floodplain or mudslide areas, and cooperate with neighboring communities with respect to management of adjoining floodplain and/or mudslide areas in order to prevent aggravation of existing hazards,

4. Submit on the anniversary date of the community's initial eligibility an annual report to the administrator on the progress made during the past year within the community in the development and implementation of floodplain and/or mudslide area management measures;

B. Appoints the building inspector to maintain for public inspection and to furnish upon request a record of elevations in relation to mean sea level of the lowest floor, including basement, of all new or substantially improved structures located in the special flood hazard areas. If the lowest floor is below grade on one or more sides, the elevation of the floor immediately above must also be recorded;

C. Agrees to take such other official action as may be reasonably necessary to carry out the objectives of the program. (Ord. dated 6/26/75 (part))

**15.36.030 Building Permit and Subdivision Review.**

A. The building inspector shall review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a location that has a flood hazard, any proposed new construction or substantial improvement, including prefabricated and mobile homes, must

1. Be designed (or modified) and anchored to prevent flotation, collapse or lateral movement of the structure,

2. Use construction materials and utility equipment that are resistant to flood damage, and

3. Use construction method and practices that will minimize flood damage.

B. The building inspector shall review subdivision proposals and other proposed new developments to assure that

1. All such proposals are consistent with the need to minimize flood damage,

2. All public utilities and facilities, such as sewer, gas, electrical and water

systems are located, elevated and constructed to minimize or eliminate flood damage, and

3. Adequate drainage is provided so as to reduce exposure to flood hazards.

C. The building inspector shall require new or replacement water supply systems and/or sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into floodwater, and required on-site waste disposal systems to be located so as to avoid impairment of them or contamination from them during flooding. (Ord. dated 6/26/75 (part), 1975)

**15.36.040 Permit Requirements.**

A. The city council shall require the issuance of a permit for any excavation, grading, fill or construction in the community.

B. The city council shall require review of each permit application to determine whether the proposed site and improvements will be reasonably safe from mudslides. If a proposed site and improvements are in a location that may have mudslide hazards, a further review must be made by persons qualified in geology and soils engineering; and the proposed new construction, substantial improvement, or grading must:

1. Be adequately protected against mudslide damage, and
2. Not aggravate the existing hazard. (Ord. dated 6/26/75 (part), 1975)

# **Title 15**

## **Buildings and Construction**

### Chapters:

15.04 Building Code .....	15-1
15.08 Housing Code .....	15-5
15.12 Mechanical Code .....	15-6
15.16 Plumbing Code .....	15-7
15.20 Electrical Code.....	15-8
15.24 Fire Code .....	15-9
15.28 Energy Conservation Code.....	15-12
15.32 Public Construction Standards .....	15-13
15.36 Flood Hazard Control.....	15-14

# Title 16

## Fences

Chapters:

16.04 Fences .....16 - 1





**Title 16**  
**Fences**

**Chapters 16.04 - Fences ..... 16 - 1**

16.04.010 Front Yards ..... 16 - 1

16.04.015 Side and Rear Yards ..... 16 - 1

16.04.020 Corner Yards. .... 16 - 1

16.04.030 Corner Yard Obstructions. .... 16 - 1

16.04.040 Measuring Height. .... 16 - 2

16.04.050 Swimming Pool Fences. .... 16 - 2



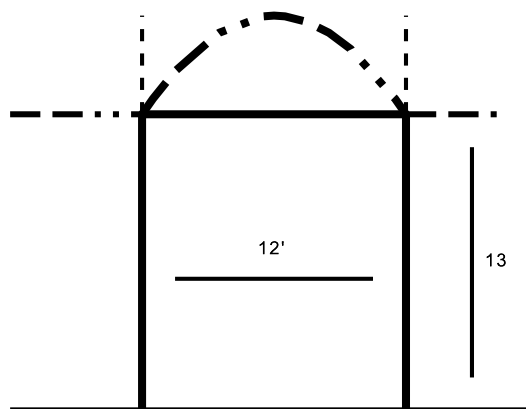
## Chapters 16.04 - Fences

### 16.04.010 Front Yards.

A. No fence, hedge, or other similar structure shall be erected in any required front yard of a dwelling to a height in excess of three and one-half feet. (Ord. 89-4, 9/26/95)

B. Exception. Archways are permitted under the following conditions:

1. Built on a minimum lot of one acre;
2. The width between the side supports must be a minimum width of twelve feet at a minimum height of thirteen and one-half feet above the ground. No part of the structure between the two side supports shall be less than thirteen and one-half feet above the ground. (Ord. 94-4, 9/13/94 (part))



**16.04.015 Side and Rear Yards.** No fence or other similar structure shall be erected in any side or rear yard to a height in excess of seven feet. (Ord 89-4, 9/26/89)

### 16.04.020 Corner Yards.

A. On corner lots, no fence or other similar structure shall be erected to a height in excess of three and one-half feet in any yard bordering a street or front yard of an adjoining lot that has the driveway or access to the garage on the side adjacent to the yard to be fenced, except that in any rear yard of a corner lot, a fence may be erected to a height not to exceed seven feet upon a finding by the Pleasant View City building inspector that the height of the fence will not obscure the line of sight of one entering upon the street or intersection from the driveway or garage access bordering said corner lot.

B. If a fence is installed on a corner lot to a height of six feet next to a vacant lot, at the time the vacant lot is developed the new dwelling driveway would have to be installed on the opposite side of the lot so as not to have an obstruction of view to egress out of the garage and driveway onto the street. (Ord 89-4, 9/26/89)

**16.04.030 Corner Yard Obstructions.** On any corner lot in all zones which require a front yard, no obstruction to view in excess of two feet in height as measured from the top of the curb or edge of the hard street surface, shall be placed on any corner lot within a triangular area formed by the street property lines and a line connecting street property lines at points forty feet from the intersection of the street property lines, except a reasonable number of trees pruned high enough to permit unobstructed vision of street and regulatory signs by automobile drivers. (Ord 89-4, 9/26/89)

**16.04.040 Measuring Height.** Where a fence is erected on a retaining wall or where for other reasons there is a difference in the elevation of the surface of the land on either side of a fence, the height of a fence shall be measured from a point half-way between the top of the retaining wall and the land on the lower side or from the average elevation of the surface of the land on either side of the fence; but nothing herein contained shall be construed to restrict a fence to less than three and one-half feet in height measured from the surface of the land on the side having the highest elevation as specified by the city building inspector. (Ord 89-4, 9/26/89)

**16.04.050 Swimming Pool Fences.** It shall be unlawful for any person to own, operate, or maintain a private residential swimming pool, wading pool which is more than eighteen inches deep without surrounding the entire pool/water area with a substantial fence with a sturdy, non-climbable gate that is to be locked at all times when the pool is not in use. The fence surrounding any such pool constructed after the effective date of this ordinance (September 13, 1994) shall be at least six feet in height and structurally adequate to resist wind load. (Ord 94-4, 9/13/94 (part), prior code Ord 89-4, 9/26/89)

## **Title 17**

### **Subdivisions**

#### Chapters:

17.02	General Provisions .....	17 - 1
17.04	Concept Plan Application and Review .....	17 - 5
17.06	Preliminary Subdivision Applic. and Review .....	17 - 6
17.08	Final Subdivision Applic. and Approval.....	17 - 11
17.10	Minor Subdivision Applic and Approval.....	17 - 14
17.12	Building Permits .....	17 - 18
17.14	Subdivision Construction .....	17 - 19
17.16	Vacating or Changing a Subdivision Plat.....	17 - 20
17.18	Subdivision Development Standards .....	17 - 21
17.20	Required Improvements and Guarantees.....	17 - 25
17.22	Definitions .....	17 - 30
	Attachments.....	17 - 34

## Title 17

### Subdivisions

<b>Chapter 17.02 - General Provisions .....</b>	<b>17 - 1</b>
17.02.010 Short Title. ....	17 - 1
17.02.020 Purpose. ....	17 - 1
17.02.040 Authority. ....	17 - 1
17.02.050 Jurisdiction, Definition and Applicability. ....	17 - 1
17.02.060 Subdivision Defined. ....	17 - 1
17.02.070 Subdivision Not to Include. ....	17 - 1
17.02.080 Notice. ....	17 - 2
17.02.090 Vesting. ....	17 - 2
17.02.100 Fees and Charges. ....	17 - 2
17.02.110 Determination of Completeness of an Application. ....	17 - 3
17.02.120 Exactions. ....	17 - 3
17.02.130 Violation. ....	17 - 3
17.02.140 Enforcement. ....	17 - 3
17.02.150 Licenses and Permits. ....	17 - 4
17.02.160 Appeal of City Action. ....	17 - 4
 <b>Chapter 17.04 - Concept Plan Application and Review .....</b>	 <b>17 - 5</b>
17.04.010 Concept Plan Required. ....	17 - 5
17.04.020 Procedure. ....	17 - 5
17.04.030 Application Requirements. ....	17 - 5
17.04.040 Not an Application for Subdivision Approval. ....	17 - 5
17.04.050 Interpretation. ....	17 - 5
 <b>Chapter 17.06 - Preliminary Subdivision Application and Approval .....</b>	 <b>17 - 6</b>
17.06.010 Intent. ....	17 - 6
17.06.020 Requirements for Preliminary Subdivision Application. ....	17 - 6
17.06.030 Preliminary Subdivision Application Approval Procedures. ....	17 - 9
17.06.040 Planning Commission Recommendation. ....	17 - 9
17.06.050 Effect of Planning Commission Prelim Subd Applic Recom. ....	17 - 9
17.06.060 City Council Approval. ....	17 - 9
17.06.070 Effect of City Council Prelim Subd Applic Approval & Period. ....	17 - 10
17.06.080 Site Preparation Work Prohibited. ....	17 - 10
 <b>Chapter 17.08 - Final Subdivision Application and Approval .....</b>	 <b>17 - 11</b>
17.08.010 Intent. ....	17 - 11
17.08.020 Requirement for Final Subdivision Applications. ....	17 - 11
17.08.030 Final Subdivision Approval Procedures. ....	17 - 12
17.08.040 Nature and Effective Period of Final Subd Approval. ....	17 - 12
17.08.050 Recordation of Final Subdivision Plats. ....	17 - 13
17.08.060 Site Preparation Work Prohibited. ....	17 - 13

<b>Chapter 17.10 - Minor Subdivision Application and Approval .....</b>	<b>17 - 14</b>
17.10.010 Intent. ....	17 - 14
17.10.020 Minor Subdivision Qualification .....	17 - 14
17.10.030 Requirements for Minor Subdivision Applications .....	17 - 14
17.10.040 Minor Subdivision Application Approval Procedures .....	17 - 16
17.10.050 Planning Commission Action. ....	17 - 16
17.10.060 Final Plat Approval Procedures. ....	17 - 16
17.10.070 Nature and Effective Period of Approval. ....	17 - 17
17.10.080 Site Preparation Work Prohibited. ....	17 - 17
<b>Chapter 17.12 - Building Permits .....</b>	<b>17 - 18</b>
17.12.010 Building Permit Issuance. ....	17 - 18
17.12.020 Building Permit Application. ....	17 - 18
<b>Chapter 17.14 - Subdivision Construction .....</b>	<b>17 - 19</b>
17.14.010 Construction of Required Subdivision Improvements. ....	17 - 19
17.14.020 Proceeding With Subdivision Construction .....	17 - 19
17.14.030 Subdivision Construction and Improvement Inspections .....	17 - 19
17.14.040 Compliance with Storm Wtr Pollution Prevention Requiremnts...	17 - 19
<b>Chapter 17.16 - Vacating or Changing a Subdivision Plat .....</b>	<b>17 - 20</b>
17.16.010 Changes to Recorded Plats. ....	17 - 20
17.16.020 Notice & Hearing Requirements for Proposed changes to Recorded Plats .....	17 - 20
17.16.030 Lot Line Adjustments within a Recorded Plat.....	17 - 20
17.16.040 Effective Period of Approvals .....	17 - 20
<b>Chapter 17.18 - Subdivision Development Standards .....</b>	<b>17 - 21</b>
17.18.010 Relation to Adjoining Street Systems. ....	17 - 21
17.18.020 Street and Alley Widths, Cul-de-sacs, and Easements .....	17 - 21
17.18.030 Lots .....	17 - 22
17.18.040 Blocks .....	17 - 23
17.18.050 Slope Special Requirements. ....	17 - 23
17.18.060 Adequate Public Facilities Ordinance. ....	17 - 24
<b>Chapter 17.20 - Minor Subdivision Application and Approval .....</b>	<b>17 - 25</b>
17.20.010 Required Improvements. ....	17 - 25
17.20.020 Installation of Improvements and Guarantee .....	17 - 26
17.20.030 Administration .....	17 - 27
17.20.040 Phased Development .....	17 - 27
17.20.050 Inspection of Improvements. ....	17 - 27
17.20.060 Condition of Improvements Guaranteed. ....	17 - 27
<b>Chapter 17.22 - Definitions .....</b>	<b>17 - 30</b>

<b>Attachment 1 – Concept Plan Application and Review Procedures .....</b>	<b>17 - 34</b>
<b>Attachment 2 – Prelim Subdivision Application Review and Approval Procedures ...</b>	<b>17 - 35</b>
<b>Attachment 3 – Determination of Application Completeness Procedures.....</b>	<b>17 - 36</b>
<b>Attachment 4 – Final Subdivision Application Review and Approval Procedures .....</b>	<b>17 - 37</b>
<b>Attachment 5 – Minor Subdivision Application Review and Approval Procedures ....</b>	<b>17 - 38</b>



## **Chapter 17.02 – General Provisions**

**17.02.010 Short Title:** This Ordinance shall be known and may be cited as the Pleasant View Subdivision Ordinance and may be identified within this document as "the Ordinance", "this Ordinance" or "Subdivision Ordinance." (Ord.2008-5, dated 4/8/08)

**17.02.020 Purpose:** The Pleasant View City Subdivision Ordinance is established to promote the purposes of Section 10-9a of State Code to provide for the orderly division of lands, and to secure the provision of necessary infrastructure and services in an efficient and economical manner for existing and future residents. (Ord.2008-5, dated 4/8/08)

**17.02.040 Authority:** This Ordinance is enacted and authorized under the provisions of Title 10, Chapter 9a, Utah Code Annotated, 1953, as amended. (Ord.2008-5, dated 4/8/08)

**17.02.050 Jurisdiction, Definition and Applicability:**

A. Upon its adoption by the Pleasant View City Council, this Ordinance shall govern and apply to the subdivision and platting of all lands within the corporate limits of the City.

B. In cases where unusual topography or other exceptional conditions exist, exceptions or variations from this title may be made by the City Council after recommendation by the Planning Commission. (Ord.2008-5, dated 4/8/08)

**17.02.060 Subdivision Defined. Subdivision Approval Required for all Development**

**Approvals and Building Permits:** For the purposes of this Ordinance, and as provided by the laws of the State of Utah, a subdivision shall be, and shall mean;

1. Any land that is divided, re-subdivided or proposed to be divided into two (2) or more lots, plots, parcels, sites, units, or other division of and for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions. No person shall subdivide any land, nor shall any building permit be issued by the City for any lot or parcel of land, which is located wholly or in part within the corporate limits of the City, except in compliance with this Ordinance, and all applicable Local, State and Federal laws.

2. Any subdivision filed or recorded, without the approvals required by this Ordinance, is void.

3. Any owner, or agent of the owner, of any land located in a subdivision, as defined herein, who transfers or sells any land located within the subdivision before such subdivision has been approved and recorded, consistent with the requirements of this Ordinance, is guilty of a violation of this Ordinance, and State law, for each lot or parcel transferred or sold.

4. The description by metes and bounds, or other instrument used in the process of selling or transferring of any lot or parcel of land, does not exempt the transaction from a violation of this Ordinance and the laws of the State of Utah, or from the penalties as provided by this Ordinance and the laws of the State of Utah. (Ord.2008-5, dated 4/8/08)

**17.02.070 Subdivision Not to Include:** For the purposes of this Ordinance "subdivision" does not include:

1. A bona fide division or partition of agricultural land for the purpose of joining one of the resulting separate parcels to a contiguous parcel of un-subdivided agricultural land, if neither the resulting combined parcel, nor the parcel remaining from the division or partition violates an applicable zoning ordinance.

2. A recorded agreement between owners of adjoining properties adjusting their mutual boundary if no new lot is created, no remnant of land is created or remains, and the adjustment does not result in a violation of any applicable zoning requirements.

3. A recorded document, executed by the owner of record, revising the legal description of more than one contiguous parcel of property into one legal description encompassing all such parcels of property; or the joining of a subdivided parcel of property to another parcel of property that has not been subdivided so as to subject the un-subdivided parcel to the subdivision ordinance of the City. (Ord.2008-5, dated 4/8/08)

**17.02.080 Notice.** Except as otherwise found herein, or as required by State Law, notice of required public hearings shall be provided at least ten days prior to the meeting by;

1. Placement of signs provided by the City on the property and/or at locations as determined by the city which would offer the best chance for public observation. Such signs shall remain in place until the conclusion of the process, as determined by the city; and
2. Posted on the City web site; and
3. Sending notice to affected entities. (Ord.2008-5, dated 4/8/08)

**17.02.090 Vesting.** Subject to verification of a complete application as found herein:

1. An applicant is entitled to approval of a land use application if the application conforms to the requirements of the city's zoning map and applicable land use ordinances in effect when a complete application is submitted and all fees have been paid, unless:

- a. the governing body, on the record, finds that a compelling, countervailing public interest would be jeopardized by approving the application; or
- b. in the manner provided by local ordinance and before the application is submitted, the municipality has formally initiated proceedings to amend its ordinances in a manner that would prohibit approval of the application as submitted.

2. The city shall process an application without regard to proceedings initiated to amend the municipality's ordinances if:

- a. 180 days have passed since the proceedings were initiated; and
- b. the proceedings have not resulted in an enactment that prohibits the approval of the application as submitted.

3. An application for a land use approval is considered submitted and complete when the application is provided in a form that complies with the requirements of applicable ordinances and all applicable fees have been paid.

4. The continuing validity of an approval of a land use application is conditioned upon the applicant proceeding, with reasonable diligence, to implement the approval in accordance with the requirements of the approval and city ordinances and standards.

5. The city shall not impose on a holder of an issued land use permit a requirement that is not expressed:

- a. in the land use permit or in documents on which the land use permit is based; or
- b. in the city's ordinances.

6. The city will not withhold issuance of a certificate of occupancy because of an applicant's failure to comply with a requirement that is not expressed:

- a. in the building permit or in documents on which the building permit is based; or
- b. in the city's ordinances.

7. The city is bound by the terms and standards of applicable land use ordinances and shall comply with mandatory provisions of those ordinances.

8. False information provided by the applicant could void vesting.

9. Applications are not transferable. (Ord.2008-5, dated 4/8/08)

**17.02.100 Fees and Charges:** The City Council shall establish all necessary fees and charges payable for subdivision applications, public notices, planning and engineering review, and inspection services of this Ordinance by Resolution. Such fees and charges may be amended from time to time, as considered necessary, by Resolution of the City Council. The applicant(s) for subdivision approval shall pay all costs that may be incurred by the City to review the Subdivision Application materials for conformity to the requirements of this Ordinance, other applicable City

Ordinances, other applicable Local, State, and Federal requirements, and accepted civil engineering practices. Such costs shall include those necessary for the provision of engineering services, provided by a licensed engineer and attorney services for review of required documents. All subdivision costs, including reviews and construction inspections, shall be the responsibility of the applicant/developer. (Ord.2008-5, dated 4/8/08)

**17.02.110 Determination of Completeness of an Application:** Applications shall be submitted to the city planner.

1. Prior to the consideration of the application by any hearing body, or the scheduling of any public hearings or meetings, the City Planner shall determine and find that the Application is complete and contains all application materials as required herein. The procedure for determination of application completeness is found in Attachment 3.

2. The lack of any information required for the specific Application, as required by this Ordinance and the check list provided with the application, shall be cause for the City Planner to find the Application incomplete.

3. A City Planner determination of an incomplete Application shall prohibit any review body from considering any material, items, or other information related to the proposed subdivision. The City Planner shall notify the applicant(s), in writing, of the required information lacking from the Application. The City Planner shall allow thirty (30) calendar days, from the date of notification of an incomplete Application, for the applicant(s) to provide the required information to the City. If the Application remains incomplete after that period, the Application shall be considered null and void and fees forfeited. Re-application is required for further consideration.

4. Applications are not transferable. (Ord.2008-5, dated 4/8/08)

**17.02.120 Exactions:** The City may impose an exaction or exactions on proposed land use development if:

a. an essential nexus exists between a legitimate governmental interest and each exaction; and

b. each exaction is roughly proportionate, both in nature and extent, to the impact of the proposed development. (Ord.2008-5, dated 4/8/08)

**17.02.130 Violation:** Any violation of this title shall be a class C misdemeanor. (Ord.2008-5, dated 4/8/08)

**17.02.140 Enforcement:**

1. Any City Staff designated and authorized by the City are responsible for the enforcement of this Ordinance. Failure of the City Staff to enforce any provision or seek remedies to a violation of this Ordinance shall not legalize any such violation.

2. In addition to any criminal prosecution, the city may pursue any other legal remedy to ensure compliance with this chapter. Such actions may include, but are not limited to:

a. Injunctions, mandamus, abatement, or any other appropriate action;

b. Proceedings to prevent, enjoin, abate, or remove the unlawful use, building, or act;

c. The withholding of permits or approvals.

3. Administrative Actions.

a. Permit Issuance. The department shall not issue any permit unless the plans for the proposed erection, construction, reconstruction, alteration or use fully conform to all provisions of this title, including the payment of required fees. No officer of the city shall grant any permit or license for the use of any building, structure or land when such land is part of a subdivision which has not been approved and recorded in the county recorder's office. Any license or permit issued in conflict with this title shall be null and void.

b. Special Developments. In cases where the city has approved a special development (e.g. PRUD, Cluster Development, Business Park, or other planned

development) with specific design criteria or special development requirements, the city may take action to enforce such design criteria or special development requirements. If the city determines, in its discretion, that: (i) a special development is not proceeding according to the plans approved by the city or according to the language of the documents approved with the special development: or (ii) a proposed building is not consistent with said plans or documents, the city may take any or all of the following actions:

i. Withhold approval of the building permit until either;

A. The architectural review committee of the special development certifies that the proposed building meets the design criteria or special development requirements of the project; or

B. The city determines that the proposed building meets the design criteria or special development requirements of the project.

ii. Require the applicant or developer to submit specific plans, specifications, and details of construction sufficient to allow the city to analyze compliance with the approved design criteria and special development requirements of the project.  
(Ord.2008-5, dated 4/8/08)

**17.02.150 Licenses and Permits:** From the effective date of this Ordinance, no license or permit, including the issuance of a building permit for the construction, alteration, or modification of any building or structure, shall be issued by the City unless such permit or license complies with the requirements and provisions of this Ordinance, including a determination that the lot or parcel, proposed for the license or permit, is a legal lot created pursuant to the provisions of this Ordinance, or subsequent Subdivision Ordinances, or is a legal lot of record. Any license or permit issued in conflict with the provisions and requirements of this Ordinance shall be void. (Ord.2008-5, dated 4/8/08)

**17.02.160 Appeal of City Actions:** Determinations or requirements of the city staff, the Development Review Committee, or the Planning Commission regarding this title may be appealed to the City Council. Appeals of decisions of the City Council may go directly to district court.  
(Ord.2008-5, dated 4/8/08)

## **17.04 - CONCEPT PLAN APPLICATION AND REVIEW**

**17.04.010 Concept Plan Required:** In order to proceed with subdivision approval, a Concept Plan review is required. An application is required for a Concept Plan Conference to be scheduled, but no fee is required. The Concept Plan is a discussion document only, designed to allow for a review of project designs as they relate to the existing natural environment and the compatibility with surrounding property uses and potential uses, the identification of application procedures, requirements and standards, the compatibility of the proposed project with the elements of the general plan, and other items that may be considered in the subdivision approval process once a complete subdivision application is received by the City. To achieve these objectives, Concept Plan submission requirements and procedures are found herein. (Ord.2008-5, dated 4/8/08)

### **17.04.020 Procedure:**

1. A pre-application meeting shall be scheduled with the City Planner to create an opportunity for an understanding of the City's applicable subdivision requirements and to obtain ordinance and process information and applications. Following the meeting, a Concept Plan Application shall be filed with the City Planner. A Concept Plan Conference with the Development Review Committee, herein after referred to as DRC, and the Applicant(s) shall be required to promote efficiency in the subdivision process (see attachments at end of title).

2. The DRC shall discuss the Concept Plan with the Applicant(s) at a regular DRC meeting; the time and place of such meeting will be identified by the City Planner. The DRC and the Applicant(s) may review the design of the development and its relationship to the nature of the property and compatibility with the general area in which located, the procedure anticipated for subdivision approval, application requirements and standards, other applicable City, County, State and Federal requirements and any other matters deemed appropriate. (Ord.2008-5, dated 4/8/08)

### **17.04.030 Application Requirements:**

1. An application for a Concept Plan, on forms provided by the City, must be completed and submitted to the City Planner.

2. Applicant must provide a minimum of six copies, including one in an 11x17 size, of the Concept Plan and all documents and drawings, as found in the check list provided with the application, with the completed application.

3. Applicant must provide a conceptual layout of proposed lots including minimum development requirements in the Zoning District, provided by Title 18 City Zoning Ordinance, in which the subject subdivision is located. The conceptual layout of streets, accounting for adjacent development and Master Planned streets, must be provided.

4. Applicant must provide a limited existing resources and site analysis map for discussion. (Ord.2008-5, dated 4/8/08)

### **17.04.040 Not an Application for Subdivision Approval:**

1. A Concept Plan Application shall not constitute an application for subdivision approval and is in no way binding on the City or the applicant. Any discussion with the DRC shall not be considered as any indication of subdivision approval or disapproval, either actual or implied by the City.

2. An application for subdivision approval shall only be considered filed with the City upon the submission of ALL information and materials as required for a Preliminary Subdivision Application or Final Subdivision Application, as identified in this title. (Ord.2008-5, dated 4/8/08)

**17.04.050 Interpretation:** If, upon review of an application, it is determined that there is an actual or potential conflict with city requirements that could require an interpretation of such requirements, the city planner may refer the application to the approval authority to resolve the interpretation issue before proceeding with the review and application process. (Ord.2008-5, dated 4/8/08)

## **17.06 - PRELIMINARY SUBDIVISION APPLICATION AND APPROVAL**

### **17.06.010 Intent:**

1. It is the intent of this Ordinance that Preliminary Subdivision Application approval is a discretionary action of the City Council, accompanied with findings of fact, following the receipt of a Planning Commission and Development Review Committee (hereinafter referred to as DRC), recommendation.
2. It is the intent of this Ordinance that all items applicable to a Preliminary Subdivision Application be fully addressed by the applicant(s), the City, and all other applicable reviewing agencies prior to any action by the Planning Commission or City Council.
3. For the purposes of this Ordinance, the procedures and requirements for the consideration of Preliminary Subdivision Applications are provided to allow for the consideration of all items in relation to the subdivision of land. The DRC and Planning Commission shall identify and address all items applicable to a Preliminary Subdivision Application prior to providing a recommendation to the City Council.
4. It is intended that the Planning Commission give consideration to the design of the subdivision in relationship to the existing natural environment in the project area and the surrounding properties and to the compatibility of the design with the existing physical characteristics of the community. It is further intended that the Planning Commission review all applications in relationship to their compatibility with the elements of the General Plan.
5. It is intended that the DRC shall provide both a general compatibility and design analysis and a technical evaluation of the construction elements of a subdivision in preparing recommendations to city officials.
6. It is intended that the City Council shall identify and address all items applicable to a Preliminary Subdivision Application, including special consideration of Planning Commission and DRC recommendations, prior to approving, approving with conditions, or denying a Preliminary Subdivision Application. (Ord.2008-5, dated 4/8/08)

**17.06.020 Requirements for Preliminary Subdivision Applications:** No preliminary subdivision application shall be considered until a concept application and review has been completed. All Preliminary Subdivision Applications, filed with the City, are required to provide the following information:

1. Application. A Preliminary Subdivision Application form, provided by the City, shall be completed and signed by the owner(s) as identified on the property assessment rolls of Weber County, or authorized agent of the owner(s), of the lands proposed to be subdivided. The Preliminary Subdivision Application shall be accompanied by the application fees, those items found on the check list provided with the application, and as found herein:
  - a. A list of all current property owners, as found in the records of the County Recorder, within 500 feet of any part of the proposed subdivision.
  - b. Mailing labels for all property owners as found in item a.
  - c. A copy of all plat maps, as provided by the County Recorder, that cover the area of the proposed subdivision and the adjacent owners found in item a.
2. Preliminary Subdivision Plat. A preliminary plat, prepared by a licensed land surveyor, or engineer, shall be provided. The preliminary subdivision plat shall be prepared in permanent ink and all sheets shall be numbered. A minimum of one (1) 11x17 size and five (5) 24x36 size paper copies, and a digital copy in a format acceptable to the City Engineer shall be required. The preliminary subdivision plat shall show the following:
  - a. A layout plan of the proposed subdivision, at a scale of no more than 1" = 100', or as recommended by the City Planner and/or City Engineer.
  - b. The proposed name of the subdivision and the section, City, range, principal median, and County of its location shall be located at the top and center of the preliminary plat.
  - c. A title block, placed on the lower right hand corner of the plat showing:

- i. Name and address of owner of record and the name and address of the licensed surveyor responsible for preparing the preliminary plat.
    - ii. Date of preparation of the preliminary subdivision plat, and all revision dates.
  - d. North arrow, graphic and written scale, and basis of bearings used.
  - e. All proposed lots, rights-of-way, and easements created by the proposed subdivision and their bearings, lengths, widths, name, number, or purpose. Each proposed lot shall identify required setback lines (the buildable area) including front, side, and rear as required by the Zoning District in which the proposed subdivision is located.
  - f. A vicinity map of the site at a minimum scale of 1" = 1000'.
  - g. Surveyed boundary of the proposed subdivision; accurate in scale, dimension and bearing, and giving the location of and ties to the nearest survey monument.
  - h. The location of the property with respect to surrounding property and roads, and the names of all adjoining property owners of record.
  - i. The legal description of the entire subdivision site boundary.
  - j. The location of any common space or open space areas including the location of all property proposed to be set aside for public or private reservation, with the designation of the purpose of those set aside, and conditions, if any, of the dedication or reservation.
3. Required Subdivision Site Information. The following subdivision site information is required and any mapping information shall be provided at the same scale as the preliminary subdivision plat, and may be on separate sheets, if necessary:
- a. A geologic report (text, maps, hazard assessments) performed by an engineer/geologist with appropriate expertise, that includes:
    - i. Study area context map (vicinity map with the area identified)
    - ii. Provide the actual study area map and generally describe, including site photography
    - iii. Geomorphology map (landslide, avalanche, and rock fall hazards) and hazard assessment
    - iv. Geology map (bedrock, sediment layers, alluvial fans, active/intermittent stream channels, debris flows) and assessment
    - v. Fault map, fault type, suggested buffer/setback area, and hazard assessment
    - vi. Hydrology map (streams, springs, wetlands, recharge and discharge areas, floodplains, watersheds) including buffer area recommendations and hazard assessment
    - vii. Slope map (0-15%, 15-20%, 20-25%, 25-30%, 30+%) and hazard assessment
    - viii. Soils map and chart (type, NRCS rating, depth to water table, depth to unstable layers, shrink/swell potential, development limitations) and hazard assessment
    - ix. Water source protection zones and hazard assessment
    - x. Composite mapping of hazard areas including areas of overlap
    - xi. Recommended guidelines pertaining to each potential hazard reviewed above
    - xii. Recommended design modifications (demonstrate how the above issues should impact the design, provide a new design, if applicable)

- xiii. Provide the qualifications of the preparers and their evaluation process
- xiv. Provide your information/reference resources
- xv. Date (s) of field visits (no study will be accepted without on-site photography demonstrating that on-site investigations have been accomplished)
- xvi. Date of on-site visit/investigation with City Engineer or City Contract Geologist. Include a record of comments and concerns.
- xvii. If applicable, include additional investigations, analysis, and assessment as suggested by the on-site visit
- xviii. Executive summary of hazard potential
- xix. Attached report of review comments by the City Engineer or City Contract Geologist (associated fees to be paid by the applicant)
- xx. Certification by submitting engineer, geologist or other acceptable expert concerning the validity/accuracy of the information provided in the report.

4. Existing site contours at intervals of no greater than ten feet (major) and two feet (minor), unless otherwise approved by the City Engineer, overlaid with the proposed subdivision layout. Slope calculations, according to the requirements of this title, shall also be provided.

5. Subdivision Roads and Streets. The preliminary subdivision plat, and other application materials, shall identify the proposed road and street layout. Proposed subdivision streets shall make provision for the continuation of existing streets, as required by the City. All subdivision streets shall be designed as required by the City. The City shall review the proposed street and road design for compliance with the requirements of the City. The proposed street and road layout shall provide adequate and safe access to all proposed lots and proposed and existing roads, streets, and adjacent properties. If the subdivision will be accessed from a State Highway, proof of preliminary application for an appropriate access permit from the State of Utah Department of Transportation, shall be provided with the application materials.

6. Evidence of Availability of Necessary Services. The following information is necessary to establish the availability of basic services to the proposed subdivision. The city may refer plans to other agencies for their review as applicable. The applicant shall be responsible for any fees charged by such agencies.

a. Culinary and Secondary Water Requirements. It shall be the responsibility of the applicant(s) to provide the necessary information and materials as required by the City to evaluate the proposed culinary and secondary water system.

b. Wastewater Requirements. It shall be the responsibility of the applicant(s) to provide the necessary information and materials as required by the City to evaluate the proposed sanitary sewer system.

c. Storm Drainage. It shall be the responsibility of the applicant(s) to provide the necessary information and materials as required by the City to evaluate the proposed storm drainage system.

d. Fire Protection. It shall be the responsibility of the applicant(s) to provide the necessary information and materials as required by the Fire Department and the city to evaluate the proposed fire protection capacity and system design in the development area. A letter shall be provided by the developer from the Fire Department to the city of any requirements relating to fire protection.

e. Special Service District or Special Service Area. If the proposed subdivision is located within the boundaries of a Special Service District or a Special Service Area, a letter shall be provided from the governing board acknowledging the proposed subdivision, which letter may identify any potential impacts resulting from



the proposed subdivision. The applicant shall be responsible for any fees charged by such agencies.

f. Additional Information and Materials when Necessary. When the City Staff, Planning Commission, or City Council deem necessary, the applicant(s) may be required to provide other information or letters of feasibility, conduct studies, and provide evidence indicating the suitability of the area for the proposed subdivision, including, but not limited to, adequacy of public safety and fire protection, traffic impact studies, ground water protection, plant cover maintenance, geologic or flood hazard, erosion control, and access to existing and planned trails. (Ord.2017-4, dated 2/28/17 and Ord.2008-5, dated 4/8/08)

#### **17.06.030 Preliminary Subdivision Application Approval Procedures:**

The review and approval procedures of the City for the consideration of a Preliminary Subdivision Application are identified in Attachment 2. The procedures to determine a complete application are identified by Attachment 3. (Ord.2008-5, dated 4/8/08)

#### **17.06.040 Planning Commission Recommendation:**

1. Following a determination of a complete Preliminary Subdivision Application by the City Planner, and review by the DRC, the Preliminary Subdivision Application shall be scheduled for a public hearing and consideration by the Planning Commission, following adequate notice. The Planning Commission shall conduct the public hearing and consider the Preliminary Subdivision Application at a regular Planning Commission meeting.

2. The DRC, any affected State and County Agency, Special Service District, Special Service Area, or any other affected public agency may present information and materials to the Planning Commission for review in considering the Preliminary Subdivision Application.

3. Following the close of the public hearing and consideration of the Preliminary Subdivision Application, and all information and materials presented, the Planning Commission may recommend approval of the Preliminary Subdivision Application as presented, approval with conditions, or recommend denial. The Planning Commission may recommend specific project designs and onsite and offsite improvements, facilities and amenities, for preliminary subdivision approval, as determined necessary by the Planning Commission to protect the health, safety and welfare of anticipated residents of the subdivision, or the existing residents or businesses of the City, including but not limited to:

- a. Road and street improvements, including layout and design and construction elements.
- b. Flood control facilities.
- c. Culinary and Secondary Water facilities.
- d. Sanitary Sewer facilities.
- e. Storm Drainage facilities.
- f. Lot and/or Site Drainage facilities.
- g. Park and open space areas and facilities, trail accesses and connections to existing and planned trails.
- h. Fire protection facilities, including fire hydrants and water storage facilities.
- i. Power, gas, telephone, cable, and any other public utility facilities.
- j. Fencing and buffering treatments.
- k. Street lighting and streetscape enhancements including street trees and park strip improvements.

l. The protection and preservation of the natural environment.

4. The Planning Commission staff shall transmit the commission's recommendation to the City Council for consideration. (Ord.2008-5, dated 4/8/08)

#### **17.06.050 Effect of Planning Commission Preliminary Subdivision Application**

**Recommendation:** For all proposed subdivisions, the recommendation of a Preliminary

Subdivision Application by the Planning Commission shall not constitute final approval of the subdivision by the City, but permits the applicant(s) to proceed to the next step in the application review and approval process, completion of any necessary revisions, reviews from the DRC, and presentation to the City Council of the Preliminary Subdivision Application. (Ord.2008-5, dated 4/8/08)

**17.06.060 City Council Approval:**

1. Following receipt of the Planning Commission's recommendation, and a review by the DRC of any corrections required by the Planning Commission, the City Council shall consider the Preliminary Subdivision Application materials, and all other information, at a regular City Council meeting, with notice of the Preliminary Subdivision Application agenda item being provided by:
  - a. Posting on the City web site, at least five days prior to the meeting.
  - b. Notice to affected entities.
2. The DRC, any affected State and County Agency, Special Service District, Special Service Area, or any other affected public agency may present information and materials to the City Council for review in considering the Preliminary Subdivision Application.
3. Following the consideration of the Preliminary Subdivision Application, all information and materials presented, and giving special consideration to the recommendations of the Planning Commission and DRC, the City Council shall approve the Preliminary Subdivision Application as presented, approve with conditions, or deny the Preliminary Subdivision Application.
4. The City Council may require specific project designs and onsite and offsite improvements, facilities and amenities, for preliminary subdivision approval, as determined necessary by the City Council as outline in 17.06.040. (Ord.2008-5, dated 4/8/08)

**17.06.070 Effect of City Council Preliminary Subdivision Application Approval and Effective Period:**

1. For all proposed subdivisions, the approval of a Preliminary Subdivision Application by the City Council shall not constitute final approval of the subdivision by the City, but permits the applicant(s) to proceed with the preparation of the final subdivision application and all required documents. For such subdivisions, a Preliminary Subdivision Application approval shall not authorize the division or development of land, but shall allow the presentation to the City of a Final Subdivision Application.
2. The approval of a Preliminary Subdivision Application shall be effective for a period of one (1) year from the date of approval by the City Council, at the end of which time the applicant(s) shall have submitted a final subdivision application for approval. If a final subdivision application is not received by the City Planner within the one (1) year period, the preliminary subdivision approval shall be void, and the applicant(s) shall be required to submit a new Preliminary Subdivision Application, subject to the then existing application and approval requirements in effect, and all other applicable City, State and Federal requirements. For developments designed to be done in phases, each phase must meet the above requirements (receipt of application within one year of prior phase approvals). (Ord.2008-5, dated 4/8/08)

**17.06.080 Site Preparation Work Prohibited:**

1. No excavation, grading or re-grading shall take place on any land until Final Subdivision approval has been granted by the City Council.
2. No installation of improvements shall take place on any subdivision site until a final subdivision plat has been recorded in the Office of the Weber County Recorder.
3. No building permits shall be issued by the City, until a final subdivision plat has been recorded in the Office of the Weber County Recorder and improvements as required by the city have been installed. (Ord.2008-5, dated 4/8/08)

## **17.08 - FINAL SUBDIVISION APPLICATION AND APPROVAL**

**17.08.010 Intent:** It is the intent of this Ordinance that the City Council shall review all Final Subdivision Applications. The Council shall assure compliance with all applicable requirements of this title, applicable city ordinances, and any conditions imposed by the Council for preliminary subdivision approval prior to any approvals. (Ord.2008-5, dated 4/8/08)

**17.08.020 Requirements for Final Subdivision Applications:** All Final Subdivision Applications shall provide the following information;

1. Application. A Final Subdivision Application, provided by the City, completed and signed by the owner(s) as identified on the property assessment rolls of Weber County, or authorized agent of the owner(s), of the lands proposed to be subdivided. The Final Subdivision Application shall be accompanied by the application fees, those items found on the check list provided with the application, and documents and items as found herein.
2. Final Subdivision Plat. The applicant shall submit a final subdivision plat, prepared by a licensed land surveyor, conforming to current surveying practice and in a form acceptable to the Weber County Recorder for recordation together with plans as required herein. The final subdivision plat shall be prepared in permanent ink and all sheets shall be numbered. All required certificates shall appear on a single sheet (along with the index and vicinity maps). A minimum of one (1) 11x17 size, five (5) 24x36 size paper copies, and a digital copy in a format acceptable to the City Engineer shall be required. The final subdivision plans shall include any revisions or additions, as required by the City Council, as part of preliminary subdivision approval. The final subdivision plat shall show the following:
  - a. Notation of any self-imposed restrictions, including proposed final restrictive covenants, and all other restrictions as required by the City Council in accordance with this Ordinance, signature lines for all owners of interest and the acknowledgment of a public notary.
  - b. Endorsement lines on the final plat by every person having a security interest in the subdivision property subordinating their liens to all covenants, servitudes and easements imposed on the property.
  - c. The location of all monuments erected, corners, and other points established in the field. The material of which the monuments, corners, or other points are made shall be noted. Bearings shall be shown to the nearest second; lengths to the nearest hundredth of a foot; areas to the nearest hundredth acre.
  - d. The owner's certificate of dedication(s) including the dedication of any public ways or spaces. The owner's certificate shall include a reference to any covenants that may be declared and blanks where the County Recorder may enter the book and page number of their recording.
  - e. A legal description of the subdivision boundaries.
  - f. Signature blocks prepared for the dated signatures of the Land Use Authority, Planning Department, and City Engineer, in a form acceptable to the city.
3. Title Report. A Title Report, no older than 30 days, shall be provided.
4. Tax Clearance. A tax clearance from the Weber County Treasurer indicating that all taxes, interest and penalties owing for the property have been paid.
5. Final design and construction drawings for all proposed or required public improvements, prepared as required by the City Engineer and designed as required by the City, including the profiles and cross sections of all existing and proposed streets, all storm drainage and flood control facilities, the elevations and location of fire hydrants, required culinary and secondary water facilities, sanitary sewer facilities, land drain facilities, storm water pollution prevention plans, and all other provided and required public facilities and improvements. A minimum of one (1) 11x17 size and five (5) 24x36 size paper copies, and a digital copy in a format acceptable to the City Engineer shall be required. One approved,

two sets of mylar copies and a digital copy shall be supplied to the city engineer.

6. Other agencies. It shall be the responsibility of the applicant(s) to provide the necessary information and materials as required by other agencies including but not limited to the following:

a. Fire Protection. A letter shall be provided by the developer from the Fire Department to the city of any requirements relating to fire protection. The applicant is responsible to provide information for fire protection capacity analysis and to include on plats and special requirements from such analysis.

b. Special Service District or Special Service Area. If the proposed subdivision is located within the boundaries of a Special Service District or a Special Service Area, a letter shall be provided from the governing board acknowledging the proposed subdivision, which letter may identify any potential impacts resulting from the proposed subdivision.

c. UDOT. If the subdivision will be accessed from a State Highway, proof of preliminary application for an appropriate access permit from the State of Utah Department of Transportation, shall be provided with the application materials.

d. The applicant shall be responsible for any fees charged by such agencies.

7. Other Final Subdivision Application Information and Materials. The following information is required to be presented as part of the Final Subdivision Application:

a. Any proposed or required bonds and agreements.

b. Copies of CCR's and any other project specific document, signed by the applicant. (The final mylar plat and all relevant documents must be reviewed and approved by appropriate city staff before final signatures and attests are added for recording purposes).

c. Proof of inclusion in a secondary water district and the payment of all required fees or proof of ability to provide permanent secondary water in a system acceptable to the city. (Ord.2008-5, dated 4/8/08)

#### **17.08.030 Final Subdivision Approval Procedures:**

1. The review and approval procedures of the City for the consideration of a Final Subdivision Application are identified in Attachment 4. The procedures to determine a complete application are identified by Attachment 3.

2. After a Final Subdivision Application and accompanying documents has received a final review and approval by the Development Review Committee, the application shall be placed on a regular agenda of the City Council for review and action. Once the Council has approved the plat and documents, and any required changes have been made to the plat and documents, the applicant shall submit a final subdivision plat drawn on reproducible mylar complete with owner signatures, dedications and acknowledgements as required herein for receipt of signatures from required City Officials. All required documents, with appropriate signatures and notarizations, shall also be submitted. The final subdivision plat and appropriate documents shall then be signed by appropriate city staff and officials, and be presented for recordation in the Office of the Weber County Recorder.

3. Except as found otherwise in this title, the City Council of Pleasant View City is identified and authorized as the approval authority for Final Subdivision Applications, assuring compliance with all applicable requirements of this Ordinance. The Council may approve the Final Subdivision Application or deny the Final Subdivision Application, accompanied by findings of fact. (Ord.2008-5, dated 4/8/08)

#### **17.08.040 Nature and Effective Period of Final Subdivision Approval:**

1. The approval of a Final Subdivision Application shall be effective for a period of one (1) year from the date the final subdivision is approved by the City, at the end of which time the final subdivision plat shall have been recorded in the Office of the Weber County Recorder. If the approved final subdivision plat is not recorded within the one (1) year

period of date of approval the final subdivision approval shall be void, and the applicant(s) shall be required to submit a new preliminary subdivision application and fees, subject to the then existing preliminary subdivision application provisions of this Ordinance and all other applicable City, State and Federal requirements. For developments designed to be done in phases, each phase must meet the above requirements (receipt of application within one year of prior phase approvals). (Ord.2008-5, dated 4/8/08)

2. The City Council, for cause and under circumstances as determined appropriate by the Council, may extend the effective approval period in one year or less increments upon request by the applicant. Pursuant to *Chapter 18.70 Adequacy Public Facilities*, a new positive (or conditional) adequacy determination must be obtained and adopted by Council prior to approval of an extension. Otherwise, an extension cannot be granted. (Ord.2014-6, dated 7/22/14 prior code: Ord.2009-5, dated 5/12/09)

**17.08.050 Recordation of Final Subdivision Plats:** The City Planner, or City designee, shall take all appropriate Final Subdivision Application documents including the signed final plat to the Office of the Weber County Recorder for recordation. The Applicant(s) is required to pay all fees, including copies, for the recording of all final subdivision documents and final plats. (Ord.2008-5, dated 4/8/08)

**17.08.060 Site Preparation Work Prohibited:**

1. No excavation, grading or re-grading shall take place on any land until final subdivision approval has been granted by the City Council. A grading permit, approved by the City Engineer, is required.

2. No installation of improvements shall take place on any subdivision site until the final subdivision plat has been recorded in the Office of the Weber County Recorder, as provided herein.

3. No building permits shall be issued by the City, until a final subdivision plat has been recorded in the Office of the Weber County Recorder and improvements as required by the city have been installed. (Ord.2008-5, dated 4/8/08)

## 17.10 - MINOR SUBDIVISION APPLICATION AND APPROVAL

### 17.10.010 Intent:

1. It is the intent of this Chapter that Minor Subdivision Application approval is a discretionary action of the Planning Commission, accompanied with findings of fact, following the receipt of a Development Review Committee, hereinafter referred to as DRC, recommendation. For Minor Subdivisions, the Planning Commission shall be the Land Use Authority. (Ord.2008-5, dated 4/8/08)

**17.10.020 Minor Subdivision Qualification:** In order to be considered for approval as a minor subdivision under this chapter, a subdivision must meet the following standards:

- a. Must meet all applicable requirements of the zone in which located and may not be a special approval development (no PRUD, cluster development, or other special approval development).
- b. Must consist of four or less lots.
- c. Must be located on an existing dedicated public right of way.
- d. Must provide all normally required improvements or receive a specific deferral from the Planning commission for such improvements.
- e. Must meet all other appropriate requirements of this title. (Ord.2008-5, dated 4/8/08)

**17.10.030 Requirements for Minor Subdivision Applications:** All Minor Subdivision Applications, filed with the City, are required to provide the following information:

1. Application. A Minor Subdivision Application, provided by the City, shall be completed and signed by the owner(s) as identified on the property assessment rolls of Weber County, or authorized agent of the owner(s), of the lands proposed to be subdivided and shall be accompanied by the required fees, as established by a Resolution of the City Council. The application shall be accompanied by all items as found on the check list provide with the application and by the following:
  - a. A list of all current property owners, as found in the records of the County Recorder, within 500 feet of any part of the proposed subdivision.
  - b. Mailing labels for all property owners as found in item a.
  - c. A copy of all plat maps, as provided by the County Recorder, that cover the area of the proposed subdivision and the adjacent owners found in item a.
2. Preliminary Subdivision Plat. A preliminary plat, prepared by a licensed land surveyor, or engineer, shall be provided. The preliminary subdivision plat shall be prepared in permanent ink and all sheets shall be numbered. A minimum of one (1) 11x17 size and five (5) 24x36 size paper copies, and a digital copy in format acceptable to the City Engineer shall be required. The Minor subdivision plat shall show the following:
  - a. A layout plan of the proposed subdivision, at a scale of no more than 1" = 100', or as recommended by the City Planner and/or City Engineer.
  - b. The proposed name of the subdivision and the section, City, range, principal median, and County of its location shall be located at the top and center of the preliminary plat.
  - c. A title block, placed on the lower right hand corner of the plat showing:
    - i. Name and address of owner of record and the name and address of the licensed surveyor responsible for preparing the preliminary plat.
    - ii. Date of preparation of the preliminary subdivision plat, and all revision dates.
  - d. North arrow, graphic and written scale, and basis of bearings used.
  - e. All proposed lots, rights-of-way, and easements created by the proposed subdivision and their bearings, lengths, widths, name, number, or purpose. Each proposed lot shall identify, including dimensions, required setback lines (the

buildable area) including front, side, and rear as required by the Zoning District in which the proposed subdivision is located.

f. A vicinity map of the site at a minimum scale of 1" = 1000'.

g. Surveyed boundary of the proposed subdivision; accurate in scale, dimension and bearing, and giving the location of and ties to the nearest survey monument.

h. The location of the property with respect to surrounding property and roads, and the names of all adjoining property owners of record.

i. The legal description of the entire subdivision site boundary.

3. Required Subdivision Site Information. The following subdivision site information is required and shall be provided at the same scale as the preliminary subdivision plat, but may be on separate sheets, if necessary:

a. The identification of known natural features on a map including, but not limited to, jurisdictional wetlands as identified by the U.S. Army Corps of Engineers, flood channels as identified by a Federal or State Agency, all water bodies and drainage ways, any sensitive lands, and any potential natural hazards including geological conditions, and any other prominent or unique natural features, or as may be specifically required by the Planning Commission, or City Council, for the entire subdivision site, including the total acres in each such feature.

b. Existing site contours, at intervals of no greater than ten feet, unless otherwise approved or required by the City Engineer, overlaid with the proposed subdivision layout. Slope calculations, according to the requirements of this title, shall also be provided.

c. The location of any known man-made features on, or contiguous to the subdivision site, including existing platted lots, utility easements, railroads, power lines and power poles, bridges, culverts, drainage channels, road rights-of-way and easements, field drains, and well or spring protection areas.

d. The location and dimensions of all existing buildings, fence lines and property lines, overlaid with the proposed subdivision layout.

f. All existing roadway locations and dimensions.

4. Title Report. A recent title report (no older than 30 days) for the property proposed to be subdivided, provided by a Title Company.

5. Tax Clearance. A tax clearance from the Weber County Treasurer indicating that all taxes, interest and penalties owing for the property have been paid.

6. Subdivision Roads and Streets. The Minor subdivision plat, and other application materials, shall identify the existing street layout. The proposed subdivision shall make provision for the continuation of existing streets, as required by the Planning Commission and shall provide adequate and safe access to all proposed lots and adjacent properties. If the subdivision will be accessed from a State Highway, proof of preliminary application for an appropriate access permit from the State of Utah Department of Transportation, shall be provided with the application materials.

7. Evidence of Availability of Necessary Services. The following information is necessary to establish the availability of basic services to the proposed subdivision. The city may refer plans to other agencies for their review as applicable. The applicant shall be responsible for any fees charged by such agencies.

a. Culinary and Secondary Water Requirements. It shall be the responsibility of the applicant(s) to provide the necessary information and materials as required by the City to evaluate the proposed culinary and secondary water system.

b. Wastewater Requirements. It shall be the responsibility of the applicant(s) to provide the necessary information and materials as required by the City to evaluate the proposed sanitary sewer system.

c. Storm Drainage. It shall be the responsibility of the applicant(s) to provide the necessary information and materials as required by the City to evaluate the

proposed storm drainage system.

d. Fire Protection. It shall be the responsibility of the applicant(s) to provide the necessary information and materials as required by the Fire Department and the city to evaluate the proposed fire protection capacity and system design in the development area. A letter shall be provided by the developer from the Fire Department to the city of any requirements relating to fire protection.

e. Special Service District or Special Service Area. If the proposed subdivision is located within the boundaries of a Special Service District or a Special Service Area, a letter shall be provided from the governing board acknowledging the proposed subdivision, which letter may identify any potential impacts resulting from the proposed subdivision.

8. Additional Information and Materials when Necessary.

a. When the City Staff or Planning Commission deem necessary, the applicant(s) may be required to provide other information or letters of feasibility, conduct studies, and provide evidence indicating the suitability of the area for the proposed subdivision, including, but not limited to, adequacy of public safety and fire protection, traffic impact studies, ground water protection, plant cover maintenance, geologic or flood hazard, and erosion control.

b. Copies of any proposed project specific documents such as deferral agreements. (Ord.2008-5, dated 4/8/08)

**17.10.040 Minor Subdivision Application Approval Procedures:**

The review and approval procedures of the City for the consideration of a Minor Subdivision Application are identified in Attachment 5. The procedures to determine a complete application are identified by Attachment 3. (Ord.2008-5, dated 4/8/08)

**17.10.050 Planning Commission Action:**

1. Following a determination of a complete Application by the City Planner, and review by the DRC, the Minor Subdivision Application shall be scheduled for a public hearing and consideration by the Planning Commission, following adequate notice. The Planning Commission shall conduct the public hearing and consider the Minor Subdivision Application at a regular Planning Commission meeting.

2. The DRC, any affected State and County Agency, Special Service District, Special Service Area, or any other affected public agency may present information and materials to the Planning Commission.

3. Following the close of the public hearing and consideration of the Minor Subdivision Application, and all information and materials presented, the Planning Commission may approve as presented, approve with conditions, or deny the application. The Planning Commission may require specific project designs and onsite and offsite improvements, facilities and amenities, for preliminary subdivision approval, as determined necessary by the Planning Commission to protect the health, safety and welfare of anticipated residents of the subdivision, or the existing residents or businesses of the City, including but not limited to those items found in 17.06.040. (Ord.2008-5, dated 4/8/08)

**17.10.060 Final Plat Approval Procedures:** After a Minor Subdivision Application has received approval from the Planning Commission, the applicant shall prepare a final plat as found in this title, and all required documents, for review by the DRC. The final plat and documents shall be approved by the DRC, according to the Planning Commission approval. Once the DRC has approved the plat and documents, the applicant shall submit a final subdivision plat drawn on reproducible mylar complete with owner signatures, dedications and acknowledgements as required herein for receipt of signatures from required City Officials. All required documents, with appropriate signatures and notarizations shall also be submitted. The final subdivision plat shall then be signed by appropriate city staff and officials, and, together with appropriate documents, be



presented for recordation in the Office of the Weber County Recorder. (Ord.2008-5, dated 4/8/08)

**17.10.070 Nature and Effective Period of Approval:**

1. The approval of a Minor Subdivision Application shall be effective for a period of one (1) year from the date the final plat is approved by the City, at the end of which time the subdivision plat shall have been recorded in the Office of the Weber County Recorder. If the approved final plat is not recorded within the one (1) year period of date of approval the subdivision approval shall be void, and the applicant(s) shall be required to submit a new minor subdivision application, subject to the then existing application provisions of this Ordinance and all other applicable City, State and Federal requirements. (Ord.2008-5, dated 4/8/08)

2. The City Council, for cause and under circumstances as determined appropriated by the Council, may extend the effective approval period in one year or less increments upon request by the applicant. Pursuant to *Chapter 18.70 Adequacy Public Facilities*, a new positive (or conditional) adequacy determination must be obtained and adopted by Council prior to approval of an extension. Otherwise, an extension cannot be granted. (Ord.2014-6, dated 7/22/14; prior code: Ord.2009-5, dated 5/12/09)

**17.10.080 Site Preparation Work Prohibited:**

1. No excavation, grading or re-grading shall take place on any land until final subdivision approval has been granted by the Planning Commission. A grading permit shall be submitted by the Applicant(s) and approved by the City Engineer.

2. No installation of improvements shall take place on any subdivision site until the final subdivision plat has been recorded in the Office of the Weber County Recorder, as provided herein.

3. No building permits shall be issued by the City, until a final subdivision plat has been recorded in the Office of the Weber County Recorder and improvements as required by the city have been installed. (Ord.2008-5, dated 4/8/08)

## **17.12 - BUILDING PERMITS**

### **17.12.010 Building Permit Issuance:**

1. Legal Lot Required. The Building Official shall not issue any permit for a proposed building or structure, excluding agricultural buildings (which shall be subject to zoning, sensitive area and other special requirements), on a lot located within the boundaries of the City unless;

a. The lot is within a subdivision legally created pursuant to this Ordinance, or prior Subdivision Ordinances, and in accordance with the Development Standards and Specifications.

b. The lot is a legal lot of record, such lot being legally created and recorded in the Office of the Weber County Recorder prior to the adoption of this ordinance.

c. All required improvements have been properly installed, inspected, and approved by the City Engineer or special approval is granted by the city for granting of permits under partial improvement completions.

2. For the granting of special approval for permits prior to completion of all required improvements, the following minimum standards shall apply, as determined by the city:

a. All City utilities shall be installed. All other utilities located under the pavement shall be installed, or conduit(s) in place for future installation.

b. The culinary water system has been installed, inspected and approved and the fire hydrants are operational.

c. Curb and gutter have been installed.

d. Roads are sufficiently completed (with road base installed) to assure continued access for construction and emergency vehicles.

e. Sewer systems have been installed, inspected and approved, including all off site connections, so as to be functional upon connection to buildings.

f. Storm water facilities are deemed sufficiently operational to prohibit damage to adjacent properties. (Ord.2015-4, dated 4/14/15; prior code: Ord.2008-5, dated 4/8/08)

**17.12.020 Building Permit Application:** All proposed buildings, structures, facilities and uses located within the boundaries of the City, excluding agricultural buildings to the extent exempted by the laws of the State of Utah and providing all zoning and special requirements of the city including fees have been addressed, and requiring the approval and issuance of a building permit, as required by the building codes of the City, shall present a building permit application, together with all relevant drawings and site plans complete with adequate dimensions and required setbacks, for review by the Building Official. (Ord.2008-5, dated 4/8/08)

## **17.14 - SUBDIVISION CONSTRUCTION**

**17.14.010 Construction of Required Subdivision Improvements:** Construction of any required subdivision improvements, including infrastructure and facilities, necessary to meet the requirements of this Ordinance, and any conditions required by the City Council for final subdivision approval, shall comply with the City Development Standards and Specifications and be under the direction of the City Engineer or designee as required herein. (Ord.2008-5, dated 4/8/08)

**17.14.020 Proceeding with Subdivision Construction:** Following the recording of the final subdivision plat in the office of the Weber County Recorder, a preconstruction meeting shall be held, as directed by the City Engineer, prior to the installation of any public improvements. No improvements shall be installed until their locations have been approved by the City Engineer. Water mains, sewer lines, laterals, drainage facilities, fire hydrants shall be installed and tested prior to any road surfacing and the installation of road base. (Ord.2008-5, dated 4/8/08)

**17.14.030 Subdivision Construction and Improvement Inspections:** The City Engineer shall inspect or cause to be inspected all public improvements and facilities, including, but not limited to, all water supply and sewage disposal systems in the course of construction, all streets and roads, all drainage and flood control facilities, all fire hydrants, and all other subdivision improvements and facilities. Excavations for fire hydrants and water and sewer mains and laterals, drainage and flood control facilities shall not be covered or backfilled until such installations has been approved by the City Engineer. If any such installation is covered before being inspected, it shall be uncovered after notice to uncover has been issued to the responsible person by the City Engineer. The applicant/developer of any subdivision shall be responsible for all cost associated with inspections required herein. (Ord.2008-5, dated 4/8/08)

**17.14.040 Compliance with Storm Water Pollution Prevention Requirements:** The developer and builders shall be responsible for compliance with all requirements for storm water pollution prevention and shall obtain permits from all relevant agencies. (Ord.2008-5, dated 4/8/08)

## **17.16 - VACATING OR CHANGING A SUBDIVISION PLAT**

**17.16.010 Changes to Recorded Plats:** Any proposed change shall be approved by the city, and except as otherwise found herein, such changes shall require the recording of a new plat.

1. For changes involving the vacating or alteration of a street or alley, the City Council shall be the Land Use Authority and shall consider such proposals following the requirements of §10-9a, Utah Code Annotated, 1953, as amended.

2. For all other changes, the Planning Commission shall be the Land Use Authority and shall consider such proposals following the requirements of §10-9a, Utah Code Annotated, 1953, as amended and as found herein. (Ord.2008-5, dated 4/8/08)

### **17.16.020 Notice and Hearing Requirements for Proposed Changes to Recorded Plats:**

1. Except for lot line adjustments, as found herein, and for any proposed change that is accompanied by a petition containing the signatures of all owners within the subdivision, all proposed changes shall require a public hearing before the Land Use Authority.

2. Except as otherwise found herein, notices for all public meetings and public hearings, shall be provided to each owner within the subdivision at least 5 days in advance of the meeting and posted on the city web site. For changes involving the vacating or alteration of a street or alley, notices shall be given as found in §10-9a, Utah Code Annotated, 1953, as amended.

3. For lot line adjustments, a public meeting is required and notice by posting on the city web site. (Ord.2008-5, dated 4/8/08)

**17.16.030 Lot Line Adjustments within a Recorded Plat:** The adjustment or changes of lot lines between adjoining properties, including the combining of lots, within a recorded plat may be adjusted provided the provisions found herein are met and such changes shall require the recording of appropriate documents. Lot line adjustments must meet the following requirements:

1. No new lot is created.

2. The adjustment does not violate applicable land use ordinances. (Ord.2008-5, dated 4/8/08)

**17.16.040 Effective Period of Approvals:** Approvals under this chapter shall expire within one year of approval. The City Council, for cause and under circumstances as determined appropriate by the Council, may extend the effective approval period in one year or less increments upon request by the applicant. Pursuant to *Chapter 18.70 Adequacy Public Facilities*, a new positive (or conditional) adequacy determination must be obtained and adopted by Council prior to approval of an extension. Otherwise, an extension cannot be granted. (Ord.2014-6, dated 7/22/14 prior code: Ord.2009-5, dated 5/12/09)

## **17.18 - SUBDIVISION DEVELOPMENT STANDARDS**

### **17.18.010 Relation to Adjoining Street Systems:**

1. Arrangement of Streets: The arrangement of streets in new subdivisions shall make provisions for the continuation of the existing streets in adjoining areas (or their proper protection where adjoining land is not subdivided) as required for public utilities and improvements. The street arrangement shall not cause unnecessary hardships to owners of adjoining property when such property is subdivided and access is required.

2. Master planned streets: All street designated on the City's Master Street Plan shall be incorporated in the development design.

3. Angle of Minor Streets: Minor streets shall approach the major or collector streets at an angle of not less than eighty (80) degrees. (Ord.2008-5, dated 4/8/08)

### **17.18.020 Street and Alley Widths, Cul-de-sacs, and Easements:**

1. Street Dedication: All streets in subdivisions in the City shall be dedicated to the City, except that private streets may be approved under special circumstances as determined by the City Council. Except for width, walks and curbing designs specifically approved otherwise by the city as part of a special approval development, construction of all streets shall comply with City Standards and be approved by the City Engineer.

2. Major and Collector Streets: Major and collector streets shall conform to the width designated on the major street plan wherever a subdivision falls in an area for which a major street plan has been adopted. For territory where such street plan has not been completed at the time the preliminary plat is submitted to the Planning Commission, major or collector streets shall be provided as required by the Planning Commission, with minimum widths of eighty (80) or one hundred feet ten (110) feet for major streets and sixty six feet (66) feet for collector streets.

3. Minor Streets: Minor streets shall have a minimum width of sixty feet (60) feet.

4. Minor Terminal Streets (Cul-De-Sacs):

a. Minor terminal streets (cul-de-sacs) shall be not longer than five hundred feet (500) feet measured from the center of the intersecting street to the center of the turnaround. Each cul-de-sac must be terminated by a turnaround of not less than one hundred feet (100) feet in diameter. If surface water drainage is into the turnaround, due to the grade of the street, necessary catch basins and drainage easements shall be provided.

b. Minor terminal streets (cul-de-sacs) shall not be allowed to be back to back or adjacent to each other (without an intervening street). In such circumstances, looping of streets or eliminating one of the cul-de-sacs is required.

c. Where a street is designed to remain only temporarily as a dead end street, an adequate temporary turning area shall be provided at the dead end thereof to remain and be available for public use so long as the dead end condition exists. Such streets may only be allowed where reasonable opportunity for potential development exists, as determined by the city. Except in special circumstances, as determined by the city, no subdivision may be approved containing more than one such dead end street (looping of streets would be required).

d. Subdivisions with a single permanent access may contain no more than twenty (20) lots.

5. Except as specifically approve otherwise by the Land Use Authority, all subdivision of five or more lots must have a minimum of two permanent access points,

subdivisions of more than fifty (50) lots including all phases must have three or more access points as determined appropriate by the city.

6. Marginal Access Streets: Marginal access streets of not less than forty feet (40) feet in width may parallel all limited access major streets, as required by the City Engineer and approved by the City Council.

7. Half Streets: Half streets proposed along a subdivision boundary or within any part of a subdivision are prohibited.

8. Standard Street Sections: All proposed streets, whether public or private, shall conform to the street cross section standards as recommended by the city engineer and adopted by the City.

9. Street Grades: Minimum grades for all streets shall not be less than 0.5 percent. Except where due to special circumstances, street grades for any length of road at any point shall not exceed the following percentages:

- a. Major public streets eight percent (8%);
- b. Collector streets twelve percent (12%);
- c. Minor public streets twelve percent (12%);
- d. Private streets twelve percent (12%).

10. Alleys: Alleys may be required in the rear of business lots, but will not be accepted in residential blocks unless part of a PRUD or other Special Approval Development as determined by the City.

11. Trails: Trail accesses and connections to existing and planned trails shall be considered in the subdivision design.

12. Protection strips: Where subdivision street parallel contiguous property of other owners, the city may approve the retention of a protection strip of not less than one foot in width between the street and adjacent property, provided, that an agreement with the city and approved by the city attorney has been made by the applicant, contracting to dedicate the one foot or larger protection strip free of charge to the city for street purposes upon payment by the then owners of the contiguous property to the applicant of a consideration named in the agreement, such consideration to be equal to the fair cost of the street improvements properly chargeable to the contiguous property, plus the value of one-half the land in the street at the time of the agreement, together with interest at a fair rate from time of agreement until time of subdivision of such contiguous property.

13. Pioneering agreement: The city may require and enter into a pioneering agreement for construction of roads off site of the project as the need is determined by the city. (Ord.2008-5, dated 4/8/08)

**17.18.030 Lots:** All lots shall comply with standards as found herein.

1. Arrangement and Design: The lot arrangement and design shall be such that lots will provide satisfactory and desirable sites for buildings, and be properly related to topography and to existing and future development.

2. Compliance with Zoning Ordinance: All lots shown on the subdivision plat must comply with requirements of the Zoning Ordinance.

3. Abut on Public or Private Street: Each lot shall abut on a public street or private street dedicated by the subdivision plat or an existing publicly dedicated street. Interior lots having frontage on two (2) streets shall be prohibited unless specifically determined by the City that such design is the most appropriate use of the property, would not create any additional nuisance or hazardous conditions, and vehicular access to one of the streets (except for commercial or industrial uses), as determined by the City, is prohibited as recorded on the plat.

4. Side Lines: Side lines of lots shall be approximately at right angles, or radial to the street line.

Remnants: All remnants of lots below the minimum size required in the zone, left over after subdividing a larger tract, must be added to adjacent lots, rather than allowed to remain as unusable parcels.

5. Natural Drainage And Other Easements: The City may require easements for drainage from or through adjoining property be provided by the Applicant for any natural or historical drainage area and may allow or require piping and other improvements to protect adjoining property and/or water rights. Easements of not less than ten feet (10') in width for water, sewers, drainage, power lines and other utilities shall be provided in the subdivision where required by the City.

6. All lots shall have a reasonable building area (defined as land with a slope less than 15%) of at least 7500 square feet with a minimum width of 50 feet.

7. Trail accesses and connections to existing and planned trails shall be considered in the subdivision design.

8. Flag lots are not allowed. (Ord.2008-5, dated 4/8/08)

**17.18.040 Blocks:**

1. The maximum length of blocks generally shall be thirteen hundred feet and the minimum length of blocks shall be five hundred feet. Blocks over eight hundred feet in length may, at the discretion of the City, be required or approved with a dedicated walkway through the block at approximately the center of the block. Such walkway shall not be less than ten feet in width.

2. The width of blocks shall be sufficient to allow two tiers of lots or as otherwise approved by the City because of design, terrain or other unusual conditions.

3. Blocks intended for business or industrial use shall be designed specifically for such purposes with adequate space set aside for off-street parking and delivery facilities. (Ord.2008-5, dated 4/8/08)

**17.18.050 Slope Special Requirements:** In order to appropriately evaluate and protect against any potential impacts to adjacent properties and city infrastructure and services, the following special requirements apply to all development in the city.

1. Based on a contour map at intervals no greater than ten feet, a slope calculation is required for the average slope of the site prior to any grading, utilizing the following formula:

$$S = .00229 (I) (L) / A$$

Where S is the average slope

I is the contour interval in feet

L is the summation in length in feet of all contour lines

A is the total number of acres

2. If the calculation results in an average slope exceeding 15%, then additional standards and evaluations shall be placed on the subdivision including:

a. As overall slope increases, density shall decrease. Slopes between 15 and 20% shall have no more than 1 unit per acre. Slopes greater than 20% and up to 25% shall have no more than 1 unit for every 2 acres. Slopes greater than 25% and up to 30% shall have no more than one unit for every 5 acres. No development is allowed on slopes greater than 30%.

b. As slope increases, allowable impermeable surfaces shall decrease. For lots with slopes of 15-20%, no more than 25% of the lot shall be impermeable

surfaces. For lots with slopes greater than 20% and up to 25%, no more than 15% of the lot shall be impermeable surfaces. For lots with slopes of greater than 25% and up to 30%, no more than 7.5% of the lot shall be impermeable surfaces.

c. All lots shall have a reasonable building area (defined as land with a slope less than 15%) of at least 7500 square feet and a minimum width of 50 feet.

d. Additional fire safety/emergency vehicle related reviews may be required including but not limited to, access, fire hydrants, driveway (grades, lengths, and widths), road surfacing, turnarounds, building distances from the street, and so on.

e. Spark arresters shall be installed on all indoor and outdoor fireplaces.

f. A grading and drainage plan shall be submitted with the subdivision improvement drawings. The plan shall clearly identify how the developer intends on grading each lot to insure that storm water runoff is directed to the fronting or intersection roadways in such a manner that it will not have an adverse effect on adjacent or neighboring properties. Building pad elevations; cuts and fills, drainage swales, slopes, and proposed drainage easements shall be minimum design elements and shall assure reasonable access and safety.

g. Existing vegetation shall be preserved to the greatest extent possible. A map of areas to be disturbed shall be submitted. Disturbed areas shall be re-vegetated within two months, in accordance with an approved re-vegetation plan. Rock outcropping shall be avoided.

h. Trail accesses and connections to existing and planned trails shall be considered in the subdivision design.

3. For any portions of one-half acre or greater of the subdivision that have slopes over 15%, the appropriate design and safety provisions above (2b thru f) shall apply to the development of sub-areas within the subdivision where such slopes are found. (Ord.2008-5, dated 4/8/08)

**17.18.060 Adequate Public Facilities Ordinance:** Every subdivision, new development, conditional use permit, and site plan resulting in additional impact on existing infrastructure shall also meet and are subject to the terms and conditions of the Adequate Public Facilities requirements of the City described in *Chapter 18.70 Adequate Public Facilities*. (Ord 2017-2, dated 2/15/17; prior code: Ord.2014-6, dated 7/22/14)



## **17.20 - REQUIRED IMPROVEMENTS AND GUARANTEES**

**17.20.010 Required improvements:** The applicant/owner of any land to be part of a subdivision shall, at his own expense, install all required improvements and guarantee the installation of such improvements, as provided herein, according to the City Development Standards and Specifications and as inspected and approved through the office of the City Engineer. All utilities, including power, gas, phones, cable, and as found herein, shall be provided for all lots in the subdivision and shall be underground facilities unless specifically approved otherwise by the city engineer.

**1. Water Supply:**

a. The applicant(s) shall install culinary water lines, or shall contract with the local culinary water distributing agency to make the water supply available to each lot within the subdivision, including laterals to a point at least fifteen feet beyond the property line of each lot with a permanent mark approved by the city placed on the curb. Information concerning the residual water pressure in the existing mains at the approximate point of connection shall be provided to the city engineer. The applicant(s) shall have an engineer determine the adequacy of the existing water system to provide culinary water and fire protection as required by the State Office of Environmental Quality and Division of Drinking Water, and shall submit the information to the City Engineer for review and approval.

b. The applicant(s) shall install secondary water lines, and shall contract with the local secondary water distributing agency to make the water supply available to each lot within the subdivision, including laterals to the property of each lot as required by the water distributing agency or fifteen feet beyond the property line with a permanent mark approved by the city placed on the curb.

**2. Sewage Disposal:** All sanitary sewer systems are required to connect to the public sanitary sewer system and provide adequate lateral lines to a point at least fifteen feet beyond the property line of each lot with a permanent mark approved by the city placed on the curb. Such sewer connections and subdivision sewer systems shall comply with the City Development Standards and Specifications and shall be approved by the City Engineer.

**3. Storm Water:** The applicant(s) is/are required to dispose of storm water and surface drainage into an approved City storm drain system. If easements are required across adjoining property to permit drainage of the subdivision, it shall be the responsibility of the applicant(s) to acquire such easements. Initial detention of storm water may be required for all subdivisions, as determined by the City Engineer. All construction shall comply with the City storm water management plan.

**4. Street Grading and Surfacing:** As required by the City Development Standards and Specifications.

**5. Curbs, Gutters and Sidewalks:** Curbs, gutters and sidewalks shall be installed on existing and proposed streets by the applicant(s) unless specifically determined by the City Council that such is not necessary for safety or other reasons such as in a PRUD or other Special Approval Development.

**6. Street Drainage:** Drainage structures shall be required by the City Engineer where necessary.

7. Monuments: Permanent monuments shall be accurately set and established at such points as are necessary to definitely establish all lines of the plat. Monuments shall be of a type approved by the City Engineer. All subdivision plats shall be tied to at least two approved county monuments.

8. Street Trees: Street trees may be required by the Approval Authority to be planted along street rights-of-way by the applicant(s).

9. Fire Hydrants: Fire hydrants shall be installed. Such fire hydrants shall be of the type, size, number and be installed in such locations as determined by the City Engineer in concert with the City Fire Marshall.

10. Street Signs: Street signs shall be installed by the City and the cost of labor and materials charged to the applicant(s).

11. Street Lighting: The applicant shall provide appropriate street lighting, as a part of any development, as required by the City.

12. Fencing:

a. A solid board, chain link, or other non-climbable fence not less than six feet (6') in height shall be installed on both sides of existing irrigation canals, bordering open reservoirs, sloughs, railroad rights of way or non-access streets, and which are located within or adjacent to the subdivision, except where the Approval Authority determines that park areas, including streams or bodies of water, shall remain unfenced. The Approval Authority shall determine the appropriate fence in each case. Such fences shall be installed prior to the issuance of any building permit in the subdivision.

b. The Approval Authority I may also require a fence of the type to be determined in each instance to be erected when any subdivision adjoins a use to which uncontrolled access might result in damage or nuisance to the subdivision or adjoining property, or where the Approval Authority determines that the absence of a fence may create a nuisance or hazard to the welfare of the residents of the subdivision or adjoining property. Specific consideration shall be given for requiring fencing where the subdivision is adjacent to existing animal uses and producing agriculture uses. Such fences shall be installed prior to the issuance of any building permit in the subdivision.

13. Staking of Lots: Survey stakes shall be placed at all lot corners, and nails shall be placed in curbing, so as to completely identify the lot boundaries on the ground.

14. Pioneering agreement: The city may require and enter into a pioneering agreement for installation of off-site improvements and upsizing of utilities to serve other properties as the need is determined by the city.

15. Special Improvements: The applicant shall install and guarantee any and all special improvements required by the City as part of subdivision or development approvals. (Ord.2011-1, dated 2/22/11; prior codes: Ord.2008-5, dated 4/8/08)

#### **17.20.020 Installation of improvements and guarantee**

1. Installation of improvement shall be completed within two years of the date of approval of the final plat by the City. The city engineer may, for good cause, extend this requirement for no more than one additional year.

2. The applicant shall guarantee the installation of all required

improvements by depositing in escrow with an escrow holder approved by the City an amount of money equal to 115% of the cost of the improvements to be installed, according to an estimate approved by the city engineer, under an escrow agreement to assure the installation and guarantee of said improvements. The escrow agreement form shall be approved by the City Attorney and shall be filed with the City. (Ord.2011-1, dated 2/22/11; prior codes: Ord.2008-5, dated 4/8/08)

**17.20.030 Administration:** The Mayor or City Administrator is authorized to prescribe by administrative rule or regulation, forms and procedures to ensure the orderly, regular and efficient processing of applications for the approval of a proposed subdivision, and compliance with the requirements of this title. (Ord.2011-1, dated 2/22/11; prior code: Ord.2008-5, dated 4/8/08)

**17.20.040 Phased Development:** Whenever the applicant(s) develops a subdivision a portion at a time, such development shall be in an orderly manner and in such a way that the required improvements will be continuous and all of the said improvements will be made available for the full, effective and practical use and enjoyment thereof by the lessees or grantees of any of the lands subdivided within the time hereinabove specified. (Ord.2011-1, dated 2/22/11; prior codes: Ord.2008-5, dated 4/8/08)

**17.20.050 Inspection of Improvements:**

1. The City Engineer shall inspect or cause to be inspected all improvements to public systems including but not limited to streets, fire hydrants and water supply, storm water and sewage disposal systems in the course of construction, installation or repair.

2. Excavations for fire hydrants, water, storm water and sewer mains and laterals shall not be covered over or backfilled until such installation shall have been approved by the City Engineer or his designee. If any such installation is covered before being inspected and approved, it shall be uncovered after notice to uncover has been issued to the applicant(s) or responsible party by the City Engineer.

3. Televiewing Lines: Prior to approval and acceptance by the city, applicant shall inspect all sanitary sewer and storm water pipe lines by means of remote televiewing equipment and shall record the entire televiewing inspection on video tape or other acceptable reproduction means for review by city officials.

4. The city engineer shall inspect or cause to be inspected, in the course of construction, installation or repair, all special improvements required by the City as part of a subdivision or development approval.

5. The applicant shall be responsible for the payment of all costs for such inspections. (Ord.2011-1, dated 2/22/11; prior code: Ord.2008-5, dated 4/8/08)

**17.20.060 Condition of Improvements Guaranteed:**

1. Except as found elsewhere in this section, the applicant shall warrant and guarantee the improvements provided for herein and every part thereof, will remain in good condition for a period of one year, after the City Engineer has initially accepted the improvements, and agree to make all repairs to and maintain the improvements and every part thereof in good working condition during the guarantee period with no cost to the City.

2. Conditional acceptance to begin the guarantee period may be granted by the City Engineer once all improvements required for the development have been installed, inspected and approved, and as-built drawings in a form acceptable to the city engineer have been provided.

a. The applicant, in accordance with Utah Code 10-9a-509.5, may request a determination of acceptance or rejection of completed improvements and the city shall respond with due diligence.

3. A special exception for Conditional acceptance may be granted by the City Engineer if the following items are not completed:

a. Special Exception for Sidewalk: The city engineer, at his discretion, may allow the applicant developer an additional one year from the date of conditional acceptance of the improvements to install the sidewalk in the subdivision provided that:

i. The subdivision does not front on a major street where installation of the sidewalks is necessary for the safety of the general citizenry;

ii. All lots built on in the subdivision have sidewalk installed on the lot where shown on the construction plan;

iii. Sidewalk must be installed prior to the issuance of a Certificate of Occupancy for any dwelling in the subdivision;

iv. No more than 75% of the lots are built on in the subdivision. When the percentage of lots built on exceeds 75%, all sidewalks must be installed before any additional building permits are issued;

v. Guarantee Period. Once completed, the applicant shall warrant and guarantee that the sidewalk will remain in good condition for a period of one year after the date of conditional acceptance by the city and shall make all repairs to and maintain the sidewalk in good condition during the guarantee period at no cost to the city. The determination of the necessity for repairs and maintenance or work rests with the city engineer, whose decision upon the matter shall be final and binding on the developer.

vi. The escrow for any uncompleted sidewalk is to be kept in place, plus 15% of the engineer's estimate for all sidewalk in the project. The city may allow the establishment of a separate escrow guarantee, by agreement as found herein and based on current estimates approved by the City Engineer.

vii. Final acceptance of the sidewalk will follow the same procedure as outlined in number 4.

b. Seal coat: Where the city determines that the application of the seal coat is not appropriate due to weather or other factors, the guarantee period may be started without completing the seal coat provided the escrow for such, plus any anticipated cost increases, is kept in place.

c. Signs and lighting: Where the city is ordering and or installing signs and street lighting, the guarantee period may be started provide the escrow remains in place for such items.

4. Upon completion of all required improvements, the applicant must request in writing to the city planner a review of the project status. The planner shall refer the request to the city engineer and shall also notify all property owners

in the project by mail or in person of the request and allow such owners two weeks for comments, to the planner, regarding the status of the project. The planner shall endeavor to resolve, with the applicant and city engineer, any problems received. If matters cannot be resolved, and at the discretion of the planner, the request may be referred to the City Council for resolution. Final acceptance may be granted by the City Engineer provided all required improvements have been completed, any problems addressed with the city planner and/or City Council are resolved, and improvements are judged to be in acceptable condition. The city may allow a separate escrow for special exception items as found in number three, to be established by agreement, and acceptance may then be granted on original items.

5. The applicant shall be responsible for all inspection costs.

6. As allowed in Utah Code 10-9-604.5, if the city determines, based on the specifics of the applicant's property or prior performance, that a two year guarantee period is necessary to protect the public health, safety, and welfare, the city may require such two year guarantee period. (Ord.2011-1, dated 2/22/11; prior code: Ord.2008-5, dated 4/8/08)

## 17.22 - DEFINITIONS

**Affected Entity:** Those entities as define in state law that may be required to provide expanded services for proposed development.

**Applicant/Owner:** Any individual, firm, association, syndicate, partnership, corporation, trust, or other legal entity, that has legal title to real property proposed for residential subdivision, installs the required infrastructure improvements, and builds the residences within the subdivision.

**Application:** A Concept Plan, Preliminary Subdivision, or Final Subdivision Application as required by this Ordinance.

**Buildable Area:** A portion of a building site which conforms to all minimum criteria required for the placement of a structure according to the municipal codes.

**City:** Pleasant View City, Utah.

**City Council:** The City Council and legislative body of Pleasant View City, Utah.

**City Engineer:** The City Engineer of Pleasant View City, Utah, or a consulting engineering firm designated as the City Engineer by the City Council.

**City Planner:** The Director of Community and Development Services or assigned staff of Pleasant View City.

**Concept Plan Conference:** An opportunity for an Applicant(s) to meet with City Staff to obtain necessary information regarding the City's applicable subdivision requirements. No fee is required.

**Development Review Committee:** A committee of City Staff and other public or private service providers responsible to provide general and technical reviews and recommendations for all subdivision applications.

**Development Standards and Specifications:** Documents provided by the City which contain text and diagrams for detailed construction and installation of public infrastructure and improvements. The documents shall be approved by the City Engineer and Public Works Director of the City.

**Discretionary Action:** A final decision on any application rendered by the City Council based on information provided by the Applicant(s), DRC, and Planning Commission and accompanied with the finding of facts.

**Easement:** A grant of the use of land by the property owner to the public, a corporation or person for specific uses and purposes.

**Exaction:** Requiring the payment of fees, the specific uses of or the contribution of property, or the installation of improvements as a condition of approval of development requests.

**Excavation:** Any disruption of the soil or surface of land for the purpose of preparing land for

development.

**Flag Lot:** A lot in the shape of a flag with a narrow “staff”, the greater portion or “flag” is behind other lots, and where the staff portion is less than the required frontage and provides the access to the buildable portion of the lot.

**Frontage:** All property fronting on one side of the street or right-of-way.

**Guarantees:** An escrow and appropriate agreement given by the Applicant(s) and approved by the City to ensure the proper installation of public and appropriate private improvements.

**Land Use Authority:** A person, board, commission, agency or other body designated by the local legislative body to act upon a land use application.

**Legal Lot/ Legal Lot of Record:** Any land parcel that existed, as recorded in the Office of the County Recorder, with a separate property identification number as provided by the Office of the County Recorder and Office of the County Assessor, prior to the date of first City Subdivision Ordinance enactment (August 6, 1959), and all land parcels that were legally created for the purposes of development pursuant to the subdivision requirements of the City and the laws of the State of Utah after the date of first Subdivision Ordinance enactment.

**Lot:** A legal lot or lot of record as defined herein.

**Lot Line Adjustment:** The relocation of the property boundary line between two (2) adjoining lots with the consent of the owners of record.

**Major Street Plan:** A map or plan showing the current and/or proposed future layout of all classifications of streets within Pleasant View City. This may also be referred to as the Master Street Plan or Transportation Plan of Pleasant View City.

**Off-site Improvements:** All improvements required to provide necessary services and utilities to a subdivision and located either within, or outside, the boundaries of the subject property being divided.

**On-site Improvements:** All improvements required to provide necessary services and utilities to a lot and required to qualify for a building permit and located within the boundaries of a lot.

**Planning Commission:** The Planning Commission of Pleasant View City, Utah.

**Plats:** As required by section 10-9a Utah code annotated, 1953, as amended.

1. Whenever any lands are laid out and platted, the owner of those lands shall provide an accurate plat that describes or specifies:

- a. the boundaries, course, and directions of the parcels of ground;
- b. whether the parcels of ground are intended to be used as streets or for other public uses, and whether any areas are reserved for public purposes;
- c. the lot or unit reference, the block or building reference, the street or site address, the street name or coordinate address, the acreage or square footage for all parcels, units, or lots, and the length and width of the blocks and lots intended for sale; and

- d. existing right-of-way and easement grants of record for underground facilities, and for other utility facilities.
- 2. The owner of the land shall acknowledge the plat before an officer authorized by law to take the acknowledgement of conveyances of real estate.
- 3. The surveyor making the plat shall certify it.
- 4. The owner or operator of the underground and utility facilities shall approve the plat of its property interest if it specifies:
  - a. the boundary, course, dimensions, and intended use of the right-of-way and easement grants of record;
  - b. the location of existing underground and utility facilities; and any conditions or restrictions governing the location of the facilities within the right-of-way, and easement grants of records, and utility facilities within the subdivision.
- 5. The land use Authority shall approve the plat as provided in this part. Before the Land Use Authority may approve a plat, the owner of the land shall provide the Authority with a tax clearance indicating that all taxes, interest, and penalties owing on the land have been paid.
- 6. Recording.
  - a. After the plat has been acknowledged, certified, and approved, the owner of the land shall, subject to Subsection (6)(b), record it in the county recorder's office in the county in which the lands platted and laid out are situated.
  - b. An owner of land may not submit for recording a plat that gives the subdivision described in the plat the same name as a subdivision in a plat already recorded in the county recorder's office.

**Right-of-way:** A portion of land dedicated for public uses such as streets, sidewalks, trees, and public or private utilities and improvements.

**Street:** A thoroughfare which has been dedicated or abandoned to the public and accepted by the City Council and a thoroughfare which has been made public by right of use and complies with the City construction standards, as adopted.

**Subdivision:** Any land that is divided, re-subdivided or proposed to be divided into two (2) or more lots, plots, parcels, sites, units, or other division of land for the purpose, whether immediate or future, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions. (10-9a, Utah Code Annotated, 1953, as amended)

As provided by 10-9a, Utah Code Annotated, 1953, as amended, and for the purposes of this Ordinance "subdivision" **does not** include:

- 1. A bona fide division or partition of agricultural land for the purpose of joining one of the resulting separate parcels to a contiguous parcel of un-subdivided agricultural land, if neither the resulting combined parcel, nor the parcel remaining from the division or partition violates an applicable zoning ordinance.
- 2. A recorded agreement between owners of adjoining properties adjusting their mutual boundary if:
  - no new lot is created; and
  - no remnant of land is created or remains; and
  - the adjustment does not result in a violation of any applicable zoning requirements.



3. A recorded document, executed by the owner of record, revising the legal description of more than one contiguous parcel of property into one legal description encompassing all such parcels of property; or

4. The joining of a subdivided parcel of property to another parcel of property that has not been subdivided so as to subject the un-subdivided parcel to the subdivision ordinance of Pleasant View City.

**Subject Property:** The land area proposed to be divided as provided by this Ordinance and included within an application for subdivision approval.

**Utilities or Improvements:** All types of necessary utilities such as gas lines, culinary and secondary water lines, storm drainage systems, sanitary sewer systems, electrical power, cable, and telephone with all poles, wires, pipes, and structures as necessary to provide services.

**Zoning Ordinances:** The adopted Zoning Ordinances of Pleasant View City.  
(Ord.2008-5, dated 4/8/08)

## ATTACHMENT 1

### CONCEPT PLAN APPLICATION AND REVIEW PROCEDURES

1. Applicant meets with City Planner to obtain Concept Plan Application and ordinance requirements for subdivisions.
2. Concept Plan filed with City Planner. The City Planner determines application completeness (see attachment 3 for procedure on determination).
3. City Planner schedules a meeting with the Development Review Committee (DRC) and distributes application information to appropriate staff and others needed to provide review of the concept plan, prior to the meeting.
4. The DRC conducts meeting with the Applicant(s) to provide information to prepare for Preliminary Subdivision Application. A field trip with the applicant is considered a part of the review and is required.
5. A concept plan shall not constitute an application for subdivision approval and is in no way binding on the City or the applicant(s). Any discussion before the DRC, at the meeting when the concept plan is discussed, shall not be considered any indication of subdivision approval, either actual or implied by the City.

## ATTACHMENT 2

### PRELIMINARY SUBDIVISION APPLICATION REVIEW AND APPROVAL PROCEDURES

1. Preliminary Subdivision Application filed with City Planner. The City Planner determines application completeness (see attachment 3 for procedure on determination).
2. Development Review Committee (DRC) provides preliminary technical review of Preliminary Subdivision Application for compliance with all applicable ordinances, standards, requirements, and the General Plan.
3. Once the plans have been revised to meet any requirements of the DRC, the City Planner schedules a meeting with the Planning Commission and provides notices as required.
4. The Planning Commission conducts a public hearing and considers the Preliminary Subdivision Application and all information received. By motion, the Planning Commission recommends approval, approval with conditions, or denial of the Preliminary Subdivision Application to the City Council.
5. Once the plans have been revised to meet any requirements of the Planning Commission, as reviewed by the DRC, the City Planner schedules a meeting with the City Council.
6. The City Council considers the Planning Commission recommendation and Preliminary Subdivision Application. The City Council shall approve, approve with conditions, or deny the Preliminary Subdivision Application.

## ATTACHMENT 3

### DETERMINATION OF APPLICATION COMPLETENESS PROCEDURES

1. Application submitted to City Planner.
2. Application reviewed for determination of completeness by City Planner. Such review to be completed within two weeks of submission.
3. Application Determined Complete: Proceed with applicable application review procedures.
4. Application determined incomplete:
  1. Applicant is notified in writing identifying deficiencies.
  2. Applicant has 30 days to correct application deficiencies.
  3. Application remains incomplete after 30 days: Application is considered null and void. Re-application is required for further consideration.
  4. Applicant provides necessary materials to correct deficiencies within 30 days: Proceed with applicable application review procedures.

## ATTACHMENT 4

### FINAL SUBDIVISION APPLICATION REVIEW AND APPROVAL PROCEDURES

1. Final Subdivision Application filed with City Planner. The City Planner determines application completeness (see attachment 3 for procedure on determination).
2. Development Review Committee (DRC) provides final technical review of the Final Subdivision Application in compliance with the Preliminary Application conditions required by the City Council and with all applicable ordinances, standards and requirements.
3. Once the DRC has approved all plans and documents, the City Planner schedules a meeting with the City Council.
4. Final Subdivision Plat is approved by the City Council.
5. Once approval is received, the applicant submits a final mylar plat and all approved relevant documents in final form, complete with appropriate signatures and acknowledgements for receipt of city signatures and recording
6. The Final Subdivision Application approval by the city is effective for one year during which time the Final Subdivision Plat and appropriate documents are recorded with the Weber County Recorder by the City Planner.

## ATTACHMENT 5

### MINOR SUBDIVISION APPLICATION REVIEW AND APPROVAL PROCEDURES

1. Minor Subdivision Application filed with City Planner. The City Planner determines application completeness (see attachment 3 for procedure on determination).
2. Development Review Committee (DRC) provides preliminary technical review of the Subdivision Application for compliance with all applicable ordinances, requirements, and the General Plan.
3. Once the plans have been revised to meet any requirements of the DRC, the City Planner schedules a meeting with the Planning Commission and provides notices as required.
4. The Planning Commission conducts a public hearing and considers the Subdivision Application and all information received. The Planning Commission approves, approves with conditions, or denies the Minor Subdivision Application.
5. Once approval is received, the applicant submits a final mylar plat and all approved relevant documents in final form, complete with appropriate signatures and acknowledgements for DRC review and approval and receipt of city signatures and recording
6. The Minor Subdivision Application approval by the city is effective for one year during which time the Subdivision Plat and appropriate documents are recorded with the Weber County Recorder by the City Planner.

# Title 18

## Zoning

<b>Chapter 18.02 - General Provisions.....</b>	<b>18 - 1</b>
18.02.010 Adoption of Provisions.....	18 - 1
18.02.020 Purpose.....	18 - 1
18.02.030 Interpretation.....	18 - 1
18.02.040 Conflicting Provisions.....	18 - 1
18.02.050 Public Hearings and Notices.....	18 - 1
18.02.060 Vesting .....	18 - 2
 <b>Chapter 18.04 - Definitions.....</b>	 <b>18 - 3</b>
18.04.010 Definitions generally.....	18 - 3
18.04.015 Accessory Use .....	18 - 3
18.04.016 Adult Day Care Facility.....	18 - 3
18.04.020 Agriculture .....	18 - 3
18.04.030 Alley.....	18 - 3
18.04.040 Apartment Court.....	18 - 3
18.04.050 Apartment Hotel .....	18 - 3
18.04.060 Apartment House .....	18 - 3
18.04.065 Assisted Living Facility .....	18 - 3
18.04.070 Automobile Wrecking.....	18 - 3
18.04.080 Basement.....	18 - 3
18.04.090 Boarding House.....	18 - 4
18.04.100 Building.....	18 - 4
18.04.110 Building-Accessory.....	18 - 4
18.04.120 Building-Height Of .....	18 - 4
18.04.130 Building-Main.....	18 - 4
18.04.140 Building-Public.....	18 - 4
18.04.150 Car Port .....	18 - 4
18.04.160 Cellar .....	18 - 4
18.04.165 Community Uses.....	18 - 4
18.04.170 Corral.....	18 - 4
18.04.180 Court.....	18 - 4
18.04.190 Dairy .....	18 - 4
18.04.192 Detention Facilities .....	18 - 4
18.04.194 Disability .....	18 - 5
18.04.200 Dwelling.....	18 - 5
18.04.210 Dwelling-Group.....	18 - 5
18.04.220 Dwelling-Multiple-Family .....	18 - 5
18.04.230 Dwelling-Single-Family.....	18 - 5
18.04.240 Dwelling-Two-Family .....	18 - 5
18.04.250 Dwelling Unit .....	18 - 5
18.04.260 Family.....	18 - 5
18.04.270 Family Food Production .....	18 - 5
18.04.280 Frontage.....	18 - 5
18.04.290 Garage-Private .....	18 - 5
18.04.300 Garage-Public .....	18 - 6

18.04.310 Grade .....	18 - 6
18.04.320 Guest House .....	18 - 6
18.04.330 Home Occupation .....	18 - 6
18.04.340 Hotel .....	18 - 6
18.04.350 Household Pets .....	18 - 6
18.04.360 Junk Yard .....	18 - 6
18.04.370 Kennel .....	18 - 6
18.04.380 Lodging House .....	18 - 6
18.04.390 Lot .....	18 - 7
18.04.400 Lot-Corner .....	18 - 7
18.04.410 Lot-Interior .....	18 - 7
18.04.412 Manufactured Home .....	18 - 7
18.04.414 Modular Home .....	18 - 7
18.04.420 Natural Waterways .....	18 - 7
18.04.425 Neighborhood Services .....	18 - 7
18.04.430 Nonconforming Building or Structure .....	18 - 7
18.04.440 Nonconforming Use .....	18 - 7
18.04.442 Nursing Home .....	18 - 7
18.04.443 Outcall Services .....	18 - 8
18.04.445 Outdoor Storage .....	18 - 8
18.04.450 Parking Lot .....	18 - 8
18.04.460 Parking Space .....	18 - 8
18.04.462 Personal & Household Services .....	18 - 8
18.04.463 Rehabilitation/Treatment Facility .....	18 - 8
18.04.464 Residential Facility for Elderly Persons .....	18 - 8
18.04.465 Residential Facility for Persons with a Disability .....	18 - 8
18.04.466 Residence, Residential Facility .....	18 - 8
18.04.467 Retirement Home .....	18 - 8
18.04.468 Sexually Oriented Business (SOB) .....	18 - 8
18.04.469 Shelter for the Homeless .....	18 - 8
18.04.470 Specialty Retail .....	18 - 9
18.04.479 Stable-Private .....	18 - 9
18.04.480 Stable-Public .....	18 - 9
18.04.490 Story .....	18 - 9
18.04.500 Street .....	18 - 9
18.04.510 Sign .....	18 - 9
18.04.520 Sign-Advertising .....	18 - 9
18.04.530 Sign-Animated .....	18 - 9
18.04.540 Sign Area .....	18 - 9
18.04.550 Sign-Billboard .....	18 - 9
18.04.560 Sign-Business .....	18 - 9
18.04.570 Sign-Flat .....	18 - 9
18.04.580 Sign-Floodlighted .....	18 - 10
18.04.590 Sign-Ground .....	18 - 10
18.04.600 Sign-Identification .....	18 - 10
18.04.610 Sign-Illuminated .....	18 - 10
18.04.620 Sign-Name Plate .....	18 - 10
18.04.630 Sign-Projecting .....	18 - 10
18.04.640 Sign-Property .....	18 - 10
18.04.650 Sign-Public Necessity .....	18 - 10
18.04.660 Sign-Roof .....	18 - 10
18.04.670 Sign-Service .....	18 - 10



18.04.680 Sign-Temporary .....	18 - 10
18.04.690 Structure.....	18 - 10
18.04.700 Structural Alterations .....	18 - 10
18.04.705 Temporary Use .....	18 - 11
18.04.710 Tourist Court or Motel .....	18 - 11
18.04.720 Trailer Camp/Trailer Court. ....	18 - 11
18.04.730 Travel Trailer. ....	18 - 11
18.04.735 Unlicensed Rehabilitation/Treatment Facility .....	18 - 11
18.04.740 Use-Accessory. ....	18 - 11
18.04.750 Use-Conditional. ....	18 - 11
18.04.760 Use-Permitted. ....	18 - 11
18.04.770 Width of lot. ....	18 - 11
18.04.780 Yard. ....	18 - 11
18.04.790 Yard-Front. ....	18 - 11
18.04.800 Yard-Rear. ....	18 - 12
18.04.810 Yard-Side .....	18 - 12
<b>Chapter 18.08 - Zones Established.....</b>	<b>18 - 13</b>
18.08.010 Zones Designated .....	18 - 13
18.08.020 Zone Boundaries .....	18 - 14
18.08.030 Ordinance and Map Filing .....	18 - 14
18.08.040 Boundary Location Rules .....	18 - 14
<b>Chapter 18.09 - RE-15 Zone.....</b>	<b>18 - 15</b>
18.09.010 Purpose and Intent.....	18 - 15
18.09.020 Permitted Uses.....	18 - 15
18.09.030 Conditional Uses .....	18 - 15
18.09.040 Site Development Standards .....	18 - 15
18.09.050 Housing Standards.....	18 - 16
18.09.060 Qualifying Medium Density Standards .....	18 - 16
<b>Chapter 18.10 - RE-20 Zone.....</b>	<b>18 - 18</b>
18.10.010 Use Regulations .....	18 - 18
18.10.015 Conditional Uses .....	18 - 18
18.10.020 Lot-Area.....	18 - 20
18.10.030 Lot-Width.....	18 - 20
18.10.040 Yard-Side .....	18 - 20
18.10.050 Yard-Front .....	18 - 20
18.10.060 Yard-Rear.....	18 - 20
18.10.065 Yard-General.....	18 - 20
18.10.070 Building Height .....	18 - 20
<b>Chapter 18.12 - S-1G Zone .....</b>	<b>18 - 21</b>
Repealed.	
<b>Chapter 18.14 - Gateway Zones .....</b>	<b>18 - 22</b>
Repealed.	
<b>Chapter 18.15 - Mixed Use Zones .....</b>	<b>18 - 23</b>
Repealed.	

<b>Chapter 18.16 - A-2 Zone .....</b>	<b>18 - 24</b>
18.16.010 Use Regulations .....	18 - 24
18.16.015 Conditional Uses .....	18 - 24
18.16.020 Lot Area .....	18 - 24
18.16.030 Lot Width .....	18 - 24
18.16.041 Yard-Side .....	18 - 25
18.16.042 Yard-Front .....	18 - 25
18.16.043 Yard-Rear .....	18 - 25
18.16.044 Yard-General .....	18 - 25
18.16.050 Building Height .....	18 - 25
18.16.060 Lot Coverage .....	18 - 25
<b>Chapter 18.18 - A-5 Zone .....</b>	<b>18 - 26</b>
18.18.010 Purpose and Intent .....	18 - 26
18.18.020 Permitted Uses .....	18 - 26
18.18.030 Conditional Uses-Designated .....	18 - 26
18.18.040 Conditional Uses-Issuance .....	18 - 26
18.18.050 Site Development Standards .....	18 - 27
18.18.060 Sign Regulations .....	18 - 27
18.18.070 Subdivision Requirement Modification .....	18 - 27
<b>Chapter 18.20 - R-1 Zone .....</b>	<b>18 - 30</b>
18.20.010 Use Regulations .....	18 - 30
18.20.020 Lot Area .....	18 - 31
18.20.030 Lot Width .....	18 - 31
18.20.040 Yard-Side .....	18 - 31
18.20.050 Yard-Front .....	18 - 31
18.20.060 Yard-Rear .....	18 - 31
18.20.070 Building Height .....	18 - 31
<b>Chapter 18.22 - R-5 Zone .....</b>	<b>18 - 32</b>
18.22.010 Use Regulations .....	18 - 32
18.22.020 Lot Area .....	18 - 32
18.22.030 Lot Width .....	18 - 32
18.22.040 Yard-Side .....	18 - 32
18.22.050 Yard-Front .....	18 - 32
18.22.060 Yard-Rear .....	18 - 32
18.22.070 Building Height .....	18 - 32
18.22.080 Lot Coverage .....	18 - 32
18.22.090 Group Dwellings-Special Provisions .....	18 - 32
<b>Chapter 18.24 - RMH-1 Zone .....</b>	<b>18 - 34</b>
<b>Article I. General Provisions.....</b>	<b>18 - 34</b>
18.24.010 Title-Purpose .....	18 - 34
18.24.020 Definitions .....	18 - 34
18.24.030 Location of Mobile Homes and Manufactured Homes .....	18 - 34
18.24.040 Zoning Requirements .....	18 - 35
18.24.050 Permit Requirements .....	18 - 35
18.24.060 License Requirements .....	18 - 35
18.24.070 Building Permits .....	18 - 36
18.24.080 Inspection .....	18 - 36

18.24.090 Intent of Provisions .....	18 - 36
18.24.100 Enforcement .....	18 - 36
<b>Article II Site Plan Review .....</b>	<b>18 - 36</b>
18.24.110 Site Plan Review-Intent .....	18 - 36
18.24.120 Application-Contents .....	18 - 36
18.24.130 Application-Review Procedure .....	18 - 37
18.24.140 Application-Information Required .....	18 - 37
18.24.150 Application-Investigation .....	18 - 38
18.24.160 Distribution of Plans .....	18 - 38
18.24.170 Reports .....	18 - 38
18.24.180 Planning Commission Action .....	18 - 38
18.24.190 Report to Applicant .....	18 - 38
18.24.200 Expiration of Approval .....	18 - 38
18.24.210 Extension of Time .....	18 - 39
<b>Article III. Building Permits .....</b>	<b>18 - 39</b>
18.24.220 Site Plan Conformance .....	18 - 39
18.24.230 Building Permit-Issuance .....	18 - 39
18.24.240 Variation from Approved Plans Prohibited .....	18 - 39
<b>Article IV. Licenses .....</b>	<b>18 - 39</b>
18.24.250 License-Required .....	18 - 39
18.24.260 License-Transfer .....	18 - 39
18.24.270 License-Application .....	18 - 39
18.24.280 License-Display .....	18 - 40
18.24.290 Inspection of Mobile Home Parks .....	18 - 40
18.24.300 License Suspension. ....	18 - 40
<b>Article V. Inspection .....</b>	<b>18 - 40</b>
18.24.310 Inspector's Authority. ....	18 - 40
18.24.320 Power to Enter. ....	18 - 40
18.24.330 Inspection of Register. ....	18 - 40
18.24.340 Access-Inspector's Right. ....	18 - 40
18.24.350 Access-Occupant's Duty. ....	18 - 40
<b>Article VI. Hearings and Orders .....</b>	<b>18 - 40</b>
18.24.360 Violations. ....	18 - 40
18.24.370 Hearing Request. ....	18 - 41
18.24.380 Hearing-Proceeding. ....	18 - 41
18.24.390 Emergency Action. ....	18 - 41
<b>Article VII. Development Standards .....</b>	<b>18 - 41</b>
18.24.400 Compliance. ....	18 - 41
18.24.410 Mobile Home Park Location. ....	18 - 41
18.24.420 Uses Permitted. ....	18 - 42
18.24.430 Site and Density Requirements. ....	18 - 42
18.24.440 Site Coverage. ....	18 - 42
18.24.450 Setbacks. ....	18 - 42
18.24.460 Mobile Home Height Limits. ....	18 - 42
18.24.470 Access. ....	18 - 42
18.24.480 Vehicle Travel Lanes. ....	18 - 42

18.24.490 Off-street Parking Requirements. ....	18 - 43
18.24.500 Sanitation Requirements. ....	18 - 43
18.24.510 Utilities and Other Services. ....	18 - 43
18.24.520 Design Modification. ....	18 - 44
18.24.530 Skirting, Canopies and Awnings. ....	18 - 44
18.24.540 Pad. ....	18 - 45
18.24.550 Fire Extinguishing Equipment. ....	18 - 45
18.24.560 Utility Cabinets. ....	18 - 45
18.24.570 Landscaping. ....	18 - 45
18.24.580 On-site Laundry Drying Space. ....	18 - 45
18.24.590 Service Facilities and Standards. ....	18 - 45
18.24.600 Drainage and Flood Hazards. ....	18 - 46
18.24.610 Streets and Highways. ....	18 - 46
18.24.620 Greenbelt Enclosure of Mobile Home Park. ....	18 - 46
18.24.630 Service Area Enclosure. ....	18 - 46
18.24.640 Recreation Requirements. ....	18 - 46
18.24.650 Lot Standards. ....	18 - 47
18.24.660 Separation of Mobile Homes. ....	18 - 47
18.24.670 Patio. ....	18 - 47
<b>Article VIII. Legal Controls .....</b>	<b>18 - 47</b>
18.24.680 Suspension and Revocation. ....	18 - 47
18.24.690 Certificate of Occupancy. ....	18 - 47
18.24.700 Improvement Guarantees. ....	18 - 48
18.24.710 Enforcement and Penalties. ....	18 - 48
<b>Chapter 18.25 - RM Zone .....</b>	<b>18 - 49</b>
Repealed	
<b>Chapter 18.26 - C-1 Zone .....</b>	<b>18 - 50</b>
18.26.010 Use Regulations. ....	18 - 50
18.26.020 Special Provisions. ....	18 - 50
18.26.030 Lot Area and Width. ....	18 - 51
18.26.040 Yard-Side. ....	18 - 51
18.26.050 Yard-Front. ....	18 - 51
18.26.060 Yard-Rear. ....	18 - 51
18.26.070 Building Height. ....	18 - 51
18.26.080 Lot Coverage. ....	18 - 51
<b>Chapter 18.27 - Commercial Zones (C-1 &amp; C-2).....</b>	<b>18 - 52</b>
18.27.010 Purpose .....	18 - 52
18.27.020 Zone Change Requirements .....	18 - 52
18.27.030 Use Regulations .....	18 - 52
18.27.040 Setback Standards .....	18 - 52
18.27.050 Parking .....	18 - 53
18.27.060 Permitted and Conditional Uses .....	18 - 54
18.27.070 Site Plan Required .....	18 - 55
18.27.080 Compliance with Conditions of Approval .....	18 - 56
<b>Chapter 18.28 - C-2 Zone .....</b>	<b>18 - 57</b>
18.28.010 Use Regulations. ....	18 - 57
18.28.020 Special Provisions. ....	18 - 57

18.28.030 Lot Area, Width, Coverage and Yard Regulations .....	18 - 57
18.28.040 Building Height. ....	18 - 57
<b>Chapter 18.29 - Sign Regulations .....</b>	<b>18 - 58</b>
18.29.110 Purpose. ....	18 - 58
18.29.120 Prohibited Signs. ....	18 - 58
18.29.130 Legal Nonconforming Signs. ....	18 - 59
18.29.140 State License. ....	18 - 59
18.29.150 Location Restrictions. ....	18 - 59
18.29.160 Maintenance of Signs. ....	18 - 60
18.29.170 Removal of Dangerous Signs. ....	18 - 60
18.29.180 Construction Standards. ....	18 - 60
18.29.210 Word Usage and Interpretation. ....	18 - 62
18.29.310 Permit Required. ....	18 - 63
18.29.320 Exempt signs and sign related activities. ....	18 - 64
18.29.330 Enforcement. ....	18 - 65
18.29.340 Violation/Penalty. ....	18 - 65
18.29.350 Appeals. ....	18 - 66
18.29.410 Signs for Residential Uses, General Requirements. ....	18 - 67
18.29.420 Signs for Commercial Area/Uses, General Requirements. ....	18 - 67
18.29.430 Commercial Signs. ....	18 - 67
18.29.440 Sign Area, Height and Projection. ....	18 - 70
18.29.450 Temporary Signs. ....	18 - 71
18.29.510 Neighborhood Identification Signs. ....	18 - 72
18.29.520 Flags and Flag Poles. ....	18 - 72
18.29.530 Subdivision/development Signs. ....	18 - 72
18.29.540 Off-Premise Business Directional Signs. ....	18 - 73
18.29.550 Comprehensive or Special Purpose Sign Plan. ....	18 - 74
18.29.560 Electronic Message Centers. ....	18 - 75
18.29.610 Billboards - Purpose. ....	18 - 75
18.29.620 Billboards - Permits. ....	18 - 75
18.29.630 Billboards - Location. ....	18 - 76
18.29.640 Billboards - Design and construction standards. ....	18 - 76
18.29.650 Billboards - Nonconforming billboards. ....	18 - 77
18.29.660 Billboards - Relocation. ....	18 - 78
18.29.670 Billboards a business. ....	18 - 78
<b>Chapter 18.30 - C-3 Zone .....</b>	<b>18 - 79</b>
18.30.010 Use Regulations. ....	18 - 79
18.30.020 Special Provisions. ....	18 - 79
18.30.030 Lot Area, Width and Yard Regulations. ....	18 - 79
18.30.040 Building Height-Lot Coverage. ....	18 - 79
<b>Chapter 18.31 - CP-1, CP-2 and CP-3 Zones .....</b>	<b>18 - 80</b>
18.31.010 Purpose and Intent .....	18 - 80
18.31.020 General Regulations .....	18 - 80
18.31.030 Review .....	18 - 81
18.31.040 Use Regulations .....	18 - 82
18.31.050 Yard and Height Regulations .....	18 - 82
18.31.060 Special Parking Requirements .....	18 - 82
18.31.070 Protection of Adjoining Residential Properties-Buffer zone .....	18 - 82
18.31.080 Site Plan Approval Required .....	18 - 83

Attachment #1, 18.31.040 Use Regulation .....	18 - 84
<b>Chapter 18.32 - MP-1 Zone .....</b>	<b>18 - 92</b>
18.32.010 Purpose and Intent .....	18 - 92
18.32.020 Permitted Uses .....	18 - 92
18.32.030 Conditional Uses .....	18 - 92
18.32.040 Site Development Standards .....	18 - 92
18.32.050 Protection of Adjoining Residential Properties, Buffer zone .....	18 - 92
18.32.060 Site Plan Approval Required .....	18 - 92
18.32.070 Special Provisions .....	18 - 93
18.32.080 Submission of Application .....	18 - 93
18.32.090 Planning Commission Approval .....	18 - 93
18.32.100 City Council Action .....	18 - 94
18.32.110 Building Permit Issuance .....	18 - 94
18.32.120 Time Limitation .....	18 - 94
18.32.130 Application to Existing Manufacturing Zones .....	18 - 94
Attachment #1, 18.32.020 Permitted Uses for MP-1 Zone Attachment .....	18 - 95
<b>Chapter 18.33 - Manufacturing/Commercial Mix Zone (MCM) .....</b>	<b>18 - 98</b>
18-33-010 Purpose .....	18 - 98
18.33.020 Zone Change Requirements .....	18 - 98
18.33.030 Use Regulations .....	18 - 98
18.33.040 Setback Standards .....	18 - 98
18.33.050 Parking .....	18 - 99
18.33.060 Permitted and Conditional Uses .....	18 - 100
18.33.070 Site Plan Required .....	18 - 102
18.33.080 Compliance with Conditions of Approval .....	18 - 102
<b>Chapter 18.34 - M-2 Zone .....</b>	<b>18 - 103</b>
18.34.010 Use Regulations .....	18 - 103
18.34.020 Special Provisions .....	18 - 103
18.34.030 Lot Area Regulations .....	18 - 103
<b>Chapter 18.35 - Special Approval Residential Zones .....</b>	<b>18 - 104</b>
18.35.010 Purpose and Intent .....	18 - 104
18.35.020 Applicability .....	18 - 104
18.35.030 General Standards of Approval .....	18 - 104
18.35.040 Cluster Developments .....	18 - 104
18.35.050 Planned Residential Unit Developments .....	18 - 105
<b>Chapter 18.36 - PS-1-A Zone .....</b>	<b>18 - 109</b>
18.36.010 Purpose .....	18 - 109
18.36.020 Definitions .....	18 - 109
18.36.030 Planned Unit Development Concept .....	18 - 109
18.36.040 Permitted Uses .....	18 - 109
18.36.050 Lot Area .....	18 - 109
18.36.060 Lot Area Regulations .....	18 - 109
18.36.070 General Requirements .....	18 - 110
18.36.080 Review .....	18 - 112
18.36.090 PRUD and PUD Culinary Water .....	18 - 117
18.36.100 PRUD and PUD Sanitary Sewer Systems .....	18 - 118

<b>Chapter 18.37 - Planned Residential Unit Development (PRUD)</b> .....	<b>18 - 119</b>
repealed	
<b>Chapter 18.38 - Sensitive Area Overlay Zone</b> .....	<b>18 - 120</b>
18.38.010 Purpose .....	18 - 120
18.38.020 Definitions.....	18 - 120
18.38.030 Permitted Uses. There are no permitted uses .....	18 - 121
18.38.040 Conditional Uses .....	18 - 121
18.38.050 Site Development Standards .....	18 - 121
18.38.060 Special Review Procedure .....	18 - 121
18.38.070 Site Plan Requirements and Considerations .....	18 - 121
18.38.080 Application Procedure .....	18 - 124
18.38.090 Cost and Expense.....	18 - 124
18.38.100 Conditional Use Permit Expiration .....	18 - 124
18.38.110 Violation.....	18 - 125
<b>Chapter 18.39 - Transportation Oriented Development (TOD) Zone</b> .....	<b>18 - 126</b>
Repealed.	
<b>Chapter 18.40 - E-1 Excavation Zone</b> .....	<b>18 - 127</b>
18.40.010 Purpose.....	18 - 127
18.40.020 Permitted Uses.....	18 - 127
18.40.030 Permitted Uses Requiring Five Acre Maximum Lot Area.....	18 - 127
18.40.040 Conditional Uses .....	18 - 127
18.40.050 Site Development Standards .....	18 - 127
18.40.060 Sign Regulations .....	18 - 127
<b>Chapter 18.42 - Supplementary Use Regulations</b> .....	<b>18 - 128</b>
18.42.010 Regulations to Be Supplementary.....	18 - 128
18.42.015 Supplementary Use Regulations.....	18 - 128
18.42.020 Lots in Separate Ownership .....	18 - 128
18.42.030 Yard Space for One Building Only .....	18 - 128
18.42.040 Dwelling to Be Located on Lot.....	18 - 128
18.42.050 Separately Owned Lots-Reduced Yards .....	18 - 128
18.42.060 Sale or Lease of Required Space .....	18 - 129
18.42.070 Sale of Lots below Minimum Space Requirements .....	18 - 129
18.42.080 Yards to Be Unobstructed-Exceptions .....	18 - 129
18.42.090 Accessory Buildings Area.....	18 - 129
18.42.100 Height Allowance-Additional.....	18 - 129
18.42.110 Height Limitations-Exceptions.....	18 - 129
18.42.120 Main Building Minimum Height.....	18 - 129
13.42.130 Accessory Building Maximum Height.....	18 - 129
18.42.140 Clear View of Intersecting Streets.....	18 - 129
18.42.150 Animals and Fowl.....	18 - 130
18.42.160 Water and Sewage Requirements. ....	18 - 130
18.42.170 Lots and Dwellings on Private Rights-of-Way. ....	18 - 130
18.42.180 Personal Accessory Buildings, Special Exception. ....	18 - 130
18.42.190 Use of Explosives in Development Shall Require a Conditional Use Permit.....	18 - 131
<b>Chapter 18.43 - Design Requirements</b> .....	<b>18 - 132</b>
<b>Article I. General Provisions</b> .....	<b>18 - 132</b>

18.43.100 Purpose .....	18 - 132
18.43.110 Areas .....	18 - 132
18.43.120 Applicability .....	18 - 132
18.43.130 Effect .....	18 - 133
18.43.140 Application Requirements .....	18 - 133
<b>Article II. Site Standards .....</b>	<b>18 - 133</b>
18.43.200 .....	18 - 133
18.43.210 Building Orientation .....	18 - 133
18.43.220 Pad Sites .....	18 - 134
18.43.230 Connection the Site with Surroundings .....	18 - 134
18.43.240 Special Requirements .....	18 - 135
18.43.250 Traffic Management and Parking .....	18 - 136
18.43.260 Pedestrian and Bicycle Access and Circulation .....	18 - 137
18.43.270 Public Utilities .....	18 - 138
18.43.280 Landscaping, Open Space and Streetscapes .....	18 - 138
<b>Article III. Building Guidelines .....</b>	<b>18 - 140</b>
18.43.300 Intention .....	18 - 141
18.43.310 Special Considerations .....	18 - 141
18.43.320 General Building Guidelines .....	18 - 141
18.43.330 Building Relief .....	18 - 142
18.43.340 Building Articulation .....	18 - 142
18.43.350 Building Design Treatments .....	18 - 142
18.43.360 Building Height .....	18 - 143
18.43.370 Building Materials .....	18 - 143
18.43.380 Building Colors .....	18 - 143
18.43.390 Roof Treatments .....	18 - 143
<b>Article IV. Gateway West Area .....</b>	<b>18 - 144</b>
18.43.400 Description .....	18 - 144
18.43.410 Intention .....	18 - 144
18.43.420 Special Considerations .....	18 - 144
18.43.430 General Standards .....	18 - 144
18.43.440 Buildings .....	18 - 145
18.43.450 Lighting .....	18 - 145
<b>Article V. Gateway North Area .....</b>	<b>18 - 146</b>
18.43.500 Description .....	18 - 146
18.43.510 Intention .....	18 - 146
18.43.520 Special Considerations .....	18 - 146
18.43.530 General Standards .....	18 - 146
18.43.540 Buildings .....	18 - 146
<b>Article VI. Gateway West Area .....</b>	<b>18 - 146</b>
18.43.600 Description .....	18 - 147
18.43.610 Intention .....	18 - 147
18.43.620 Special Considerations .....	18 - 147
18.43.630 General Standards .....	18 - 147
18.43.640 Parking .....	18 - 147
18.43.660 Special Requirements .....	18 - 148
<b>Article VII. Mixed Use Central Area .....</b>	<b>18 - 148</b>
18.43.700 Description .....	18 - 148
18.43.710 Intention .....	18 - 148
18.43.720 Special Considerations .....	18 - 148
18.43.730 General Standards .....	18 - 148
18.43.740 Buildings .....	18 - 149



18.43.750 Lighting.....	18 - 149
<b>Article VIII. Mixed Use East Area .....</b>	<b>18 - 149</b>
18.43.800 Description .....	18 - 149
18.43.710 Intention.....	18 - 150
18.43.820 Special Considerations.....	18 - 150
18.43.830 General Standards .....	18 - 150
18.43.840 Buildings.....	18 - 150
18.43.850 Lighting.....	18 - 151
<b>Article IX. Neighbor commercial Areas .....</b>	<b>18 - 151</b>
18.43.900 Description .....	18 - 151
18.43.910 Special Requirements .....	18 - 151
<b>Chapter 18.44 - Off-Street Parking and Loading .....</b>	<b>18 - 152</b>
18.44.010 Off-Street Parking Required. ....	18 - 152
18.44.020 Parking Space-Dwelling. ....	18 - 152
18.44.030 Parking Space-Buildings or Uses Not Dwellings. ....	18 - 152
18.44.040 Location of Parking Space. ....	18 - 152
18.44.050 Parking Lot Regulations. ....	18 - 152
18.44.060 Off-Street Truck Loading Space. ....	18 - 153
<b>Chapter 18.46 - Motor Vehicle Access .....</b>	<b>18 - 154</b>
18.46.010 Business Requiring Access. ....	18 - 154
18.46.020 Roadways-Curbs. ....	18 - 154
18.46.030 Gasoline Pump Location. ....	18 - 154
<b>Chapter 18.48 - Public Utility Substations .....</b>	<b>18 - 155</b>
18.48.010 Public Utility Substations. ....	18 - 155
18.48.020 Lot Area. ....	18 - 155
18.48.030 Yard. ....	18 - 155
18.48.040 Street Access. ....	18 - 155
18.48.050 Location to Be Approved. ....	18 - 155
<b>Chapter 18.50 - Nonconforming Buildings and Uses .....</b>	<b>18 - 156</b>
18.50.010 Purpose and Objectives. ....	18 - 156
18.50.020 Continuing Existing Uses .....	18 - 156
18.50.030 Construction Approved. ....	18 - 156
18.50.040 Nonconforming Uses, Substitution, Extend .....	18 - 156
18.50.050 Cessation of Use. ....	18 - 157
<b>Chapter 18.52 - Home Occupations (renamed as Chapter 5.18)</b>	
<b>Chapter 18.54 - Conditional Uses and Site Plans .....</b>	<b>18 - 158</b>
18.54.010 Purpose and Intent. ....	18 - 158
18.54.020 Conditional Use Permit. ....	18 - 158
18.54.030 Site Plan Approval Required. ....	18 - 158
18.54.040 Review Procedure. ....	18 - 159
18.54.050 Review Criteria. ....	18 - 159
18.54.060 Determination. ....	18 - 159
18.54.070 Installation and Guarantee of Improvements. ....	18 - 160
18.54.080 Building Permit. ....	18 - 160
18.54.090 Expiration. ....	18 - 160

18.54.100 Appeals. ....	18 - 160
<b>Chapter 18.56 - Commissions, Boards and Committees .....</b>	<b>18 - 161</b>
Article 1 Planning Commission. ....	18 - 161
18.56.010 Planning Commission Established. ....	18 - 161
18.56.020 Alternates. ....	18 - 161
18.56.030 Terms. ....	18 - 161
18.56.040 Quorum. ....	18 - 161
18.56.050 Attendance. ....	18 - 161
18.56.060 Training. ....	18 - 161
18.56.070 Rules of Policy and Procedure. ....	18 - 161
18.56.080 Organization. ....	18 - 161
18.56.090 Powers and Duties. ....	18 - 161
Article 2 Board of Adjustment. ....	18 - 162
18.56.210 Board Membership. ....	18 - 162
18.56.220 Training. ....	18 - 162
18.56.230 Organization. ....	18 - 162
18.56.240 Duties and Powers. ....	18 - 162
18.56.250 Time Limitation. ....	18 - 164
Article 3 Design Committee. ....	18 - 164
18.56.310 Design Committee Established. ....	18 - 164
18.56.320 Alternates. ....	18 - 164
18.56.330 Terms. ....	18 - 164
18.56.340 Quorum. ....	18 - 164
18.56.350 Training. ....	18 - 164
18.56.360 Powers and Duties. ....	18 - 164
18.56.370 Rules of Policy and Procedure. ....	18 - 164
18.56.380 Organization. ....	18 - 164
<b>Chapter 18.58 - Rescinded .....</b>	<b>18 - 165</b>
<b>Chapter 18.60 - Administration and Enforcement.....</b>	<b>18 - 166</b>
18.60.010 Enforcement. ....	18 - 166
18.60.020 Building Permit Compliance. ....	18 - 166
18.60.030 Powers and Duties. ....	18 - 166
18.60.040 Changes and Amendments. ....	18 - 166
18.60.045 Attorney's Fees, Engineering Fees, etc .....	18 - 166
18.60.050 Annexation. ....	18 - 167
18.60.060 Licensing. ....	18 - 167
18.60.070 Violations.....	18 - 167
<b>Chapter 18.62 - Rezoning Procedure and Development Agreement.....</b>	<b>18 - 168</b>
Repealed.	
<b>Chapter 18.64 - Standards for Single Family Dwellings .....</b>	<b>18 - 169</b>
18.64.010 Codes and Standards. ....	18 - 169
18.64.020 Additional Requirements .....	18 - 169
<b>Chapter 18.66 - Attached Accessory Apartments.....</b>	<b>18 - 170</b>
18.66.010 Definitions.....	18 - 170

18.66.020 Intent .....	18 - 170
18.66.030 Conditional Use .....	18 - 170
18.66.040 Application Fee.....	18 - 171
<b>Chapter 18.67 - Electronic Communication Facilities, Towers and Equipment .....</b>	<b>18 - 172</b>
18.67.010 Purpose .....	18 - 172
18.67.020 Definitions.....	18 - 172
18.67.030 Policies .....	18 - 172
18.67.040 Overall Master Plan for Current/Future Sites Required .....	18 - 172
18.67.050 Special Requirements for Communication Facilities.....	18 - 172
18.67.060 Preferred Sites .....	18 - 173
18.67.070 Special Requirements for Wall Mounted Antennas .....	18 - 173
18.67.080 Special Requirements for Roof Mounted Antennas .....	18 - 173
18.67.090 Special Requirements for Monopole Towers .....	18 - 173
18.67.100 Siting .....	18 - 173
18.67.110 Abandoned Communication Facilities.....	18 - 173
18.67.120 Leases.....	18 - 174
<b>Chapter 18.68 - Master Planned Community (MPC) .....</b>	<b>18 - 175</b>
Repealed	
<b>Chapter 18.70 – Adequate Public Facilities .....</b>	<b>18 - 176</b>



## Chapter 18.02 - General Provisions

**18.02.010 Adoption of Provisions.** The existing ordinances of the city covering the zoning of areas and districts in the city, in their entirety and including the maps heretofore adopted and made a part of the ordinances are superseded and amended to read as compiled in this title; provided, however that the ordinances adopted December 8, 1987, intended to be a comprehensive collection of Pleasant View zoning ordinances in effect at December 8, 1987, including the attached maps, shall be deemed a continuation of previous ordinances, and not a new enactment, insofar as the substance of revisions of previous ordinances is included in ordinances readopted, whether in the same or different language; and this title shall be so interpreted upon all questions of construction, including but not limited to questions of construction, relating to tenure of officers and boards established by previous ordinances and to questions of conforming or nonconforming use, buildings and structures, and to questions as to the dates upon which such uses, buildings or structures become conforming or nonconforming. (Ord. 87-17.03 (part), 1987; prior code §34-1-5)

**18.02.020 Purpose.** This title is designed and enacted for the purpose of promoting the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of the city of Pleasant View, County of Weber, State of Utah, including, amongst other things, the lessening of congestion in the streets, or roads, securing safety from fire and other dangers, providing adequate light and air, classification of land uses and distribution of land development and utilization, protection of the tax base, securing economy in governmental expenditures, fostering the city's agricultural and other industries, and the protection of both urban and non-urban development. (Ord. 87-17.03 (part), 1987; prior code §34-1-2)

**18.02.030 Interpretation.** In interpreting and applying the provisions of this title, the requirements contained in this title are declared to be the minimum requirements for the purposes set forth. (Ord. 87-17.03 (part), 1987; prior code §34-1-3)

**18.02.040 Conflicting Provisions.** This title shall not nullify the more restrictive provisions of covenants, agreements, other ordinances or laws, but shall prevail notwithstanding such provisions which are less restrictive. (Ord. 87-17-03 (part) 1987; prior code §34-1-4)

**18.02.050 Public Hearings and Notices.**

A. Land Use Ordinances or Zoning Map Considerations.

1. Public Hearings. Both the Planning Commission and the City Council shall consider any land use ordinance or zoning map proposal at a public hearing.

2. Notice of public hearings shall be provided at least ten days prior to the meeting by:

- a. Publication in a newspaper of general circulation in the area; and
- b. Posting on the City web site; and
- c. Mailing notice to affected entities; and
- d. Placement of signs provided by the City on the property and/or at locations as determined by the city which would offer the best chance for public observation. Such signs shall remain in place until the conclusion of the process, as

determined by the city; or

i. mailing of notice to each land owner whose property is directly affected and to those within 300 feet of the affected area.

**B. Conditional Uses.**

1. Public Hearings. The Planning Commission shall consider any conditional use request at a public hearing.

2. Notice of public hearings shall be provided at least ten days prior to the meeting by:

a. Placement of signs provided by the City on the property and/or at locations as determined by the city which would offer the best chance for public observation. Such signs shall remain in place until the conclusion of the process, as determined by the city; or

i. mailing of notice to each land owner whose property is directly affected and to those within 300 feet of the affected area. (Ord. 2007-9, 6/26/07)

**18.02.060 Vesting.** Subject to verification of a complete application as found herein:

A. An applicant is entitled to approval of a land use application if the application conforms to the requirements of the city's zoning map and applicable land use ordinance in effect when a complete application is submitted, as determined by a check list provided by the city, and all fees have been paid, unless:

1. the governing body, on the record, finds that a compelling, countervailing public interest would be jeopardized by approving the application; or

2. in the manner provided by local ordinance and before the application is submitted, the municipality has formally initiated proceedings to amend its ordinances in a manner that would prohibit approval of the application as submitted.

B. The city shall process an application without regard to proceedings initiated to amend the municipality's ordinances if:

1. 180 days have passed since the proceedings were initiated; and

2. the proceedings have not resulted in an enactment that prohibits the approval of the application as submitted.

C. An application for a land use approval is considered submitted and complete when the application is provided in a form that complies with the requirements of applicable ordinances and all applicable fees have been paid.

D. The continuing validity of an approval of a land use application is conditioned upon the applicant proceeding after approval to implement the approval with reasonable diligence.

E. The city shall not impose on a holder of an issued land use permit a requirement that is not expressed:

1. in the land use permit or in documents on which the land use permit is based;

or

2. in the city's ordinances.

F. The city will not withhold issuance of a certificated of occupancy because of an applicant's failure to comply with a requirement that is not expressed:

1. in the building permit or in documents on which the building permit is based; or

2. in the city's ordinances.

G. The City is bound by the terms and standards of applicable land use ordinances and shall comply with mandatory provisions of those ordinances. (Ord. 2007-9, 6/26/07)

## Chapter 18.04 - Definitions

- 18.04.010 Definitions Generally.** For the purposes of this title, certain words and terms are defined as set out in this chapter. Words used in the present tense include the future; words in the singular number include the plural and the plural the singular; words not included in this chapter but defined in the Building Code shall be construed as defined therein. (Ord. 87-17.03 (part), 1987: prior code §34-1-6(part))
- 18.04.015 Accessory Use.** A use that is incidental, customarily associated, with and subordinate, in area, extent and purpose to the principle use. A use that contributes to the comfort, convenience or necessity or the principle use. Accessory use shall be located on the same lot and in the same zone as the principle use and may include temporary uses. (Ord.2000-29, dated 12/12/00)
- 18.04.016 Adult Day Care Facility.** Means any building or structure furnishing care, supervision, and guidance for three (3) or more adults unaccompanied by a guardian for periods of less than twenty-four (24) hours per day. (Ord.2001-7, 4/10/01)
- 18.04.020 Agriculture.** "Agriculture" means the tilling of the soil, the raising of crops, horticulture and gardening, but not including the keeping or raising of domestic animals and fowl, except household pets, and not including any agricultural industry or business, such as fruit-packing plants, fur farms, animal hospitals or similar uses. (Ord. 87-17.03 (part), 1987: prior code §34-1-6(part))
- 18.04.030 Alley.** "Alley" means a public thoroughfare less than twenty-six feet wide. (Ord. 87-17.03 (part), 1987: prior code §34-1-6(part))
- 18.04.040 Apartment Court.** "Apartment court" means any building or group of buildings which contains dwelling units, and also satisfies the definition of a tourist court, as defined in this title. (Ord. 87-17.03 (part), 1987: prior code §34-1-6(part))
- 18.04.050 Apartment Hotel.** "Apartment hotel" means any building which contains dwelling units and also satisfies the definition of a hotel, as defined in this chapter. (Ord. 87-17.03 (part), 1987: prior code §34-1-6(part))
- 18.04.060 Apartment House.** "Apartment house" means a multiple dwelling. See Section 18.04.220, Dwelling Multiple. (Ord. 87-17.03 (part), 1987: prior code §34-1-6 (part))
- 18.04.065 Assisted Living Facility.** Means a residential facility, licensed by the State of Utah, with a home like setting that provides an array of coordinated supportive personal and health care services, available 24 hours a day, to residents who have been assessed under the Utah Department of Health or the Utah Department of Human Services rules to need any of these services. Each resident shall have a service plan based on the assessment, which may include nursing care, administration of medication and support services to promote self-sufficiency. Such facilities do not include and are not classified as residential facilities for elderly persons or residential facilities for persons with a disability. (Ord.2001-7, 4/10/01)
- 18.04.070 Automobile Wrecking.** See definition of "junk yard" Section 18.04.360. (Ord. 87-17.03 (part), 1987: prior code §34-1-6(part))
- 18.04.080 Basement.** "Basement" means a story partly underground and having at least one-half its height above grade. A basement shall be counted as a story, for purposes of height measurements. (Ord. 87-17.03 (part), 1987: prior code §34-1-6(part))

- 18.04.090 Boarding House.** "Boarding house" means a building with not more than five guest rooms, where, for compensation, meals are provided for at least five but not more than fifteen persons. (Ord. 87-17.03 (part), 1987: prior code §34-1-6(part))
- 18.04.100 Building.** "building" means any structure leaving a roof supported by columns or walls, for the housing or enclosure of persons, animals or chattels. (Ord. 87-17.03 (part), 1987: prior code §34-1-6(part))
- 18.04.110 Building-Accessory.** "Accessory building" means a detached subordinate building clearly incidental to and located upon the same lot occupied by the main building. (Ord. 87-17.03 (part), 1987: prior code §34-1-6(part))
- 18.04.120 Building-Height Of.** "Height of building" means the vertical distance from the grade to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to a point midway between the lowest part of the eaves or cornice and the ridge of a pitch or hip roof. (Ord. 87-17.03 (part), 1987: prior code §34-1-6(part))
- 18.04.130 Building-Main.** "Main building" means the principal building or one of the principal buildings upon a lot, or the building or one of the principal buildings housing the principal use upon the lot. (Ord. 87-17.03 (part), 1987: prior code §34-1-6(part))
- 18.04.140 Building-Public.** "Public building" means a building owned and operated, or owned and intended to be operated by a public agency of the United States of America, of the State of Utah, or any of its subdivisions. (Ord. 87-17.03 (part), 1987: prior code §34-1-6(part))
- 18.04.150 Car Port.** "Car port" means a private garage not completely enclosed by walls or doors. For the purposes of this title, a car port shall be subject to all of the regulations prescribed for a private garage. (Ord. 87-17.03 (part), 1987: prior code §34-1-6(part))
- 18.04.160 Cellar.** "Cellar" means a story having more than one-half its height below grade. A cellar shall not be counted as a story for the purpose of height measurement. (Ord. 87-17.03 (part), 1987: prior code §34-1-6(part))
- 18.04.165 Community Uses.** Are uses which have the primary purpose of serving the religious, recreational, educational or governmental needs of the community. Such uses may include but are not limited to, churches, private and public educational institutions, private non-profit recreational facilities, parks, public buildings and facilities, cemeteries and the like. (Ord.2000-29, dated 12/12/00)
- 18.04.170 Corral.** "Corral" means a fenced enclosure used for the close confinement of large animals, with hay or grain feeding in contrast to pasture feeding. (Ord. 93-11, 9/14/93: prior code 87-17.03 (part), 1987: prior code §34-1-6 (part))
- 18.04.180 Court.** "Court" means an unoccupied space on a lot, other than a yard, designed to be partially surrounded by group dwellings. (Ord. 87-17.03 (part), 1987: prior code §34-1-6(part))
- 18.04.190 Dairy.** "Dairy" means a commercial establishment for the manufacture or processing of dairy products. (Ord. 87-17.03 (part), 1987: prior code §34-1-6 (part))
- 18.04.192 Detention Facilities.** A Detention Facility means any array of facilities where persons are involuntarily kept for reasons associated with the breaking of the law, including but not limited to, jails, prisons, juvenile detention or secure facilities, or community correctional facilities (halfway houses). (Ord.2001-7, 4/10/01)



- 18.04.194 Disability.** Disability means a physical or mental impairment that substantially limits one or more of a person's major life activities, including a person having a record of such an impairment, or being regarded as having such an impairment. "Disability" does not include current illegal use of, or addiction to, any Federally-controlled substance, as defined in Section 102 of the Controlled Substance Act, 21 U.S.C. 802, or successor law. (Ord.2001-7, 4/10/01)
- 18.04.200 Dwelling.** "Dwelling" means any building, or portion thereof containing one or more dwelling units occupied as, or designed or intended for occupancy as a residence by one or more families. (Ord.2001-7, 4/10/01; prior codes Ord. 87-17.03 (part), 1987 and §34-1-6(part))
- 18.04.210 Dwelling-Group.** "Group dwelling" means two or more dwellings arranged around a court. (Ord. 87-17.03 (part), 1987: prior code §34-1-6(part))
- 18.04.220 Dwelling-Multiple-Family.** "Multiple-family dwelling" means a building arranged or designed to include three (3) or more dwelling units, each to be occupied by one family. (Ord.2001-7, 4/10/01: prior codes Ord. 87 17.03 (part), 1987and §34-1-6(part))
- 18.04.230 Dwelling-Single-Family.** "Single-family dwelling" means a building arranged, or designed to include only one (1) dwelling unit. (Ord.2001-7, 4/10/01; prior codes Ord 98-1, 3/24/98 and Ord. 87-17.03 (part), 1987 & §34-1-6(part))
- 18.04.240 Dwelling-Two-Family/Twinhome.** "Two-family/twinhome dwelling" means a building arranged or designed to include two (2) dwelling units, each to be occupied by one (1) family. (Ord.2001-7, 4/10/01; prior codes Ord. 87-17.03 (part), 1987and §34-1-6(part))
- 18.04.250 Dwelling Unit.** "Dwelling unit" means any building or portion thereof designed, occupied, or intended as a residence for a family with complete, and independent facilities for living, sleeping, eating, cooking and sanitation. (Ord.2001-7, 4/10/01; prior codes Ord 98-1, 3/24/98, Ord. 87-17.03 (part), 1987 and code §34-1-6(part))
- 18.04.260 Family.** "Family" means one or more persons related by blood, marriage, adoption, or guardianship or a group of not more than five unrelated persons living together as a single non-profit housekeeping unit, together with any incidental domestic staff who may or may not reside on the premises. Family does not exclude the care of foster children. (Ord.2001-7, 4/10/01; prior codes Ord. 87-17.03 (part), 1987 and §34-1-6 (part))
- 18.04.270 Family Food Production.** "Family food production" means the keeping of not more than two cows, two pigs, two sheep, two goats, twenty rabbits, fifty chickens, fifty pheasants, ten turkeys, ten ducks, ten geese and twenty pigeons provided that an additional number of animals equal to two times the number listed above and an additional number of fowl equal to five times the number listed above may be kept for each one-half acre in the lot over and above the minimum number of square feet required for a single-family residential lot in the zone and provided that not more than three of the above listed animals and fowl are permitted at any one time on any lot smaller than one-half acre. (Ord. 87-17.03 (part), 1987: prior code §34-1-6(part))
- 18.04.280 Frontage.** "Frontage" means all the property fronting on one side of the street between intersecting or intercepting streets, or between a street and a right-of-way, waterway, end of dead-end street, or political subdivision boundary, measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street which it intercepts. (Ord. 87-17.03 (part), 1987: prior code §34-1-6(part))
- 18.04.290 Garage-Private.** "Private garage" means an accessory building designed or used for the

storage of not more than four automobiles owned and used by the occupants of the building to which it is accessory and in which no business, commercial service or industry is carried on. A garage shall be considered part of a dwelling if the garage and dwelling have a roof or wall in common. On any lot or parcel of land of one acre or more in an agriculture zone there may be adequate storage space for vehicles used accessory to the agriculture use of the lot. (Ord. 87-17.03 (part), 1987: prior code §34-1-6(part))

**18.04.300 Garage Public.** "Public garage" means a building or portion thereof, other than a private garage, designed or used for servicing, repairing, equipping, hiring, selling or storing motor-driven vehicles. (Ord. 87-17.03 (part), 1987: prior code §34-1-6(part))

**18.04.310 Grade.** "Grade" means:

A. For buildings adjoining one street only, the elevation of the sidewalk at the center of that wall adjoining the street;

B. For buildings adjoining more than one street, the average of the elevations of the sidewalk at the centers of all walls adjoining the streets;

C. For buildings having no wall adjoining the street, the average level of the ground (finished surface) adjacent to the exterior walls of the building. All walls approximately parallel to and not more than five feet from a street line are to be considered as adjoining a street. (Ord. 87-17.03 (part), 1987: prior code §34-1-6(part))

**18.04.320 Guest House.** "Guest house" means a separate dwelling structure located on a lot with one or more dwelling structures and used for housing of guests or servants and not rented, leased or sold separate from the rental, lease or sale of the main dwelling. (Ord. 87-17.03 (part), 1987: prior code §34-1-6(part))

**18.04.330 Home Occupation.** "Home occupation" means an activity use conducted within a dwelling which is clearly incidental, secondary and compatible to the residential use of the building. A home occupation is an accessory use so located and constructed that a person, under normal circumstances, would not be aware of its existence. (Ord. 87-17.03 (part), 1987: prior code §34-1-6(part))

**18.04.340 Hotel.** "Hotel" means a building designed for or occupied as the more or less temporary abiding place of sixteen or more individuals who are, for compensation, lodged, with or without meals, and in which no provision is made for cooking in any individual room or suite. (Ord. 87-17.03 (part), 1987: prior code §34-1-6(part))

**18.04.350 Household Pets.** "Household pets" means animals or fowl ordinarily permitted in the house, and kept for company or pleasure, such as dogs, cats and canaries, but not including a sufficient number of dogs to constitute a "kennel" as defined in this chapter. (Ord. 87-17.03 (part), 1987: prior code §34-1-6(part))

**18.04.360 Junk Yard.** "Junk yard" means the use of any lot, portion of a lot, or tract of land for the storage of salvage materials, keeping or abandonment of junk, including scrap metals or other scrap material, or for the dismantling, demolition or abandonment of automobiles, other vehicles, or machinery or parts thereof; providing that this definition shall not be deemed to include such uses which are clearly accessory and incidental to any agricultural use permitted in the zone. (Ord. 87-17.03 (part), 1987: prior code §34-1-6(part))

**18.04.370 Kennel.** "Kennel" means the land or buildings used in the keeping of four or more dogs, at least four months old. (Ord. 87-17.03 (part), 1987: prior code §34-1-6(part))

**18.04.380 Lodging House.** "Lodging house" means a building where lodging only is provided for

compensation to five or more, but not exceeding fifteen persons. (Ord. 87-17.03 (part), 1987: prior code §34-1-6(part))

**18.04.390 Lot.** "lot" means a parcel of land occupied or to be occupied by a building or group of buildings, together with such yards, open spaces, lot width and lot area as are required by this title, having frontage upon a street or upon a right-of-way approved by the board of adjustment. Except for group dwellings and guest houses, not more than one dwelling structure shall occupy any one lot. (Ord. 87-17.03 (part), 1987: prior code §34-1-6(part))

**18.04.400 Lot-Corner.** "Corner lot" means a lot abutting on two intersecting or intercepting streets, where the interior angle of intersection or interception does not exceed one hundred thirty-five degrees. (Ord. 87-17.03 (part), 1987: prior code §34-1-6(part))

**18.04.410 Lot-Interior.** "Interior lot" means a lot other than a corner lot. (Ord. 87-17.03 (part), 1987: prior code §34-1-6(part))

**18.04.412 Manufactured Home.** A factory built structure (often called mobile home) which is constructed in compliance with the Federal Manufactured Housing Construction and Safety Standards Act of 1974 which became effective June 15, 1976, transportable in one or more sections, built on a chassis and designed as a place for human habitation of not more than one family, with or without a permanent foundation when connected to required utilities. A manufactured home meeting the requirements of Chapter 18.64 shall be classified as a dwelling. (Ord.2001-7, 4/10/01 and Ord 94-14, (part) 12/13/94)

**18.04.414 Modular Home.** A factory built structure which is constructed in compliance with the city's adopted building codes, transportable in one or more sections, built on a chassis and designed as a place for human habitation when placed on a permanent foundation and connected to all utilities. A modular home meeting the requirement of Chapter 18.64 shall be classified as a dwelling. (Ord. 94-14, (part) 12/13/94)

**18.04.420 Natural Waterways.** "Natural waterways" means those areas, varying in width, along streams, creeks, gulleys, springs or washes which are natural drainage channels as determined by the building inspector, and in which areas no buildings shall be constructed. (Ord. 87-17.03 (part), 1987: prior code §34-1-6(part))

**18.04.425 Neighborhood Services.** Includes low impact retail and service uses that are frequently needed by nearby residential neighborhoods. Such uses may include, but are not limited to, bakery, bookstore, dry cleaner, hair salons, laundry, medical/dental offices, pet stores, pharmacy, shoe repair, tailor and the like. (Ord.2000-29, dated 12/12/00)

**18.04.430 Nonconforming Building or Structure.** "Nonconforming building or structure" means a building or structure or portion thereof, lawfully existing at the time the ordinance codified in this title became effective, which does not conform to all the height, area and yard regulations herein prescribed in the zone in which it is located. (Ord. 87-17.03 (part), 1987: prior code §34-1-6(part))

**18.04.440 Nonconforming Use.** "Nonconforming use" means a use which lawfully occupied a building or land at the time the ordinance codified in this title became effective, and which does not conform with the use regulations of the zone in which it is located. (Ord. 87-17.03 (part), 1987: prior code §34-1-6(part))

**18.04.442 Nursing Home.** Means an intermediated care/nursing facility or a skilled nursing facility, licensed by the State of Utah, for the care of individuals who due to illness, advanced age, disability or impairment require assistance and/or supervision 24 hours a day. (Ord.2001-7, 4/10/01)

- 18.04.443 Outcall Services.** A type of sexually oriented business where employee(s) perform sexually oriented activities outside the premises of the licensed sexually oriented business, not in view of the general public, including but not limited to escorts, models, dancers and other similar employees. (Ord.2000-29, dated 12/12/00)
- 18.04.445 Outdoor Storage.** Outdoor Storage is the storage or keeping of building materials, equipment, fuels, vehicles, goods, commodities or raw materials outside of a building or structure. (Ord.2015-2, dated 3/10/15)
- 18.04.450 Parking Lot.** "Parking lot" means an open area, other than a street, used for the parking of more than four automobiles and available for public use, whether free, for compensation, or as in accommodation for clients or customers. (Ord. 87-17.03 (part), 1987: prior code §34-1-6(part))
- 18.04.460 Parking Space.** "Parking space" means space within a building, lot or parking lot for the parking or storage of one automobile. (Ord. 87-17-03 (part), 1987: prior code §34-1-6(part))
- 18.04.462 Personal & Household Services.** Includes mobile services such as carpet cleaning, plumber, electrician, physical therapy, massage, medical services, lawn care and other similar uses. (Ord.2001-7, 4/10/01 and Ord.2000-29, dated 12/12/00)
- 18.04.463 Rehabilitation/Treatment Facility.** Means a facility licensed by or contracted by the State of Utah to provide temporary occupancy and supervision of individuals (juveniles or adults) in order to provide rehabilitation, treatment, or counseling services of any kind. (Ord.2001-7, 4/10/01)
- 18.04.464 Residential Facility for Elderly Persons.** Means a dwelling unit that is either owned by one of the residents or by an immediate family member of one of the residents, or is a facility for which the title has been placed in trust for a resident. Such facilities shall be occupied on a 24 hour basis by eight (8) or fewer elderly persons (60 or more years old), in a family-type arrangement. Such facilities shall not include facilities that are operated as a business (although a fee may be charged), nor shall it be a dwelling where persons are placed and treated for drug and alcoholism, residence in the facility shall be strictly voluntary, nor shall it be a health care facility as defined by Section 26-21-2 of the Utah Code, nor shall it be a residential facility for persons with a disability. (Ord.2001-7, 4/10/01)
- 18.04.465 Residential Facility for Persons with a Disability.** Means a residence in which more than one person with a disability resides and which is licensed or certified by either the Utah State Department of Health (Title 26, Chapter 21, Health Care Facility Licensing and Inspection Act) or the Utah State Department of Human Services (Title 62A, Chapter 2, Licensure of Programs and Facilities). (Ord.2001-7, 4/10/01)
- 18.04.466 Residence, Residential Facility.** Means any building or portion thereof where an individual is actually living at a given point in time and intends to remain, generally for time periods of more than six (6) months, and not a place of temporary sojourn or transient visit. (Ord.2001-7, 4/10/01)
- 18.04.467 Retirement Home.** Means a for-profit residential facility designed, occupied and intended for residents fifty (50) years of age or older, where common facilities for cooking and dining are available to all residents and independent facilities are provided for living, sleeping, sanitation and may include cooking. (Ord.2001-7, 4/10/01)
- 18.04.468 Sexually Oriented Business (SOB).** Means the category of semi-nude entertainment businesses, including but not limited to sexually oriented outcall services, adult businesses and semi-nude dancing agencies as defined by the applicable business license chapter. (Ord.2001-7, 4/10/01 and Ord.2000-29, dated 12/12/00)
- 18.04.469 Shelter for the Homeless.** Means charitable lodgings or sleeping rooms provided on a

temporary basis, including a daily basis, to those members of society lacking safe, sanitary or affordable shelter. Such shelters may also include kitchens and/or cafeterias. (Ord.2001-7, 4/10/01)

**18.04.470 Specialty Retail.** Includes uncommon, mostly single category, retail uses such as a cheese shop, bridle shop, camera store, antiques store, ice cream store, or the like. (Ord.2001-7, 4/10/01 and Ord.2000-29, dated 12/12/00)

**18.04.479 Stable-Private.** "Private stable" means a detached, accessory building for the keeping of horses owned by the occupants of the premises, and not kept for remuneration, hire or sale. (Ord. 2001-7, 4/10/01 and Ord. 87-17.03 (part), 1987: prior code §34-1-6(part))

**18.04.480 Stable-Public.** "Public stable" means a stable other than a private stable. (Ord. 87-17.03 (part), 1987: prior code §34-1-6(part))

**18.04.490 Story.** "Story" means the space within a building included between the surface of any floor and the ceiling next above. (Ord. 87-17.03 (part), 1987: prior code §34-1-6(part))

**18.04.500 Street.** "Street" means a thoroughfare which has been dedicated or abandoned to the public, and accepted by proper public authority, or a thoroughfare, not less than twenty-six feet wide, which has been made public by right of use and which affords the principal means of access to abutting property. (Ord. 87-17.03 (part), 1987: prior code §34-1-6(part))

**18.04.510 Sign.** "Sign" means any device for visual communication to the general public displayed out-of-doors, including signs painted on exterior walls and interior illuminated signs, to be viewed from out-of-doors, but not including any flag, badge or ensign of any government or governmental agency. (Ord. 87-17.03 (part), 1987: prior code §34-1-6(part))

**18.04.520 Sign-Advertising.** "Advertising sign" means a sign which directs attention to a use, product, commodity or service not related to the premises. (Ord. 87-17.03 (part), 1987: prior code §34-1-6(part))

**18.04.530 Sign-Animated.** "Animated sign" means a sign which involves motion or rotation of any part, created by artificial means, or displays flashing or intermittent lights. (Ord. 87-17.03 (part), 1987: prior code §34-1-6(part))

**18.04.540 Sign Area.** "Sign area" means the area of a sign that is used for display purposes, excluding the minimum frame and supports. In computing sign area, only one side of back-to-back signs covering the same subject shall be computed when the signs are parallel or diverge from a common edge by an angle of not more than forty-five degrees. In relation to signs that do not have a frame or a separate background, sign area shall be computed on the basis of the least rectangle, triangle or circle large enough to frame the display. (Ord. 87-17.03 (part), 1987: prior code §34-1-6(part))

**18.04.550 Sign-Billboard.** "Billboard sign" means an advertising sign larger than twenty square feet in area. Two or more separate advertising spaces structurally connected shall be considered one sign. (Ord. 87-17.03 (part), 1987: prior code §34-1-6(part))

**18.04.560 Sign-Business.** "Business sign" means a sign which directs attention to a use conducted, product or commodity sold, or service performed upon the premises. (Ord. 87-17.03 (part), 1987: prior code §34-1-6(part))

**18.04.570 Sign-Flat.** "Flat sign" means a sign erected parallel to, and attached to or painted on or pasted on, the outside wall or window of a building and projecting not more than eighteen inches from such

wall or window. (Ord. 87-17.03 (part), 1987: prior code §34-1-6(part))

**18.04.580 Sign-Floodlighted.** "Floodlighted sign" means a sign illuminated in the absence of daylight only by devices which reflect or project light upon it. (Ord. 87-17.03 (part), 1987: prior code §34-1-6(part))

**18.04.590 Sign-Ground.** "Ground sign" means a sign placed upon the ground, or supported by a frame or supports placed in or upon the ground. (Ord. 87-17.03 (part), 1987: prior code §34-1-6(part))

**18.04.600 Sign-Identification.** "Identification sign" means a sign displayed to indicate the name or nature of buildings or uses other than commercial or industrial uses located upon the premises. (Ord. 87-17.03 (part), 1987: prior code §34-1-6(part))

**18.04.610 Sign-Illuminated.** "Illuminated sign" means a sign which has characters, letters, figures, designs or outline illuminated by electric lights or luminous tubes as a part of the sign proper. (Ord. 87-17.03 (part), 1987: prior code §34-1-6(part))

**18.04.620 Sign-Name Plate.** "Name plate sign" means a sign indicating the name and/or occupation of a person or persons residing on the premises or legally occupying the premises, or indicating a home occupation legally existing on the premises. (Ord. 87-17.03 (part), 1987: prior code §34-1-6(part))

**18.04.630 Sign-Projecting.** "Projecting sign" means a sign attached to a building or other structure and extending in whole or in part more than eighteen inches beyond any wall of the building or structure. (Ord. 87-17.03 (part), 1987: prior code §34-1-6(part))

**18.04.640 Sign-Property.** "Property sign" means a sign related to the property on which it is located and offering such property for sale or lease, or advertising contemplated improvements, or announcing the name of the builder, owner, designer or developer of the project, or warning against trespassing. (Ord. 87-17.03 (part), 1987: prior code §34-1-6(part))

**18.04.650 Sign-Public Necessity.** "Public necessity sign" means a sign informing the public of any danger or hazard existing on or adjacent to the premises. (Ord. 87-17.03 (part), 1987: prior code §34-1-6(part))

**18.04.660 Sign-Roof.** "Roof sign" means a sign erected partly or wholly on or over the roof of a building, but not including ground signs that rest on or overlap a roof twelve inches or less. (Ord. 87-17.03 (part), 1987: prior code §34-1-6(part))

**18.04.670 Sign-Service.** "Service sign" means a sign which is incidental to a use lawfully occupying the property upon which the sign is located, and which sign is necessary to provide information to the public, such as directions to parking lots, location of restrooms, sale of agriculture products produced upon the premises or other such pertinent facts. (Ord. 87-17.03 (part), 1987: prior code §34-1-6 (part))

**18.04.680 Sign-Temporary.** "Temporary signs" as regulated by this ordinance includes any sign, banner, pennant, valance or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard or other light materials, with or without frames, intended to be displayed for a short period of time only. (Ord. 87-17.03 (part), 1987: prior code §34-1-6(part))

**18.04.690 Structure.** "Structure" means anything constructed or erected, which requires location on the ground or attached to something having a location on the ground. (Ord. 87-17.03 (part), 1987: prior code §34-1-6(part))

**18.04.700 Structural Alterations.** "Structural alteration" means any change in supporting members of a

building or structure, such as bearing walls, columns, beams or girders. (Ord. 87-17.03 (part), 1987: prior code §34-1-6(part))

**18.04.705 Temporary Use.** A use that is not permanent but is transient or seasonal by nature such as a fireworks stand, Christmas tree sales lot, snow cone shack, etc. (Ord.2000-29, 12/12/00)

**18.04.710 Tourist Court or Motel.** "Tourist court or motel" means any building or group of buildings containing sleeping rooms, with or without fixed cooking facilities, designed for temporary use by automobile tourists or transients, with garage attached or parking space conveniently located to each unit, including auto courts, motels, or motor lodges. (Ord. 87-17.03 (part), 1987: prior code §34-1-6 (part))

**18.04.720 Trailer Camp/Trailer Court.** "Trailer Camp" or "Trailer Court" means any area or tract of land used or designed to accommodate two or more travel trailers, recreational vehicles, or camping parties. (Ord 94-14, 12/13/94: prior code Ord 87-17.03 (part), 1987: prior code §34-1-6 (part))

**18.04.730 Travel Trailer.** A vehicular, portable unit, mounted on wheels, not requiring special permits when drawn by a motorized vehicle:

A. Designed as a temporary dwelling for travel, recreational and vacation use; and

B. When factory-equipped for the road, having a body width of not more than eight feet and a body length of not more than forty feet. (Ord 94-14, 12/13/94: prior code Ord 87-17.03 (part), 1987: prior code §34-1-6 (part))

**18.04.735 Unlicensed Rehabilitation/Treatment Facility.** Mean a facility providing temporary occupancy, generally less than six (6) months, or daily services for individuals in need of rehabilitation, treatment, or counseling services, for which the State of Utah does not require a license nor a contact. Such facilities may commonly be called sap, wellness centers, alternative health clinics and the like. (Ord.2001-7, 4/10/01)

**18.04.740 Use-Accessory.** "Accessory use" means a subordinate use customarily incidental to and devoted exclusively to the main use of the premises and located upon the same lot occupied by the main use. (Ord. 87-17.03 (part), 1987: prior code §34-1-6 (part))

**18.04.750 Use-Conditional.** "Conditional use" means a use or occupancy of a building, or use of land, permitted only when authorized upon issuance of a conditional use permit and subject to the limitations and conditions specified therein as provided in Chapter 18.54 intended to allow compatible integration of uses which may be suitable only in certain conditions and/or design criteria being achieved. A conditional use will be indicated by the letter "C". (Ord. 87-17.03 (part), 1987: prior code §34-1-6 (part))

**18.04.760 Use-Permitted.** "Permitted use" means any use lawfully occupying land or buildings as authorized in the zone regulations and for which no conditional use permit is required. A permitted use will be indicated by the letter "P". (Ord. 87-17.03 (part), 1987: prior code §34-1-6 (part))

**18.04.770 Width of lot.** "Width of lot" means the distance between the side lot lines at the distance back from the front lot line required for the depth of the front yard. (Ord. 87-17.03 (part), 1987: prior code §34-1-6 (part))

**18.04.780 Yard.** "Yard" means a space on a lot, other than a court, unoccupied and unobstructed from the ground upward, by buildings, except as otherwise provided herein. (Ord. 87-17.03 (part), 1987: prior code §34-1-6 (part))

**18.04.790 Yard-Front.** "Front yard" means a space on the same lot with a building, between the front line

of the building and front lot line, and extending across the full width of the lot. The depth of the front yard is the minimum distance between the front lot line and the front line of the building. (Ord. 87-17.03 (part), 1987: prior code §34-1-6 (part))

**18.04.800 Yard-Rear.** "Rear yard" means a space on the same lot with a building, between the rear line of the building and rear lot line, and extending the full width of the lot. The depth of the rear yard is the minimum distance between the rear lot line and the rear line of the building. (Ord. 87-17.03 (part), 1987: prior code §34-1-6 (part))

**18.04.810 Yard-Side.** "Side yard" means a space on the same lot with a building, between the side line of the building, and the side lot line and extending from the front yard to the rear yard. The width of the side yard shall be the minimum distance between the side lot line and the side line of the building. (Ord. 87-17.03 (part), 1987: prior code §34-1-6(part))



## Chapter 18.08 - Zones Established

**18.08.010 Zones Designated.** For the purpose of this title the incorporated areas of the city to which this title applies are divided into zones as follows:

CLASS	ZONE
Residential	RE-15
Residential	RE-20
Agricultural	A-2
Agricultural	A-5
Residential	R-1
Residential	R-5
Residential Mobile Home Park	RMH-1
Residential Multi-Family Zone (repealed)	RM
Commercial C-1 & C-2	C-1 & C-2
Commercial	C-1
Commercial	C-2
Commercial	C-3
Planned Commercial	CP-1
Planned Commercial	CP-2
Planned Commercial	CP-3
Planned Manufacturing	MP-1
Manufacturing	M-2
Manufacturing/Commercial Mix	MCM
Master Planned Community (repealed)	MPC
Planned Residential Unit Development (PRUD)-(Ch.18.36)	PS-1-A
Planned Residential Unit Development (PRUD) (repealed)	PRUD
Sensitive Area Overlay	S.A.
Gateway Zones (repealed)	GWW & GWN
Mixed Use Zones (repealed)	MUW, MUC, & MUE
Transportation Oriented Development Zone (repealed)	TOD
Excavation	E-1

**18.08.020 Zone Boundaries.** The boundaries of each of the zones are established as described in this chapter or as shown on the map entitled "Zoning Map for the City of Pleasant View," or as hereafter amended, on file at the city recorder's office which map is attached and all boundaries, notations and other data shown thereon are made by this reference as much a part of this title as if fully described and detailed herein. (Ord. 87-17.03 (part), 1987: prior code §34-2-2)

**18.08.030 Ordinance and Map Filing.** This title and the map shall be filed in the custody of the city clerk and may be examined by the public subject to any reasonable regulations established by the city clerk. (Ord. 87-17.03 (part), 1937- prior code §34-2-3)

**18.08.040 Boundary Location Rules.** Where uncertainty exists as to the boundary of any zone, the following rules shall apply:

A. Wherever the zone boundary is indicated as being approximately upon the centerline of a street, alley or block, or along a property line of a street, alley or block, or along a property line, then, unless otherwise definitely indicated on the map, the centerline of such street, alley or block or such property line, shall be construed to be the boundary of such zone.

B. Whenever such boundary line of such zone is indicated as being approximately at the line of any river, irrigation canal or other waterway or railroad right-of-way, or public park or other public land or any section line, then in such case the center of such stream, canal or waterway or of such railroad right-of-way or the boundary line of such public land or such section line shall be deemed to be the boundary of such zone.

C. Where such zone boundary lines cannot be determined by the above rules, their location may be found by the use of the scale appearing upon the map or maps.

D. Where the application of the above rules does not clarify the zone boundary location, the board of adjustment shall interpret the map. (Ord. 87-17.03 (part), 1987: prior code §34-2-4)

## Chapter 18.09 - RE-15 Zone

**18.09.010 Purpose and Intent.** The purpose of the RE-15 zone classification is to provide regulated areas for single family residential use under qualifying medium density as described in the General Plan. (Ord. 2008-16 dated 11/21/08; prior codes see below)

**18.09.020 Permitted Uses.**

- A. Single family dwellings.
- B. Accessory buildings and use customarily incidental to any permitted use.
- C. Agriculture provided that no animals or fowl may be kept except household pets; nurseries and greenhouses provided that sale of goods or products is limited to plant materials produced on the premises and there is no retail shop operated in connection therewith.
- D. A permanent church, synagogue, or similar building used for regular religious worship, subject to item M.
- E. Home occupation
- F. Household pets
- G. Libraries subject to item M.
- H. Parking lots accessory to uses permitted in this zone subject to item M.
- I. Public buildings, public parks, recreation grounds, and associated buildings.
- J. Public schools, private educational institutions having curriculum similar to that ordinarily given in public schools subject to M.
- K. Temporary buildings, structures, and uses incidental to construction work. Such building shall be removed upon the completion or abandonment of the construction work.
- L. Signs. All signs are subject to the sign regulations of the city.
- M. Special use requirement:
  - 1. The minimum size of the lot or site used for such proposes shall be one acre.
  - 2. Any lights used to illuminate the premises shall be installed in such a manner that the source of light shall not be visible from outside the premises and the source of light shall be suitably screened to avoid annoying illumination of lands outside said premises. (Ord. 2008-16 dated 11/21/08; prior codes see below)

**18.09.030 Conditional Uses.** The following uses shall be permitted only when authorized by a conditional use permit as provided in Chapter 18.54 of this zoning ordinance.

- A. Private park, playground, or recreation area are not open to the general public and to which no admission charge is made and not including privately owned commercial amusement business subject to item M of Permitted Uses.
- B. Public utility substation or water storage reservoir developed by a public agency.
- C. Earth sheltered homes.
- D. Residential facility for persons with a disability subject to established rule for such facilities.
- E. Residential facility for elderly persons subject to established rules for such facilities. (Ord. 2008-16 dated 11/21/08; prior codes see below)

**18.09.040 Site Development Standards.**

- A. Lot size
  - 1. Interior lots: 15,000 square foot minimum
  - 2. Corner lots: 16,000 square foot minimum
- B. Lot Width. Minimum lot width at a distance thirty feet back from the front lot line shall be one hundred feet.
- C. Yard-Front. Minimum yard setback shall be thirty feet. Except the setback may be the average of existing buildings where 50% of the street frontage is developed, but in no case less than twenty feet.

D. The minimum side yard for any dwelling shall be ten feet and the total width of the two required side yards shall not be less than twenty-four feet. Other main buildings shall have a minimum side yard of twenty feet and the total width of the two required side yards shall be not less than forty feet. The minimum side yard for a private garage shall be ten feet, except that private garages and other accessory buildings, located at least six feet in the rear of the main building may have a minimum side yard of one foot, provided that no private garage or other accessory building shall be located closer than ten feet to a dwelling on an adjacent lot. On corner lots, the side yard, which faces on a street for both main and accessory buildings, shall be not less than twenty feet, or the average of existing buildings where more than fifty percent of the frontage is developed, but in no case less than fifteen feet.

E. Yard-Rear. The minimum depth of the rear yard for any main building shall be thirty feet, and for accessory buildings one foot, providing that on corner lots which rear upon the side yard of another lot, accessory buildings shall be located not closer than ten feet to such side yard.

F. Yard-General. The minimum setback requirement of any yard for any building which abuts 600 West, 1000 West or 1100 West shall be 40 feet. The City Council may waive this special setback requirement in those circumstances where a new project is dedicating and constructing the right of way as shown in the General Plan. (Ord. 2008-16 dated 11/21/08; prior codes see below)

#### **18.09.050 Housing Standards.**

A. Building Height.

1. Minimum shall be one story or ten feet.
2. Maximum shall be two and one-half stories or thirty-five feet.

B. Single family homes shall incorporate the following:

1. A minimum of 50% of each structure's exterior surface as masonry (brick, stone or stucco.)
2. A minimum of a 2 car garage is required.
3. Roof materials shall be constructed of architectural shingles that simulated the depth of wood shingles or may be constructed of tile or other materials approved by the Planning Commission.
4. Minimum 5:12 roof pitch.
5. No more than 2 homes with the same or very similar architecture shall be allowed adjacent to each other.
6. All homes shall have a minimum finished square footage of 1500 above grade with at least 800 square feet per floor. (Ord. 2008-16 dated 11/21/08; prior codes see below)

#### **18.09.060 Qualifying Medium Density Standards.**

A. Subdivision Developer. The developer of a subdivision shall incorporate at least six of the following criteria, subject to specific approval by the Planning Commission for each selected item:

1. Streetscape enhancements such as but not limited to; roundabouts, 8' or greater width park strips, or others as accepted by the Planning Commission;
2. Subdivision entrance feature;
3. Specialty/pedestrian scale lighting along sidewalks, streets and trails;
4. Special fencing around the entire project to be installed prior to any occupancy;
5. Additional buffering (architecturally interesting walls, intense landscaping, greater setbacks, etc.) to adjacent uses;
6. Interior trails and exterior trail connection;
7. Preservation of distinct features such as orchards, rock outcroppings, wetlands, etc., including appropriate improvements as accepted by the Planning Commission;
8. Dedication or creation of open space or park areas;
9. Varying lot sizes and densities within the development. This may include four or more housing types for every 10 acres;

10. Distinct project identity demonstrated through architectural style and landscape excellence.

11. Other items, accepted by the Planning Commission, that provide distinctive identity, enhanced project appeal, or improved design.

B. Each application for rezone and/or subdivision shall submit a written report addressing the above criteria.

C. A development agreement may be required to assure compliance with the intent of this section. (Ord. 2008-16 dated 11/21/08; prior codes see below)

(Prior Ordinances: Ord. 91-3, 11/5/91, 95-6, 7/25/95, 96-14, 9/24/96, 2000-25, 11/28/00, 2001-7, 4/10/01, 2007-1, 1/9/09, and 2007-9,6/26/07)

## Chapter 18.10 - RE-20 Zone

**18.10.010 Use Regulations.** In residential zone RE-20 no building, structure or land shall be used, and no building or structure shall be erected which is arranged, intended or designed to be used for other than one or more of the following uses:

- A. Single-family dwellings;
  - B. Churches, except temporary revival tents or buildings; libraries, museums; art galleries;
    - 1. The minimum size of the lot or site used for such purposes shall be one acre.
    - 2. Any lights used to illuminate the premises shall be installed in such a manner that the source of light shall not be visible from outside the premises and the source of light shall be suitably screened to avoid annoying illumination of lands outside said premises.
  - C. Public schools; private educational institutions having a curriculum similar to that ordinarily given in public schools;
    - 1. The minimum size of the lot or site used for such recreational or other purposes shall be one acre.
    - 2. Any lights used to illuminate the premises shall be installed in such a manner that the source of light shall not be visible from outside the premises, and the source of light shall be suitably screened to avoid annoying illumination of lands outside said premises.
  - D. Public parks, public recreational grounds and buildings; public buildings, public utilities;
  - E. Agriculture, nurseries and greenhouses, provided sale of goods is limited to materials produced on the premises, and there is no retail shop operated in connection therewith; agriculture experiment stations;
  - F. The keeping of animals and fowl for family food productions as an incidental and accessory use to the residential use of the lot; private stables; horses for private use only. Any corral, stable or building for keeping horses, animals, or fowl shall be located not less than one hundred feet from a public street and not less than twenty-five feet from any side or rear lot line;
  - G. The following uses, provided they are conducted on not less than five acres and under the following conditions:
    - 1. Farms devoted to the hatching, raising (including fattening as an incident to raising), slaughtering, dressing and marketing on a commercial scale of chickens, turkeys or other fowl or poultry, rabbits, fish or frogs hatched or raised on the premises.
    - 2. The raising and grazing of horses, cattle, sheep or goats, including the supplementary feeding of such animals, provided, that such raising or grazing is not part of nor conducted in conjunction with, any livestock feed yard, livestock sales yard, slaughter house, animal by-products business or commercial riding academy,
    - 3. Any building, structure or yard for raising, housing or sale of livestock or poultry shall be located not less than one hundred feet from a public street and not less than twenty-five feet from any lot line.
  - H. Household Pets;
  - I. Signs. All signs are subject to the sign regulations of the city.
  - J. Temporary buildings for uses incidental to construction work, which buildings must be removed upon the completion or abandonment of the construction work;
  - K. Home occupations;
  - L. Accessory uses and buildings customarily and normally incidental and subordinate to the above, and devoted exclusively to the main permitted use of the premises.
- (Ord. 2007-9, 6/26/07; prior codes: Ord. 2001-7, 4/10/01, Ord 94-13, 11/15/1994, Ord. 87-17.03 (part), 1987, §34-3-1) (also see Ord. 95-7, 7/25/95)

**18.10.015 Conditional Uses.** The following may be permitted only when authorized by a conditional use permit issued by the city:

- A. Nurseries and greenhouses (other than nurseries and greenhouses permitted in Section 18.10.010, paragraph E) limited to the sale of:

1. Plants;
2. landscaping materials;
3. fertilizer;
4. pesticide and insecticide products;
5. tools for garden and lawn care.
6. Provided further that a nursery or greenhouse of this type meet the following standards:
  - a. The use to be on a minimum of 5 acres;
  - b. The location to be on a major street, arterial or collector as designated on the city's master street plan;
  - c. Provision of adequate off-street parking;
  - d. Hours of operation 8:00 a.m. to 7:00 p.m.;
  - e. No exterior lighting;
  - f. No storage of machinery on site except that used in the nursery operation (could be required to be stored in building);
  - g. The Planning Commission may consider limits to size of retail shop.

B. Neighborhood Specialty Services: Limited number client service uses, including low impact retail attendant to such services, that are designed to serve educational, artistic and well being needs of the community. Such uses may include, but are not limited to: gardening classes; instruction in yoga, self esteem, dance, art and music; massage therapy; swimming lessons; and small retail sales of items related to classes. All functions will be limited by the available on-site parking.

1. All uses must be located on a lot and within an existing dwelling, which dwelling must remain in such a condition as to readily, with no more than minor remodeling, resume use as a single family dwelling.

2. Except for additional parking facilities, as approved by the City, obvious yard uses such as gardening plots and gathering places, and a sign as allowed herein, the yard areas must remain as if used for a single family dwelling.

3. The location must be on Pleasant View Drive or a major street south of Pleasant View Drive. These streets are considered major streets: 600 West, 1000 West, 1100 West, 2700 North and Highway 89.

4. There must be approved provision of adequate off-street parking;

5. The minimum size of the lot or site used for such purposes shall be one acre.

6. Any lights used to illuminate the premises shall be installed in such a manner that the source of light shall not be visible from outside the premises, and the source of light shall be suitably screened to avoid annoying illumination of lands outside said premises.

7. The Planning Commission may impose limits to any aspect of the proposed uses.

8. Signs. One monument style sign no more than four feet in height and less than 26 square feet in area, located within an approved landscaped area, may be allowed as a part of the conditional use.

9. Application for such uses must be accompanied by signed approval of no less than 70% of all property owners and tenants of properties within 500 feet of any portion of the property proposed for such use.

C. Private recreation grounds and facilities not open to the general public and to which no admission charge is made.

1. The minimum size of the lot or site used for such recreational or other purposes shall be one acre.

2. Any lights used to illuminate the premises shall be installed in such a manner that the source of light shall not be visible from outside the premises, and the source of light shall be suitably screened to avoid annoying illumination of lands outside said premises.

D. Residential facility for persons with a disability subject to established rule for such facilities.

E. Residential facility for elderly persons subject to established rules for such facilities.

(Ord. 2010-13, 4/27/10 & Ord. 2007-9, 6/26/07; prior code: Ord. 95-2, 3/28/95)

**18.10.020 Lot Area.** The minimum lot area shall be not less than twenty thousand square feet. (Ord. 2007-9, 6/26/07, Ord. 2007-9 6/26/07 and Ord. 87-17.03 (part), 1987: prior code §34-3-2)

**18.10.030 Lot Width.** The minimum width of any lot shall be one hundred feet, at a distance thirty feet back from the front lot line. (Ord. 2007-9, 6.26.07, Ord. 87-17.03 (part), 1987: prior code §34-3-3)

**18.10.040 Yard Side.** The minimum side yard for any dwelling shall be ten feet and the total width of the two required side yards shall be not less than twenty-four feet. Other main buildings shall have a minimum side yard of twenty feet and the total width of the two required side yards shall be not less than forty feet. The minimum side yard for a private garage shall be ten feet, except that private garages and other accessory buildings, located at least six feet in the rear of the main building may have a minimum side yard of one foot, provide that no private garage or other accessory building shall be located closer than ten feet to a dwelling on an adjacent lot. On corner lots, the side yard, which faces on a street from both main and accessory buildings, shall be not less than twenty feet, or the average of existing buildings where more than fifty percent of the frontage is developed, but in no case less than fifteen feet. (Ord. 2007-9, 6/26/07 and Ord. 87-17.03 (part), 1987: prior code §34-3-4)

**18.10.050 Yard Front.** The minimum depth of the front yard for main buildings and for private homes which have minimum side yard of ten feet shall be thirty feet, or the average of the existing buildings, where fifty percent or more of the frontage is developed, but in no case less than twenty feet. All accessory buildings other than private garages shall be located at least ten feet in the rear of the main building. (Ord. 2007-9, 6/26/07 and Ord. 87-17.03 (part), 1987: prior code §34-3-5)

**18.10.060 Yard Rear.** The minimum depth of the rear yard for any main building shall be thirty feet, and for accessory buildings one foot, providing that on corner lots which rear upon the side yard of another lot, accessory buildings shall be located not closer than ten feet to such side yard. (Ord. 2007-9, 6/26/07 and Ord. 87-17.03 (part), 1987: prior code §34-3-6)

**18.10.065 Yard-General.** The minimum setback requirement of any yard for any building which abuts 600 West, 1000 West or 1100 West, below Pleasant View Drive, shall be 40 feet. The City Council may waive this special setback requirement in those circumstances where a new project is dedicating and constructing the right of way as shown in the General Plan. (Ord. 2010-13, 4/27/10 & Ord. 2007-9, 6/26/07; prior codes: Ord 2007-1, 1/9/07 and Ord 96-14, 9/24/96)

**18.10.070 Building Height.** No buildings shall be erected to a height greater than two and one-half stories or thirty-five feet, and no dwelling structure shall be erected to a height less than one story. (Ord. 2007-9, 6/26/07; prior codes: Ord. 87-17.03 (part), 1987: prior code §34-3-7)



## **Chapter 18.12 - S-1G Zone**

**Repealed.** (Ord. 99-2, 1/12/99: prior codes Ord. 87-17.03 (part), 1987 and §34-4-1 through §34-4-10)

## **Chapter 18.14 - Gateway Zones**

**Repealed.** (Ord.2012-5, dated 6/12/12; prior code: Ord. 2010-7, 3/23/10)

## **Chapter 18.15 – Mixed Use Zones**

**Repealed.** (Ord.2012-5, dated 6/12/12; prior code: Ord. 2010-14, dated 5/25/10)

## Chapter 18.16 - A-2 Zone

**18.16.010 Use Regulations.** In agricultural zone A-2, no building or structure or land shall be used and no building or structure shall be erected which is arranged, intended or designed to be used for other than one or more of the following uses:

- A. Any use permitted in residential zones RE-15 and RE-20;
  - B. Farms devoted to the hatching, raising (including fattening as an incident to raising) slaughtering, dressing and marketing on a commercial scale of chickens, or other fowl or poultry, rabbits, fish or frogs hatched or raised on the premises;
  - C. Aquariums; aviaries; apiaries;
  - D. The raising and grazing of horses, cattle, sheep or goats, including the supplementary feeding of such animals, provided, that such raising or grazing is not a part of, nor conducted in conjunction with, any livestock feed yard, livestock sales yard, slaughterhouse, animal by-products business or commercial riding academy;
  - E. Plants for the storage or packing of fruit and vegetables produced on the premises; fruits and vegetable stands when located not closer than twenty feet from any property line; dairy or creamery; milk processing and sale, provided at least 50% of milk processed and sold is produced on the premises;
  - F. Public and private parks; circus or transient amusement;
  - G. Accessory uses and buildings customarily incidental to the above.
- (Ord. 94-16, 2/14/95 (part); prior code Ord. 94-11, 11/15/94 and Ord. 87-17.03, 1987)

**18.16.015 Conditional Uses.**

- A. Farms devoted to the hatching, raising (including fattening as an incident to raising) slaughtering, dressing and marketing on a commercial scale of turkeys.
  - B. Fur farms, animal hospitals, dog kennels, dog breeding establishments, dog training schools, provided that any building or enclosure for animals is located not less than twenty-five feet from any side or rear property line nor less than one hundred feet from any street
  - C. Public stables; riding academies, rodeo grounds; agricultural experiment stations; cemeteries;
  - D. The keeping and raising of not more than 50 hogs, more than six months old, provided, that no person shall feed any such hog any market refuse, house refuse, garbage or offal other than that produced on the premises;
  - E. Grain storage elevators;
  - F. Hospitals; sanitariums; convalescent home; rest home; correctional institutions; radio, television stations and towers;
  - G. Golf courses, golf driving ranges; gun clubs; skeet shooting ranges;
  - H. Advertising signs and structures subject to provisions of the cities ordinances concerning this matter.
- (Ord. 94-16, 2/14/95 (part); prior code Ord. 94-11, 11/15/94 and Ord. 87-17.03, 1987)

**18.16.020 Lot Area.** The minimum lot area shall not be less than five acres for all uses permitted in this chapter, except for dwellings, schools, churches, libraries, museums, public utility and public service uses and sanitariums or hospitals, or for the keeping of animals and fowl for family food production or recreation, may be located on a lot of not less than two acres.

(Ord. 94-16, 2/14/95 (part); prior code Ord. 94-11, 11/15/94 and Ord. 87-17.03, 1987)

**18.16.030 Lot Width.** The minimum width of any lot which is required by this chapter to contain a minimum area of five acres shall be three hundred feet; the minimum width of any lot which is required by this chapter to contain a minimum area of two acres shall be one hundred fifty feet.

(Ord. 94-16, 2/14/95 (part); prior code Ord. 94-11, 11/15/94 and Ord. 87-17.03, 1987)

**18.16.041 Yard-Side.** The minimum side yard for any dwelling shall be ten feet and the total width of the two required side yards shall be not less than twenty-four feet. The minimum side yard for accessory buildings at least ten feet in the rear of the main building may have a minimum side yard of five feet provided that no other accessory building shall be located closer than ten feet to any building on an adjacent lot. (Ord. 94-16, 2/14/95 (part); prior code Ord. 94-11, 11/15/94 and Ord. 87-17.03, 1987)

**18.16.042 Yard-Front.** The minimum depth of the front yard for all structures shall be thirty feet. (Ord. 94-16, 2/14/95 (part); prior code Ord. 94-11, 11/15/94 and Ord. 87-17.03, 1987)

**18.16.043 Yard-Rear.** The minimum depth of the rear yard for any dwelling shall be thirty feet and for accessory buildings five feet, providing that:

A. On corner lots which rear upon the side yard of another lot, accessory buildings shall be located not closer than ten feet to such side yard; and/or,

B. No other accessory building shall be located closer than ten feet to any building on an adjacent lot. (Ord. 94-16, 2/14/95 (part); prior code Ord. 94-11, 11/15/94 and Ord. 87-17.03, 1987)

**18.16.044 Yard-General.** The minimum setback requirement of any yard for any building which abuts 600 West, 1000 West or that part of 1100 West below Pleasant View Dr. shall be 40 feet. The City Council may waive this special setback requirement in those circumstances where a new project is dedicating and constructing the right of way as shown in the General Plan. (Ord 2007-1, 1/9/07 and Ord 96-14, 9/24/96)

**18.16.050 Building Height.** Building height shall be no more than thirty-five feet or two and one-half stories, except as per a conditional use. (Ord. 94-16, 2/14/95 (part); prior code Ord. 94-11, 11/15/94 and Ord. 87-17.03, 1987)

**18.16.060 Lot Coverage.** No building or structure or group of buildings with their accessory buildings shall cover more than seventy percent of the area of the lot. (Ord. 94-16, 2/14/95 (part); prior code Ord. 94-11, 11/15/94 and Ord 87-17.03, 1987)

## Chapter 18.18 - A-5 Zone

**18.18.010 Purpose and Intent.** The purpose of the A-5 zone is to provide residential and limited agricultural uses and other uses provided they are compatible with flood control objectives and residential use. (Ord. 87-17.03 (part), 1987: prior code §34-6a-1)

**18.18.020 Permitted Uses.** Permitted uses in the A-5 zone are as follows:

- A. Residential, single-family dwelling;
- B. Public parks and playgrounds;
- C. Nature parks and open spaces;
- D. Agricultural uses to the intensity and extent they are compatible with flood control objectives, maintain a quality environment acceptable to residential use.
  - 1. Truck gardening,
  - 2. The keeping of animals and fowl for family food production as an incidental and accessory use to the residential use of the lot; private stables; horses for private use only. Any corral, stable or building, for keeping horses, animals, or fowl shall be located not less than one hundred feet from a public street and not less than twenty five feet from any side or rear lot line,
  - 3. Growing hay, cereal grains and row crops,
  - 4. Orchards, growing fruit from trees and shrubs,
  - 5. Growing trees, shrubs and ornamental plants,
  - 6. Greenhouse plants,
  - 7. Household pets;
- E. Residential facility for persons with a disability;
- F. Residential facility for elderly persons.

(Ord.2001-7, 4/10/01 and Ord. 87-17.03 (part), 1987: prior code §34-6a-2)

**18.18.030 Conditional Uses-Designated.** The following may be permitted only when authorized by a conditional use permit issued by the city:

- A. Church, synagogue or similar permanent building used for regular religious worship;
- B. School, training center or similar building used primarily for educating or training;
- C. Fire station;
- D. Health or medical treatment center;
- E. Public utility maintenance center;
- F. Public recreation facilities such as ball grounds, tennis courts, swimming pools, posse practice areas and rodeo grounds owned and operated by municipal, county, state or federal entities. (Ord. 87-17.03 (part), 1987: prior code §34-6a-3(1))

**18.18.040 Conditional Uses-Issuance.** The planning commission shall not recommend a conditional use permit unless evidence is presented to establish that:

- A. The proposed use of the particular location is necessary or desirable to provide a service or facility which will contribute to the general welfare of the community;
- B. Such use will not, under the circumstances of the particular case and the conditions imposed, be detrimental to the health, safety and general welfare of persons nor injurious to property or improvements in the community, but will be compatible if not complimentary to the existing surrounding uses, buildings and structures when considering traffic generation, parking, building design and location, landscaping and signs; and
- C. The proposed use will comply with the regulations and conditions specified in this title for such use; and
- D. The proposed use conforms to the goals, policies and governing principles and land use of the master plan of for the city.

E. The proposed use will not lead to the deterioration of the environment of the general area, nor will produce conditions or emit pollutants of such type or quantity as to detrimentally affect, to any appreciable degree, public and private properties including the operation of existing use thereon, in the immediate vicinity or the community or the area as a whole;

F. Flood control objectives for the city will be met. (Ord. 87-17.03 (part), 1987: prior code §34-6a-3(2))

**18.18.050 Site Development Standards.**

A. Minimum site area is five acres.

B. Minimum lot width shall be two hundred feet. However, for cul-de-sacs, the minimum width may be measured at a front yard setback of seventy-five feet.

C. Minimum yard setbacks:

1. Front, fifty feet from existing or proposed public right of way on streets of less than eighty feet in width, seventy-five feet on all streets and highways of eighty or more feet in width;

2. Side, twenty feet adjacent to a residential boundary and for single-family dwellings;

3. Rear, fifty feet for single-family dwellings and one hundred feet from any street or lot line for any building or structure used for raising, housing, or sale of livestock or poultry;

D. Building height:

1. Minimum, one story;

2. Maximum, thirty-five feet;

E. Lot coverage: Not over ten percent of the lot area may be covered by materials impervious to water absorption.

F. Runoff water generated by developments or improvements such as buildings, driveways, sidewalks, parking areas, soil compaction, tilling, etc. shall be detained in a manner acceptable to the city engineer. (Ord 99-17, dated 7/13/99: prior codes Ord. 87-17.03 (part), 1987 & §34-6a-4)

**18.18.060 Sign Regulations.** The height, size and location of the following permitted signs shall be in accordance with the regulations set forth in RE-20 zone of the city:

A. Identification;

B. Property signs;

C. Service signs.

(Ord. 87-17.03 (part), 1987: prior code §34-6a-5)

**18.18.070 Subdivision Requirement Modification.** The following requirements relating to subdivision developments as required in Title 17 of this code shall be modified for the A-5 zone as designated below:

1. The city shall review and approve all road locations, gradient, profiles and other engineering features, but shall not be required to accept dedication of such roads to the city nor to maintain and service the roads. (See Section 17.16.010(A).)

2. Cul-de-sacs shall not be longer than five hundred feet from the center line of the intersecting street to the center of the turn-around. (Ord 99-3, 2/9/99 (part))(See Section 17.16.010(D).)

3. Maximum and minimum length of blocks shall not apply. However, the master road plan of the city shall be complied with. (See Section 17.16.020(A).)

4. Width of blocks shall not apply. (See Section 17.16.020(B).)

5. Business and industrial off-street parking requirements shall not apply. (See Section 17.16.020(C).)

6. Each lot in zone A-5 shall abut or have access to a public street. The balance of Section 17.16.030(C) shall not apply.

7. Sidelines of lots need not be at right angles. (See Section 17.16.030(F).)

8. a. All underground utilities and installations shall meet city development standards.

- b. Each development shall be required to connect to the public culinary water supply system. Private systems are discouraged however, where such are proposed, an operator, certified by the State of Utah shall be responsible for overseeing the system in accordance with Department of Environmental Quality, Division of Drinking Water Regulations. Private systems shall connect to the public water system and shall meet all requirements pertaining thereto, including, but not limited to, fire flow, hydrant location, lines sizes, storage requirements, metering, etc.
- c. Secondary irrigation water shall be required for each lot in the subdivision. Preliminary plat approval shall not be granted until proof of secondary water service has been presented to the city.
9. In addition to the requirements in Section 17.20.010(E) pertaining to storm-water, each subdivision and/or each lot, in accordance with recommendations of the city engineer, as approved by the city council shall provide for the detention of run-off water resulting in the subdivision and/or on each lot; and the subdivision and/or lot owner shall be fully responsible for any property damage resulting on other properties. Facilities for the collection of stormwater runoff shall be the first improvement or facilities constructed on the development site. Such facilities shall be designed so as to detain safely and adequately the maximum expected stormwater runoff for a one-hundred year storm as defined in NASA Study NSG 7226. (See also Ord. 94-10, 11/15/94). The developer shall be responsible to provide the city with appropriate easements for all detention facilities. All detention basins in the A-5 Zone shall be privately owned and maintained unless the detention can fill the function of a public park. Bonding may be required by the city council to guarantee the completion of stormwater runoff facilities. If such bond is required, it shall be in an amount equal to the cost of construction of such facilities and shall continue for two years after the completion date of such facilities.
10. a. Street surfacing shall be required. Street pavement sections, grades and profiles shall be in accordance with the city development standards, with the exception of the curb, gutter and sidewalks, which may be replaced by street shoulders and swells, as approved by the city engineer and the city council in order that storm runoff water can be fully controlled. Cuts or surface disturbances shall be re-vegetated within three months of surface disturbances. (See Section 17.20.010(F).)
- b. Street structural pavement sections shall comply with Pleasant View City Public Works Standards. All work shall comply with National Pollution Discharge Elimination System (NPDES) requirements and Storm Water Pollution Prevention Plans(SWPP) shall be submitted in accordance with state and federal regulations.
11. The approval of the planning commission for the planting, variety and location of trees along roadways may be required. (See Section 17.20.010(K).)
12. The natural vegetation (when it is oakbrush, shrubs and small trees within a sensitive area) shall be removed only when necessary for building, fire protection, driveways and landscaping purposes. However, in non-sensitive areas, land shall be used for agricultural purposes only if it has been so used in any five of the previous ten years. The maximum lawn area shall be one-fourth acre. A re-vegetation plan shall be submitted to and approved by the planning commission and city council for any cuts and slope disturbances on sensitive areas and such re-vegetation shall be completed within one year of the surface disturbance.
13. No building or construction shall be allowed which will disrupt the flow of water in the existing natural existing channels.
14. Wildlife shall be protected and every effort should be made to protect their present habitat.
15. It shall be the responsibility of the landowner or developer within a sensitive area to provide evidence to the city council for their approval that the proposed location is a safe location. The landowner or developer shall give careful consideration to fire hazards, earthquake zones, flood hazards and possible land and snow slippage.
16. No building shall be permitted on any portion of a lot where the natural slope exceeds twenty percent.



17. The landowner or subdivider in a sensitive area will be required to submit hydrologic survey data and percolation testing prepared or conducted by any duly authorized authority in the field to establish that the proposed building program will not endanger existing property with flooding or ecological hazards, or in any way alter the effectiveness of the aquifer replenishment capability of the area or contaminate the sources of the culinary water supply.

18. A sanitary sewer system shall be required and it must be in full conformity with the requirements of the local, county and state standards.

19. Spark arrestors shall be installed in every fireplace constructed indoors or outdoors. Screen openings in such arrestors shall not be in excess of one quarter inch in diameter.

20. A grading plan shall be submitted to the planning commission and to the city council for approval. All cuts and fills shall be made in accordance with the city engineer's recommendation. Approval of a subdivision or site plan shall be required before the issuance of a building permit.

21. A site plan of the portion of the five acres to be developed, drawn to a scale of at least one-inch to twenty feet, shall be submitted to the planning commission and shall show lot lines, existing and proposed contours at five foot intervals, location of proposed dwelling unit and any other proposed structures, walks, driveways and patio areas and landscaping.

22. Residences shall be built according to the Uniform Building Code in effect at the time the plans are approved.

23. Any person, firm or corporation violating any provisions of this chapter, upon conviction thereof, shall be deemed guilty of a class B misdemeanor, and fined not more than \$1850.00 or imprisoned in the county jail for a period of not longer than six months, or both, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense and punishable as such. (Ord. 99-17, 7/13/99: prior codes, Amended during 1988 codification; Ord. 87-17.03 (part), 1987 & §34-6a-6)

## Chapter 18.20 - R-1 Zone

**18.20.010 Use Regulations.** In residential zone R-1, no building or structure or land shall be used, and no building shall be erected which is arranged, intended or designed to be used for other than one or more of the following uses:

- A. Single-family dwellings;
- B. Churches, except temporary revival tents or buildings;
- C. Libraries, museums, art galleries;
- D. Public schools; private educational institutions having a curriculum similar to that ordinarily given in public schools; child day care or nursery;
- E. Public parks, public recreational grounds and buildings; public utilities; private recreational grounds and facilities, not open to the general public, and to which no admission charge is made;
- F. Agriculture: nurseries and greenhouses, provided sale of goods is limited to materials produced on the premises and there is no retail shop operated in connection therewith;
- G. Household pets;
- H. Name plates and signs as follows:
  - 1. Name Plate. One name plate for each dwelling unit, not exceeding two square feet in area, indicating the name of the occupant and/or permitted home occupation,
  - 2. Identification Sign. One sign, not exceeding eight square feet in area for conforming building or conforming uses other than dwellings, boarding or lodging houses, and multiple dwellings,
  - 3. Property Signs. One or more signs not exceeding eight square feet in combined total area for each street frontage of the lot, appertaining to lease or sale of the property. In addition one or more signs of a temporary nature for each approved subdivision under development, or main buildings, or uses under development other than dwellings, provided such signs shall not exceed in combined total area two hundred square feet and that no one sign shall exceed one hundred square feet in area,
  - 4. Service Signs. One or more service signs not exceeding twenty-four square feet in combined total area for each commercial or residential use lawfully occupying the premises, provided no one sign shall exceed eight square feet in area,
  - 5. Business Signs. One or more signs not exceeding in total area two square feet for each one linear foot of street frontage occupied by a nonconforming commercial or industrial use, provided the combined total area of such designs shall not exceed one hundred square feet; such uses not occupying frontage may have one or more signs not exceeding forty square feet in combined total area. In addition, temporary business signs not exceeding one hundred square feet in total area are permitted, provided, that no such temporary sign shall be erected for more than thirty days,
  - 6. Location of Signs.
    - a. Identification or business signs shall not be located in any required front or side yard except that signs attached to a building may project not more than six feet into a required yard, not less than ten feet above the ground.
    - b. Property signs or service signs shall be located not closer than ten feet to any property line. Name plates may be located anywhere on the property,
  - 7. Lighting of Signs. Signs may be illuminated or floodlighted by direct lighting only and the source of light shall not be visible beyond the property upon which located, nor constitute a nuisance. Visible luminous tubes shall be considered as direct lighting. Animated signs are prohibited,
  - 8. Height of Signs. No roof sign shall be erected higher than the height of the main building to which it is attached;
  - I. Temporary buildings for uses incidental to construction work, which buildings must be removed upon the completion or abandonment of the construction work;
  - J. Home occupations;

K. Accessory uses and buildings customarily and normally incidental and subordinate to the above and devoted exclusively to the main permitted use of the premises. (Ord. 87-17.03 (part), 1987: prior code §34-7-1)

**18.20.020 Lot Area.** The lot area regulations are the same as residential zone RE-20. (Ord. 87-17.03 (part), 1987: prior code §34-7-2)

**18.20.030 Lot Width.** The lot width regulations are the same as residential zone RE-20 (Ord. 87-17.03 (part), 1987: prior code §34-7-3)

**18.20.040 Yard-Side.** The minimum side yard for any dwelling shall be ten feet and the total width of the two required side yards shall be not less than twenty-four feet. Other main buildings shall have a minimum side yard of twenty feet and the total width of the two required side yards shall be not less than forty feet. The minimum side yard for a private garage shall be ten feet, except that private garages and other accessory buildings, located at least six feet in the rear of the main building may have minimum side yard of one foot, provided, that no private garage or other accessory building shall be located closer than ten feet to a dwelling on an adjacent lot. On corner lots, the side yard, which faces on a street for both main and accessory buildings, shall be not less than twenty feet, or the average of existing buildings where more than fifty percent of the frontage is developed, but in no case less than fifteen feet. (Ord. 87-17.03 (part), 1987: prior code §34-7-4)

**18.20.050 Yard-Front.** The minimum depth of the front yard for main buildings and for private garages which have a minimum side yard of ten feet shall be thirty feet, or the average of the existing buildings where fifty percent or more of the frontage is developed, but in no case less than twenty feet. All accessory buildings other than private garages shall be located at least ten feet in the rear of the main building. (Ord. 87-17.03 (part), 1987: prior code §34-7-5)

**18.20.060 Yard-Rear.** The minimum depth of the rear yard for any main building shall be thirty feet, and for accessory buildings one foot, provided, that on corner lots which rear upon the side yard of another lot, accessory buildings shall be located not closer than ten feet to such side yard. (Ord. 87-17.03 (part), 1987: prior code §34-7-6)

**18.20.070 Building Height.** No building shall be erected to a height greater than two and one-half stories or thirty-five feet, and no dwelling structure shall be erected to a height less than one story. (Ord. 87-17.03 (part), 1987: prior code §34-7-7)

## Chapter 18.22 - R-5 Zone

**18.22.010 Use Regulations.** In residential zone R-5, no building or structure or land shall be used and no building or structure shall be erected which is arranged, intended or designed to be used for other than one or more of the following uses:

- A. Multiple dwellings; group dwellings;
- B. Mortuaries;
- C. Clubs and lodges of a private and nonprofit character;
- D. Hotels and apartment hotels;
- E. In a multiple dwelling designed, constructed and/or used for twenty-four or more families and in a hotel designed, constructed and/or used for fifty or more guest rooms, there may be conducted a business incidental thereto, for the convenience of the occupants and the guests thereof, provided, that there shall be no entrance to such business except from inside the building in which the same is located and that the floor area for business purposes shall not exceed twenty-five percent of the ground floor area of such building;
- F. Advertising signs and structures and billboards;
- G. Accessory uses and buildings customarily incidental to the above. (Ord. 87-17.03 (part), 1987: prior code §34-8-1)

**18.22.020 Lot Area.** The minimum lot area shall be five thousand square feet for each one-family dwelling, with seven hundred and fifty additional square feet for each additional dwelling unit in a dwelling structure having more than one dwelling unit; for group dwellings the minimum lot area shall be not less than five thousand square feet for the first separate dwelling structure with three thousand square feet for each additional separate dwelling structure, and with seven hundred and fifty square feet additional for each additional dwelling unit in excess of one dwelling unit in each separate dwelling structure; not less than five thousand square feet for any other main building. (Ord. 87-17.03 (part), 1987: prior code §34-8-2)

**18.22.030 Lot Width.** The minimum width of any lot shall be fifty feet at a distance of twenty-five feet back from the front lot line. (Ord. 87-17.03 (part), 1987: prior code §34-8-3)

**18.22.040 Yard-Side.** Same as for residential zone R-2 except that dwelling structures over thirty-five feet in height shall have one foot of additional side yard on each side of the building for each two feet such structure exceeds thirty-five feet in height. (Ord. 87-17.03 (part), 1987: prior code §34-8-4)

**18.22.050 Yard-Front.** The front yard regulations are the same as for residential zone R-3. (Ord. 87-17.03 (part), 1987: prior code §34-8-5)

**18.22.060 Yard-Rear.** The rear yard regulations are the same as for residential zone RE-20. (Ord. 87-17.03 (part), 1987: prior code §34-8-6)

**18.22.070 Building Height.** No building shall be erected to a height greater than two and one-half stories or thirty-five feet and no dwelling structure shall be erected to a height less than one story. (Ord. 87-17.03 (part), 1987: prior code §34-8-7)

**18.22.080 Lot Coverage.** No building or group of buildings with their accessory buildings shall cover more than sixty percent of the area of the lot. (Ord. 87-17.03 (part), 1987: prior code §34-8-8)

**18.22.090 Group Dwellings-Special Provisions.**

- A. Group dwellings shall be considered as one building for the purpose of front, side and rear

yard requirements, the entire group as a unit requiring one front, one rear, and two side yards as specified in this chapter for dwellings.

B. Group dwellings shall be not more than two and one-half stories or thirty-five feet in height.

C. Each two or two and one-half story group-dwelling development shall have a minimum court of forty feet in width and forty feet in length, in addition to its required yards, and each one story group-dwelling development shall have a minimum court of thirty feet width, and thirty feet in length, in addition to its required yards.

D. In a group-dwelling development, no two separate dwelling structures shall be closer to each other along the sides or end of a court than fifteen feet.

E. The court shall be unoccupied by any building or other structures, except fire hydrants, utility poles, or other street improvements.

F. The court shall have an obstructed opening, not less than thirty feet wide, onto the front yard of a lot which has not less than that required for a lot in the zone in which it is located.

G. All dwelling structures of the group, except those facing a public street, shall face upon the court. (Ord. 87-17.03 (part), 1987: prior code §34-8-9)

## Chapter 18.24 - RMH-1 Zone

### Article I. General Provisions

#### 18.24.010 Title Purpose.

A. This chapter shall be known and may be referred to as "the Pleasant View City Mobile Home Park Ordinance".

B. The purpose of this chapter is to provide regulations for the construction and operation of mobile home parks and the use of mobile homes in the city in order to promote, protect and secure the public health, safety and general welfare. (Ord.2010-6, dated 3/9/10; prior codes: Ord.87-17.03 (part), 1987 and §34-8A-1-1)

#### 18.24.020 Definitions. The following terms shall have the meanings indicated when used in this chapter unless a contrary meaning clearly appears from the context:

A. "Awning" means any shade structure of approved material installed, erected or used adjoining or adjacent to a mobile home, and which is completely open on at least two sides. A side may be interpreted to be an "end."

B. "Density" means the number of mobile homes or mobile home stands per acre.

C. "Entry side" means the side of the mobile home where the main entrance doorway is located. That side of the mobile home opposite the entry side is called the not entry side.

D. "Health officer" means the director of the county health department, or any member of his staff authorized to represent him, or any health officer appointed by the city.

E. "Inspector" means the chief building official of the city, his deputies and authorized representatives.

F. "License" means a written license issued by the city administrator and approved by the building inspector allowing a person to operate and maintain a mobile home park under the provisions of this chapter.

G. "License director" means the administrator of Pleasant View City.

H. "Manufactured Home" means a transportable factory built housing unit constructed on or after June 15, 1976, according to the HUD Code, in one or more sections, which:

(i) in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or when erected on site, is 400 or more square feet; and

(ii) is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems.

I. "May" means permissive.

J. "Mobile home" A factory built moveable living unit which does not meet the requirements of the Federal Manufactured Housing Construction and Safety Standards Act of 1974 which became effective June 15, 1976, transportable in one or more sections, and which is eight feet or more in body width and thirty-two feet or more in body length, and which is built on a permanent chassis with wheels and designed as a place for human habitation of not more than one family, with or without a permanent foundation when connected to utilities. (Ord. 94-14, 12/13/1994)

K. "Mobile home lot" means a plot of ground within a mobile home park designed for the accommodation of one mobile home.

L. "Mobile home park" means a parcel of land which has been planned and improved for the placement of mobile homes for residential use.

M. "Mobile home stand" means that part of an individual lot which has been reserved for the placement of the mobile home, appurtenant structures or additions.

N. "Nuisance" means any of the following:

1. Any public nuisance as defined by the laws of the State of Utah;
2. Whatever is dangerous to human life or is detrimental to health, or which may create a fire hazard;
3. The overcrowding of any room or mobile home to a degree which will limit the cubic footage of available air space to less than five hundred cubic feet per person used for permanent occupancy;
4. Insufficient ventilation or illumination of any room or mobile home;
5. Inadequate or unsanitary sewage disposal or public facilities;
6. Whatever renders air, food, drink, unwholesome or detrimental to the health of human beings.

O. "Operator" means the manager or owner's representative directly responsible for general operation.

P. "Patio" means a surfaced outdoor living space designed to supplement the mobile home living area.

Q. "Permit" means a written document issued by the building inspector permitting the construction, alteration and extension of a mobile home park under the provisions of this chapter and regulations issued

hereunder.

R. "Person" means any individual, firm, trust, partnership, public or private association or corporation.

S. "Ramada" means any roof or shade structure installed, erected or used above a mobile home site or any portion thereof.

T. "Service building" means a substantial permanent building providing toilet facilities for men and women and laundry facilities and/or other facilities for use in common by the occupants of mobile home parks.

U. "Shall" means mandatory.

V. "Travel Vehicle" means a vehicle such as a recreational trailer, camper or motor home with or without motive power, designed and/or constructed to travel on the public thoroughfare in accordance with the provisions of the Utah motor vehicle code, and designed for the use of temporary human habitation.

W. "Tenant storage" means an enclosed space designed to provide auxiliary general storage space for an individual mobile home.

X. "Vehicle travel lanes" means all roads, driveways and parking areas within a mobile home park.

Y. "Yards" means the area on the same lot with a mobile home between the lot line and the front, rear or side of the mobile home stand. This includes areas which must remain clear of all structures such as enclosed patios, expandable rooms, garages or other additions. (Ord.2010-6, dated 3/9/10; prior codes: (Ord.2010-6, dated 3/9/10; prior codes: Ord. 87-17.03 (part), 1987 and prior code §34-8A-1-2)

#### **18.24.030 Location of Mobile Homes, Travel Vehicles and Manufactured Homes.**

A. No occupied mobile home shall be located anywhere within the city except in a licensed mobile home park. Emergency or temporary parking of any unoccupied mobile home outside a licensed mobile home park will be permitted for a period not exceeding twenty-four hours. A special permit for extended emergency parking of an unoccupied mobile home not to exceed five days may be issued by the city administrator. This section does not include community mobile home sales areas.

B. Travel vehicles may be accommodated in an approved and licensed mobile home park, provided that:

1. The travel vehicle has sanitary facilities, including water, sewer and power that are connected to park sanitary facilities; and
2. The travel vehicle, if occupied, is located on an approved park lot or, if unoccupied, within an approved storage area of the park.
3. Space for occupied travel vehicles may not be leased or rented for less than 30 days.

C. One unoccupied travel or vacation trailer, camper or motor home, not exceeding thirty-one feet in length, whether self-contained, dependent or independent may be parked in the city on an owner's lot or in a garage strictly for storage purposes only. (Ord. 87-17.03 (part), 1987: prior §34-8A-1-3)

D. No manufactured home shall be located within the city, unless it meets Chapter 18.64 "Standards for Single Family Dwellings" or is placed in a licensed mobile home park. Emergency or temporary parking of any unoccupied manufactured home outside a licensed mobile home park will be permitted for a period of not exceeding twenty-four hours. A special permit for extended emergency parking of an unoccupied manufactured home not to exceed five days may be issued by the city administrator. This section does not include community manufactured home sales areas. (Ord.2010-6, dated 3/9/10; prior codes: Ord. 94-14, 12/13/1994)

#### **18.24.040 Zoning Requirements.** All mobile home parks shall be located within the areas designated by this title. (Ord.2010-6, dated 3/9/10; prior codes: Ord. 87-17.03 (part), 1987 and §34-8A-1-4)

#### **18.24.050 Permit Requirements.** It is unlawful for any person to construct, enlarge, alter, improve or convert any mobile home park or to improve any lands for use as a mobile home park, or to cause the same to be done, unless such person holds a valid and existing permit approved by the planning commission and the city council and issued by the building inspector for the performance of such work. (Ord.2010-6, dated 3/9/10; prior codes: Ord. 87-17.03 (part), 1987 and §34-8A-1-5)

#### **18.24.060 License Requirements.** It is unlawful for any person to operate any mobile home park unless he obtains a license from the city administrator and a certificate of occupancy from the building inspector. (Ord.2010-6, dated 3/9/10; prior codes: Ord. 87-17.03 (part), 1987 and §34-8A-1-6)

**18.24.070 Building Permits.** The procedures prescribed by the Uniform Building Code as adapted by the city as amended from time to time, insofar as applicable and appropriate, are applicable to and shall be followed in applying for permits for the construction, alteration, enlargement, improvement, etc., of mobile home parks except as specifically otherwise provided. Compliance with the code shall be as determined by the building inspector. (Ord.2010-6, dated 3/9/10; prior codes: Ord. 87-17.03 (part), 1987 and §34-8A-1-7)

**18.24.080 Inspection.** The building inspector or other agents authorized by the city are granted the power and authority to enter upon the premises of such park at any time for the purpose of determining and/or enforcing any provision or provisions of this chapter or any other city ordinance applicable to the conduct and operation of mobile home parks. (Ord.2010-6, dated 3/9/10; prior codes: Ord- 87-17.03 (part), 1987 and §34-8A-1-8)

**18.24.090 Intent of Provisions.** It is the intent of this chapter to provide regulations for the location, design and improvements of mobile home parks that equal or exceed all applicable state laws. It is declared that in an instance where the provisions of this chapter do not encompass all of the state regulations and FHA minimum requirements as last amended insofar as the limits of this chapter apply, that such other regulations are included and required for conformance as part of this chapter. (Ord.2010-6, dated 3/9/10; prior codes: Ord. 87-17.03 (part), 1987 and §34-8A-1-9)

**18.24.100 Enforcement.**

A. It shall be the duty of the building inspector to enforce the provisions of the act pertaining to all construction, alteration and modification of mobile home parks. It shall be the duty of the county health department specifically to enforce all the provisions pertaining to the operating maintenance, use, occupancy, sanitation and safety of mobile home parks.

B. The Operator.

1. The operator shall call to the attention of the proper law enforcement officers any violation or suspected violation of any or all laws, ordinances and regulations relating to fire, safety and health.

2. The operator is required to maintain order on the premises and shall conduct his business in an orderly and wholesome manner, and shall not permit nuisances to be created or continued.

C. In addition to the requirement as set forth in this chapter, all uses shall be established and constructed in compliance with all existing state and local statutes, ordinances, codes and regulations including the rules and regulations of the Weber County health department and/or State Department of Health, local, county and state law enforcement agencies and the city fire department.

D. Every licensee shall keep a register of all mobile home tenants. This register shall be available at all times for inspection by any authorized person of the city. Such register shall contain current

1. names and addresses of each tenant,

2. mobile home unit to which assigned,

3. mobile home license number and manufacturer's name, if any. Register data shall be kept current or for one year from date of compilation.

(Ord.2010-6, dated 3/9/10; prior codes: Ord. 87-17.03 (part), 1987 and §34-8A-1-10)

**Article II Site Plan Review**

**18.24.110 Site Plan Review Intent.** In order to achieve the general objectives, intent and purpose of this chapter, preliminary site plan review of mobile home parks proposed for construction, alteration, or extension is required by the city's planning commission. In reviewing the site plan for a proposed mobile home park, the planning commission shall ascertain whether the proposed site plan is consistent with all regulations of this and all other city and state ordinances. Further, in consideration of each site plan, the planning commission shall endeavor to assure that the movement of vehicular and pedestrian traffic within the site and in relation to access streets shall be safe and convenient and that provisions are made so that the proposed mobile home park will not be harmful to the existing and future uses in the immediate area and the vicinity. (Ord.2010-6, dated 3/9/10; prior codes: Ord. 87-17.03 (part), 1987 and §34-8A-2-1)

**18.24.120 Application Contents.** In order to obtain a site plan review by the planning commission, the application shall contain the following information:

A. Name, address and phone number of the recorded applicant or his representative or qualified person preparing the plans;

B. Interest of the applicant in the mobile home park;

C. Location and legal description of the mobile home park;

D. Preliminary plans and specifications of the proposed park showing:

1. The area and dimensions drawn to scale of the tract of land and approximate acreage,



2. The number, location and size of mobile home lots and open spaces,
3. The location and width of roadways, walkways, parking areas and access to public thoroughfares,
4. The location of a service building and any other proposed structures,
5. The location and size of natural features including topography, wetlands, streams, lakes, drains and wooded areas and any anticipated change in these features,
6. The size, location and design of recreational facilities,
7. Property ownership if other than applicant.

(Ord.2010-6, dated 3/9/10; prior codes: Ord. 87-17.03 (part), 1987 and §34-8A-2-2)

**18.24.130 Application Review Procedure.** Following review of the preliminary plan by the planning commission and provided that the property has the proper zoning as defined in this title, the applicant shall submit to the planning commission a final detailed site plan of the proposed mobile home park, in accordance with the following requirements:

- A. Compliance with laws, plans and standards. Each map or plan prepared pursuant to this chapter shall be in accordance with applicable state laws, this zoning title, the provision of this chapter, and any other ordinances, statutes or laws appertaining to the establishment of mobile home parks. Each map or plan filed pursuant to this chapter shall be in compliance with officially adopted master, general or comprehensive plans and any amendment adopted pursuant thereto;
- B. Drawings to be of scale not smaller than one inch to fifty feet;
- C. Show scale, north point and all boundary dimensions and date of drawing;
- D. Show lot lines, including accurate dimensions, angles and sizes correlated with the legal description of the property;
- E. Show existing site characteristics:
  1. Natural features such as wooded areas, topography (two-foot contour intervals), streams, lakes, drains, wetlands, and similar features and approximate location of all areas subject to floodwater, overflow or inundation, showing location, width and direction of flow of all water courses,
  2. Existing man-made features such a buildings, structures, high tension towers, pipelines, existing utilities, excavations, bridges, culverts, drains and easements,
  3. Any change in existing natural or man-made features,
  4. Proposed streets, driveways, sidewalks, exterior lights and other vehicular and pedestrian features within and adjacent to the site; location and type of use of all recreational areas; location, area, number and dimensions of parking spaces in the off-street parking areas; identification of service lanes and service parking areas; and details of roads and drives, curbs and gutters, including cross-sections;
- F. State acreage of proposed site;
- G. Show location, use and size of all utility service facilities, including any common fuel storage tank facilities, water and sewer service systems, storm drainage facilities and fire hydrants;
- H. Show location and details of any and all signs to be constructed and placed in the park;
- I. Submit a detailed landscape planting plan which shall include the location and species of all plant materials either to remain or to be planted. Such plant materials shall be hardy when planted and maintained there after in a neat, orderly manner. Dead plant materials shall be replaced within a reasonable period of time no longer than one growing season;
- J. Plans should be designed and prepared by a qualified person in order that all requirements may be meet without undue delay;
- K. Any other information deemed necessary by the planning commission.

(Ord.2010-6, dated 3/9/10; prior codes: Ord. 87-17.03 (part), 1987 and §34-8A-2-3)

**18.24.140 Application Information Required.** Application for approval of a mobile home park shall be accompanied by all of the following essential information:

- A. Legal description of location and complete development plan for the mobile home park;
- B. Two copies of proposed restrictions, if any to be recorded;
- C. Methods of sewage disposal;
- D. Source of water supply;
- E. Storm sewer plan;
- F. Ten copies of the plan showing the proposed design of the mobile home park per requirements of Sections 18.24.120 and 18.24.130;

G. A fee for each mobile home park construction permit shall be paid to the city administrator at the time of the filing of the application therefor. The fee shall be in addition to all other building, electrical, plumbing and other fees required for work included in the construction. The amount of the fee shall be based upon the area included in the mobile home park and shall be computed at the rate stated in the Pleasant View fee schedule as established and amended by the city council. (Ord.2010-6, dated 3/9/10; prior codes: Ord. 87-17.03 (part), 1987 and §34-8A-2-4)

**18.24.150 Application Investigation.** Upon receipt of a complete filing for approval to establish or enlarge a mobile home park, the city planning commission shall make the necessary investigations, review and inspection of the application, plot plans, site and proposed facilities to determine whether the establishment or enlargement of the park will meet the requirements of this chapter and any other applicable ordinance or law. (Ord.2010-6, dated 3/9/10; prior codes: Ord. 87-17.03 (part), 1987 and §34-8A-2-5)

**18.24.160 Distribution of Plans.** The city planning commission shall transmit a copy of the mobile home park plans to the following agencies for review and comment:

- A. County health department;
- B. City engineering office;
- C. State Highway Department;
- D. City fire department;
- E. Utah Power and Light Company;
- F. Gas company;
- G. Telephone company;
- H. City recorder;
- I. City sewer and water department;
- J. Other public agencies and offices who, as determined by the city's planning commission, have an interest in the proposed park. (Ord.2010-6, dated 3/9/10; prior codes: Ord. 87-17.03 (part), 1987 and §34-8A-2-6)

**18.24.170 Reports.** Departments and agencies receiving the plans for review shall transmit comments or recommendations to the city planning commission in writing within fifteen days after receipt of the plan. Failure to report shall be deemed approval of the design unless an extension is requested. (Ord.2010-6, dated 3/9/10; prior codes: Ord. 87-17.03 (part), 1987 and §34-8A-2-7)

**18.24.180 Planning Commission Action.** The planning commission shall review the application and plans of the proposed mobile home park. It shall consider the reports of the other departments and agencies together with the provisions of this chapter and any other ordinance and shall recommend to the city council approval, conditional approval, disapproval or an extension of time regarding the plans submitted. An extension of time shall be granted when, in the opinion of the city planning commission additional information is necessary to properly act on the application in compliance with the provisions of this chapter. The city planning commission shall make a full written report to the city council on each mobile home park application. The city council shall pass on the report with approval, conditional approval, disapproval or an extension of time regarding the plans submitted. (Ord.2010-6, dated 3/9/10; prior codes: Ord. 87-17.03 (part), 1987 and §34-8A-2-8)

**18.24.190 Report to Applicant.** After final consideration and action of the city council in accordance with the requirements of this chapter and other applicable ordinances, the planning commission shall notify the applicant, in writing, of the action of the city council. Copies of the action shall be forwarded to the county health department and the city engineer's office for processing of construction plans. (Ord.2010-6, dated 3/9/10; prior codes: Ord. 87-17.03 (part), 1987 and §34-8A-2-9)

**18.24.200 Expiration of Approval.** Approval of the city council shall expire and become void at the expiration of one year after the date of approval if building permits have not been issued and construction of the park has not commenced and been pursued diligently. "Pursued diligently" in this section means that at least one-third of the proposed lots are completed in a one year period. (Ord.2010-6, dated 3/9/10; prior codes: Ord. 87-17.03 (part), 1987 and §34-8A-2-10)

**18.24.210 Extension of Time.** The city council may grant two consecutive extensions of time not to exceed six months each, beyond the time limit allowed by this chapter. Application for an extension of time shall be made in writing not less than thirty days prior to the expiration date of the one year allowed. (Ord.2010-6, dated 3/9/10; prior codes: Ord. 87-17.03 (part), 1987 and §34-8A-2-11)

### **Article III. Building Permits**

**18.24.220 Site Plan Conformance.** Upon the city council's approval of the detailed site plan, the city's planning commission shall transmit to the building inspector two copies of the detailed site plan certifying that the detailed plan conforms to the provisions of the city zoning title and this chapter as determined and approved by the city council. (Ord.2010-6, dated 3/9/10; prior codes: Ord. 87-17.03 (part), 1987 and §34-8A-3-1)

**18.24.230 Building Permit Issuance.** Upon notification of site plan approval by the city's planning commission and provided that the proposal satisfied all other city ordinances and provisions, the building inspector may issue a permit. The permit shall expire and be of no effect three years after the date of its issuance. An approved mobile home park site plan may be amended by the planning commission, upon request of the applicant, in accordance with the procedure as provided in this chapter. (Ord.2010-6, dated 3/9/10; prior codes: Ord. 87-17.03 (part), 1987 and §34-8A-3-2)

**18.24.240 Variation from Approved Plans Prohibited.** It is unlawful for any person to do any work in and about the construction; alter, repair, improve or enlarge any mobile home park or any structure thereon, for which a permit is required, which varies in any substantial particular from the approved plans and specifications submitted with the application for such permit and which were approved and on which the permit issued was based. (Ord.2010-6, dated 3/9/10; prior codes: Ord. 87-17.03 (part), 1987 and §34-8A-3-3)

### **Article IV. Licenses**

**18.24.250 License Required.** It is unlawful for any person to operate any mobile home park within the limits of the city unless he holds a valid license issued by the city license director in the name of such person for the specific mobile home park. All applications for licenses shall be made to the city administrator who shall issue a license upon compliance by the applicant with provisions of this chapter and regulations issued under this chapter and of other applicable legal requirements. (Ord.2010-6, dated 3/9/10; prior codes: Ord. 87-17.03 (part), 1987 and §34-8A-4-1)

**18.24.260 License Transfer.** Every person holding a license shall give notice in writing to the city administrator within twenty-four hours after having sold, transferred, given away or otherwise disposed of interest in or control of any mobile home park. Such notice shall include the name and address of the person succeeding to the ownership or control of such mobile home park. Upon application in writing for transfer of the license and deposit of a twenty-five dollar fee, the license shall be transferred if the mobile home park is in compliance with all applicable provisions of the chapter and regulations issued hereafter. (Ord.2010-6, dated 3/9/10; prior codes: Ord. 87-17.03 (part), 1987 and §34-8A-4-2)

**18.24.270 License Application.**

A. Application for original license shall be in writing, signed by the applicant, accompanied by an affidavit of the applicant as to the truth of the application and by the payment of a fee based on the number of spaces as stated in the Pleasant View fee schedule, the name and address of the applicant, the location and legal description of the mobile home park and a permit of construction, alteration or enlargement approved by the city administrator. No original application for license shall be considered until the plans for such use shall have first been approved by the planning commission and city council. Each applicant, in making application for license shall specify the exact number of mobile home spaces.

B. Application for renewals of licenses shall be made in writing by the holders of the licenses, shall be accompanied by the deposit of a fee as stated in the Pleasant View fee schedule, and shall contain any change in the information submitted since the original license was issued or the latest renewal granted.

(Ord.2010-6, dated 3/9/10; prior codes: Ord. 87-17.03 (part), 1987 and §34-8A-4-3)

**18.24.280 License Display.** Each current license issued in connection with uses stated in this chapter shall be displayed in some public place on the premises to which it is applicable. (Ord.2010-6, dated 3/9/10; prior codes: Ord. 87-17.03 (part), 1987 and §34-8A-4-4)

**18.24.290 Inspection of Mobile Home Parks.** Whenever, upon inspection of any mobile home park, the building inspector finds that conditions or practices exist which are in violation of any provision of this chapter or regulations issued hereunder, he shall give notice in writing to the person to whom the license was issued that unless such conditions or practices are corrected within a reasonable period of time specified by the notice, the license shall be suspended. At the end of such period, the building inspector shall reinspect such mobile home park and if such conditions or practices have not been corrected, the city administrator shall suspend the license and give notice in writing of such suspension to the person to whom the license is issued. Upon receipt of notice of such suspension, such person shall cease operation of such mobile home park. (Ord.2010-6, dated 3/9/10; prior codes: Ord. 87-17.03 (part), 1987 and §34-8A-4-5)

**18.24.300 License Suspension.** Any person whose license has been suspended or who has received notice from the city administrator that his license will be suspended unless certain conditions or practices at the mobile home park are corrected, may request and shall be granted a hearing on the matter before the city council provided that when no petition for such hearing shall have been filed within ten days following the day on which the notice of suspension was served, such license shall be deemed to have been automatically suspended at the expiration of such ten day period. (Ord.2010-6, dated 3/9/10; prior codes: Ord. 87-17.03 (part), 1987 and §34-8A-4-6)

#### **Article V. Inspection**

**18.24.310 Inspector's Authority.** The building inspector is authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this chapter and regulations issued under this chapter. (Ord.2010-6, dated 3/9/10; prior codes: Ord. 87-17.03 (part), 1987 and §34-8A-5-1)

**18.24.320 Power to Enter.** The building inspector shall have the power to enter at reasonable times upon any private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of this chapter and regulations issued under this chapter. (Ord.2010-6, dated 3/9/10; prior codes: Ord. 87-17.03 (part), 1987 and §34-8A-5-2)

**18.24.330 Inspection of Register.** The building inspector shall have the power to inspect the register containing a record of all residents of the mobile home park. (Ord.2010-6, dated 3/9/10; prior codes: Ord. 87-17.03 (part), 1987 and §34-8A-5-3)

**18.24.340 Access Inspector's Right.** It shall be the duty of the owners or occupants of the mobile home parks, and mobile homes contained therein, or of the person in charge thereof, to give the building inspector free access to mobile home lots at reasonable times for the purpose of inspection. (Ord.2010-6, dated 3/9/10; prior codes: Ord. 87-17.03 (part), 1987 and §34-8A-5-4)

**18.24.350 Access Occupant's Duty.** It shall be the duty of every occupant of the mobile home park to give the owner thereof or his agent or employees access to any part of such mobile home park or its premises at reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with this chapter and regulations issued under this chapter or with any lawful order issued pursuant to the provisions of this chapter. (Ord.2010-6, dated 3/9/10; prior codes: Ord. 87-17.03 (part), 1987 and §34-8A-5-5)

#### **Article VI. Hearings and Orders**

**18.24.360 Violations.** Whenever the building inspector determines that there are reasonable grounds to believe that there has been a violation of any provision of this chapter or regulations issued hereunder, the building

inspector shall give notice of such alleged violation to the person to whom the permit or license was issued, as hereinafter provided. Such notice shall:

- A. Be in writing;
- B. Include a statement of the reasons for its issuance;
- C. Allow a reasonable time for the performance of any act it required;
- D. Be served upon the owner or his agent as the case may require; provided, that such notice or order shall be deemed to have been properly served upon such owner or agent when a copy thereof has been sent by registered mail to his last known address, or when he has been served with such notice by any method authorized or required by the law of this state;
- E. Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this chapter and regulations issued hereunder. (Ord.2010-6, dated 3/9/10; prior codes: Ord. 87-17.03 (part) 1987 and §34-8A-6-1)

**18.24.370 Hearing Request.**

A. Any person affected by any notice which has been issued in connection with the enforcement of any provision of this chapter, or regulations issued hereunder, may request and shall be granted a hearing on the matter before the city council; provided, that such person will file in the office of the city recorder a written petition requesting such hearing and setting forth a brief statement of the grounds therefor within ten days after the day the notice was served.

B. The filing of the request for a hearing shall operate as a stay of the notice and of suspension. Upon receipt of such petition, the city council shall set a time and place for such hearing and shall give the petitioner written notice thereof. At such hearing the petitioner shall be given an opportunity to show why such notice should be modified or withdrawn. The hearing shall be commenced not later than ten days after the day on which the petition was filed; provided, that upon application of the petition, the city council may postpone the date of the hearing for a reasonable time beyond such ten day period when in its judgment the petitioner has submitted good and sufficient reason for such postponement. (Ord.2010-6, dated 3/9/10; prior codes: Ord. 87-17.03 (part), 1987 and §34-8A-6-2)

**18.24.380 Hearing Proceeding.** The proceedings at such a hearing, including the findings and decision of the city council, together with a copy of every notice and order related thereto shall be entered as a matter of public record in the office of the city recorder, but the transcript of the proceedings need not be transcribed unless judicial review of the decision is sought as provided by this section. Any person aggrieved by the decision of the city council may seek relief therefrom in any court of competent jurisdiction, as provided by the laws of this state. (Ord.2010-6, dated 3/9/10; prior codes: Ord. 87-17.03 (part), 1987 and §34-8A-6-3)

**18.24.390 Emergency Action.**

A. Whenever the building inspector finds that any emergency exists which requires immediate action to protect the public health, he may without notice or hearing issue an order reciting the existence of such an emergency and requiring that such action be taken as he may deem necessary to meet the emergency, including the suspension of the permit or license. Notwithstanding any other provisions of this chapter, such order shall be effective immediately.

B. Any person to whom such an order is directed shall comply therewith immediately, but upon petition to the city council shall be afforded a hearing as soon as possible. The provisions of Section 18.24.380 shall be applicable to such hearing and the order issued thereafter.  
(Ord.2010-6, dated 3/9/10; prior codes: Ord. 87-17.03 (part), 1987 and §34-8A-6-5)

**Article VII. Development Standards**

**18.24.400 Compliance.** Any person desiring to enlarge or establish a mobile home park shall meet or exceed the design standards set forth in this chapter. (Ord.2010-6, dated 3/9/10; prior codes: Ord. 87-17.03 (part), 1987 and §34-8A-7-1)

**18.24.410 Mobile Home Park Location.** Mobile home parks shall be located in accordance with all applicable city ordinances and state laws. (Ord.2010-6, dated 3/9/10; prior codes: Ord. 87-17.03 (part), 1987 and §34-8A-7-2)

**18.24.420 Uses Permitted.** Uses permitted in the RMH-1 zone are as follows:

- A. Mobile homes, including units for sale, (Ord 96-13, 9/24/96) and Travel Vehicles,
- B. Accessory buildings or structures for park resident use only and not exceeding two stories or twenty-four feet in height,
- C. One identification sign, approved in conjunction with the final site plan approval of the mobile home park. In no case shall such sign be larger than forty square feet in surface area nor have any moving parts, nor stand higher than fifteen feet from the ground to the top of the sign. Such sign shall be no closer to the public right-of-way than twenty feet. Signs shall not be animated or illuminated with flashing lights. All other sign restrictions shall apply to the appropriate sign requirements in the sign provisions of the city zoning title as adopted or amended;
- D. Not more than one entry and one exit sign at each access drive onto the public right-of-way, approved in conjunction with the final site plan approval of the mobile home park. In no case shall the sign be larger than two square feet in surface area, nor have any moving parts or flashing light or lights, nor stand higher than six feet from the ground to the top of the sign. (Ord.2010-6, dated 3/9/10; prior codes: Ord. 87-17.03 (part), 1987 and §34-8A-7-3)

**18.24.430 Site and Density Requirements.** Minimum site size for mobile home parks shall be ten acres, twenty-five mobile home lots completed and ready for occupancy before the first occupancy is permitted, within one year of initial approval. Average park density shall not exceed seven mobile home units per acre. (Ord.2010-6, dated 3/9/10; prior codes: Ord. 87-17.03 (part), 1987 and §34 8A-7-4)

**18.24.440 Site Coverage.** Maximum mobile home lot coverage shall not exceed fifty percent. "Coverage" means any man-made apparatus, such as a parking space, trailer pad, storage areas, patio, sidewalks, etc. (Ord.2010-6, dated 3/9/10; prior codes: Ord. 87-17.03 (part), 1987 and §34-8A-7-5)

**18.24.450 Setbacks.** All mobile homes and accessory buildings shall be set back not less than ten feet from all exterior property lines, except the front or street property lines, from which the setback shall be at least twenty feet and the yard space so formed shall be landscaped in accordance with a site plan approved by the planning commission. Greater yards or setbacks may be required where, in the opinion of the city planning commission and the city council, such yards or setbacks are necessary due to the topographical conditions, grading, drainage, and/or protection of adjacent property. No part of any mobile home shall be located within any yard or required setback area. (Ord.2010-6, dated 3/9/10; prior codes: Ord. 87-17.03 (part), 1987 and §34-8A-7-6)

**18.24.460 Mobile Home Height Limits.** Maximum height of mobile homes is one and one-half stories or twenty feet. (Ord.2010-6, dated 3/9/10; prior codes: Ord. 87-17.03 (part), 1987 and §34-8A-7-7)

**18.24.470 Access.** All mobile home parks shall have access to a collector street if directly abutting thereon. Parks not abutting a collector street shall show several direct routes to a collector street in order that the traffic be dispersed along several routes. Where necessary to provide direct vehicular access to the park a permanently maintained private street or way shall be provided which is protected by a permanent easement. (Ord.2010-6, dated 3/9/10; prior codes: Ord. 87-17.03 (part), 1987 and §34-8A-7-8)

**18.24.480 Vehicle Travel Lanes.** All roads and driveways shall be hard-surfaced and so constructed as to handle all anticipated peak loads, adequately drained and lighted for safety and ease of movement of vehicles. Minimum pavement width shall be twenty-four feet for two-way roads and twelve feet for one-way roads with no on-street parking allowed and a ten foot width for all driveways. The mobile home park road system shall be so designed as to prevent the use of such roads for through traffic. The entire width of the vehicle travel lanes shall be surfaced with asphalt-concrete, plant mix, cement or other approved materials on suitable road base, as approved by the city engineer. Concrete curb and gutter shall be placed along both sides of all roads. The type of curb and gutter proposed shall reflect topographic conditions and road design. Thirty-inch wide walks shall be constructed on one side minimum of all park streets. Approval of the design for road systems, curb and gutters and walkways

will be subject to the city engineer's approval. (Ord.2010-6, dated 3/9/10; prior codes: Ord. 87-17.03 (part), 1987 and §34-8A-7-9)

**18.24.490 Off-street Parking Requirements.** Adequate hard-surface paving shall be provided for off-street parking, vehicle storage and access in accordance with the following schedule:

- A. Each mobile home lot shall be provided with off-street parking space for two vehicles.
- B. Sufficient space shall be provided for all other uses in accordance with acceptable standards of the city planning commission, to fit the scale of the contemplated use and activity to be developed.
- C. Each parking space shall have a minimum width of nine feet and a minimum depth of twenty feet. All parking spaces except RV storage areas shall be surfaced with an asphaltic or concrete surfacing in accordance with specifications approved by the city engineer. Such facilities shall be drained so as to dispose of all surface water accumulated in the parking area within the confines of the parking area.
- D. A separate parking compound shall be fenced for recreation vehicles such as boats, ski-doo's, trailer, etc., and shall be provided at a ration of one space per three mobile home lots. Screening by fences and landscaping plantings shall enclose this area from the living areas of the mobile home park.
- E. Guest, service and delivery parking shall be provided throughout the park at recreational buildings, service buildings and other convenient and safe locations at a rate of one space for every four lots. (Ord.2010-6, dated 3/9/10; prior codes: Ord. 87-17.03 (part), 1987 and §34-8A-7-10)

**18.24.500 Sanitation Requirements.**

- A. Disease. It shall be the duty of the operator to report to the appropriate officer any person residing in a mobile home park, having or reasonably suspected of having any infectious or contagious disease. All state, county and local health regulations shall apply to mobile home parks. It shall be the responsibility of the operator of any mobile home park to notify health officials of any and all violations of health regulations that occur in the mobile home park.
- B. Rubbish, Bedbugs, Vermin, Etc. All premises shall be clean and sanitary, free from accumulations of debris, filth, rubbish, garbage, etc. which could conceivably harbor bedbugs and other vermin.
- C. Individual Garbage Disposal. Each mobile home space shall be provided with at least one water-tight, fly and rodent-proof garbage container of twenty to thirty gallon capacity, the contents of which shall be disposed of in a manner as provided for herein. All garbage shall be collected at least once each week. Where public collection service is not available, the operator shall arrange for all refuse to be collected and transported to a public disposal area in covered vehicles or covered containers.
- D. General. The storage, collection and disposal of refuse shall be so managed as to prevent health hazards, rodent harborage, insect breeding areas, accident hazards, or air pollution. When rats or other rodents are known to be in the park premises, the operator shall take definite action, as directed by the health officer or city marshal to exterminate them. (Ord.2010-6, dated 3/9/10; prior codes: Ord. 87-17.03 (part), 1987 and §34-8A-7-11)

**18.24.510 Utilities and Other Services.**

- A. All sanitary sewage utilities and water facilities, including connections provided to individual lots, shall meet the requirements of the city sewer department and Pleasant View Culinary Water Association and Bona Vista Improvement District and Weber County and Utah State Health Departments and Engineering Departments.
- B. The plumbing connections to each mobile home lot shall be constructed so that all lines are protected from freezing, from accidental bumping or from creating any type of nuisance or health hazard.
- C. An adequate amount of running water from the contracted water system shall be piped to each

mobile home. Water distribution system and its use for supply capacity shall be acceptable to the city engineer.

D. Storm drainage facilities shall be so constructed as to protect those that will reside in the mobile home park as well as the property owners adjacent to the park. Such park facilities shall be of such capacity to insure rapid drainage and prevent the accumulation of stagnant pools of water in or adjacent to the park.

E. All electric, telephone and other lines from supply poles to each mobile home lot shall be underground. When meters are installed they shall be uniformly located. All electric wiring shall be installed to conform with the requirements of all uniform state and county electrical codes and ordinances. An electrical outlet supplying at least two hundred thirty volts shall be provided for each mobile home space. Such electrical outlets shall be weatherproof. No person shall make an electrical connection for any mobile home without obtaining a permit. Inspection is required upon completion of connection.

F. All fuel lines leading to mobile home lots shall be underground and so designed as to conform with the city building code and any applicable state code. When separate meters are installed, each shall be located in a uniform manner.

G. Where exterior television antenna installation is necessary, a master antenna shall be installed by the park developer and extended to individual stands by underground lines. Such master antenna shall be so placed as not to be a nuisance to park residents or surrounding areas. Cable TV, if desired, shall be located underground.

H. Street and yard lights, attached to standards, approved by the city planning commission shall be wired underground, and be provided in sufficient number and intensity to permit the safe movement of vehicles and pedestrians at night, and shall be effectively related to buildings, trees, walks, steps and ramps.

I. The erection, construction, reconstruction, repair, relocation and alteration of all permanent buildings and structures located within a mobile home park shall conform to the requirements of the Uniform Building Code adopted by the city. (Ord.2010-6, dated 3/9/10; prior codes: Ord. 87-17.03 (part), 1987 and §34-8A-7-12)

**18.24.520 Design Modification.** Where mobile home parks are submitted for approval which, although not complying with the requirements of design as stated in this chapter, are consistent with the general intent and purpose of this chapter, after review and recommendation by the planning commission, the city council may, at its discretion, approve such parks with conditions and restrictions which will insure that the general purpose herein set forth will be satisfied:

A. Park design utilizing cluster-type groupings of mobile home lots or other modified designs may be approved under the provisions of this section. (Ord.2010-6, dated 3/9/10)

**18.24.530 Skirting, Canopies and Awnings.**

A. Each mobile home shall be skirted within ninety days after establishment in a mobile home park.

B. Such skirting shall be of twenty-six gauge aluminum or other noncorrosive metal or material of equal strength and so constructed and attached to the mobile home so as to deter and prevent the entry of animals and to screen from view those materials that may be stored under the mobile home.

C. Masonry foundation may be provided for any mobile home; provided, that it is so constructed as to provide proper ventilation and to prevent the harborage of rodents or insects. Skirts or shields may be used where the removal of wheels is not contemplated, provided that they are fireproof and well painted or otherwise preserved.

D. Canopies and awnings may be attached to any mobile home but they shall not exceed twelve feet in width, or length or the height of the mobile home.

E. A permit shall not be required for construction or erection of canopies or awnings which open on three sides. However, a permit shall be required from the building inspector before construction or



erection of any screened, glassed in or otherwise enclosed awning or canopy. (Ord.2010-6, dated 3/9/10; prior codes: Ord. 87-17.03 (part), 1987 and §34-8A-7-14)

**18.24.540 Pad.** Each mobile home lot shall be provided with a minimum six inch thick, crushed rock (3/4" minus) pad and shall be treated to prevent growth of weeds or other vegetation beneath the structures. Pads shall be the same base dimensions as the structures to be placed above them. Each mobile home shall be placed on supports and footings and anchorage shall be installed, all in accordance with manufacturer's recommendations. (Ord.2010-6, dated 3/9/10; prior codes: Ord 99-18. 8/24/99, Ord. 87-17.03 (part), 1987 and §34-8A-7-15)

**18.24.550 Fire Extinguishing Equipment.** Every mobile home park or recreational coach park shall be equipped at all times with fire extinguishing equipment in good working order of such type, size and number and so located within the park as to satisfy applicable regulations of the city fire marshal. No open fires shall be permitted at any place which may endanger life or property. Where a public water system is available to the mobile home park, standard fire hydrants and fire service lines shall be installed in such a manner that a fire hydrant shall be located within three hundred feet of each mobile home space. (Ord.2010-6, dated 3/9/10; prior codes: Ord. 87-17.03 (part), 1987 and §34-8A-7-16)

**18.24.560 Utility Cabinets.** Each tenant storage cabinet shall be metal or other suitable material and shall be similar as to size and location throughout the mobile home park site. All cabinets shall be kept clean and shall be maintained in good condition and kept painted and shall contain a minimum of two hundred cubic feet of storage area and a minimum of six feet in height. No other such accessory building will be allowed. (Ord.2010-6, dated 3/9/10; prior codes: Ord. 87-17.03 (part), 1987 and §34-8A-7-17)

**18.24.570 Landscaping.** A separate landscape planting design sheet shall be submitted to the planning commission for its approval. There shall be provided at least two deciduous trees of minimum one and one-half inch caliper for each mobile home lot. There shall also be provided at least one evergreen tree for every three lots located at the front or rear of the lots. Dead trees shall be replaced. Lawn shall be planted and maintained in all areas not paved, graveled or reserved to flowers and shrubs. This plan must include property line and service facility plantings. (Ord.2010-6, dated 3/9/10; prior codes: Ord. 87-17.03 (part), 1987 and §34-8A-7-18)

**18.24.580 On-site Laundry Drying Space.** On-site outdoor laundry drying space of adequate area and suitable location shall be provided if the park is not furnished with indoor dryers or if use of indoor dryers is not customarily acceptable to prospective occupants. Where outdoor drying space is required or desired, individual clothes drying facilities on each lot of the collapsible umbrella type or hanging apparatus shall be allowed in the rear yard only, with park management providing a concrete imbedded sprocket at each site. (Ord.2010-6, dated 3/9/10; prior codes: Ord. 87-17.03 (part), 1987 and §34-8A-7-19)

**18.24.590 Service Facilities and Standards.** Where provided, each building shall comply with the following standards and provide the following minimum facilities:

- A. All service buildings shall be located at least fifteen feet from any mobile home space.
- B. Each such building shall be of permanent fireproof construction.
- C. It shall be constructed of moisture resistant material which will permit frequent washing and cleaning and disinfecting as necessary without excessive deterioration.
- D. It shall provide not less than one toilet and one lavatory for each sex.
- E. Light and ventilation shall be provided in sufficient volume proportioned to the size and intended use of the facilities to assure healthful conditions. Openings shall be effectively screened.
- F. Each service structure shall provide complete facilities ordinarily considered necessary to its full

use, and rooms of such size and so placed as to permit the proper placing of adequate furniture and equipment appropriate to and essential for the use of the structure.

G. Service buildings shall have adequate heating and plumbing facilities to maintain a temperature of seventy degrees Fahrenheit during cold weather and to supply hot water to the restrooms in each building during the times of peak demand. (Ord.2010-6, dated 3/9/10; prior codes: Ord. 87-17.03 (part), 1987 and §34-8A-7-20)

**18.24.600 Drainage and Flood Hazards.** A mobile home park shall be located on a well-drained site, properly graded to provide for adequate disposition of runoff. Such areas shall be free of flood hazard from external sources. The city council may required dedications and improvements which will insure property protection to the park in accordance with this section. (Ord.2010-6, dated 3/9/10; prior codes: Ord. 87-17.03 (part), 1987 and §34-8A-7-21)

**18.24.610 Streets and Highways.** The city council may require additional dedication and improvements on streets and highways abutting the proposed mobile home park. (Ord.2010-6, dated 3/9/10; prior codes: Ord. 87-17.03 (part), 1987 and §34-8A-7-22)

**18.24.620 Greenbelt Enclosure of Mobile Home Park.** The following provisions are applicable in providing buffers between other zone classification properties abutting onto the mobile home park or abutments to public rights-of-way.

A. A greenbelt planting strip of not less than twenty feet in width shall be placed along the perimeter of the mobile home park where it abuts public rights-of-way or an area zoned in any other zone classification. The greenbelt shall be developed with a mixture of hardy deciduous and coniferous plant materials, grass or ground cover, and maintained thereafter in a neat and orderly manner. Withered and/or dead plant material shall be replaced within a reasonable period of time but not longer than one growing season; or

B. A continual, ornamental wall six feet in height above grade, erected inside the property line abutting other zone classification properties and six feet from property abutting public rights-of-way shall be constructed. Walls on right-of-way corners shall meet the zoning title standards in regard to line of sight on right-of-way and to zoning setback requirements, or as specifically directed by the city planning commission. Such wall shall be landscaped with suitable plant materials along both sides of such wall for the total length of wall existing along rights-of-way. Walls used on property lines shall be landscaped on the mobile home park side. The ornamental wall and landscape materials shall be acceptable to the planning commission. No obstruction to view in excess to two feet in height shall be placed within twenty feet of any street corner so as to create a traffic hazard. The remaining areas shall be landscaped and maintained with a well-kept lawn or other material acceptable to the planning commission. All landscaping shall be continually maintained in a healthy, growing, neat and orderly condition; or

C. Any combination of these two methods may be used with approval of the planning commission. (Ord.2010-6, dated 3/9/10; prior codes: Ord. 87-17.03 (part), 1987 and §34-8A-7-23)

**18.24.630 Service Area Enclosure.** The city planning commission or city council may require fencing or screen planting around areas containing garbage, rubbish or waste disposal or around service or recreational areas as a condition of approval of a mobile home park. (Ord.2010-6, dated 3/9/10; prior codes: Ord. 87-17.03 (part), 1987 and §34-8A-7-24)

**18.24.640 Recreation Requirements.** A minimum of eight percent of the gross site shall be reserved for recreational development. These facilities and areas shall be designed with trees, grass, benches, equipment etc., in relationship to park clientele. Other facilities may include tennis court, a swimming pool, and buildings for exercise or games. (See Section 18.24.600.) Provisions of separate adult and tot recreational areas is encouraged. The recreational areas design shall be subject to the city

planning commission's approval. A higher percentage of gross site for recreation may be required at the discretion of the planning commission. (Ord.2010-6, dated 3/9/10; prior codes: Ord. 87-17.03 (part), 1987 and §34-8A-7-25)

**18.24.650 Lot Standards.** Each mobile home lot shall contain a minimum area of three thousand square feet with a minimum width of fifty feet fronting on a driveway; provided, that:

A. Lots larger than the above minimum sizes may be required where it is determined that the lot size will be consistent with the general pattern established by mobile home parks in the vicinity, or be necessary to accommodate mobile home sizes as stated in the mobile home park preliminary plans submitted.

B. Lots on curved driveways or cul-de-sacs where lot lines are either converging or diverging from the front to the rear of the lot shall have an average width of at least thirty feet, but in no case shall the frontage on a driveway be less than twenty-five feet. In no case may density in the mobile home park exceed seven mobile homes per acre. (Ord.2010-6, dated 3/9/10; prior codes: Ord. 87-17.03 (part), 1987 and §34-8A-8-1)

**18.24.660 Separation of Mobile Homes.**

A. Mobile homes shall be located so that they are at least:

1. Twenty-five feet apart side to side;
2. Twenty feet apart from side to rear;
3. Twenty feet apart from rear to rear;
4. Fifteen feet away from any interior property line boundary.

B. The mobile home pad or stand shall be fifteen feet minimum from edge of curb or walkway. Mobile home hitches shall face the interior roads and shall not be closer than fifteen feet to vehicular areas. (Ord.2010-6, dated 3/9/10; prior codes: Ord. 87-17.03 (part), 1987 and §34-8A-8-2)

**18.24.670 Patio.** An outdoor patio area of not less than one hundred eighty square feet shall be provided by the operator or developer at each mobile home lot. It shall be conveniently located to the side of the mobile home and appropriately related to open areas of the lot and other facilities, for the purpose of providing suitable outdoor living space to supplement the limited interior spaces of a mobile home. (Ord.2010-6, dated 3/9/10; prior codes: Ord. 87-17.03 (part), 1987 and §34-8A-8-3)

## Article VIII. Legal Controls

**18.24.680 Suspension and Revocation.**

A. The building inspector may suspend or revoke any permit or request the same of licensee, to maintain or operate a mobile home park when the licensee violates any provision of this chapter. After such suspension or revocation, the annual license may be reissued if the circumstances leading to the revocation have been remedied.

B. No license shall be revoked until the licensee has had twenty days notice in writing of the revocation and the reasons therefor. (Ord.2010-6, dated 3/9/10; prior codes: Ord. 87-17.03 (part), 1987 and §34-8A-9-1)

**18.24.690 Certificate of Occupancy.** Upon completion of any such mobile home park and prior to the use thereof, the owner or operator of the park shall make an application to the building inspector for a certificate of occupancy, said application to be in writing upon the form provided by the officer and shall be filed not less than ten days nor more than twenty days before the mobile home park is ready for use. The building inspector shall thereupon make a final inspection of the mobile home park referred to in the application and if found to be in conformity with the requirements of this and other ordinances of the city, the officer shall forward to the health department a written certificate of occupancy.

(Ord.2010-6, dated 3/9/10; prior codes: Ord. 87-17.03 (part), 1987 and §34-8A-9-3)

**18.24.700 Improvement Guarantees.** The developer shall be required to provide a surety or cash bond in an amount determined by the city engineer guaranteeing the completion of the development of the recreational areas, open space, landscaping, street and road improvements, curb and gutters, walks, utilities and all other on-site and off-site improvements as herein before specified, or a phase thereof. When completed in accordance with the approved plan, the bond shall be released. If not completed within two years from the date of issuance of the building permit, the city will review the progress and may proceed to use the bond funds to make the improvements in accordance with the approval plan. The bond shall be approved by the city attorney and the city council and shall be filed with the city recorder. (Ord.2010-6, dated 3/9/10; prior codes: Ord. 87-17.03 (part), 1987 and §34-8A-9-4)

**18.24.710 Enforcement and Penalties.** This chapter shall be enforced by the city's building inspector. He shall in the performance of his duties inspect the premises during normal business hours and at any time in an emergency situation. A. Licensees or their agents shall provide access to premises within their control to the building inspector acting in the performance of his official duties.

B. Any person, firm or corporation who violates this chapter or fails to comply with any of its requirements shall, upon conviction thereof, be fined not more than three hundred dollars, or imprisoned for not more than six months, or both, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense and punishable as such. No suspension of sentence or prohibition shall be granted to any such violator unless there is included in the terms thereof that the violator shall comply with the provisions which he has been convicted of violating and shall abate and correct illegal conditions which he has brought about by the erection, construction, enlargement, alteration or conversion of which he has been a party. (Ord.2010-6, dated 3/9/10; prior codes: Ord. 87-17.03 (part), 1987 and §34-8A-9-5)

## **CHAPTER 18.25 - Residential Multi-Family Zone - RM**

**Repealed.** (Ord.2015-8, dated 12/8/15; prior code Ord.2002-5, 7/23/02)

## Chapter 18.26 - C-1 Zone

**18.26.010 Use Regulations.** In commercial zone C-1, no building or structure or land shall be used and no building or structure shall be erected which is arranged, intended or designed to be used for other than one or more of the following uses:

- A. Art shop and artists' supplies; athletic goods store; art needlework shop;
- B. Automobile service station, excluding the repairing, painting or upholstering of motor vehicles;
- C. Bakery; baby formula service; barber shop; beauty parlor; bicycle shop; bird store; book store;
- D. Candy store; catering establishment; clothes cleaning or dyeing agency or pressing establishment, but not including cleaning or dyeing plants; confectionery; café or refreshment stand; cafeteria; Christmas tree sales; china and silver shop; coal and fuel sales office;
- E. Drug store; delicatessen; dramatics school, music and dancing instruction, diaper service;
- F. Florist; fruit or fruit juice store; frozen food lockers, incidental to a main grocery store or food business; fish store; fruit and vegetable stand;
- G. Gift shop, grocery; greenhouse; glass and china store;
- H. hardware store, not including sale of powered vehicles using motors greater than five horsepower; health food store;
- I. Ice cream shop; ice storage of not more than five tons capacity;
- J. Kindergarten; key and lock service;
- K. Laundry, automatic family self-help type; laundry agency; lending library, lunch service, commercial;
- L. Manufacture of goods to be sold at retail on the premises, provided such manufacture is conducted within a completely enclosed building and is clearly incidental to and operated in connection with a use permitted in this chapter;
- M. Medical and dental clinics and laboratories; milk distributing stations and sale of dairy products, but not including processing or bottling;
- N. Newsstand; notions; nurses, or baby sitters' agency;
- O. Office, business or professional; optometrist or oculist;
- P. Parking lot; public buildings and services; public utilities; photographer or sale of photography supplies; private schools, popcorn or nut shop;
- Q. Radio and television sales and repair;
- R. Stationery and greeting card sales; shoeshine shop; shoe repair shop; studios;
- S. Taxi stand; tailor shop;
- T. Accessory uses and buildings customarily incidental to the above.

(Ord. 87-17.03 (part), 1987; prior code §34-9-1)

**18.26.020 Special Provisions.** The stores, shops or businesses specified in Section 18.26.010 shall be retail establishments only and shall be permitted only under the following conditions:

- A. Such businesses shall be conducted wholly within an enclosed building except for the parking of automobiles, and service to persons in automobiles.
- B. All products, whether primary or incidental, shall be sold at retail on the premises, no beer shall be sold for consumption on the premises.
- C. All uses shall be free from objections because of odor, dust, smoke, noise, vibration or other causes.
- D. Signs as follows:
  - 1. Permitted Signs.
    - a. Any signs or name plate permitted in residential zone RE-20;
    - b. Business signs, pertaining only to the use conducted, or service performed upon the premises, or business of occupants located on the premises.
  - 2. One or more signs not exceeding in total area three square feet for each one linear foot of street frontage occupied by a commercial or industrial use. No one sign shall exceed two hundred fifty square feet in area and the combined total area of business signs for each separate use shall not exceed three hundred square feet. Where such use does not occupy frontage on a street, the use may have one or more signs not exceeding fifty square feet in combined total area.
  - 3. Lighting of Signs-Exterior Lighting. Signs may be illuminated by indirect lighting, floodlights or luminous tubes which shall not be less than twelve millimeters in diameter and total electrical input shall not exceed thirty milliamperes. No floodlights shall be installed in any way which will permit direct rays of such light to penetrate into any property used for residential purposes. Animated signs are prohibited.
  - 4. Location of Signs. Business signs shall not be located in any required yard, except that signs attached to a building may project not more than six feet into a required yard, and not less than ten feet above ground or sidewalk. Signs shall not project across any property line. Property, identification and service signs shall not be located closer than ten feet to any property line. Name plates may be located anywhere on the property.
  - 5. Height of Signs. No sign shall be erected higher than the height of main building to which it is attached.
- E. Site Plan.
  - 1. Prior to the issuance of any building permit for any use permitted in this chapter, a complete site plan drawn to scale and in accordance with requirements of Chapter 18.58 shall be submitted for approval of the planning commission.
  - 2. Such site plan shall show the total area planned for development, the location of existing and proposed buildings or structures, and including open space, streams or waterways, or land reservations whereon no buildings or structures shall be located.
  - F. No building shall be constructed within the boundaries of any natural waterways or watercourse as determined by the city engineer wherein no buildings shall be constructed or land subdivided. Where buildings are to be constructed within fifty feet of the exterior boundaries of a flood channel existing at the effective date of the ordinance codified in this title, adequate measures must be taken as determined by the board of adjustment so as to protect the building or structure from damage due to floods and so as not to increase the hazard to surrounding lands and buildings.
  - G. The required yard space shall be kept free of debris, refuse or other inflammable material which may constitute a fire hazard. (Ord. 87-17.03 (part), 1987; prior code §34-9-2)

- 18.26.030 Lot Area and Width.** There are no lot area and width regulations, except for dwellings which shall have the same area and width requirements as for single-family dwellings in residential zone R-1. (Ord. 87-17.03 (part), 1987: prior code §34-9-3)
- 18.26.040 Yard-Side.** Side yard regulations are the same as for residential zone R-1 for dwellings; for other buildings none, except that wherever a building is located upon a lot adjacent to a residential zone boundary, there shall be provided a side yard of not less than ten feet on the side of the building adjacent to the zone boundary line and on corner lots the side yard which faces on a street shall be not less than twenty feet. (Ord. 87-17.03 (part), 1987: prior code §34-9-4)
- 18.26.050 Yard-Front.** The minimum depth of the front yard for all buildings, walls or fences more than two feet in height shall be twenty feet on all streets less than eighty feet in width, and fifty feet on all state or federal highways more than eighty feet in width. (Ord. 87-17.03 (part), 1987: prior code §34-9-5)
- 18.26.060 Yard-Rear.** There are no rear yard regulations, except that on corner lots which rear upon the side yard of another lot in a residential zone, the minimum rear yard shall be ten feet. (Ord. 87-17.03 (part), 1987: prior code §34-9-6)
- 18.26.070 Building Height.** No building or structure shall be erected to a height greater than two and one-half stories, or thirty-five feet. (Ord. 87-17.03 (part), 1987: prior code §34-9-7)
- 18.26.080 Lot Coverage.** No building or structure or group of buildings with their accessory buildings shall cover more than sixty percent of the area of the lot. (Ord. 87-17.03 (part), 1987: prior code §34-9-8)

## CHAPTER 18.27 - COMMERCIAL ZONES (C-1 & C-2)

### 18.27.010 Purpose.

A. The purpose of this zone is to replace 18.26, 18.28, 18.30, 18.31 and consolidate commercial zoning to two classifications of commercial zones. The two zones are created based upon classification of the types of activity and whether the use is complementary and compatible with the zone. The zones are more fully described as follows:

1. Neighborhood Commercial, C-1 Zone.

a. Provides for the sale and supply of daily living needs for people in nearby neighborhoods.

b. Promotes uses that have few negative impacts with hours of operation that are compatible with adjacent neighborhoods. The range of uses is such that most people would be willing to live nearby.

2. General Commercial, C-2 Zone.

a. In addition to the uses contemplated in the C-1 zone, the general commercial zone allows for the full range of office, retail, service and entertainment needs of the city as a whole and the region of which it is a part.

b. Typical uses within the zone have impacts that necessitate substantial buffers to integrate the use within the community. Certain uses may not be compatible with adjacent single family homes. (Ord.2000-28, 12/12/00)

### 18.27.020 ZONE CHANGE REQUIREMENTS.

A. Each application for a C-1 or C-2 zone shall include conceptual drawings showing the general layout and concept for the proposed use(s). Such drawings should clearly display the proposed architecture and landscape themes, buffering, signs, access and other concepts pertinent to the development. Procedures outlined in Chapter 18.62, Rezoning Procedure and Development Agreement should also be followed.

B. A description of how the zone change supports the intent and purpose of the Pleasant View General Plan.

C. A development agreement may be required committing to the general concepts defined in "A" above or as determined through planning commission and city council hearings. (Ord.2000-28, 12/12/00)

**18.27.030 USE REGULATIONS.** In all C-1 or C-2 zones, only the uses enumerated within this chapter are allowed. Uses not clearly specified but substantially similar or customarily accessory to a listed use or category may be administratively allowed as determined by the community development coordinator. Appeals of such determinations shall be made to the Board of Adjustments within thirty days from the decision. (Ord.2000-28, 12/12/00)

### 18.27.040 SETBACK STANDARDS.

A. Front Yard.

1. The minimum setback for buildings and parking shall be twenty feet. Such areas shall be permanently landscaped except for access drives and pedestrian accommodations.

2. Commercial development located across the street or adjacent to a residential zone shall use the front yard setbacks required in that adjacent zone.

3. All structures shall be setback from the future right-of-way as defined in the Pleasant View City Major Street Plan.

B. Side Yard.



1. No setback is required unless,
  - a. The use lies adjacent to a residential use or zone. In that case, a twenty foot setback is required.
  - b. The use is located on a corner lot where in addition to the standard front yard setback, the side of the use facing another street shall have a twenty foot setback also.

C. Rear Yard.

1. Twenty feet where a commercial use lies adjacent to a residential zone. Such setback area is to be permanently landscaped.
2. Ten feet in all other cases.

D. Height Standards.

1. In all C-1 zones, two and one half stories or thirty-five feet unless adjacent to a residential use or zone. Structures in a C-1 zone adjacent to residential use or zone shall be setback an additional two feet for every foot of height over twenty feet from that residential area. In C-2 zones, that formula shall be three feet.
2. In all C-2 zones, the maximum height shall be five stories or sixty-five feet.

E. Screening.

1. A minimum six foot concrete or masonry wall shall be required in rear or side yards adjacent to residential zones or uses. Where future commercial use is contemplated in the Pleasant View General Plan, a waiver or substitute may be requested and approved, modified or denied by the planning commission.
2. To reduce noise and visual impacts, all mechanical equipment shall be screened from view.
3. Dumpsters shall be enclosed on three sides with a solid concrete or masonry wall that architecturally relates to the primary structure and shall be located at least thirty feet from residential zones. No dumpster shall be located in a required setback.

F. Landscape.

1. A minimum of fifteen percent of the gross area of the site shall be attractively and permanently landscaped.
2. Secondary water and permanent irrigation systems are required.
3. All landscaped areas shall have a combination of ground cover, shrubs, trees, and may include art, street furniture, patios, fountains and up to twenty-five percent impermeable materials. One tree for every three hundred square feet is required.
4. The entire site including landscaped areas shall be maintained in a healthy neat and orderly condition, free of weeds and litter. (Ord.2000-28, 12/12/00)

**18.27.050 PARKING.**

A. Access.

1. On a corner lot, no curb cut shall be located closer than sixty feet from the intersection of the curb lines from both streets.
2. No curb cut shall be located closer than twenty feet to a side lot line unless common curb cuts are used between uses.
3. In general, there shall be one curb cut for every three hundred feet of frontage. This requirement may be modified by written report from a professional transportation engineer or on recommendation from the city engineer.

B. Parking shall meet the following general standards;

1. Intensive retail - four spaces per one thousand square feet of gross floor area.
2. Low impact retail - three spaces per one thousand square feet of gross floor area.

3. Restaurants - ten per one thousand square feet of gross floor area plus one half spaces for each employee on the highest employment shift (five spaces minimum for employees).

4. Office - four spaces per one thousand square feet of gross floor area.

5. Hotels/motels - one space per room if no in-room cooking provided, otherwise two spaces per room.

6. Automotive repair, service or parts - three spaces per bay and three per one thousand square feet of gross retail space.

7. Listed and unlisted uses may provide alternate data from a traffic engineer or other appropriate source which may be considered by the planning commission for use in a site plan.

C. Parking stall size.

1. All parking stalls shall have a nine foot X eighteen foot minimum dimension except for stalls that do not include a two foot area for bumper overhang, where a twenty foot length shall be required. In addition, compact stalls may be a minimum of nine feet X sixteen feet and parallel parking stalls shall be ten feet X twenty-two feet.

2. Any use may have up to twenty-five percent compact parking stalls.

3. Aisle width should be a minimum of twenty-four feet for ninety degree parking and may decrease with one way angled parking to twenty feet for sixty degree, fifteen feet for forty-five degree and thirty degree and twelve feet for zero degree (parallel) parking.

4. Compact spaces shall be labeled accordingly on the plan and on the pavement.

5. Handicap stalls shall be provided, sized, and labeled as per the most current version of the Americans with Disabilities Act.

D. Any area that requires stacking shall accommodate a minimum of three cars without infringing on access to the site.

E. Parking lot lighting shall be required for any lot over ten spaces in size. Such lighting shall be directed away from residential areas and only toward the ground.

F. Any parking lot adjacent to a residential use or zone shall be screened with an opaque fence or wall and landscaping to include trees.

G. All parking lots shall be hard surfaced with asphalt or concrete or other substitute as approved by the city engineer. Such lots shall be appropriately graded to retain storm water and yet not become a hazard to the user.

H. Lots with over twenty-five spaces shall include at least fifteen percent internal landscaping which shall include trees.

I. Landscaped areas adjacent to streets and parking shall include a two and one half foot berm to reduce the visual impact of the parked cars, except for automotive sales. (Ord.2000-28, 12/12/00)

**18.27.060 PERMITTED AND CONDITIONAL USES.**

A. A permitted use is a use by right in the zone and shall be allowed as long as it meets city standards as specified in the zoning ordinance. A site plan review is required with the planning commission but public notification is not required.

B. A conditional use is a use that may only be appropriate if additional conditions beyond the standard requirements in this zoning ordinance are applied. A conditional use may be denied if the planning commission finds that it can not meet the standards of the zoning ordinance or cannot apply reasonable conditions to improve compatibility or that the use is not necessary or desirable at that particular location as per Chapter 18.54. A conditional use requires a public hearing with the planning commission.

C. The following table lists categories of use and individual uses. "P" stands for permitted, "C" stands for conditional and "X" stands for not allowed. (Ord 2001-7, 4/10/01 and Ord.2000-28, 12/12/00)

<u>LAND USE</u>	<u>C-1 ZONE</u>	<u>C-2 ZONE</u>
Automotive, RV, Mobile Home Sales	X	C
Service	C	C
Gas Pumps	C	C
Adult Day Care Facility	C	C
Assisted Living Facility	C	C
Bed and Breakfast	C	C
Community Uses	P	P
Convenience Store	C	C
Fast Food Restaurant	C	C
Greenhouses	P	P
Hardware/Building Materials	X	C
Hospital	X	C
Hotel/Motel	X	C
Indoor Recreation/Entertainment	C	C
Major Retail (intensive)	X	C
Medical/Dental Office/Clinic & Vet	C	P
Neighborhood Services	P	P
Nursing Home/Elderly Housing	C	C
Office	C	P
Outdoor Recreation/Entertainment	X	C
Personal & Household Service	C	P
Private Club	X	C
Public Utility Installation	C	C
Rehabilitation/Treatment Facility	X	C
Unlicensed Rehabilitation/Treatment Facility	X	C
Restaurant (sit down):		
Without alcohol	C	P
With alcohol	X	C
Retirement Home	C	C
Self Storage	X	C
Shelter for the Homeless	X	C
Shopping Center	C	C
Signs:		
Signs on the building	P	P
(10% of first story face)		
Monument Sign	P	P
(6' high, max. 75 sq. ft.)		
Pole Sign	X	C
(15' setback, 35' high max., 200 sq. ft. max.)		
Temporary or mobile	X	C
Specialty Retail	C	C
State Store	X	C
Temporary Uses	C	P
Accessory Use to:		
A listed permitted use	P	P
A listed conditional use	C	P

**18.27.070 SITE PLAN REQUIRED.** For all permitted and conditional uses, detailed site, grading, drainage, landscape and utility plans are required. A checklist of requirements for the site plan

shall be maintained by the city but the general intent is that any plan submitted shall be sufficiently detailed so that all issues pertaining to the development of the site can be clearly understood. Such plans shall be to scale. (Ord.2000-28, 12/12/00)

**18.27.080 COMPLIANCE WITH CONDITIONS OF APPROVAL.** All conditions of approval are permanent and binding. Failure to maintain improvements in a condition similar to their original approved condition shall subject the owner or lessee to a fine of up to one hundred dollars for each day of noncompliance. Such violations may result in revocation of the business license and/or the conditional use. After written notice, if the violation is not brought into compliance within ten days, the fines and/or procedures specified above shall begin. (Ord.2000-28, 12/12/00)

## Chapter 18.28 - C-2 Zone

**18.28.010 Use Regulations.** In commercial zone C-2, no building, structure or land shall be used and no building or structure shall be erected which is arranged, intended or designed to be used for other than one or more of the following uses:

- A. Any use permitted in residential zone R-5 or commercial zone C-1;
- B. Automobile and/or trailer sales or rental, or parts sales; automobile service stations; automobile sales and repair, including only incidental body and fender work, painting, upholstering and welding; addressograph shop; athletic club; awnings sales and repair; advertising signs; billboards, business signs provided they conform to Chapter 18.42;
- C. Bank; bath and massage; bus terminal; blueprinting or photostating; bird and pet shop; bowling alley;
- D. Clothing stores; clothes cleaning and dyeing; china and silver shop; carbonated water sales; costumes rental;
- E. Department store; drapery and curtain store; drive-it-yourself agency or business; dress-making; drive-in restaurants and refreshment stands, but not including sale of beer to be consumed on the premises; dry-goods store;
- F. Electrical and heating appliances and fixtures, sales and repairs; express office; employment agency; embroidery store;
- G. Fountain equipment supply; fur sales, storage or repair; frozen food lockers; fix-it shop; film exchange; furniture sales and repair; flooring or floor repair;
- H. Gunsmith, gymnasium; golf courses, miniature; golf driving ranges;
- I. Hardware; hobby shop; hemstitching shop; house and garden equipment display; health club; house-cleaning and repair; hospital supplies;
- J. Interior decorating store; insulation sales; ice skating;
- K. Jewelry store;
- L. Leather goods sales; luggage sales; linen shop; laboratories;
- M. Monument sales, retail; motel; motorboat sales; millinery;
- N. Nursery, plant materials, soil and lawn service; novelty store;
- O. Office supply; oil burner shop; ornamental iron, sales or repair;
- P. Painter or paint store; plumbing shop; printing, lithographing or publishing; pest extermination and control; paper hanger or wallpaper store;
- Q. Railway express; radio station, F.M., and television stations; roofing sales; roller skating rink;
- R. Second-hand store and antique shop if conducted wholly within a completely enclosed building; shoe store; sewing machine shop; seed and feed stores, retail; sign painting shop; soft water service and sale; commercial swimming pools; swimming pool equipment display and sales, retail;
- S. Tobacco shop; travel bureau; taxidermist; towel and linen supply service; trade school; typewriter and adding machine repairs; temporary revival churches; tire shop; theater, indoor; transfer company; provided trucks no larger than two tons capacity are used; tourist courts;
- T. Upholstering shop;
- U. Variety store;
- V. Weather-stripping shop; window-washing service;
- W. Accessory uses and buildings customarily incidental to the above.  
(Ord. 87-17.03 (part), 1987: prior code §34-10-1)

**18.28.020 Special Provisions.** The uses specified in Section 18.28.010 shall be permitted only under the following conditions:

- A. All manufacturing shall be done wholly within a completely enclosed building and shall be incidental to and operated in connection with a use permitted in this chapter.
- B. All uses shall be free from objections because of odor, dust, smoke, noise, vibration or other causes.
- C. Site Plan.
  - 1. Prior to the issuance of any building permit for any use permitted in this chapter, a complete site plan drawn to scale and in accordance with requirements of Chapter 18.58 shall be submitted for approval of the planning commission.
  - 2. Such site plan shall show the total area planned for development, the location of existing and proposed buildings or structures, and including open space, streams or waterways, or land reservations whereon no buildings or structures shall be located.
- D. No building shall be constructed within the boundaries of any natural waterway or watercourse as determined by the city engineer wherein no buildings shall be constructed or land subdivided. Where buildings are to be constructed within fifty feet of the exterior boundaries of a flood channel existing at the effective date of the ordinance codified in this title, adequate measure must be taken as determined by the board of adjustment so as to protect the building or structure from damage due to floods and so as not to increase the hazard to surrounding lands and buildings.
- E. The required yard space shall be kept free of debris, refuse or other inflammable material which may constitute a fire hazard.  
(Ord. 87-17.03 (part), 1987: prior code §34-10-2)

**18.28.030 Lot Area, Width, Coverage and Yard Regulations.** Lot area, width and coverage and yard regulations are the same as for residential zone R-5 for dwellings, and same as for commercial zone C-1 for other buildings. (Ord. 87-17.03 (part), 1987: prior code §34-10-3)

**18.28.040 Building Height.** Building height regulations are the same as for residential zone R-5. (Ord. 87-17.03 (part), 1987: prior code §34-10-4)

## CHAPTER 18.29 - SIGN REGULATIONS

ARTICLE I	General Provisions
ARTICLE II	Definitions
ARTICLE III	Applications, Permits, Enforcement
ARTICLE IV	General Regulations
ARTICLE V	Special Regulations
ARTICLE VI	Billboards

### ARTICLE I GENERAL PROVISIONS

**18.29.110 Purpose.** The requirements and standards in this chapter are designed and intended to:

- ✓ further the goals and policies of the City's General Plan;
- ✓ promote the public health, safety and general welfare of the citizens of Pleasant View;
- ✓ create a distinctive appearance and to contribute to enhancing the City's character;
- ✓ safeguard and enhance property values;
- ✓ protect public and private investment in buildings and open space;
- ✓ encourage sign legibility through the elimination of excessive and confusing sign displays;
- and
- ✓ encourage signs which, by their good design, are integrated with and harmonious to the buildings and sites, including landscaping, which they occupy. (Ord.2009-6, dated 5/12/09)

**18.29.120 Prohibited Signs.**

A. Signs not specifically permitted in this chapter are prohibited, including, but not limited to the following:

1. Off -premise commercial signs.
2. Roof signs, or signs that project above the highest point of the roofline, parapet or fascia of the building.
3. Any sign emitting sound, except for menu boards.
4. Any sign with intermittent or flashing illumination, other than appropriate electronic displays.
5. Any sign with animation or motion (physical movement of all or parts of a sign), not including electronic displays.
6. Spot lights, except as allowed as part of a public event.
7. Odor or visible matter. No advertising sign or device shall be permitted which emits odor or visible substance.
8. Any A-frame or portable sign including trailer or pedestal type signs.

B. No signs without consent. It shall be unlawful for any person to fasten, attach, paint or place any sign upon any private wall, window, door, gate or fence, or upon other personal or real property, without the consent of the owner, lessee or someone authorized to act on behalf of such owner or lessee.

C. No signs on public property. Except as specifically authorized in this chapter, it shall be unlawful for any person to fasten, attach, paint or place any sign, handbill, poster, advertisement or notice of any kind or sort, whether commercial or noncommercial, or to cause the same to be done in or upon any public curb, lamp post, telephone pole, electric light, power pole, hydrant, bridge, tree, easement, right of way, sidewalk, street, building or other property of the city. No sign shall be erected or project over such public properties. Printing of addresses on curbs, if approved by the city, is allowed.

1. For purposes of this chapter, except for setback requirements on permanent signs, the park strip shall be considered as a part of the adjacent property and under the control of that property owner. Permission to place a sign must be obtained from that property owner.

D. No obscene messages. No sign shall be erected or maintained, or be permitted to remain publicly displayed, which contains obscene material.

E. Parking of advertising vehicles prohibited. No person shall park any vehicle or trailer to which a sign is attached in any way on a public right of way or property or on private property for the basic purpose of providing advertisement for a product or business. This section is not intended to apply to vehicles in the regular conduct of the business. (Ord.2009-6, dated 5/12/09)

#### **18.29.130 Legal Nonconforming Signs.**

A. Signs which have been legally erected in the city prior to the adoption of this chapter and which do not comply with the terms of this chapter may be repaired and maintained; provided, that there may be no extension or expansion of the sign.

1. Whenever any person or entity operating a business with a legal nonconforming sign or signs sells the business, changes the business or changes the name of the business, the nonconforming sign or signs may be replaced or altered to reflect the new business; provided, that there may be no expansion or extension of the signs.

B. If a nonconforming sign is abandoned for a period of twelve months or more, use of the sign shall be deemed to be abandoned and the sign, together with any supporting structures, poles and other related equipment, shall be removed at the cost of the sign or property owner.

1. A commercial sign attached to, or associated with, a business operated in a particular building shall be deemed to be abandoned if the business ceases its operation in the building.

C. In the event of any conflict between this section and any other provisions of city code, this section shall control. (Ord.2009-6, dated 5/12/09)

#### **18.29.140 State License.**

A. It is unlawful for any person, partnership or corporation to erect or maintain, or to engage in the business of erecting or maintaining any "sign", as herein deemed, except those signs exempted in this chapter, unless such person, partnership or corporation is a licensed general contractor or sign installation contractor.

B. Applications for permits to erect signs will be accepted and permits granted only to such persons, partnerships or corporations as are licensed by the state to perform such sign contracting. (Ord.2009-6, dated 5/12/09)

#### **18.29.150 Location Restrictions.**

A. No light or sign, or other advertising structure as regulated by this title shall be erected at the intersection of any street in such a manner as to obstruct free and clear vision, or at any

location where, by reason of the position, shape or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal or device, or one which makes use of any other word, phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic.

B. No part of any sign shall be permitted to extend across a street or any property line.

C. With the exception of directional signs placed by the city or another governmental agency, no sign shall be erected or placed within any center median or any public sidewalk or bicycle path. It shall be unlawful to erect and/or maintain any sign over any street or alley, except as herein expressly provided. The city may remove any sign located in these areas.

D. Sign Not To Constitute A Traffic Hazard.

1. No sign or other structure in excess of three feet in height, as measured from the top of the curb or edge of the hard road surface, shall be placed on any corner lot within a triangular area formed by the parcel property lines adjacent to the street and a line connecting them at points thirty feet from the intersection of said property lines, in such a manner as to obstruct free and clear vision to automobile drivers.

2. No sign shall be erected in such a manner or in such a location as to obstruct free and clear vision; or at any location where by reason of its position, shape, color or words, it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device nor block visibility for driveway ingress or egress.

3. No sign or any lighting appurtenant thereto shall be erected or located in any manner that would create a safety hazard to pedestrians or vehicular traffic nor constitute a safety or visibility problem. (Ord.2009-6, dated 5/12/09)

#### **18.29.160 Maintenance of Signs.**

A. Signs regulated by this chapter shall be maintained in good visual appearance and structural condition at all times.

1. If a sign does not conform with the requirements of this chapter or if the construction, design, manner of use, or method of anchoring or supporting any sign makes such sign unsafe, the city shall proceed in any manner deemed necessary to cause the removal of the sign or the rebuilding of the sign to conform with the requirements of this chapter, or to remedy the defects herein. All signs must meet the requirements of the international building codes and safety regulations of the city.

2. The city, its employees or agents shall not be liable for negligence or failure of the owner, or the person responsible for maintaining any sign, to keep such sign in good condition or be responsible for any damage caused by defective conditions.

3. Any person occupying a building or portion of a building, who owns or maintains a sign in connection therewith shall, upon discontinuing the business advertised, cause the sign to be removed. Any person who owns and maintains a sign which is maintained for the benefit of another person who occupies a building or part of a building whereon the sign is located shall cause the sign to be removed if the person for whom the sign is maintained vacates the premises.

a. A commercial sign attached to, or associated with, a business operated in a particular building shall be deemed to be abandoned if the business ceases its operation in the building.

4. Failure of the owner of the sign or of the person responsible for maintaining same to remove the sign within thirty days after notice from the city shall be considered as a violation of this chapter and shall subject the owner of the sign and the owner of the property to the penalties herein. (Ord.2009-6, dated 5/12/09)



**18.29.170 Removal of Dangerous Signs.** Where immediate action is deemed necessary to protect limb, life or property and where the owner of a sign or the owner. Of the property on which the sign is erected fails to remove such sign pursuant to notice from the city within a specified time fixed in such notice, the city may proceed in any manner deemed necessary to cause the immediate removal of such sign. The city shall certify a statement of the expenses incurred in such removal to the city treasurer, who in turn shall assess and charge the same against the real estate upon which the sign was erected. If the assessment is not paid within ninety days, the city may then file suit to recover the cost, including attorney fees. (Ord.2009-6, dated 5/12/09)

**18.29.180 Construction Standards.**

A. Applicable Regulations.

1. All signs erected in the City shall comply with the current standards of the building and construction codes adopted by the City.

2. All electric sign component parts shall be approved and labeled as conforming to the standards of the United States Bureau of Standards, the Underwriters' Laboratories, Inc. or other similar institution of recognized authority.

B. Engineering. Where required by the department, applicants for permits shall provide engineering drawings stamped and signed by a structural engineer licensed by the State of Utah attesting to the adequacy of the proposed construction of the sign and its supports.

C. General standards.

1. Except for banners, flags, temporary signs, and window signs conforming in all respects with the requirements of this ordinance, all signs shall be constructed of permanent material and shall be permanently attached to the ground, a building, or another structure or be a direct attachment to a rigid wall, frame, or structure. All signs must be anchored to the ground. No rocks or other heavy objects placed on portions of the sign as a means of anchoring will be permitted.

2. All signs shall be secured in such a manner that maintains public safety by preventing collapse, falling, flapping or any dislodgement.

D. Freestanding signs. All freestanding sign structures or poles shall be self-supporting structures erected on and permanently attached to concrete foundations.

E. Signs on architectural projections. Signs may be placed on or below and may be supported by an architectural projection of a building when the projection is designed to carry the additional weight of the sign. Any sign attached to or located on an architectural projection may not be located less than eight feet above a walkway, surfaced area, or ground level below the sign.

F. Opening Coverage and Signs: No sign shall cover more than twenty-five percent of a window, doorway or other opening providing light, ventilation or exit facilities. Window signs shall not exceed twenty-five percent of the total area of the windows through which they are visible.

G. Vertical Clearance: There shall be a minimum vertical clearance of eight feet between the ground or sidewalk and any part of a projecting sign, projecting more than eight inches from a wall.

H. Lighting of Signs. Signs may be illuminated by indirect lighting, floodlights or luminous tubes only. No lighting shall be installed in any way which will permit direct rays of such light to penetrate onto any adjoining property used for residential purposes, or in any manner constituting a nuisance.

I. No sign or sign structure shall be erected in such a manner that any portion of its surface or supports will interfere in any way with the free use of any fire escape, exit or standpipe.

J. No sign shall obstruct any openings to such an extent that light or ventilation is reduced

to a point below that required by the City. (Ord.2009-6, dated 5/12/09)

## ARTICLE II DEFINITIONS

### 18.29.210 Word Usage and Interpretation.

A. Scope of Definitions. In this chapter, the terms, phrases, words and their derivatives shall have the meanings as stated and defined in this section. Various sign types shall have the definitions normally associated with such a sign, as determined by the department, based on common industry and municipal usages. The word "shall" is always mandatory and not merely directory. Words not defined in this section, or not defined by the department as stated above, but defined elsewhere in adopted city codes shall be construed as defined in those codes or ordinances or shall be as commonly defined or used.

**BILLBOARDS:** An off premise sign as defined by State Law.

**COMMERCIAL AREASIGN:** Areas containing uses or zones other than those specifically identified as residential or agricultural including retail, wholesale, office, recreation, manufacturing,, and industrial uses and the signs found or allowed therein.

**CONSTRUCTION SITE:** A site on which a construction permit or building permit has been issued by Pleasant View City.

**COPY or COPY AREA:** The wording or depictions on a sign surface in either permanent or removable form. Copy area shall include the background on which located.

**ELECTRONIC MESSAGE DISPLAY SIGN:** A sign, which uses changing patterns of lights to display public information and/or commercial messages.

**FASCIA SIGN:** A sign which is permanently affixed to the horizontal member or surface at the edge of a projecting roof.

**FREESTANDING SIGN:** A sign which has its own supporting structure independent of any building or structure; includes such signs as Pole, Low Profile, Monument, and Ground.

**ILLUMINATED SIGN:** A sign which is lighted, either externally or internally.

**INCIDENTAL SIGNS:** A small sign, emblem or decal informing the public of goods, facilities or services available on the premises, e.g. a credit card sign or a sign indicating hours of business. Such signs may also include residential signs such a "welcome home", "it's a girl!", or other such special event announcements if of a limited and temporary nature. Permits are not required for such signs and such signs are not included in limits on numbers and square footage of signs.

**MANSARD AND PARAPET SIGNS:** A sign permanently affixed to a wall or surface not more than 20 degrees from vertical at the upper edge of a building and running parallel with the mansard roof line or parapet upon which the sign is attached.

**POLITICAL SIGN:** A sign which expresses a position, conveys a message concerning, or advocates a position on, the candidacy of a person, party or issue on an upcoming ballot.

**PORTABLE COMMERCIAL SIGN:** A commercial sign which is not permanently affixed to a structure or permanently ground mounted.

**RESTAURANT, DRIVE-IN:** A restaurant that serves food that is prepared on site and is delivered by carhop service for consumption in its parking lot, at outdoor tables on its property or off the restaurant's premises. The restaurant may also have drive through food service to serve food that is prepared on site.

**ROOF SIGN:** A sign affixed on, above or over the roof of a building so that it projects above the roofline. The top of a parapet wall shall be considered the roofline. The highest point of a mansard roof shall be considered the roofline. Where a parapet wall is combined with a mansard roof, the roofline shall be the top of the parapet.

**SETBACK:** For the purposes of determining set back distances, measurements shall be taken from the edge or surface of the sign or sign structure which is closest to the property line from which the sign is to be set back. Signs on corner lots or at the intersection of any driveway, parking lot, entrance or exit with any street, shall meet clear view requirements of this Title.

**SIGN:** Any device providing identification, advertising or directional information for a business, service, product, person, organization, place or building. Included in this definition of signs are graphic devices such as logos and attention attracting items such as banners or logo sculptures, and trademarked color band fascia.

**WALL MOUNTED SIGN:** A sign which is fastened to any vertical portion of a building.

**WINDOW SIGN:** Any poster, cut out letters, painted text or graphics, or other text or visual presentation affixed to, or placed within twelve inches behind a window pane, which can be read from the exterior of a building. (Ord.2009-6,dated 5/18/09)

### **ARTICLE III PERMITS AND ENFORCEMENT**

#### **18.29.310 Permit Required.**

A. Sign permits are required for placement of all signs, except those signs specifically authorized otherwise in this chapter. It shall be unlawful to erect, install and/or modify any sign that requires a sign permit within the city without first applying for and obtaining a sign permit. "Modify", as it is used herein, shall mean any change in or to an existing sign, its shape, design and/or supporting structures.

B. Any permit or license issued for signs which are in conflict with the provisions of this chapter shall be null and void whether or not the license or permit was issued by employees of the city authorized to issue said permits or licenses.

C. Exemptions from sign permit requirements shall not be construed as relieving the owner of the sign from the responsibility of its erection and maintenance in compliance with the provisions of this chapter or any other law or ordinance regulating same.

D. The following changes shall not require a sign permit. These exceptions shall not be construed as relieving the owner of the sign from the responsibility of its erection and maintenance in compliance with the provisions of this chapter or any other law or ordinance regulating same.

1. The changing of the advertising copy or message of signs specifically

designed for the use of replaceable copy.

2. Electrical maintenance, repainting, or cleaning maintenance of a sign.
3. The repair of a sign.

E. The fee for sign permits shall be as established by the city council in the fee schedule of the city.

F. Electrical Work Not Included: A sign permit does not include electrical work and a separate electrical permit shall be required. (Ord.2009-6, dated 5/12/09)

#### **18.29.320 Exempt signs and sign related activities.**

A. For signs or activities listed in this section permits are not required. All such signs must still meet the maintenance, removal and safety standards of this title as well as the specifics found herein. All Such signs shall not be erected or placed in such a manner or location as to constitute a safety or visibility problem.

B. The following signs and sign-related activities shall be exempt from the provisions of this Chapter to the extent indicated herein:

1. Directional or Instructional Signs which are located entirely on the property to which they pertain. These signs include, without limitation, signs which identify rest rooms, public telephones, walkways, or may provide direction such as parking lot entrance and exit signs and those of a similar nature.
2. Memorial Signs or Tablets.
3. Signs placed by the city or other government agencies for communication purposes including banners, marquees, electronic message centers and others.
4. Governmental Signs for control of traffic and other regulatory purposes, street signs, danger signs, railroad crossing signs, signs of public service companies indicating danger and aids to service or safety, and public notices posted by public officers or employees in the performance of their duties.
5. Real Estate Signs which are temporary in nature and have no visible connection to a sign, light pole, tree or other items. Such signs shall not be allowed on roofs, road pavement, sidewalks or gutter areas.
6. Flags, emblems, or insignias of any nation or political subdivision, subject to the limitations found in this chapter.
7. Symbols or Insignias including religious symbols, commemorative plaques of recognized historical agencies, or identification emblems of religious orders or historical agencies.
8. Interior signs which are not visible from outside the building in which they are installed are exempt from the provisions of this chapter. These include those within an enclosed lobby or court of any building, and signs for and located within the inner or outer lobby, court or entrance of any theater. Interior signs shall meet all the provisions of the international building code and shall be safely installed. Interior signs shall be placed in accordance with any instructions of the fire marshal or fire chief. No nonsafety sign shall be installed on any exit door.
9. Temporary Signs subject to the requirements as found in section 18.29.450 in this chapter.
10. Temporary Event Signs pertaining to drives or events of civic, philanthropic, educational or religious organizations, provided that said signs are posted only immediately prior and during said drive and are removed within five days after said event.
11. House Numbers and Name Plates limited to two per street address.
12. Political and Campaign Signs on behalf of candidates for public office or

measures on election ballots.

13. Holiday Decorations clearly incidental and customary and commonly associated with any national, local or religious holidays.

14. Building Plaque Sign.

15. Building Security Sign.

16. Gas Pump Signs.

17. Public Event Signs and Banners authorized by the City for a specific event.

18. Routine Maintenance of Signs including changing of lettering or parts of signs designed to be regularly changed.

19. Warning Signs of limited size and number.

20. Incidental signs.

21. Signs on public vehicles or facilities or on those providing public transportation such as buses and taxicabs.

22. Signs on licensed commercial vehicles, including trailers; provided however, such vehicles shall not be utilized as parked or stationary display signs within 40 feet of the ROW of a street.

23. Parking of advertising vehicles prohibited. No person shall park any vehicle or trailer to which a sign is attached in any way on a public right of way or property or on private property for the basic purpose of providing advertisement for a product or business. This section is not intended to apply to vehicles in the regular conduct of the business. (Ord.2009-6, dated 5/12/09)

#### **18.29.330 Enforcement.**

A. The Community Development Department (department) shall be vested with the duty of enforcing these Sign Regulations. In the performance of that duty, the department may take any appropriate action or institute any proceeding in any case where any sign is erected, constructed, reconstructed, altered, repaired, converted or maintained, or in any case where any sign is used in violation of this chapter or any other City ordinance. The department shall inspect each sign for which a permit has been issued and shall require the proper maintenance of all signs subject to the provisions of this chapter.

B. Confiscation of Signs. Except for allowed signs, the department may immediately confiscate any sign located on public property, sidewalks or within streets in violation of these Sign Regulations or any other City ordinances. A sign located on a sidewalk or in a street is a nuisance per se and may be removed at any time without prior notice to the owner.

C. It is unlawful for any person to erect or otherwise install a sign having an area or height greater than allowed in this chapter. It is unlawful for any person to erect or otherwise install a sign located on a site or in a zone in violation of the regulations specified in the chapter.

D. Before any sign permit is issued for signs on a highway controlled or funded by the state or federal government, the applicant shall show proof that the sign has been approved by the controlling agency. This proof must be submitted to the city with the application for a sign permit. The city will not consider sign permit applications until the proof of approval is submitted. (Ord.2009-6, dated 5/12/09)

#### **18.29.340 Violation/Penalty.**

A. Any person whether acting as owner or occupant of the premise involved, or contractor, or otherwise, who violates or refuses to comply with any of the provisions of the Chapter shall be guilty of a misdemeanor and, upon conviction, shall be punished as provided in this Title.

B. Civil penalties, as established by the City Council in the Fee Schedule, shall apply as set forth in this Chapter.

C. A separate offense shall be deemed to be committed on each day an offense occurs or continues.

D. The penalty provided herein shall be an addition to any suspension or revocation of any license or permit issued hereunder.

**18.29.350 Appeals.** Appeals of the orders, administrative decisions or interpretations arising out of the provisions of this chapter, and any request for variances to the standards of this chapter, shall be to the Appeal Authority as established by the City. (Ord.2009-6, dated 5/12/09)

## ARTICLE IV GENERAL REGULATIONS

**18.29.410 Signs for Residential Uses, General Requirements.** The following shall apply to all residential uses and zones in the city;

A. Home Occupation signs. One sign not exceeding four square feet in area may be allowed for a permitted home occupation business. Such signs must be placed on or against the dwelling, and shall not exceed a height of six feet.

B. Illumination. Illuminated signs are not allowed.

C. Temporary Signs: Temporary signs may be allowed in accordance with the requirements of this chapter.

D. Permanent Commercial Signs: Except for home occupation signs, residential uses shall not be permitted to have permanent commercial signs.

E. Subdivision or development signs may be allowed subject to the requirements as found in 18.29.530 of this chapter.

F. Exempt signs, subject to the provisions of 18.29.320.

G. Multi-Family Dwellings:

1. Apartments and Condominium Complexes: The following shall apply to signs for apartments and condominium complexes and similar uses:

a. A freestanding sign, not exceeding fifteen square feet in area, may be allowed at each entrance. Such signs shall not exceed five feet in width or three feet in height. Such signs must be located at least five feet from any property line.

b. A wall mounted sign, not exceeding twelve square feet in area may be allowed at the common building or office of the complex. The height of such sign shall not exceed ten feet. (Ord.2009-6, dated 5/12/09)

**18.29.420 Signs for Commercial Areas/Uses, General Requirements.** The following shall apply to all commercial/industrial uses and zones in the city:

A. Uses adjacent to residential zones. Where any property on which a sign is to be located is within seventy-five feet of any residential zone, the requirements found herein shall apply as well as those found elsewhere in this Chapter. The more restrictive shall apply.

1. Freestanding signs, if allowed, and including freeway oriented. Such signs shall not be allowed except as low profile signs.

2. Illuminated signs. Any sign illuminated by any means must be equipped with a timer and shut off the illumination between the hours of ten at night and six in the morning.

3. Closeness of signs. Except for directional signs, no sign not mounted on a building shall be located any closer to a residential zone than thirty-five feet.

4. Limits on heights of freestanding and attached signs. No sign shall be above the height of fifteen feet if located within fifty feet of a residential zone.

B. Off-premise directional signs may be allowed subject to the requirements found in 18.29.530, 18.29.540, and Article VI; otherwise no off-premise sign is permitted.

C. Billboards may be allowed subject to the limitations found elsewhere in Article VI. (Ord.2009-6, dated 5/12/09)

**18.29.430 Commercial Signs.** Commercial signs shall be in accordance with the following regulations:

A. Commercial signs shall be limited to the following types subject to the requirements as found in this chapter:

1. Attached signs.
  2. Freestanding signs (as approved)
    - a. Low profile and monument signs.
    - b. Freeway oriented signs.
    - c. "Center" signs.
    - d. Pole signs
  3. Temporary signs of the types allowed in this chapter.
  4. Window signs.
  5. Signs specifically approved as part of a Comprehensive or Special Purpose Sign Plan.
  6. Limited off premise directional signs.
- B. Attached on-premise signs may be allowed as follows:
1. Signs may be placed, subject to the standards of this chapter, on any side of a building. However, the total sign area allowed will be based solely on the building front (which shall be that side facing the main street or having the main entry).
  2. Size. On-premise attached signs may not exceed a total of two square feet of sign area for each lineal foot of building frontage. The area of any one sign shall not exceed one hundred square feet.
  3. When more than one use or business occupies a building, the lineal footage of the building is to be used to calculate the sign sizes for a combined total of all attached signs, not for each use. The total may then be divided between the uses on a percentage of building frontage basis. No business shall be entitled to use more than its proportionate share of the aggregate signs because another business is not using all of it's proportionate share.
- C. Freestanding commercial signs, except for Shopping Center signs or signs within a Comprehensive or Special Purpose Sign Plan area, shall be low profile signs only and shall be restricted to the following:
1. One sign for each street upon which the lot has frontage.
  2. Such signs shall have a maximum area of 96 square feet.
  3. Such signs shall have a maximum height of eight feet.
  4. Such signs shall not be closer than 30 feet to any residential district.
  5. The minimum setback shall be ten feet behind the curb, but shall not be within the street right of way.
  6. A monument sign base shall be no less than one-half (1/2) the width of the widest portion of the sign nor greater than one and one-half (1 1/2) times the width of the portion of the sign containing verbiage.
  7. Such signs shall be located in landscaped areas.
- D. Freestanding Sign for Shopping Center or Multi-Tenant Complex:
1. Such signs may be allowed as a Special Exception or as part of a Comprehensive or Special Purpose Sign plan.
  2. If submitted as part of a Comprehensive or Special Purpose Sign Plan, such signs shall be subject to that plan.
  3. If submitted as a Special Exception:
    - a. Maximum Size of Total Sign Area:
      - i. Total sign area: two hundred Square feet.
      - ii. Tenant sign area to be determined by shopping center or multi-tenant management. However, no tenant may exceed twenty-five percent of the sign area on a shopping center sign provided that sufficient space remains for other current and future tenants.



b. Maximum Copy Area Utilization:

i. Specified: The maximum copy area that can be utilized at any time is limited to a actual tenant operating in the shopping center or multi-tenant complex. The allocation of copy space to tenants and the content of the utilized copy area are at the discretion of the shopping center management or management of the multi-tenant complex. The unused copy areas provided for future use, as future tenants locate in the center, shall remain without copy.

ii. Ancillary Uses or Functions: The ancillary uses or functions in a tenant space do not qualify the tenant for additional copy area utilization.

iii. Reduction In Number Of Tenants: When there is a reduction in the number of tenants, the utilized copy area must be reduced to the maximum allowable copy utilization area as determined by the number remaining tenants in the center. Copy area reduction shall take place within ten days of a tenant ceasing operation.

c. Maximum Height of Total Sign Structure: thirty-five feet.

d. Vertical Clearance: There shall be at least four feet of vertical clear space (excluding the sign poles) measured from the landscaped area to the bottom of the sign copy area.

e. Minimum Landscaping: At least one hundred square feet shall surround the sign structure on the shopping center property. Landscaping in the right of way cannot be attributed to the landscape area calculations to fulfill this requirement.

f. Location: The entire sign structure, including overhangs, shall be entirely on the shopping center property. No portion of the sign shall be in the public right of way. The sign shall be at least twenty feet from the interior side property line and at least fifty feet from any street corner.

E. Freeway Oriented Freestanding Sign. Businesses may request on-premise freeway oriented detached signs as a Special Exception and subject to the requirements as found herein.

1. Must be located on property which is within five hundred feet of the freeway.

2. Sign Area and Height. The area and height limitations shall be determined by the Planning Commission and may exceed the limitations found elsewhere in this chapter. Such determinations shall be based on the location of the property, the nature and size of the use, other uses and similar signs in the area, and the impact to the Gateways to the city.

3. All such signs shall be subject to "adjacent to residential" regulations found elsewhere in this chapter.

F. Drive-In Restaurants:

1. In addition to the signs allowed in this section, drive-in restaurants may have one freestanding sign located at least fifty feet from the front and street side property line which conforms to the following standards:

a. Total area not exceeding sixty-four square feet.

b. Maximum height of eight feet.

c. Maximum width of eight feet.

2. Each parking stall covered with a canopy may have one freestanding sign located to the side of the parking stall if the sign conforms to the following standards:

a. Each sign area shall not exceed fifteen square feet.

b. Maximum height shall not exceed six feet in height as measured from

the parking lot pavement surface directly below the sign.

c. Maximum width shall not exceed four feet.

d. Such signs shall be located on the side of the parking stall, but no closer than three feet from the end of the parking stall.

e. No restaurant shall have more than fifty menu signs on the site.

(Ord.2009-6, dated 5/12/09)

#### **18.29.440 Sign Area, Height and Projection.**

A. Sign Area: The measured area of a sign shall be the entire area within a single continuous perimeter of the least rectangle, triangle or circle enclosing the extreme limits of a writing, representation, emblem, or any figure of similar character, together with any material or color forming an integral part of the display or used to differentiate a sign designed with more than one exterior surface. The supports, uprights or structure on which any sign is supported shall not be included in determining the sign area unless such supports, uprights or structure are designed in such a manner as to form an integral background of the display. Except as found herein, where a sign has two or more display faces, the area of all faces shall be included in determining the area of the sign.

1. In computing sign area, only one side of a back-to-back or double face sign covering the same subject shall be computed when the signs are parallel or diverge from a common edge by an angle of not more than forty-five degrees.

2. For signs that do not have a frame or a separate background, sign area shall be computed on the basis of the least rectangle, triangle or circle large enough to frame the display.

3. Where a sign message consists of separated or individual letters, modules or symbols, each portion of the sign message shall not be considered a sign panel. In such cases, a single continuous perimeter completely surrounding the sign message shall be utilized to determine its sign area.

4. When more than one use or business occupies a lot, the lot or building frontage is to be used to calculate the sign sizes for a combined total of a detached or attached sign, not for each use. The total may then be divided between the uses.

B. Sign Height: Sign height shall be governed as follows:

1. For the purpose of determining height on freestanding signs, measurement of the vertical distance shall be from the elevation of the nearest public sidewalk within thirty feet, or, if there is no sidewalk within thirty feet, from the average of the finished grade of the yard area (front, side, etc.) of the lot upon which the sign is located and that portion within thirty feet of the sign, to the uppermost point on the sign or sign structure.

2. Wall or Fascia Mounted Signs: Sign height is the distance from the top of the sign structure to the top of the curb nearest the sign or to the crown of the adjacent roadway if no curb exists, or grade of the building where significant grade separations from the road exists.

3. Projection of Parapet Sign: No parapet sign may project more than five feet above the roofline, but must remain below the top line of the parapet.

4. Height of Attached Signs. The height of attached signs shall conform to the following provisions:

a. When a building has more than one level, the wall on which the sign is installed will govern.

b. No sign shall be allowed on any floor other than the first and second levels.

c. Flat Signs; Flat signs may extend a maximum of two feet above the

roofline or parapet wall of the building on which they are located.

Nameplates: Nameplates shall not be located above the first floor level of the building.

d. Projecting Signs; A projecting sign shall not extend above the top of the vertical building wall on which it is located.

e. Window Signs. Window signs shall not be located above the second floor.

C. Projection and Clearance Requirements.

1. Clearance standards.

a. Clearance Between Sign and Ground.

i. Generally, pole and ground signs must not be located in or hang over areas of vehicular or pedestrian traffic.

ii. If no other location is reasonably available, pole signs must have a minimum clearance of ten feet between the bottom of any pole or overhanging sign and the ground or sign base. Pole signs which have a maximum clearance of four feet may be allowed.

iii. Signs projecting over a pedestrian or vehicular way must maintain a minimum clearance of eight feet over pedestrian ways and fourteen feet over vehicular ways.

2. Projection of signs. Signs may be allowed to project from buildings or structures in conformance with the following general provisions:

a. No sign shall be allowed to project over any property lines.

b. Projecting signs may be allowed to extend even with the roof line or parapet wall of a building.

c. Flat signs. Signs placed flat against a building must be erected parallel thereto and the outside face of the sign may not extend more than one foot from the wall of the buildings. Flat signs may have no copy visible from the sides.

d. Attached signs, other than flat signs, marquees, canopies or awnings (which have specific requirements), may project no more than six feet from the building. Such signs must maintain a minimum clearance of eight feet over pedestrian ways and fourteen feet over vehicular ways. (Ord.2009-6, dated 5/12/09)

**18.29.450 Temporary Signs.**

A. Sale, Lease or Rent Signs: Signs advertising the sale, leasing or renting of a building, dwelling, suite, property or other forms of real estate shall conform to the following regulations.

1. The signs shall be non-illuminated and be on the property to which they refer.

2. Residential Zoning Districts: The signs shall not exceed six square feet in total aggregate area and five feet in maximum height.

3. Nonresidential Zoning Districts: The signs shall not exceed thirty-two square feet in aggregate area and eight feet in height.

B. Business Banners, Pennants and Displays for Promotional or Special Events:

1. Banners, pennants and other displays shall be allowed for no more than thirty consecutive days at a time. There must be a minimum of thirty days between each thirty day period.

2. Signs, banners, pennants and displays shall be limited to:

a. One four foot by eight foot banner for each street on which the business has frontage.

b. Banners, pennants and displays for a promotional event shall be

located on the business premises only.

c. Balloons shall be tethered so as not to exceed thirty feet in height and shall not occupy any required parking space.

d. Balloons and signs shall not be designed to depict any product not legally available to all residents of the city.

e. During the promotional event, the total sign area, including permanent signs, shall not exceed two hundred percent of the permitted sign area (attached and freestanding combined).

f. Holiday Decorations clearly incidental and customary and commonly associated with any national, local or religious holidays are allowed provided such are placed no earlier than thirty days prior to the holiday depicted and removed no later than two weeks following such holiday.

C. Special Exceptions. Home occupation, neighborhood and agriculture related activities or events may apply for a special except to allow for the limited placement of signs either on or off premise. The Planning Commission may determine the numbers, size, and duration of display but such are intended to be limited, in keeping with the character of the activity and with the neighborhood in which located. (Ord.2009-6, dated 5/12/09)

## ARTICLE V SPECIAL REGULATIONS

**18.29.510 Neighborhood Identification Signs.** In any zone, a sign, masonry wall, landscaping and other similar materials or features may be combined to form a display for neighborhood or tract identification. Such signs shall be specifically approved as part of development or subdivision approval; or as a Special Exception by the Planning Commission. (Ord.2009-6, dated 5/12/09)

**18.29.520 Flags and Flag Poles.** Flags and flag poles are allowed, without permits, subject to the requirements found herein.

A. Height: No flag pole may be higher than the maximum building height limitation permitted in the zoning district where the flag pole is located.

B. Location: No flag pole shall be located closer to a property line than its reclining length.

C. Except as otherwise provided in this chapter, a maximum of one nongovernmental flag is permitted per property under the following parameters:

1. Any flag flown in conjunction with the U.S. and/or State of Utah flag must be flown beneath them and must not exceed them in size.

2. The maximum size of any nongovernmental flag shall not exceed fifteen square feet. No one dimension to exceed six feet in any direction. (Ord.2009-6, dated 5/12/09)

**18.29.530 Subdivision/development signs.**

A. The department may issue a permit for development signs in any zone in connection with the marketing of lots or structures in a subdivision or development. This may include signs announcing the proposed development of property in nonresidential zoning districts for the purpose of displaying the name of the project, contractors, architect and any additional information pertaining to the site on which the signs are to be located, subject to the conditions found herein:

1. Time Limit. Such permits may be issued for a period not to exceed one year.

The department may renew such permits for additional periods of up to one year for each permit upon written application at least thirty days prior to its expiration.

2. Type of Sign. Sign as used in this section refers to all types of signs except

those prohibited in this Chapter.

3. Size: No sign shall exceed sixty-four square feet in size.

4. Height: No sign shall exceed eight feet in height.

5. Location. All signs must be located and set back from property lines sufficiently to eliminate any safety visibility obstructions as authorized by the department. A subdivision/development sign may be located at each entrance to the project and, in addition, one interior sign maybe located within the project as approved by the department.

B. Severely limited off-premise subdivision/development signs maybe approved by the department for isolated or difficult to locate developments. Such signs shall be limited, subject to limitations deemed appropriate by the department based on location of the sign, uses in the immediate area of the sign and accessibility of the project. Such limitations shall include lesser sizes in developed residential areas and consideration of greater sizes along major collectors and in undeveloped or commercial areas, with the norm being sixty-four square feet in area and six feet in height.

C. Residential Construction Site Signs: Signs may be placed on a construction site within the following parameters:

1. Number: There shall be only one sign per lot.

2. Size: The sign shall not exceed eight square feet.

3. Height: The sign shall not exceed five feet in height.

4. Location: Such a sign must be located on the construction site.

5. Illumination: The sign shall not be illuminated.

6. Duration: A construction site sign may be placed only during the period of time when a building permit is valid and must be removed no later than ten days following the final inspection.

D. Model Home Advertising: A Special Exception is required for model home signs. The Planning Commission shall review the request using the following guidelines:

1. The Commission may consider standards other than the norm based on the size of the project, the lot size, the orientation of the house and signage, and the degree of inclusion of other features in the displays. The Commission may limit some features to mitigate the impacts of any increase in allowed usage.

2. Number: The norm is one sign per model home.

3. Size and height: The norm is thirty-two square feet and six feet in height.

4. Duration: The norm is four months.

5. Illumination: Model home signs shall not be illuminated. (Ord.2009-6, dated 5/12/09)

#### **18.29.540 Off-Premise Business Directional Signs.**

A. General Requirements.

1. All signs must be low profile signs unless co-located on an existing sign pole.

2. The sign must be located completely on private property at least five feet behind any public right-of-way.

3. Off-premise business directional signs are allowed only on 2700 North, Highway 89, 2550 North and Pleasant View Drive.

B. Such signs require permits and may be approved by the department. The department may determine limitations deemed appropriate by the department based on location of the sign, uses in the immediate area of the sign and accessibility of the business, and other signage in the area. Such limitations shall include lesser sizes in developed residential areas and consideration of greater sizes along major collectors and in undeveloped or commercial areas, with the norm

being sixty-four square feet in area and six feet in height. (Ord.2009-6, dated 5/12/09)

**18.29.550 Comprehensive or Special Purpose Sign Plan.**

A. Purpose: A Comprehensive or Special Purpose sign plan for a proposed or existing development may be approved by the planning commission with the granting of a conditional use permit.

1. The purpose of a Comprehensive Sign Plan is to provide for the establishment of criteria for signs that are tailored to a specific development or location, and which may vary from specific provisions of this chapter. The intent of this section is to provide for flexible sign criteria that promote superior design through architectural integration of the site, buildings and signs.

2. A Special Purpose Sign Plan is intended for unique properties located at strategic areas of the city. The plan for such locations must involve signage that offers a significant portion of the space or time for public service messages.

B. Content of Plan: The plan shall include the location, size, height, type of illumination, landscaping, time of placement and/or illumination, and orientation of all proposed signs for the development, either permanent or temporary. The plan shall incorporate commonality elements without severely inhibiting variety and business identity and shall include specifics on size, type, location, height and other factors.

C. Review: The Planning Commission shall review the plan with the following guidelines:

1. Permanent freestanding signs for a shopping center, building complex or subdivision signs may be considered where the design and scale is compatible with the size and scale of the project.

2. Such signs shall be located in a suitable landscaped area in keeping with the scale of the sign and project.

3. The number and size of signs permitted shall be at the discretion of the planning commission based on the entryways to the project, the street frontage of the project, the orientation of the buildings within the project, visibility of project components, number of projected tenants and buildings, and compatibility with city design standards.

4. The type of illumination shall be at the discretion of the planning commission, but in no event shall the provisions of the comprehensive sign plan violate the lighting standards of this chapter.

a. In addition to the permitted business signs, electronic message signs, whether as a reader board, changeable copy area or electronic message center, in conjunction with a regular shopping center sign, may be considered. No such device shall exceed fifty percent of the total sign copy area of the sign to which attached.

5. Basis of Approval: A Comprehensive or Special Purpose Sign Plan containing elements which exceed the permitted height, area and number of signs specified in this ordinance, may be approved by the planning commission only upon finding that:

a. The development site contains either: 1) unique or distinctive characteristics, in terms of physical scale, topography, land use, architectural design or historical significance; or 2) the development contains distinguishing features that represent a clear variation from single lot conventional development, such as a shopping center, building complex, a planned residential unit development or a condominium.

b. The proposed signs incorporate special design features such as structural elements, logos, emblems, murals or statuary that are integrated with the site and building architecture.

c. The proposed overall development must contain multiple buildings or be a unique location. (Ord.2009-6, dated 5/12/09)

#### **18.29.560 Electronic Message Centers.**

A. Electronic message centers require a Special Approval Permit from the Planning Commission in all zones. Such approval is purely at the discretion of the Commission based on the size and scale of the operations at the location, the location and its relationship to the surrounding uses, and the effect on the city's entryways. In addition to the restrictions found in this chapter and the other chapters which apply to the zones mentioned above, electronic message centers are subject to the following restrictions:

1. Electronic message centers are not allowed off-premise, except on billboards.
2. An electronic message center may not flash or scintillate, except to change the displayed wording to different wording.
3. Any display on the electronic message center must remain lighted for at least two seconds.
4. Any electronic message center may be required by the Planning Commission to limit or cease operations between the hours of ten p.m. and six a.m. (Ord.2009-6, dated 5/12/09)

### **ARTICLE VI BILLBOARDS**

**18.29.610 Purpose.** This Article is intended to promote the enhancement of the City's gateways, views, vistas and related elements of the City's General and Master Plans and to limit conflicts with on premise business signs. This article and chapter provides for the reasonable regulation of billboards with the following intentions:

1. Limiting negative impacts and providing for the protection of property values;
  2. Implementing goals and policies promoting pedestrian and traffic safety;
  3. Maintaining the desired gateway areas of the city;
  4. Protecting the views and vistas that enhance the city;
  5. Creating esthetically pleasing streetscapes, commercial districts and freeway connections, and enhancing the aesthetics of existing billboards;
  6. Encouraging business location;
  7. Furthering the applicable elements of the city's general and master plans.
- (Ord.2009-6, dated 5/12/09)

#### **18.29.620 Permits.**

A. All billboards must receive site plan approval from the planning commission before permits can be issued.

B. Permits are required for all billboard construction including modifications, relocations and initial construction. Construction shall not commence without all required permits.

C. Except where involving a state permit, all permits issued for billboard construction expire 90 days after issuance. Renewals or extensions to issued permits are not allowed. Work not completed in the prescribed time frame requires a new permit.

D. State Permits. In addition to a city permit, a state permit is required. The state permit must be obtained within one hundred twenty days of issuance of the city permit or the city permit shall expire. If no construction occurs, the city permit shall expire ninety days after the issuance of the state permit.

E. Relocation of Billboards. Conforming and nonconforming billboards maybe relocated

only to sites within the city allowed pursuant to provisions of this chapter and in compliance with all other restrictions in this chapter. Prior to relocation of a billboard, a permit to remove an existing conforming or nonconforming billboard must be obtained. A permit may be issued for construction of a billboard at the relocation site only after completion of the removal of the existing billboard.

F. Permits Involving Modifications. To eliminate nonconformity, visual clutter and antiquated billboards, existing billboards may be modified in accordance with this section.

1. Conforming Billboards. Modifications to conforming billboards shall be made consistent with the requirements of this chapter.

2. Nonconforming Billboards. Modifications to nonconforming billboards may not increase the nonconformity. If a nonconforming billboard exceeds the height and/or advertising area limits of this chapter, any modification to the nonconforming billboard shall bring it into compliance with the current height and advertising area limits. If the nonconforming billboard is of lesser height and/or contains less advertising area than is allowed under this chapter, the height or advertising area of the billboard may be increased to the maximum limits allowable only in exchange for the elimination of a different nonconforming billboard within the city or a corresponding reduction in square footage of advertising area and/or height of a nonconforming billboard within the city.

3. Billboards Affected by Road Construction. Billboards affected by road construction may be modified in accordance with state law and this chapter. (Ord.2009-6, dated 5/12/09)

#### **18.29.630 Location.**

A. Billboards may be allowed only as found herein.

1. Billboards may be allowed in commercial areas.

2. Billboards may only be located in areas of appropriate zoning along the freeway or Highway 89 and outside of prohibited areas.

3. Prohibited Areas. Billboards are not allowed in the following areas of the city, regardless of the underlying zone:

a. Within five hundred feet of any residential or agriculture zone on the same side of the street.

b. Within five hundred feet of any part of any 1-15 interchange.

c. Within five hundred feet of any proposed or existing transit station property.

d. Within one thousand feet of Highway 89 entry ways to the city (currently Rocky Point).

e. Along Highway 89, south of 3000 North.

B. Separation. The minimum distance between billboards shall be as required by the State for freeway signs or five hundred feet whichever is greater. (Ord.2009-6, dated 5/12/09)

#### **18.29.640 Design and construction standards.**

A. Size of Advertising Area.

1. Billboard advertising shall not exceed six hundred seventy-five square feet in area, fifty feet in width or fifteen feet in height.

2. The maximum size and height of the advertising area is exclusive of embellishments.

a. Embellishments may be allowed provided the embellishment does not exceed fifteen percent of the advertising face of any billboard and does not extend more than five feet above or to the side of the billboard structure.

B. Height. The highest point of any billboard shall be no higher than thirty-five feet above



the adjacent roadway grade. If the roadway, within one hundred feet of the billboard measured from the roadway at the point at which the billboard is perpendicular to the roadway, is on a different grade than the billboard, then the height may be increased such that the lowest point of the billboard, excluding embellishments, may be twenty feet above the pavement elevation or any barrier wall at that location of the roadway.

C. Setbacks. All setbacks shall be measured from the closest edge of any portion of a billboard to the property line. The minimum yard setback from all property lines shall be five feet.

D. Lighting. Lighting shall be confined to illumination of the sign face and shall not be directed onto adjacent properties. Such lighting shall also conform to the illumination provisions of this chapter.

E. Supports. All billboards shall be detached signs. Monopole construction is required unless the department determines that special design or safety considerations exist that warrant differing support systems.

F. Maintenance. All billboards shall be routinely, as is customary in the industry, maintained both structurally and copy.

G. Landscaping. All billboards are to be located in a landscaped area sized consistent with the size and configuration of the billboard and the property on which located, unless granted an exception by the Planning Commission. The commission shall consider the specific site and the development thereon, the safety of the access to the property and the circulation therein, and the relationship of the billboard structure to the properties and buildings in the general vicinity.

H. Electronic Messages. To encourage innovation and creativity, billboards may use LED or other types of electronic messaging when granted a conditional use permit by the Planning Commission.

1. The screen may not be larger than the total square footage allowed for the billboard at that area. The structure supporting and surrounding the LED or other electronic message device will not be counted in the square footage of the sign provided no advertising is incorporated in or on such supports. If advertising is included, then such must be counted in figuring the total allowable square footage of sign area.

2. Copy may not change more frequently than every four seconds. Copy may contain motion, subject to approval by the Planning Commission. (Ord.2009-6, dated 5/12/09)

#### **18.29.650 Nonconforming billboards.**

A. Moving, Extensions or Alterations.

1. A nonconforming billboard shall not be reconstructed, raised, moved, replaced, extended, altered or enlarged except in conformance with applicable requirements of this chapter.

2. Alteration shall not include the changing of copy or copy panels so long as the structure remains the same.

3. Repair or maintenance shall not be considered an alteration.

4. Removal of portions of a billboard or extension of a billboard adjacent to the freeway or state highways, subject to permit approval, shall not be a violation of this section if such removal brings the sign more closely in compliance with the provisions of the chapter.

5. Billboards nonconforming as to site requirements only (setbacks, landscaping, height etc.) maybe modified or relocated on site, after receiving appropriate permits, if such relocation or modifications brings the billboard into compliance with the requirements of this chapter.

B. Termination of nonconforming billboards shall be after notice and if the sign owner has

failed to bring the billboard in question into compliance with this chapter in a reasonable amount of time and a subject to a hearing as required by State Statute. (Ord.2009-6, dated 5/12/09)

**18.29.660 Relocation.**

A. The owner of an existing billboard may remove the existing billboard and relocate to an approved location only after permits are obtained as set forth in this chapter and other provisions of this chapter are complied with.

B. Billboards moved to approved locations shall conform to all requirements of the new location and this chapter.

C. Relocations required as a result of government actions shall be allowed to any appropriate location and such relocation shall be allowed to include billboards of the same size, height and configuration as at the prior location or may be modified in any way that does not increase the size and height. (Ord.2009-6, dated 5/12/09)

**18.29.670 Billboards a business.**

A. Billboard companies having a billboard within the city are considered a business operating within the city and shall be subject to obtaining a business license, paying the required fee as established in the fee schedule of the city, and providing appropriate information on all billboards within the city owned by the company. (Ord.2009-6, dated 5/12/09)

## Chapter 18.30 - C-3 Zone

**18.30.010 Use Regulations.** In commercial zone C-3, no building or structure or land shall be used and no building or structure shall be erected which is arranged, intended, or designed to be used for other than one or more of the following uses:

- A. Any use permitted in a commercial zone C-2;
- B. Air-conditioning and ventilating equipment, sales, and repair;
- C. Beer taverns or sale of beer to be consumed on the premises; bottling works, soft drinks; boxing arena; bookbinding;
- D. Circus, carnival or other amusement enterprises of a similar type, transient in nature; carpenter shop; carpet and rug cleaning; candy manufacture;
- E. Dairy; dance halls;
- F. Honey extraction;
- G. Ice cream manufacture; ice manufacture and storage;
- H. Knitting mills;
- I. Laundry; lodges; lounge; laboratory;
- J. Night club or social club;
- K. Pet shop; pie manufacture; pony ring, without stables; pawnshop; pool hall; public garage, including automobile and truck repairing provided all operations are conducted within a completely enclosed building;
- L. Recreation center;
- M. Shooting gallery;
- N. Transfer company; theater, outdoor;
- O. Used car lot;
- P. Veterinary;
- Q. Warehouse, storage; wholesale businesses;
- R. The following uses, provided they are conducted within a building or area which is enclosed by a solid wall or uniformly painted board fence on all sides which face upon a street, or face upon a lot in a more restricted zone:
  - 1. Animal hospital,
  - 2. Building materials sales; body and fender works,
  - 3. Hatchery,
  - 4. Lumber yard,
  - 5. Monument works,
  - 6. Sheet metal shop,
  - 7. Tire recapping and rubber welding;
- S. Accessory uses and buildings customarily incidental to the above. (Ord. 87-17.03 (part), 1987: prior code §34-11-1)

**18.30.020 Special Provisions.** The uses specified in Section 18.30.010 shall be permitted only under the following conditions:

- A. All manufacturing shall be done wholly within completely enclosed buildings.
- B. All uses shall be free from objection because of odor, dust, smoke, noise, vibration or other causes.
- C. Site Plan.
  - 1. Prior to the issuance of any building permit for any use permitted in this chapter, a complete site plan drawn to scale and in accordance with requirements of Chapter 18.58 shall be submitted for approval of the planning commission.
  - 2. Such site plan shall show the total area planned for development, the location of existing and proposed buildings or structures, and including open space, streams or waterways, or land reservations whereon no buildings or structures shall be located.
- D. No building shall be constructed within the boundaries of any natural waterway or watercourse as determined by the city engineer wherein no building shall be constructed on land subdivided. Where buildings are to be constructed within fifty feet of the exterior boundaries of a flood channel existing at the effective date of the ordinance codified in this title, adequate measures must be taken as determined by the board of adjustment so as to protect the building or structure from damage due to floods and so as not to increase the hazard to surrounding lands and buildings.
- E. The required yard space shall be kept free of debris, refuse or other inflammable material which may constitute a fire hazard. (Ord. 87-17.03 (part), 1987: prior code §34-11-2)

**18.30.030 Lot Area, Width and Yard Regulations.** The lot area, width and yard regulations are the same as for commercial zone C-1 for other buildings or structures. (Ord. 87-17.03 (part), 1987: prior code §34-11-3)

**18.30.040 Building HeightcLot Coverage.** The building height and lot coverage regulations are the same as for residential zone R-5. (Ord. 87-17.03 (part), 1987: prior code §34-11-4)

## Chapter 18.31 - CP-1, CP-2 and CP-3 Zones

### 18.31.010 Purpose and Intent.

A. The intent of the planned commercial zones is to permit the establishment of a well designed complex of retail commercial facilities for a neighborhood, community, or region which will provide goods and services for the people to be served, minimize traffic congestion on thoroughfares and public streets in their vicinity and which shall best fit the general environment and land use pattern of the area to be served.

B. The protective standards for site use and development contained in this chapter are intended to minimize any adverse effect of the planned commercial zone itself. If required, submission of a market analysis is intended to serve as a guide to the planning commission in the evaluation of an application in terms of the need or desirability to change the comprehensive zoning plan in the public interest, and the amount of land included in the rezoning application which could be realistically supported in commercial use. Such information is further intended to substantiate a finding that the proposed development will promote the general welfare of the city.

C. The three types of planned commercial zones provided for in this chapter are as follows:

1. Planned Neighborhood Commercial CP-1, provides for the sale and supply of daily living needs of the people living in the neighborhood.
  2. Planned Community Commercial CP-2, provides in addition to convenience goods, a wider range of facilities for the sale of retail goods and personal services for the neighborhood and community.
  3. Planned Regional Commercial CP-3, provides for the sale and supply of the complete range of retail and wholesale goods and personal services for the metropolitan area and also a center for recreational entertainment and cultural activities.
- (Ord. 91-1, 6/11/91)

### 18.31.020 General Regulations.

A. At the time a CP zone is established and before building permits are issued, deed restrictions on the property covered under the proposed new zone change shall be filed by the owners of the property with the recorder and shall provide that development take place on the property only in accordance with a final site development plan approved by the planning commission and city council and on file with the city recorder.

B. A CP zone may be established only upon land held in single ownership or under unified control or where the planning commission determines that development on separate adjoining properties should be coordinated to form a physically unified commercial facility which will be more appropriate and compatible with the surrounding land uses.

C. A CP zone shall not be established upon a tract of land which would contain a non-conforming use after the passage of such amendment to the zoning ordinance unless the development planned for the tract includes the elimination of the non-conforming use.

D. The location of the CP zone shall have an acceptable relationship to the master street plan for the city as determined by the planning commission.

E. The petitioner or developer shall be required to pay the cost of the construction and/or installation of the following facilities on the streets providing access to the commercial center which may be necessary to control traffic generated by the commercial center.

1. Street widening.
2. Ingress and egress driveways.
3. Acceleration and deceleration lanes.
4. Traffic control devices and signs, including channelization.

The determination of standards required shall be made by the city council after recommendation by the planning commission and city engineer, and the Utah Department of Highways in the case of CP zones bordering state highways.

F. The petitioner shall submit to the planning commission with the rezoning petition a preliminary development plan for the commercial center showing a unified and organized arrangement and proposed use of buildings, off-street parking, internal traffic circulation and service facilities, etc.

G. If required, the applicant shall submit a market analysis acceptable to the planning commission and conducted and signed by a recognized and independent market analyst which shall serve as a guide to the planning commission for the evaluation of the application or part thereof in terms of:

1. The need or desirability to change the comprehensive zoning plan in the public interest.
2. The amount of land included in the rezoning application which can be realistically supported in commercial use.
3. The finding that the proposed development will promote the general welfare of the public. For the purposes of this section, the market analysis shall contain the following elements:

- a. The trade area of the proposed shopping center.
- b. Trade area population, present and potential.
- c. Effective buying power in the trading area.
- d. Net potential customer buying power for stores in the proposed shopping center.
- e. The residue of buying power to be expended in existing shopping centers or commercial areas serving the trade area.

H. Prior to the submission of the proposed ordinance rezoning an area to a CP zone, the developer shall submit all evidence deemed necessary by the city engineer and/or planning commission of his ability to undertake the proposed project.

I. No building or land use permits shall be issued for any use of structure in a CP zone until a final site development plan for the entire district or for the initial phase of the stage development plan is proposed and has been submitted to and approved by the planning commission as complying with the regulations and requirements of this chapter and all other applicable provisions of this ordinance. The final site development plan shall show in detail the proposed use, area and location of buildings, off-street parking, internal traffic circulation, landscaping and service facilities indicated more generally on the approved preliminary development plan.

J. No changes shall be made in the final site development plan during the course of construction pursuant thereto without first obtaining the prior approval of the planning commission. Copies of the approval final site development plan shall be kept on file in the office of the planning commission and building inspector's department and any changes which may be approved shall be noted thereon.

K. The planning commission may specify at the time of zoning approval conditions of approval of the final site development plan including the sequence of development and may require that initial building permits must include the major facilities of a proposal.

(Ord. 91-1, 6/11/91)

#### **18.31.030 Review.**

A. A building permit shall be secured and construction begun in accordance with the approved final site development plan within eighteen months for non-regional centers and thirty-

six months for regional centers, from the effective date of the ordinance establishing such zone or other period of time as determined by the planning commission. Application may be made to the planning commission for extension of the time limit for commencement of construction as follows: One six month extension for non-regional centers and two six month extensions for regional centers. Any further applications for extensions beyond these time limits would require a showing to the planning commission's satisfaction of unique conditions or situation and of imminent success in tenant leasing and construction commencement. All such applications shall include detailed documentation as to the circumstances and reasons for such request as required by the planning commission.

B. In the event that construction is not started within the specified time limits, the planning commission shall review the classification of the zone and the progress which has taken place and if deemed necessary, institute proceedings to restore the zone to its prior classification or to a zone consistent with the comprehensive zoning plan.

C. All construction authorized in the approved final site development plan shall be completed within three years of the date construction has commenced. A plan for stage development which will require more time than the limits contained herein may be approved by the planning commission at the time the CP zone is recommended or may be approved by the planning commission prior to or during the course of construction of the commercial center.

D. In the event the construction is not completed within the time limit specified herein or by the planning commission, the planning commission shall review the zoning and development which has taken place and, if necessary initiate proceedings to reclassify the property or part thereof in a manner consistent with the comprehensive zoning plan. (Ord. 91-1, 6/11/91)

#### **18.31.040 Use Regulations.**

A. In planned commercial zones CP-1, CP-2 and CP-3, no building structure or land shall be used and no building or structure shall be erected which is arranged, intended or designed to be used for other than one or more of the uses shown in attachment #1 at the end of this chapter. (Ord. 91-1, 6/11/91)

#### **18.31.050 Yard and Height Regulations.**

##### **A. Maximum Heights.**

1. CP-1 and CP-2 - 35 Feet;
2. CP-3 - 65 feet

##### **B. Minimum Yard Setbacks.**

1. Front, twenty feet for all buildings and walls or fences over three feet in height.
2. Side, none except ten feet adjacent to residential boundary.
3. Side facing street on corner lot twenty feet.
4. Rear, none except ten feet where building rears on a residential zone.

(Ord. 91-1, 6/11/91)

5. Any yard which abuts 600 West, 1000 West or that part of 1100 West below Pleasant View Dr., requires a minimum setback of forty feet for all buildings and walls or fences over three feet in height. (Ord 96-14, 9/24/96)

**18.31.060 Special Parking Requirements.** There shall be provided off-street parking facilities in the ratio of not less than three square feet of parking for each one square foot of sales floor area within the development; or as determined by the planning commission and/or city council. (Ord. 91-1, 6/11/91)

**18.31.070 Protection of Adjoining Residential Properties-Buffer zone.** The intent of which is

to separate noisy or unsightly commercial/manufacturing functions from residential functions. This buffer zone shall be created under the direction of and with the approval of the planning commission. The buffer zone shall be adapted to both the closeness to the residential use and to the nature of the commercial function. The buffer may be by planting, fence, distance or a combination of the three. Fences or planting, if used, shall conform to the requirements as set forth by the planning commission. (Ord. 91-1, 6/11/91)

**18.31.080 Site Plan Approval Required.**

A. A site plan shall be submitted to the planning commission which shows the location of main and accessory buildings on the site and in relation to one another, the traffic circulation features within the site, the height, bulk and character of building, the provision for off-street parking space, the provision of driveways for ingress and egress, the provision for other open space on the site and the display of signs. Each of the foregoing features shall be in accordance with the site plan (or subsequent amendment thereof) of the proposed development approved by the planning commission prior to the issuance of a building permit.

B. A site plan shall include landscaping, fences, and walls designed to further the purpose of the regulations for commercial, manufacturing zones and such features shall be provided and maintained as a condition of the establishment and the maintenance of any use to which they are appurtenant.

C. In considering any site plan, the planning commission shall endeavor to assure safety and convenience of traffic movement, both within the area covered and in relation to access streets, harmonious and beneficial relation among the buildings and uses in the area covered, and satisfactory harmonious relation between such area and contiguous land and buildings and adjacent neighborhoods, and that the requirements of this ordinance have been met.

D. In approving site plans, the planning commission may act on a site plan submitted to it or it may act on its own initiative in proposing and approving a site plan, including any conditions or required designated or specified therein or in connection therewith. (Ord. 91-1, 6/11/91)

## Attachment #1, 18.31.040 Use Regulation

"P" will be permitted use.

"C" will be allowed only when authorized by a Conditional Use Permit.

"N" will not be allowed in that zone:

Zones CP-1, CP-2, and CP-3 Uses-		Zoning		
Uses		CP-1	CP-2	CP-3
Accessory buildings and uses customarily incidental to a permitted use		P	P	P
Air conditioning sales and service.		N	P	P
Altering, pressing, and repairing of wearing apparel		P	P	P
Ambulance Base Stations		N	C	C
Animal Grooming, small animals only and provided business is conducted within completely enclosed building		C	P	P
Animal hospital, small animals only and provided is conducted within completely enclosed building		N	C	P
Antique, import, or souvenir shop		C	P	P
Archery shop and range, provided business is conducted within completely enclosed building.		N	P	P
Art and artist's supply store		P	P	P
Athletic and sporting goods store		P	P	P
Athletic club		N	C	P
Automobile parts sales		N	P	P
Automobile repair including paint, body and fender, brake, muffler, upholstery, or transmission work, provided business is conducted within completely enclosed building		N	P	P
Awning sales and service.		N	P	P
Baby formula service.		P	P	P
Bakery manufacture limited to goods retailed on premises.		P	P	P
Bank or financial institution		P	P	P
Barber shop		P	P	P
Beauty shop		P	P	P
Bicycle sales and service		P	P	P
Blue printing or photostating		C	P	P
Boarding house.		C	C	C
Boat sales and service.		N	P	P
Book store, retail.		P	P	P
Bottling works.		N	C	P
Bowling alley.		N	C	C
Building materials.		N	C	C



Zones CP-1, CP-2, and CP-3 Uses-	Zoning		
Uses	CP-1	CP-2	CP-3
Bus terminal.	N	C	C
Cab driver/Cab service	N	C	C
Café or cafeteria	C	P	P
Camera store.	P	P	P
Candy store confectionery	P	P	P
Carbonated water sales.	N	P	P
Carpenter and cabinet shops	N	C	P
Carpet, rug, and linoleum cleaning service	N	P	P
Car wash, self service manual spray	C	P	P
Car wash, automatic	N	C	C
Catering establishment.	C	P	P
China, crystal, and silver shop	P	P	P
Christmas tree sales.	P	P	P
Church.	C	C	C
Circus, carnival, or other transient amusement	N	C	C
Clothes cleaning and dyeing establishment	C	P	P
Clinics, medical or dental.	P	P	P
Clothing and accessory stores	C	P	P
Communication equipment building.	C	P	P
Costume rental	N	P	P
Dairy products store.	P	P	P
Day care center	P	P	P
Data processing service and supplies.	C	P	P
Dance studio.	C	P	P
Delicatessen.	P	P	P
Dental office	P	P	P
Department store.	C	P	P
Diaper service including cleaning	N	P	P

Zones CP-1, CP-2, and CP-3 Uses-	Zoning		
Uses	CP-1	CP-2	CP-3
Drapery and curtain store	C	P	P
Drive-in refreshment stands.	C	P	P
Drug store	P	P	P
Dry cleaning pickup station.	P	P	P
Educational institution.	N	P	P
Egg and poultry store, providing no live bird slaughtering or eviscerating permitted	P	P	P
Electrical and heating appliances and fixture sales and service.	N	P	P
Electrical equipment sales and service	C	P	P
Employment agency	N	P	P
Equipment rental and service	N	C	C
Express and transfer service	N	P	P
Fabric and textile store	C	P	P
Film exchange establishment.	C	P	P
Fix-it shop.	C	P	P
Five and ten-cent stores	P	P	P
Flooring or floor repair	C	P	P
Florist shop	P	P	P
Frozen food lockers (incidental to a grocery store or food business).	C	P	P
Fruit store or stand	P	P	P
Furniture sales and repair	N	P	P
Fur apparel sales, storage or repair	N	P	P
Garden supplies and plant materials sales.	P	P	P
Gift shop	P	P	P
Glass sales and service.	C	P	P
Government buildings or uses, nonindustrial.	C	P	P
Greenhouse and nursery	P	P	P
Grocery store.	C	P	P
Gunsmith	C	P	P
Gymnasium.	N	P	P

Zones CP-1, CP-2, and CP-3 Uses-	Zoning		
Uses	CP-1	CP-2	CP-3
Hardware store	C	P	P
Health club.	N	P	P
Health food store.	P	P	P
Hemstitching shop.	C	P	P
Hobby and crafts store	P	P	P
Hospital supplies.	N	P	P
House cleaning and repair.	N	P	P
House equipment display.	N	P	P
Household appliance sales and incidental services	N	P	P
Ice cream parlor	P	P	P
Ice store or vending station	C	P	P
Insulation sales	N	P	P
Insurance agency	C	P	P
Interior decorating and designing establishment.	C	P	P
Jewelry store sales and service.	P	P	P
Laboratory, dental or medical.	C	P	P
Laundry or dry cleaners, Laundromat-type	C	P	P
Laundry or dry cleaning establishment.	C	P	P
Lawn mower sales	N	P	P
Leather goods, sales and service	P	P	P
Legal office	P	P	P
Library.	P	P	P
Linen store.	C	P	P
Liquor store	N	N	N
Locksmith.	P	P	P
Lodge or social hall	N	N	C
Lodging house.	N	C	C
Lounge	N	N	N
Luggage store.	P	P	P

Zones CP-1, CP-2, and CP-3 Uses-	Zoning		
Uses	CP-1	CP-2	CP-3
Lumber yard.	N	C	C
Manufacture of goods retailed on premises.	N	C	C
Meat, fish, and sea food store	C	P	P
Medical office	P	P	P
Millinery.	C	P	P
Miniature golf	N	P	P
Monument works and sales	N	P	P
Mortuary	N	C	C
Motel.	N	C	P
Motorboat sales and service.	N	P	P
Motorcycle and motor scooters sales & service	N	P	P
Museum	C	P	P
Music store	C	P	P
Needlework, embroidery, or knitting store	P	P	P
Newsstand	P	P	P
Night club or social club	N	N	N
Notions store	P	P	P
Novelty store	C	P	P
Nursery school	C	P	P
Office in which goods or merchandise are not commercially created, exchanged, or sold	C	P	P
Office supply.	P	P	P
Office machines sales and service.	C	P	P
Oil burner shop.	N	C	P
Optometrist, optician, or oculist.	P	P	P
Ornamental iron sales or repair.	C	P	P
Paint or wallpaper store	P	P	P
Paperhanger shop	C	P	P
Park and playground.	P	P	P
Parking lot or garage for passenger autos.	C	C	C

Zones CP-1, CP-2, and CP-3 Uses-	Zoning		
Uses	CP-1	CP-2	CP-3
Pest control and exterminator.	N	P	P
Pet and pet supply store	C	P	P
Pharmacy	P	P	P
Photographic supplies.	P	P	P
Photo studio	P	P	P
Popcorn or nut shop.	P	P	P
Post office.	C	P	P
Printing, lithographing, publishing, or reproductions sales and services	N	P	P
Plumbing shop.	C	P	P
Professional, office	P	P	P
Public utilities substation.	C	C	C
Radio and television sales	C	P	P
Radio, television, FM broadcasting station.	N	P	P
Real estate agency	C	P	P
Reception center or wedding chapel	C	C	C
Recreation center.	C	P	P
Rental agency for home and garden equipment.	C	C	P
Restaurant	C	P	P
Restaurant drive-in.	C	P	P
Roller skating rink.	N	C	C
Roofing sales or shop.	N	P	P
Second hand store.	C	P	P
Seed and feed store.	C	P	P
Service station, automobile excluding painting, body, fender, and upholstery work.	C	P	P
Service station, self service only.	C	P	P
Sewing machines sales and service.	C	P	P
Shoe repair or shoe shine shop.	P	P	P
Shoe store	C	P	P
Sign, animated (only time & temperature animated sign in CP-2.)	C	C	C

Zones CP-1, CP-2, and CP-3 Uses-	Zoning		
Uses	CP-1	CP-2	CP-3
Sign, business	C	P	P
Sign, construction project	C	P	P
Sign, flat	C	P	P
Sign, free standing.	C	P	P
Sign, identification and information	C	P	P
Sign, marquee.	C	P	P
Sign, name plate.	C	P	P
Sign, off premise.	C	P	P
Sign, projecting	C	P	P
Sign, roof	C	P	P
Sign, temporary	C	P	P
Sign, wall	C	P	P
Storage rental units (personal)	N	C	C
Storage, contractor equipment	C	P	P
Supermarket.	C	P	P
Tailor shop.	P	P	P
Tavern	N	N	N
Taxidermist.	C	P	P
Temporary building for uses incidental to construction work. Such building shall be removed upon completion of construction work	P	P	P
Theater, indoor.	N	P	P
Theater, outdoor	N	C	C
Tobacco shop	N	C	P
Tourist courts	N	C	C
Toy store, retail.	C	P	P
Towel and linen supply service	N	P	P
Travel agency.	P	P	P
Transfer company	N	C	C
Typewriter repair.	C	P	P
Upholstery shop.	C	P	P

Zones CP-1, CP-2, and CP-3 Uses-		Zoning		
Uses		CP-1	CP-2	CP-3
Used car lot		N	C	P
Variety store.		C	P	P
Vegetable store or stand		P	P	P
Ventilation equipment sales and service.		N	C	P
Warehouse storage.		N	N	P
Welding shop		N	C	C
Window washing establishment		C	P	P

(Res. 93-A(2), 5/25/93) (Ord. 93-5, 2/9/93) (Ord. 95-11, 10/24/95)

## Chapter 18.32 - MP-1 Zone

### 18.32.010 Purpose and Intent.

A. The intent of the planned manufacturing zone is to permit the establishment of a well-designed complex of manufacturing facilities for the community or region which will minimize traffic congestion on public streets in the vicinity, and which shall best fit the general environment and land use pattern of the area to be served. The protective standards contained in this chapter are intended to minimize any adverse effect of the planned manufacturing zone on nearby property values by achieving maximum compatible integration of land uses, by preserving the aesthetic qualities of the area, and to provide for safe efficient use of the planned manufacturing zone and its built-in control processes which would be highly beneficial in protecting the established surrounding environment, especially residential uses in abutting residential zones.

B. The type of planned manufacturing zone provided for in this chapter is MP-1, Light Industrial Use zone. (Ord. 91-2, 6/11/91)

### 18.32.020 Permitted Uses.

A. In planned manufacturing zone MP-1, no building or structure or land shall be used and no building or structure shall be erected which is arranged, intended or designed to be used for other than one or more of the uses shown in attachment #1 at the end of this chapter. (Ord. 91-2, 6/11/91)

**18.32.030 Conditional Uses.** Permitted uses in zone C-2. Conditional uses in zone C-2 will not be considered in zone MP-1. (Ord. 91-2, 6/11/91)

### 18.32.040 Site Development Standards.

A. Area, width, yard, and height regulations, none for buildings except that no building or structure shall be located closer than fifty feet to any state highway or twenty feet to any other street or residential zone boundary.

B. No building or structure or group of buildings with their accessory buildings shall cover more than eighty percent of the area of the lot. (Ord. 91-2, 6/11/91)

**18.32.050 Protection of Adjoining Residential Properties, Buffer zone.** The intent of which is to separate noisy or unsightly commercial/ manufacturing functions from residential functions. This buffer zone shall be created under the direction of and with the approval of the planning commission. The buffer zone shall be adapted to both the closeness to the residential use and to the nature of the commercial function. The buffer may be planting, fence, distance or a combination of the three. Fences or planting, if used, shall conform to the requirements as set forth by the planning commission. (Ord. 91-2, 6/11/91)

### 18.32.060 Site Plan Approval Required.

A. A site plan shall be submitted to the planning commission which shows the location of main and accessory buildings on the site and in relation to one another, the traffic circulation features within the site, the height, bulk, and character of building, the provision for off-street parking space, the provision of driveways for ingress and egress, the provision for other open space on the site and the display of signs. Each of the foregoing features shall be in accordance with the site plan (or subsequent amendment thereof) of the proposed development approved by the planning commission prior to the issuance of a building permit.

B. A site plan shall include landscaping, fences, and walls designed to further the purpose of the regulations for commercial, manufacturing, and multiple housing zones and such features shall be provided and maintained as a condition of the establishment and the maintenance of any use to which



they are appurtenant.

C. In considering any site plan, the planning commission shall endeavor to assure safety and convenience of traffic movement, both within the area covered and in relation to access streets, harmonious and beneficial relation among the buildings and uses in the area covered, and satisfactory harmonious relation between such area and contiguous land and buildings and adjacent neighborhoods, and that the requirements of this ordinance have been met.

D. In approving site plans, the planning commission may act on a site plan submitted to it or may act on its own initiative in processing and approving a site plan, including any conditions or requirements designated or specified therein or in connection therewith. (Ord. 91-2, 6/11/91)

E. All outdoor storage shall be screened from view through the use of solid fencing, a minimum of six (6) feet high and shall be an accessory use to the principle use. Fencing and walls shall be made of high quality, durable materials that require minimal maintenance. Slatted chain link fencing is only permitted when not adjacent to public roads and/or rights-of-ways. When fencing is located along the front building setback lines and side yards that face public streets slatted chain link fencing is not permitted, and other solid fencing material is required. Acceptable material includes, but not limited to tilt-up concrete, masonry block, brick, stone, metal, composite/recycled materials or other manufactured materials or combination of materials commonly used for fencing. (Ord.2015-2, dated 3/10/15)

#### **18.32.070 Special Provisions.**

A. A MP-1 zone may be established upon land held in single ownership or under unified control or where the planning commission determines the manufacturing development on separate adjoining properties should be coordinated to form a physically unified manufacturing area wherein permitted uses will be compatible with the surrounding land uses.

B. A MP-1 zone shall not be established upon a tract of land which would contain a non-conforming use after the passage of such amendment to the zoning ordinance unless the development planned for the tract includes the elimination of the non-conforming use or its integration into a planned development.

C. The location of the MP-1 zone shall have an acceptable relationship to further the purposes of the master plan for the city as determined by the planning commission.

D. The permitted uses of a MP-1 zone shall not create a hazard using flammable, explosive, or other dangerous materials and shall not be associated with noise, dust, odors, noxious fumes, glare, or other hazards to safety and health which emitted may be discernable beyond the premises. (Ord. 91-2, 6/11/91)

**18.32.080 Submission of Application.** A rezoning petition for a planned manufacturing zone shall be submitted to the planning commission and shall be accompanied by a preliminary development plan showing a unified and organized arrangement of building and structures and their proposed uses, off-street parking, internal and external traffic circulation and service facilities, and schematic architectural drawings, landscaping plans and sketches demonstrating the design and character of the proposed development. The developer shall submit all evidence deemed necessary by the city council and/or planning commission of his ability to undertake the proposed project. (Ord. 91-2, 6/11/91)

**18.32.090 Planning Commission Approval.** The planning commission shall recommend approval or denial of the zoning petition and preliminary development plan to the city council. The recommendation of the planning commission may contain conditions, limitations, or amendments to the preliminary development plan to insure that the planned manufacturing development is integrated into its surroundings and serves the public interest to the greatest extent possible. (Ord. 91-2, 6/11/91)

**18.32.100 City Council Action.** The city council, after holding a public hearing thereon, may approve or disapprove a petition for a planned manufacturing zone. In approving the zoning petition, the city council shall concurrently approve a preliminary development plan, together with whatever amendments, conditions, or requirements as it may deem necessary to secure the purpose of this chapter. (Ord. 91-2, 6/11/91)

**18.32.110 Building Permit Issuance.** After the rezoning of the site to an MP-1 zone, a final development plan for the entire district or for the initial phase, if a stage development plan has been approved, shall be submitted to and approved by the planning commission as complying with the regulations and requirements attached thereto prior to the issuance of any building or land use permits. The final development plan shall show in detail the proposed areas and locations of building, off-street parking, internal and external traffic circulation, improvements, landscaping, signs, and service facilities. No changes shall be made in the final development plan during the course of construction pursuant thereto without first obtaining prior approval of the planning commission. Copies of the approved final development plan shall be kept on file in the office of the planning commission, building inspector, and city recorder and only changes which may be subsequently approved shall be added thereto. (Ord. 91-2, 6/11/91)

**18.32.120 Time Limitation.**

A. A building permit shall be secured and construction begun in accordance with the approved final development plan within eighteen months from the effective date of the ordinance establishing such zone or other period of times as determined by the city council. Application may be made for not more than one six month extension of the time limit for commencement of construction. Use and building permits shall be issued only for those uses and building indicated on the approved final development plan.

B. In the event that construction is not started within the specified time limits, the planning commission shall review the classification of the zone and the progress which has taken place and if deemed necessary, revoke the plan approved and initiate proceedings to rezone said property to its prior classification or to a zone consistent with the comprehensive master plan.

C. All construction authorized in the approved final development plan shall be completed within three years of the date construction has commenced. A plan for stage development which will require more time than the limits contained herein may be approved by the city council, after recommendation by the planning commission.

D. In the event that construction is not completed within the time limits specified, the planning commission shall review the development which has taken place and if necessary, initiate proceedings to reclassify the property or part thereof in a manner consistent with the comprehensive master plan. (Ord. 91-2, 6/11/91)

**18.32.130 Application to Existing Manufacturing zones.** In the case of existing manufacturing zones, the planning commission and the city council may proceed to rezone such zones to an equivalent planned manufacturing zone without the requirements of a preliminary development plan and other necessary information; but after being so zoned to a planned manufacturing zone, a preliminary and final development plan of each development shall be submitted to and approved by the planning commission and city council in accordance with the provisions of this chapter, prior to the issuance of building permits; however, improvements already in existence at the time of rezoning shall not be affected. (Ord 91-2, 6/11/91)

## Attachment #1, 18.32.020 Permitted Uses for MP-1 Zone

"P" indicates permitted use

"C" indicates conditional use

Zone MP-1 Uses	Use
1. Accessory uses and buildings customarily incidental to a permitted use.	P
2. Agriculture.	P
3. Airport.	C
4. Animal hospitals.	P
5. Animals and fowl for family food production.	P
6. Battery manufacture.	C
7. Blacksmith shop.	C
8. Boat building.	P
9. Bookbinding.	P
10. Body and fender work, if conducted within a closed building.	P
11. Bottling works, soft drinks.	P
12. Building material sale yard including the sale of rock, sand, gravel and the like as an incidental part of the main business, excluding concrete mixing except as such concrete mixing is necessary in the preparation and manufacture of any of the products specified in this section.	C
13. Carpenter shop, cabinet shop.	P
14. Carpet and rug cleaning and dyeing.	P
15. Coal, fuel and wood yards, enclosed within a building or by a solid fence of not less than six feet in height.	P
16. Construction of buildings to be sold and moved off the premises.	P
17. Dairy.	P
18. Draying, freighting or trucking yard or terminal.	C
19. Dry cleaning plant.	P
20. Dwelling unit for watchman and family.	P
21. Egg candling, process and sales.	
22. Electric appliances and/or electronic instrument assembling.	P
23. Express office.	P
24. Foundry, casting light-weight, non-ferrous metal without causing noxious odors or fumes.	C
25. Garage, public.	P
26. Glass manufacturing.	C
27. Honey extraction.	P
28. Ice manufacturing and storage.	P

**18 - 96**

Zone MP-1 Uses	Use
or manufacturing operation permitted in this zone; and provided the retail sale is clearly as an accessory use to the main permitted use and is conducted within the same building, or if the main use is not a building then on the same property, provided however no retail sale of products may be made in conjunction with a warehousing or wholesale business.	P
49. Rubber welding.	P
50. Sand blasting.	P
51. Sign painting shop.	P
52. Single-family dwelling.	P
53. Temporary building for uses incidental to construction work, including living quarters for a guard or night watchman, which buildings must be removed upon completion or abandonment of the construction work.	P
54. Tire retreading and/or vulcanizing.	P
55. Transfer company.	P
56. Trucking terminal.	P
57. Upholstering, including mattress manufacturing, rebuilding and renovating.	P
58. Veterinary, and hotel and beauty parlor for cats and dogs.	P
59. Warehouse.	P
60. Weaving.	P
61. Welding shop.	P
62. Wholesale business.	P

(Ord 91-2, 6/11/91)

## CHAPTER 18.33 - MANUFACTURING/COMMERCIAL MIX ZONE (MCM)

**18.33.010 Purpose.** The purpose in the Manufacturing/Commercial Mix (MCM) Zone, is to provide for light manufacturing uses as well as general commercial uses within specified areas of the city. Light manufacturing uses shall be generally defined as those uses having few, if any, impacts beyond their property line. Impacts may include such items as noise, odors, safety, pollution and negative visual appearance as determined by the city. (Ord.2000-29, 12/12/00)

### **18.33.020 Zone Change Requirements.**

A. Each application for an MCM zone shall include conceptual drawings showing the general layout and concepts for the proposed use(s). Such drawings should clearly display the proposed architecture and landscape themes, buffering, signs, access and other concepts pertinent to the development.

B. A description of how the zone change supports the intent and purpose of the Pleasant View General Plan.

C. A development agreement may be required committing to the general concepts defined in "A" above or as determined through planning commission and city council hearings. (Ord.2000-29, 12/12/00)

**18.33.030 Use Regulations.** In all MCM zones, only the uses enumerated within this chapter are allowed. Uses not clearly specified but substantially similar or customarily accessory to a listed use or category may be administratively allowed as determined by the community development coordinator. Appeals of such determinations shall be made to the Board of Adjustment within thirty days from the decision. (Ord.2000-29, 12/12/00)

### **18.33.040 Setback Standards.**

#### **A. Front yard.**

1. The minimum setback for buildings and parking shall be twenty feet. Such areas shall be permanently landscaped except for access drives and pedestrian accommodations. Buildings exceeding twenty feet in height shall set back an additional foot for every foot in height over twenty feet.

2. MCM development located across the street or adjacent to a residential zone shall use the front yard setbacks required in that adjacent zone.

3. All structures shall be setback from the future right-of-way as defined in the Pleasant View City Major Street Plan.

#### **B. Side yard.**

1. No setback is required unless,

a. The use lies adjacent to a residential use or zone. In that case, a twenty foot setback is required.

b. The use is located on a corner lot where both yards adjacent to a street will be considered front yards, requiring a twenty foot setback.

#### **C. Rear yard.**

1. Twenty feet where a commercial and/or manufacturing use lies adjacent to a residential zone. Such setback areas to be permanently landscaped.

2. Ten feet in all other cases.

**D. Height Standards.** In all MCM zones, a maximum height of five stories or sixty-five feet, unless adjacent to a residential use or zone. Structures in a MCM zone adjacent to

residential use or zone shall be setback an additional three feet for every foot of height over twenty feet from that residential area.

E. Screening.

1. A minimum six foot concrete or masonry wall shall be required in rear or side yards adjacent to residential zones or uses. Where future commercial use or MCM use is contemplated in the Pleasant View General Plan, a waiver or substitute may be requested, and approved, modified or denied by the planning commission.

2. To reduce noise and visual impacts, all mechanical equipment shall be screened from view.

3. Dumpsters shall be enclosed on three sides with a solid concrete or masonry wall that architecturally relates to the primary structure and shall be located at least thirty feet from residential zones. No dumpster shall be located in a required setback.

4. All outside storage shall be screened from view through the use of solid fencing, a minimum of six (6) feet high and shall be an accessory use to the principle use. Fencing and walls shall be made of high quality, durable materials that require minimal maintenance. Slatted chain link fencing is only permitted when not adjacent to public roads and/or rights-of-ways. When fencing is located along the front building setback lines and side yards that face public streets slatted chain link fencing is not permitted, and other solid fencing material is required. Acceptable material includes, but not limited to tilt-up concrete, masonry block, brick, stone, metal, composite/recycled materials or other manufactured materials or combination of materials commonly used for fencing. (Ord.2015-2, dated 3/10/15; prior code: 2000-29, 12/12/00)

F. Landscaping.

1. A minimum of fifteen percent of the gross area of the site shall be attractively and permanently landscaped.

2. Secondary water and permanent irrigation systems are required.

3. All landscaped areas shall have a combination of ground cover, shrubs, trees, and may include art, street furniture, patios, fountains and up to twenty-five percent impermeable materials. One tree for every three hundred square feet of landscaped area is required.

4. The entire site including landscaped areas shall be maintained in a healthy, neat and orderly condition, free of weeds and litter. (Ord.2000-29, 12/12/00)

**18.33.050 Parking.**

A. Access.

1. On a corner lot, no curb cut shall be located closer than sixty feet from the intersection of the curb lines from both streets.

2. No curb cut shall be located closer than twenty feet to a side lot line unless common curb cuts are used between uses.

3. In general, there shall be one curb cut for every three hundred feet of frontage. This requirement may be modified by written report from a professional transportation engineer or on recommendation from the city engineer.

B. Parking shall meet the following general standards:

1. Intensive retail - four spaces per one thousand square feet of gross floor area.

2. Low impact retail - three spaces per one thousand square feet of gross floor area.

3. Restaurants - ten per one thousand square feet of gross floor area plus one half spaces for each employee on the highest employment shift (five spaces minimum for employees)

4. Office - four spaces per one thousand square feet of gross floor area.

5. Hotels/motels - one space per room if no in-room cooking provided, otherwise two spaces per room.

6. Automotive repair, service or parts - three spaces per bay and three per one thousand square foot of gross retail space.

7. Light manufacturing - one space for every five hundred square feet of gross floor area plus any parking required for business vehicles.

8. Warehousing - one space for every one thousand square feet of gross floor area for the first twenty thousand square feet. One space for every two thousand five hundred square feet of gross floor area for warehousing over forty thousand square feet.

9. Trucking businesses - one space for every two employees plus parking for each truck associated with the business.

10. Research and Development - one space for every three hundred and fifty square feet of gross floor area plus parking for business vehicles.

11. Listed and unlisted uses may provide alternate data from a traffic engineer or other appropriated source which may be considered by the planning commission for use in a site plan.

C. Parking stall size.

1. All parking stalls shall have a nine foot by eighteen foot minimum dimension except for stalls that do not include a two foot area for bumper overhang, where a twenty foot length shall be required. In addition, compact stalls may be a minimum of nine feet by sixteen feet and parallel parking stalls shall be ten feet by twenty-two feet.

2. Any use may have up to twenty-five percent compact parking stalls.

3. Aisle width should be a minimum of twenty-four feet for ninety degree parking and may decrease with one way angled parking to twenty feet for sixty degree, fifteen feet for forty-five degree and thirty degree and twelve feet for zero degree (parallel) parking.

4. Compact spaces shall be labeled accordingly on the plan and on the pavement.

5. Handicap stalls shall be provided, sized, and labeled as per the most current version of the Americans with Disabilities Act.

D. Any area that requires stacking shall accommodate a minimum of three cars without infringing on access or circulation within the site.

E. Parking lot lighting shall be required for any lot over ten spaces in size. Such lighting shall be directed away from residential areas and only toward the ground.

F. Any parking lot adjacent to a residential use or zone shall be screened with an concrete or masonry wall and landscaping to include trees.

G. All parking lots shall be hard surfaced with asphalt or concrete or other substitute as approved by the city engineer. Such lots shall be appropriately graded to retain storm water and yet not become a hazard to the use.

H. Lots with over twenty-five spaces shall include at least ten percent internal landscaping and shall include trees.

I. Landscaped areas adjacent to streets and parking shall include a two and one half foot berm to reduce the visual impact of the parked cars, except for automotive sales. (Ord.2000-29, 12/12/00)

**18.33.060 Permitted and Conditional Uses.**

A. A permitted use is a use by right in the zone and shall be allowed as long as it meets city standards as specified in the zoning ordinance. A site plan review is required with the planning commission but public notification is not required.

B. A conditional use is a use that may only be appropriate if additional conditions beyond the standard requirements in this zoning ordinance are applied. A conditional use may be denied



if the planning commission finds that it can not meet the standards of the zoning ordinance or cannot apply reasonable conditions to improve compatibility or that the use is not necessary or desirable at that particular location as per Chapter 18.54. A conditional use requires a public hearing with the planning commission.

C. The following table lists categories of use and individual uses. "P" stands for permitted, "C" stands for conditional and "X" stands for not allowed. (Ord.2001-7, 4/10/01 and Ord.2000-29, 12/12/00)

<b><u>LAND USE</u></b>	<b><u>MCM</u></b>
Adult Day Care Facility	C
Agricultural Industry	C
Accessory Use to:	
A listed permitted use	P
A listed conditional use	P
Any permitted uses over 5 acres	C
Assisted Living Facility	C
Automotive, RV, Mobile Home or Truck Sales	C
Service	C
Gas Pumps	C
Community Uses	P
Convenience Store	C
Detention Facilities	C
Fast Food Restaurant	C
Greenhouses	P
Hardware/Building Materials	C
Hospital	C
Hotel/Motel	C
Indoor Recreation/Entertainment	C
Kennels	P
Major Retail (Intensive)	C
Manufacturing within an enclosed building	P
Medical/Dental Office/Clinic & Vet	P
Neighborhood Services	P
Nursing Home/Elderly Housing	C
Office	P
Outdoor Storage as part of a principle use	C
Open Storage	X
Outdoor Recreation/Entertainment	C
Pawnshop/Check Cashing/Tattoo	C
Personal and Household Services	P
Private Club	C
Public Utility Installation	C
Rehabilitation/Treatment Facility	C
Unlicensed Rehabilitation/Treatment Facility	C
Restaurant (Sit Down)	
Without Alcohol	P
With Alcohol	C
Retirement Home	C
Self Storage	C
Shelter for the Homeless	C
Shopping Center	C
Signs:	
Signs on the building	P

(10% of first story face)	
Monument sign	P
(6' high, max. 75 sq.ft.)	
Pole Sign	C
(15' setback, 35' high max., 200 sq.ft. max.)	
Temporary or Mobile	C
SOB	C
Specialty Retail	C
State Store	C
Temporary Use	P
Trucking	C
Warehousing	C

**18.33.070 Site Plan Required.** For all permitted and conditional uses, detailed site, grading, drainage, landscape and utility plans are required. A checklist of requirements for the site plan shall be maintained by the city but the general intent is that any plan submitted shall be sufficiently detailed so that all issues pertaining to the development of the site can be clearly understood. Such plans shall be to scale. (Ord.2000-29, 12/12/00)

**18.33.080 Compliance with Conditions of Approval.** All conditions of approval are permanent and binding. Failure to maintain improvements in a condition similar to their original approved condition shall subject the owner or lessee to a fine of up to one hundred dollars for each day of noncompliance. Such violations may result in revocation of the business license and/or the conditional use. After written notice, if the violation is not brought in to compliance within ten days, the fines and/or procedures specified above shall begin. (Ord.2000-29, 12/12/00)

## Chapter 18.34 - M-2 Zone

**18.34.010 Use Regulations.** In manufacturing zone M-2, no building, structure or land shall be used, and no building or structure shall be erected which is arranged, intended or designed to be used for other than one or more of the following uses:

- A. Any use permitted in manufacturing zone MP-1, within or without a building or an enclosed area, except as provided in this chapter;
- B. Automobile wrecking, if conducted wholly within a building;
- C. Bag cleaning; boiler works; bottling works; breweries;
- D. Cement, mortar, plaster or paving material, central mixing plant; coke ovens;
- E. Incinerator, non-accessory provided that no objectionable fumes and odors are emitted;
- F. Metals and metal products treatment and processing;
- G. Feed, cereal or flour mill, forge plant or foundry;
- H. Oil or lubricating grease compounding;
- I. Railroad yards, shop or roundhouse; rock crusher;
- J. Sewage disposal or treatment plant;
- K. Manufacturing, fabrication, assembly, canning, processing, treatment or storage of the following:

- 1. Acetylene gas; airplanes and parts; alcohol,
- 2. Brick; brass,
- 3. Candles; cans; celluloid; cement; copper,
- 4. Dyestuffs,
- 5. Emery cloth; excelsior,
- 6. Feathers; felt; fiber; fish; film,
- 7. Glass; gypsum,
- 8. Hair; hardware,
- 9. Ink; iron,
- 10. Lampblack; linoleum; lime,
- 11. Meats; machinery; malt; matches,
- 12. Oil; oilcloth; oiled rubber goods; oxygen,
- 13. Paper; paint; pulp; pickles; pottery,
- 14. Shoepolish; stove polish; shoddy; soap and detergents; soda; starch; sauerkraut; salt; steel; shellac,
- 15. Turpentine; tile; terra cotta,
- 16. Vinegar; varnish;
- 17. Yeast.

L. The following uses, provided they shall be located not less than six hundred feet from any zone boundary and not less than two hundred feet from any other use except those incidental to and located upon the same piece of property as the use specifically permitted in this chapter, provided that no unusual amount of dust, smoke, fumes, noxious odor, vibration or noise shall be disseminated beyond the boundaries of the zone in which such use is located:

- 1. Manufacture, processing, refining, treatment, distillations, storage or compounding of the following: acid, ammonia, bleaching powder and chlorine; creosote; gas; glue; size or gelatins; ore; potash; pyroloxlin; rubber or guttapercha; plastic; tallow, grease or lard; tar, roofing or waterproofing materials; furs; wool; hides,
- 2. Automobile wrecking area, salvage yard or junk yard, incinerator, metals crushing; provided, that such uses shall be constructed, maintained and operated as follows:
  - a. That auto salvage and junk yards shall be enclosed in a building, or enclosed on all sides within a uniformly painted solid board fence not less than six feet in height, or enclosed on all sides within an evergreen hedge not less than six feet in height which shall be continuously maintained,
  - b. No burning or incineration of vehicles or salvage materials shall be permitted unless such burning is carried out in a completely enclosed incinerator approved by the fire department and building inspector department. Such incinerator shall be located not closer than two hundred feet to any property line;

M. Accessory uses and buildings customarily incidental to the uses in this section. (Ord. 87-17.03 (part), 1987: prior code §34-13-1)

**18.34.020 Special Provisions.** The uses specified in Section 18.34.010 shall be permitted only under the following conditions:

- A.
  - 1. Prior to the issuance of any building permit for any use permitted in this chapter, a complete site plan drawn to scale and in accordance with requirements of chapter 18.58 shall be submitted for approval of the planning commission.
  - 2. Such site plan shall show the total area planned for development, the location of existing and proposed buildings, or structures, and including open space, streams or waterways, or land reservations whereon no buildings or structures shall be located.
- B. No building shall be constructed within the boundaries of any natural waterway or watercourse as determined by the city engineer wherein no buildings shall be constructed or land subdivided. Where buildings are to be constructed within fifty feet of the exterior boundaries of a flood channel existing at the effective date of the ordinance codified in this title, adequate measures must be taken as determined by the board of adjustment so as to protect the building or structure from damage due to floods and so as not to increase the hazard to surrounding land and buildings.
- C. The required yard space shall be kept free of debris, refuse, or other inflammable material which may constitute a fire hazard.  
(Ord. 87-17.03 (part), 1987: prior code §34-13-3)

**18.34.030 Lot Area Regulations.** (Width, coverage, building height and yard). The lot area, width and coverage and building height and yard regulations are the same as for manufacturing zone MP-1. (Ord. 87-17.03 (part), 1987: prior code §34-13-2)

## CHAPTER 18.35 – SPECIAL APPROVAL RESIDENTIAL ZONES

**18.35.010 Purpose and Intent.** The purpose of this zone is to encourage imaginative and efficient utilization of land by providing greater flexibility in the location of buildings on the land, the consolidation of open spaces, and the clustering of dwelling units. These provisions are intended to create more attractive and more desirable environments within residential areas of the city. These zones are intended to allow for diversification in the relationship of various uses and structures to their sites and to encourage new and imaginative concepts in the design of neighborhood and housing projects in the city. (Ord.2007-9, 6/26/07)

### **18.35.020 Applicability.**

A. Both forms of development under this chapter, Cluster Developments and Planned Residential Unit Developments, require a zone change together with a concept plan approval. Development agreements are required in all cases.

B. Such developments shall be done only in conformance with this chapter, shall require subdivision approval following the requirements of the city subdivision regulations, and shall be developed only in conformance with an approved development plan.

C. During the initial zone change/concept phase, a decision as to the appropriateness of the proposed development at the location, and the acceptability of the design plan, shall be made. Such appropriateness and acceptability shall be judged on compatibility with the general plan, design features, compatibility with surrounding land uses, and the prominence and suitability of natural or open space features.

D. All conditions identified as part of this process shall become a written part of the record and shall be recorded on the plat or by separated development agreement.

E. Both forms of development may be allowed, subject to specific approvals, in all areas of the city, provided they are proposed for property with a minimum size of 10 acres.

F. An application for a development under the zone change/concept plan process, does not guarantee the property owner the right to exercise the provisions of this chapter. Such zoning shall be approved by the planning commission and the city council only if, in their judgment, the proposed development fully meets the intent, purposes and requirements of the General Plan and Zoning Ordinance. (Ord.2007-9, 6/26/07)

### **18.35.030 General Standards of Approval.**

A. Through the zone change process, land may be classified as suitable for a Special Approval Development pursuant to the following considerations as determined appropriate by the Planning Commission and City Council:

1. The classification is not in conflict with any applicable element of the Pleasant View City General Plan.

2. The land has features which are compatible with clustering or other nonstandard development.

3. The land has features which are compatible with the coordination and design of open spaces such as natural and scenic environmental features including wetlands, drainage courses, ridge line, slopes, trees, rock outcroppings, natural trails, and other special features.

4. Such land will be better preserved and enhanced by integrated planning and design as a whole, pursuant to the provisions of this Chapter, rather than under conventional zoning regulation. (Ord.2007-9, 6/26/07)

### **18.35.040 Cluster Developments.**

A. Cluster developments are intended to allow for the preservation of open spaces by

permitting flexibility in neighborhood and subdivision lot design.

B. The provision of open space may be developed as recreation facilities or left in its natural state for the preservation of natural features or wildlife areas or a combination thereof.

C. It is not intended that this type of development be universally applied, but only where circumstances of natural features and land use make it appropriate and of special benefit to the residents of the development and/or the general public.

D. Lot Regulations. The base requirement shall be the same as an RE-20 zone.

1. Area. The minimum lot area for dwellings may be reduced below the base area, subject to specific approval of a development plan, but in no case less than as required in an RE-15 zone.

2. Width. The minimum lot width may be reduced below the base width, subject to specific approval of a development plan, but in no case to less than 85 feet.

E. Slope Exclusion. Lands with an average slope of thirty-five percent or greater shall not be classified as developable and shall not be considered when determining reductions in lot area or width. Such lands may be dedicated as open space but may only be considered in the open space substitution requirements, as required in F, on a 50% basis.

F. Open Space Substitution. There shall be permanently reserved within the development for recreation and/or open space, parcels of land whose total area is not less than the amount by which the areas of the residential lots are reduced below the base requirements, provided however, that no individual parcel of land shall be less than one acre and the total open area shall be no less than three acres.

G. Open Space Preservation.

1. Recreation and/or open space areas to be permanently reserved shall be improved, landscaped, and maintained in accordance with a plan approved by the planning commission and city council. If the recreation/open spaces are to remain in their natural state, this too shall be approved by the planning commission and city council.

2. To insure that the recreation and/or open space parcels are permanently reserved and maintained, the city will require, as deemed appropriate by the city:

a. Open space easements for such parcels be deeded to Pleasant View City with the recording of the final plat of the cluster subdivision; or

b. Appropriate covenants and agreements which restrict the land perpetually as open space for common use and for permanent maintenance of such areas by the developer or home owners association to be recorded along with the final plat of the cluster subdivision.

i. If the developer forms a home owners association for the permanent maintenance and other responsibilities regarding the common open space, such documents shall be approved by the city and recorded in the office of the Weber County Recorder at the same time as the final plat; or

3. Dedicating to the city such open space areas. (Ord.2007-9, 6/26/07)

#### **18.35.050 Planned Residential Unit Developments.**

A. A PRUD is a master planned, architecturally compatible development in which the base regulations may be negotiated and modified to allow flexibility and creativity in site and building design, in accordance with an approved PRUD plan and requirements of this Chapter.

B. Design Compatibility. The development should be planned as one complex land use with a common architectural design theme that provides variety with a high degree of architectural quality, rather than an aggregation of individual, unrelated buildings located on separate unrelated lots.

C. General Guidelines.

1. Substantial compliance with the provisions of this Chapter in requiring adequate

standards related to the public health, safety, and general welfare shall be observed, without unduly inhibiting large scale site planning for residential and related purposes.

2. Density increases may only be attained through the application of the concepts presented in this chapter and as approved by the city.

3. PRUDs may be encouraged in areas where clustering of residential units in combination with open space could provide a buffer for more intense land uses, such as: industrial; commercial; freeways and secondary highways; railroad rights-of-way; and other more dense residential use such as mobile home parks.

**D. Development Requirements.**

1. As part of the Subdivision approval process, variations from the development standards of the Base, as specified herein, may be permitted by the planning commission and city council where there is sufficient evidence that the variations will not adversely affect neighboring property and provided that variations are specially adopted by the planning commission and city council as part of the approved PRUD plans.

2. The base lot requirements shall be that of an RE-20 zone.

3. Reduction of setbacks will require the provision of additional open space in other appropriate areas of the development and shall be in keeping with accepted land use planning principles.

4. The base residential density of a PRUD shall be 2 units per acre.

5. The density shall be calculated as gross units per acre and may be increased by up to 50% in an approved PRUD.

6. PRUDs shall provide a minimum of 30% open space for use-in-common of the residents and/or occupants of such development or the general public. The required base open space shall be areas that are not occupied by buildings, residential structures, parking area or streets.

7. Required base open space areas shall be contiguous, not a collection of remnants. Such areas may include but are not limited to:

a. A peripheral buffer strip around the project of not less than twenty (20) feet in width, containing trees and other horticultural plantings, which strip and plantings shall be required unless affirmatively reduced or waived. Berming may also be required.

b. Areas between buildings and outside of platted lots.

c. Areas with natural features worthy of preservation, which are not buildable, such as canyons or slopes, ridge lines, wetlands, stream or creek corridors, wildlife habitat, geologically sensitive areas, and significant views and vistas. These features may be included in the peripheral buffer strip.

d. Significant agricultural lands worthy of preservation for continued agricultural use.

e. Open space and landscaped areas which are integrated into the site design approved as part of the PRUD plan and which are accessible by the residents of the project.

8. The base open space requirement may be reduced 5% if two or more of the following conditions are met:

a. No additional density beyond the base is involved;

b. The street cross-section provides for more landscaping and better separation of pedestrian and vehicular traffic (beyond the typical public street);

c. The open space provided shall be integrated into the PRUD project and accessible to all residents of the community via pedestrian corridors or via enhanced pedestrian systems, which minimize the need to cross streets.

9. The following criteria shall be considered when granting a density bonus for additional open space:

a. The open space shall be held in common via public ownership or by an owner's association with a permanent open space easement.

b. The open space should be large enough for the use of all residents of the project or the general public. Such spaces should include improvements such as playgrounds, pathways, pavilions, play courts, ball fields, as well as informal spaces which encourage the use and enjoyment of the open space. Such areas may include natural areas, such as prominent ridge lines, views and vistas, and areas of significant native vegetation. Such areas may also be improved and accessible agricultural lands such as orchards, equestrian facilities, stables, etc. for the use of area residents.

10. Density Bonus and Incentives. The inclusion of certain amenities or design options may result in an allowed increase in density, referred to as a density bonus. Density bonuses may be granted using percentages or units per acre and shall consider the size of the project in relationship to the quantity, area and quality of amenities proposed. The total density bonus shall not exceed 50%.

11. The City Council, upon recommendation of the Planning Commission, may determine the density bonus upon the City Council's acceptance of the design options as set forth below:

Design Option	Density Bonus 50% maximum increase
Increase in public or private open space above Required minimum (30%)	Up to 1% for each 1% increase in open space up to a maximum of 45%.
Creation of significant recreation or site amenities, i.e., pool (minimum 20' X 40'), playground, club house, picnic tables/barbecue area, water features, equestrian features, etc.	Up to 5% for each feature
Provision of required tenant parking with the following covered structures: -Detached Garages -Attached Garages and/or Underground Parking	Up to 5% for each feature
Additional pedestrian, bicycle, and/or other recreational trails which are separated from vehicular traffic, both within and outside the project.	Up to 5% for each feature
The provision of exterior fencing including architecturally designed brick or block fences, wrought iron fences, vinyl or structural wood fences, and/or additional landscape buffers with enhanced width and landscaping specifications.	Up to 5% for each feature
Offsite open space provision is encouraged.	For every acre of offsite preservation, up to 3 units may be added to the PRUD, if the offsite preservation parcel equals 5 acres or more. Such areas to include dedication to the city or a conservation easement to be held by the city.

12. Quality exterior materials such as brick, stone, stucco or other materials of similar quality, durability, low maintenance and uniqueness or architectural design are generally required for all PRUDs.

13. The Planning Commission and City Council shall require the preservation, maintenance and ownership of all open space through one, or a combination of the following:

- a. Dedication of the land as a public park or parkway system;
- b. Dedication of the land as a permanent open space on the recorded plat.
- c. Granting the city a permanent open space easement on the private open spaces to guarantee that the open space remain perpetually in recreation use, with ownership and maintenance being the responsibility of a homeowner's association; or
- d. Through compliance with the provisions of the Condominium Ownership Act as outlines in Title 57 of the Utah Code, which provides for the payment of common expenses for the upkeep of common areas and facilities.

e. In the event the common open space and other facilities are not maintained in a manner consistent with the approved final PRUD plan, the city may at its option cause such maintenance to be performed and assess the costs to the affected property owners or responsible association. The city may also require an SID for maintenance.

14. Any significant changes in use, or arrangement of lots, blocks, and building tracts, or any changes in the provisions or type of common open spaces must be submitted for review and approval by the city council upon recommendation of the planning commission.

15. Streets, Circulation and Utilities.

a. The design of public and private streets within a PRUD shall generally follow city standards for width of right-of-way and construction. Any request for modification requires a positive recommendation from the city engineer and specific approval of the city.

b. All private streets within a PRUD shall be dedicated as public easements and all underground improvements shall be constructed per Pleasant View City standards. If private streets are involved, all utilities shall be privately owned.

c. Points of primary vehicular access to a PRUD shall be designed to provide smooth traffic flow with controlled turning movements and minimum hazards to vehicular, pedestrian and bicycle traffic. Points of intersection between internal and external circulations systems shall be so arranged that both systems function in a safe and efficient manner.

d. The required off-street parking, 2 spaces per unit, shall be distributed throughout the PRUD and provide reasonable access to all residential structures within the project. Additional visitor parking may be required as per planning commission and city council recommendation.

e. Recreational vehicle parking may be provided for within the project in a separate, well screened, lot or covenants may prohibit such parking on-site. (Ord. 2007-9, 6/26/07)



## Chapter 18.36 - PS-1-A Zone

### 18.36.010 Purpose.

A. A planned residential unit development (PRUD) is intended to allow for diversification in the relationship of various uses and structure, to permit more flexibility, to encourage new and imaginative concepts in the design of neighborhood and housing projects in urban areas. To this end the development should be planned as one complex land use rather than an aggregation of individual unrelated buildings located in separate unrelated lots.

B. Substantial compliance with the zone regulations and other provisions of this title in requiring adequate standards related to the public health, safety and general welfare should be observed, without unduly inhibiting the advantages of large scale site planning for residential and related purposes. (Ord. 87-17.03 (part), 1987: prior code §34-13A-1)

**18.36.020 Definitions.** "Planned residential unit development" means a development in which the regulations of the zone in which the development is situated are waived to allow flexibility and initiative in site and building design and location in accordance with an approved plan and imposed general requirements. (Ord. 87-17.03 (part), 1987: prior code §34-13A-2)

**18.36.030 Planned Unit Development Concept.** The planned unit concept entails:

A. The development of a lower priced dwelling unit than otherwise possible as the result of cost savings achieved through more efficient land planning;

B. The development of small private yards for outdoor living with a minimum of maintenance chores and a maximum of time and energy for recreational activities;

C. The development of large, common areas of green open spaces for an attractive neighborhood setting maintained by efficient, experienced management; and

D. The development of a neighborhood recreational center for swimming, crafts, meetings and other group activities of normal expense due to shared costs.

(Ord. 87-17.03 (part), 1987: prior code §34-13A-3)

**18.36.040 Permitted Uses.** The permitted uses in the planned residential unit development districts shall be the same as those permitted uses in the RE-20 zone and as approved as part of the development plan submitted in accordance with the procedures outlined in this title. (Ord. 87-17.03 (part), 1987: prior code §34-13A-4)

### 18.36.050 Lot Area.

A. District Area Requirements. The minimum area for a planned residential unit development shall be ten acres.

B. Density. The number of dwelling units permitted per unit of land area in a planned residential unit development shall not be greater than one per twenty thousand square feet, including areas designated for open spaces.

(Ord. 87-17.03 (part), 1987: prior code §34-13A-5)

### 18.36.060 Lot Area Regulations.

A. The location of all structures shall be as shown on the approved final development plan. The proposed location and arrangement of structures shall not be detrimental to existing or prospective development of the neighborhood. There shall be no minimum setback lines and no minimum yard widths. The spacing between each main building shall have a side yard equivalent to the smallest of the two side yard requirements provided for in the corresponding RE-20 zone and no building shall exceed thirty-five feet in height with a maximum height of two and one-half

stories.

B. There shall not be a maximum percentage of lot coverage required for main buildings and accessory uses. However, a minimum of fifty percent of the area required for the planned residential unit development shall be required to remain in open green space available for the common use and enjoyment of the residents and their guests. Not more than twenty percent of the total land area may be hard surfaced for roads and parking.

C. The periphery development of the planned residential unit development shall be subject to the applicable width, yard and height regulations of the abutting zones.  
(Ord. 87-17.03 (part), 1987: prior code §34-13A-6)

#### **18.36.070 General Requirements.**

**A. Ownership-Who May Apply.**

1. Any individual, corporation or public agency, or group thereof, owning at least the minimum required acreage or having an option to purchase at least the minimum required acreage may apply for a zoning change to the desired planned residential unit development district.

2. If the property to be developed is subject to a purchase option, the final development plan shall not be approved until the applicant has exercised the option for all of the property to be developed as a phase if the proposed development is to be completed on a phase basis as herein provided.

**B. The Planned Residential Unit Development in Relation to the Master Plan.**

The planned residential unit development shall be consistent with the purposes, goals and recommendations of the city's comprehensive master development plan.

**C. Request for Zoning Change to PS-I-A Zone.**

At the time an application for a planned residential unit development, along with the preliminary plans are submitted, the applicant shall request a zoning change to a PS-1-A zone.

**D. Phase Development.**

If the proposed planned residential unit development is to be completed on a phase basis, the phase of the planned residential unit development that is to be considered for immediate development shall be of such a size, composition and arrangement that its construction marketing and operation is feasible as a complete unit without dependence on any subsequent unit or section.

**E. A Planned Residential Unit Development May be Subdivided.**

If the planned residential unit development is to be subsequently divided as a subdivision, into phase development parcels or separately owned and operated units, such boundaries as are created by the subdivision on the phase developments shall be indicated on all development plan and preliminary subdivisions approval concurrently obtained as in the case of a subdivision.

**F. Preservation of Open Space and Open Green Space.**

1. The city council, upon recommendation of the planning commission, shall require the preservation, maintenance and ownership of open space and open green space utilized, at the city's option, one of the following methods:

- a. Granting to the city a permanent open space easement on and over the private open spaces to guarantee that the open spaces remain perpetually in recreational use, which may be with ownership and maintenance being the responsibility of a home owner's association established with articles of association and by-laws which are satisfactory to the city or may be with private ownership but with open space easements as more fully explained hereinafter; or

b. Complying with the provisions of Condominium Ownership Act of 1963, Title 57, Chapter 8, UCA 1953, as amended, which provides for the payment of common expenses for the upkeep of common areas and facilities. Recreational uses and facilities may be developed within the common open space areas in compliance with a recreational and landscaping plan approved as part of the approved final development plan of the planned residential unit development.

2. The applicant shall be required to provide a surety or cash bond satisfactory to the city council guaranteeing the completion of the development of the open space, or a phase thereof, in the case of a phase development. When completed in accordance with the approved plan, the bond shall be released. If the open space is, at the time of the application, already developed in a manner satisfactory to the city council, no bond will be required. If uncompleted at the end of two years, the city will review the progress and may proceed to use the bond funds to make the improvements to the open space, and open green spaces in accordance with the approved plan. The bond shall be filed with the city recorder.

3. If the organization established, or private owner, fails to maintain the common areas in reasonable order and condition, the city may, at its option, do or contract to have done the required maintenance and shall assess ratably the residents of common areas and individually owned properties within the planned residential unit development.

4. Nothing herein shall be construed to prevent the city from proceeding against the property and/or the residents of the planned residential unit development under any other authority the city may have to maintain the property to abate any nuisance that may exist in connection therewith.

G. Design for Common Areas, Traffic Circulation and Public Utilities.

1. The overall design of the planned residential unit development must provide adequately for dwellings, open space, non-vehicular livability space, recreation and/or open spaces, parking and vehicle storage, pedestrian and vehicular circulation as well as all other needs of the development when it is fully populated.

2. The common property owned and operated pursuant to ordinance must be provided for and approved as part of the final plan development process.

3. The design for traffic circulation within and around the planned residential unit development shall indicate which streets are to be dedicated to the public and which are to remain as private roadways.

4. All public utility service cables and wires, as well as other necessary and like devices shall be placed underground in rights-of-ways dedicated for their use.

H. A Planned Residential Unit Development with a Home Owner's Association. In the event the common areas and property are to be owned and maintained by a home owner's association then the articles of the association and the respective by-laws which govern the operation of the home owner's association, under which the care and maintenance of the open space, open green space, and private roads is entrusted, in addition to the required dedications, covenants and other legal agreements must:

1. Provide each family living in the planned residential unit with an automatic membership in the nonprofit homeowner's association;

2. Place title to common property in the home owner's association;

3. Appropriately limit and so stipulate the uses of common property;

4. Provide that each homeowner and their guests have the right to use and enjoy the common property;

5. Provide that each homeowner has an equal voting right in the affairs and operation of the home owner's association;

6. Place the responsibility for operation and maintenance of the common property in

home owner's association;

7. Provide for an adequate charge to be levied on each homeowner for the purpose of assuring sufficient funds to provide adequate maintenance of all common areas;

8. Provide that the failure of the homeowner to pay the assessed fee for purposes of maintaining the common areas within a reasonable period of time shall cause the home owner's association to file a lien against the property for the amount of the fee due together with reasonable attorney fees and costs to foreclose the lien with the Weber County Recorder, for the benefit of the home owner's association and the city may bring suit to collect the maintenance fees, together with a reasonable attorney's fee and costs.

I. A Planned Residential Unit Development with Open Space in Private Ownership.

In the event open space is to be owned and maintained by a private entity, then in such event appropriate legal documents shall be executed by proper parties to guarantee:

1. That each family living in the planned residential unit development has an automatic right to the use and enjoyment of the open space;

2. That the uses of the open space are appropriately limited and stipulated;

3. That the responsibility for operation and maintenance of the open space is in the private entity;

4. An adequate method of assessing an adequate, reasonable and just charge on each homeowner in the planned residential unit development to assure sufficient funds to provide property maintenance of the open space;

5. That upon failure of a homeowner to pay the assessed fee for purpose of maintaining the open space within a reasonable period of time the private entity shall cause a lien to be filed against the homeowner's property with the Weber County Recorder for the amount due together with reasonable attorney's fees and costs to foreclose the lien.

J. Required Plat and Covenant Information. The plats and covenants filed by the developer shall identify:

1. The property to be transferred to public agencies (i.e., streets);

2. The individual residential lots;

3. The common properties to be used for parks, playgrounds, open spaces, parking and the like;

4. Any other parcels such as a church site; and

5. In the event private lands are to be part of the PRUD, the proposed easements, covenants and descriptions, of the private lands to be used as common open spaces.

K. The subdivision ordinances of this city as they now or hereafter may exist shall apply to all planned residential unit developments except as inconsistent with this chapter.

L. Required Filing and Development Fees. The filing and developing fees for PRUD dwelling units shall be set by resolution of the city council annually. The resolution shall be in writing and passed at a regular city council meeting by a majority of the city council and shall be posted as required for city ordinances. (Ord. 87-17.03 (part), 1987: prior code §34-13A-7)

#### **18.36.080 Review.**

A. Pre-application Conference and Related Outline Development Plan.

1. Before submitting an application for a planned residential unit development, an applicant, at his option, may confer with the planning commission to obtain information and guidance before entering into binding commitments or incurring substantial expense in the preparation of plans, surveys and other data.

2. a. It is the intent of this section to provide for an outline plan which can be prepared at a minimum expense to the developer, but which will give the planning commission, the

city council, public agencies and neighboring property owners enough information to inform them of the basic policy decisions required by the proposal and to determine the relationship of the proposed development to the growth of the entire community.

b. The outline plan should be sufficiently detailed to allow for effective judicial review, but detailed site plans are not necessary and residential and other areas can be shown schematically.

3. An outline development plan must include both maps and a written statement and must include a vicinity map as described in Section 17.04.030(25).

4. The maps which are part of the outline development may be in a general schematic form, and must contain the following information:

- a. The existing topographic character of the land;
- b. Existing and proposed land uses and the approximate location of buildings and other structures;
- c. The character and approximate density of dwellings;
- d. The approximate location of major thoroughfares;
- e. Public uses, including schools, parks, play grounds and other open spaces.

5. The written statement to accompany the outline development plan must contain the following information:

- a. An explanation of the character of the planned residential unit development and the manner in which it has been planned to take advantage of the planned residential unit development regulations. The statement should indicate whether the project is to be developed under the Condominium Ownership Act of 1963, Title 57, Chapter 8, Utah Code Annotated of 1953, as amended, as a home owner's association or with open spaces owned by a private entity;
- b. A statement regarding the desired change in zoning for the property in question;
- c. A statement of the present ownership of all the land within the planned residential unit development;
- d. A statement of proposed financing;
- e. A general statement relating to the expected schedule of development.

6. One copy of the maps and the written statement shall be provided to the planning commission for public display in an appropriate place within the Pleasant View municipal building during business hours of the offices therein. A second copy of the maps and the written statement shall be provided to the city's planning consultant for purposes of review.

#### B. Approval of the Outline Development Plan.

1. Within thirty days after the filing of the outline development plan, the planning commission shall return the proposed plan to the developer with a written report relating to the compatibility of the plan to the city's comprehensive master plan, the desirability of the requested zoning change and any modifications or recommendations regarding the concepts presented in the outline plan. The planning commission may, at this time, instruct the developer to complete a formal application for the planned residential unit development and begin the preliminary development plan.

2. Approval of the outline development plan in whole or in part, shall not be binding on the city or any of its agencies, agents or employees. The outline development plan process is merely a convenience to the developer in deciding whether he wishes to risk further expenditure in pursuing his proposal.

#### C. Preliminary Development Plan.

1. An applicant seeking approval of a planned development shall submit a preliminary development plan at either of the following times to the planning commission.

- a. If no outline development plan has been submitted and approved, at the time of

application.

b. If an outline development plan has been approved, within six months following its approval.

2. If an outline development plan has been submitted and approved, the planning commission may authorize the submission of preliminary development plans in stages. If a preliminary development plan covering at least twenty percent of the area of the outline development plan has not been submitted within six months following the approval of the outline development plan, the council may withdraw its approval of the planned development. In its discretion and for good cause, the planning commission may extend for three months the period for the filing of the preliminary development plan.

3. If the developer plans to complete the project on a phase basis, the preliminary site development plan for each phase must reflect plans for developing at least the minimum amount of acreage required for a planned residential unit development district of the density desired. The plan may, however, reflect the development of the entire project. The preliminary plan submitted to the planning commission must include all of the following information:

a. Name of the proposed planned residential unit development;

b. North point, scale of drawing and date;

c. Boundary of the property to be developed (legal description accompanied by drawings);

d. A plot plan for building sites and common open areas, showing the approximate location of all buildings, structures and improvements and indicating the open spaces around buildings and structures;

e. Elevation and perspective drawings of all proposed structures and improvements except single-family residences and their accessory buildings. The drawings need not be the result of final architectural decisions and need not be in detail;

f. Provisions for off-street parking and storage areas as required;

g. Areas proposed to be conveyed, dedicated or otherwise reserved for parks, parkways, playgrounds, recreational buildings or other types of open space and open green space as required by this title;

h. A map showing street systems in relation to buildings, common open space areas and open green spaces;

i. A circulation diagram indicating the proposed movement of vehicles, goods and pedestrians within the planned development and to and from existing thoroughfares. Any special engineering features and traffic regulation devices needed to facilitate or insure the safety of this circulation pattern must be shown;

j. Provisions for sidewalks, pathways and curbs;

k. Provisions for driveways for adequate ingress and egress to and from the planned residential unit development;

l. Topography (to include any regrading);

m. Soil structure and analysis;

n. Provisions to handle storm water runoff;

o. A landscaping and tree planting plan which will include all trees and shrubs by type;

p. Location and description of any and all proposed signs;

q. A development schedule indicating:

i. The approximate date when construction of the project can be expected to begin,

ii. The stages in which the project will be built and the approximate date when construction of each stage can be expected to begin,

iii. The anticipated rate of development,

- iv. The approximate dates when the development of each stage of the development will be completed, and
  - v. The area and location of common open space that will be provided at each stage;
  - r. Agreements, provisions or covenants which govern the use, maintenance and continued protection of the planned development and any of its common open areas.
4. If the developers chose not to submit an outline development plan, the preliminary plan must contain the written statement required by subsection A(5) of this section. Subdivisions 1 through 5 of subsection A of this section must include a map showing in general schematic form enough of the area surrounding the proposed planned development to show the relationship of the planned development to adjacent uses, both existing and proposed.
5. In addition to subdivision 4 of this subsection, the developer shall provide the following as part of the preliminary development plan:
- a. The legal names and addresses of the project owners;
  - b. The names and addresses of the engineer and/or surveyor of the planned residential unit development.
  - c. The width of all existing and proposed streets and/or right-of-way easements.
6. The developer shall provide the planning commission with ten black and white prints of the preliminary plan. One print shall be delivered by the planning commission to each of the following for their recommendations: county recorder, city engineer, city fire department, county recreation department, county school board, and each agency or company furnishing telephone, electric, water or gas service.
7. The preliminary plot shall be reviewed by the planning commission which shall act on the plot as submitted or modified within sixty days after the presentation.
- D. Approval of the Preliminary Development Plan.
- 1. The planning commission shall review the preliminary development plan and shall approve the preliminary development plan if it is in substantial compliance with the outline development plan subject to any changes being made that may be required by the planning commission or other persons, agencies or companies designated in other sections of this chapter, and if it complies with all other standards for the review of the planned residential unit development which were not considered when the outline development plan was approved.
  - 2. When an outline plan is not submitted to the planning commission prior to the submission of the preliminary development plan, the planning commission shall review and approve the preliminary plan subject to any changes being made that may be required by the planning commission or other persons, agencies and companies designated in other sections of this chapter if the plan is in substantial compliance with the requirements stipulated for a planned residential unit development in this chapter.
  - 3. The planning commission shall notify the developer of any necessary changes within sixty days after its presentation.
  - 4. Upon notifying the developer of its action to approve or disapprove the preliminary development plan and the reasons for doing so, the planning commission shall certify in writing its recommendations to the city council.
  - 5. The planning commission shall, at the time it certifies a recommendation to the city council, which shall be within thirty days of the final submission of the preliminary development plan to the planning commission, request the city council to call a joint public hearing at the earliest possible date, to receive comments relating to the proposed planned residential unit development and to receive comments regarding the amending of the zoning map to allow the requested and/or recommended planned residential unit development district to be established.

6. The planning commission shall put on public display in a designated place within the Pleasant View municipal building copies of the preliminary plan and its accompanying documents of the time period between its approval of the planned residential unit development and the day following the public hearing.

7. The city council, after consideration of the comments received at the public hearing, shall approve with or without conditions, or disapprove the proposed planned residential unit development. If the planned residential unit development is to be completed on a phase basis the city council shall consider only the phase being proposed for immediate development.

8. Upon approval of the phase of the planned residential unit development to be immediately developed, the city council shall order the zoning map to be amended to reflect the zoning change for the approved phase as approved by the city council.

E. Approval of Final Development.

1. Within six months following the approval of the preliminary development plan, the applicant shall file with the planning commission a final development plan containing in final form information required in the preliminary plan as well as any additional information required by the city for recording and/or engineering purposes. In its discretion and for good cause, the planning commission may extend for six months the period for filing of the final development plan.

2. The planning commission shall review the final development plan, and shall approve the final development plan if it is in substantial compliance with the preliminary development plan. The clerk of the council shall record the final development plan in the manner provided for recording plats of subdivisions.

F. Failure to Begin the Planned Residential Unit Development. If no construction has begun or no use established in the planned development within one year from the approval of the final development plan, the final development plan shall lapse and be of no further effect. In its discretion and for good cause, the planning commission may extend for one additional year the period for the beginning of construction or the establishment of a use. If a final development plan lapses under the provisions of this section, the clerk of the city council shall remove the planned development from the zoning map and shall file a notice of revocation with the recorded final development plan. The zoning regulations applicable before the final development was approved shall then be revived and in effect.

G. Issuance of Building Permits. The building inspector shall issue building permits for buildings and structures in the area covered by the approved final development plan in they are in conformity with the approved final development plan and with all other applicable ordinances and regulations. He shall issue a certificate of occupancy for any completed buildings or structures located in an area covered by the approved final development plan if the completed building or structure conforms to the requirements of the approved final development plan and all other applicable ordinances and regulations.

H. Amendments to the Final Development Plan. No changes may be made in the approved final plan during the construction of the planned development except upon application to the appropriate agency under the procedures provided below:

1. Minor changes in the location, siting and height of buildings and structures may be authorized by the planning commission if required by engineering or other circumstances not foreseen at the time the final development plan was approved. No change authorized by this section may increase the area of any building or structure by more than ten percent.

2. All other changes in use, any rearrangement of lots, blocks and building tracts, any changes in the provision for common open spaces, and all other changes in the approved final plan must be made by the council, under the procedures authorized by this title for the amendment of the zoning map. No amendments may be made in the approved final plan



unless they are shown to be required by changes in conditions that have occurred since the final plan was approved or by changes in the development policy of the community.

3. Any changes which are approved for the final development plan must be recorded as amendments to the recorded copy of the final development plan.

I. Enforcement of Development Schedule. The construction and provisions of all of the common open spaces and public and recreational facilities which are shown on the final development plan must proceed at the same rate as the construction of dwelling units. At least once every six months following the approval of the final development plan the building inspector shall review all of the building permits issued for the planned development and examine the construction which has taken place on the site. If he shall find that the rate of construction of dwelling units is greater than the rate at which open spaces and open green spaces and other common areas and recreational facilities have been constructed and provided for, he shall forward this information to the council, which may revoke the PRUD zone amendment if steps are not taken by the developer to rectify the situation within a reasonable time.

J. Control of the Planned Residential Unit Development Following Completion.

1. The planning commission shall recommend the issuance of a certificate by the clerk of the city council certifying the completion of the planned development, and the clerk of the city council shall note the issuance of the certificate on the recorded final development plan.

2. After the certificate of completion has been issued, the use of land and the construction, modification or alteration of any buildings or structures within the planned development will be governed by the approved final development plan to the extent the plan conflicts with the provisions of this zoning title.

3. After the certificate of completion has been issued, no changes may be made in the approved final development plan except upon application to the appropriate agency under the procedures provided below:

a. Any minor extensions, alterations or modifications of existing buildings or structures may be recommended by the planning commission if they are consistent with the purposes and intent of the final plan. No change authorized by this section may increase the area of any buildings or structures by more than ten percent.

b. A building or structure that is totally or substantially destroyed may be reconstructed only in compliance with the final development plan.

c. All other changes in the final development plan must be made by the council, under the procedures authorized by this title for the amendment of the zoning map. No changes may be made in the final development plan unless they are required for the continued successful functioning of the planned development, or unless they are required by changes in conditions that have occurred since the final plan was approved or by changes in the development policy of the community.

(Ord. 87-17.03 (part), 1987: prior code §34-13A-8)

**18.36.090 PRUD and PUD Culinary Water.** Policy for Planned Residential Unit Developments (PRUD) and Planned Unit Developments (PUD) in Pleasant View City, Utah.

A. All individual living units will pay a connection fee per unit as established from time to time by the city council. Such fee is to constitute an equitable share of the original capital cost of the water system. The connection fee will be the same as any individual resident's connection fee or in accordance with previous agreements approved by the city.

B. The PRUD or PUD will be charged for each individual living unit and will pay a minimum water usage fee as established from time to time by the city council for the first 8,000 gallons of usage per unit. The usage fee will be the same as that charged to any Pleasant View city resident or in accordance with previous agreements as approved by the city.

C. Overage usage in the PRUD or PUD in excess of 8,000 gallons per occupied unit as recorded on the master water meter, if installed, will be charged after the 8,000 gallon per occupied unit has been deducted from the master meter reading. The charge for overage usage will be at the current standard city rates.

D. A master meter(s) may be required by the city and if so required shall be installed at locations as determined by the city. A regular meter shall be installed for each individual unit.

E. All water mains, laterals, and meters will be installed by the PRUD or PUD according to Pleasant View city standards and are to be inspected by the city Engineer or his representative. A regular meter shall be installed on an individual living unit prior to the issuance of a letter of occupancy.

F. All maintenance and repairs shall be performed on the water utilities by the PRUD or PUD Home owners association under the direction and inspection of the city.

G. The city will read and maintain the master meter, if installed, from the time of acceptance by the city engineer and city council. Regular meters shall be read by the PRUD or PUD owners association monthly and results of the readings will be totaled and forwarded to the city recorder. The owner's association shall be responsible for payment of all association water usage. The city shall have the right to perform a check reading on individual meters as they determine appropriate.

H. An approved method of connection of the PRUD or PUD water system to the city water mains will be installed by the PRUD or PUD at the entrance to the PRUD or PUD.

I. Water usage overages due to breaks and/or leaks in the PRUD or PUD water system will be treated in the same manner as a break and/or leak in the city non-PRUD or PUD water system. (Ord 90-7, 5/8/90)

#### **18.36.100 PRUD and PUD Sanitary Sewer Systems.**

A. PRUD and PUD sewer connection fees will be charged at a fee established from time to time by the city council per each living unit within the PRUD or PUD. The connection fee will be the same as any individual resident's connection fee or in accordance with previous agreements as approved by the city.

B. All maintenance and repairs shall be performed on the water utilities by the PRUD or PUD home owners association under the direction and inspection of the city. (Ord 90-7, 5/8/90)

## **CHAPTER 18.37 - PLANNED RESIDENTIAL UNIT DEVELOPMENT (PRUD)**

**Repealed.** (Ord. 2007-9, 6/26/07; prior code: Ord.2000-21, 10/10/00)

## Chapter 18.38 - Sensitive Area Overlay Zone

**18.38.010 Purpose.** The purpose of the sensitive area overlay zone (S.A. zone) is to delineate those areas within the corporate limits of the city that possess geologically and environmentally sensitive terrains with specific intent to:

- A. Control the arrangement of the use of the land in a sensitive area;
- B. Protect the general health, safety and welfare of the citizens of Pleasant View;
- C. Minimize public and private property damage;
- D. Provide for public awareness of sensitive environs;
- E. Protect culinary water supply from possible contamination; and
- F. To maintain the efficiency of the water recharge areas of the Mt. Ben Lomond bench area.

The requirements of this title shall be deemed superimposed on the requirements of all zoning ordinances in those areas designated as sensitive areas and shall, in case of conflict, take precedence over the requirements of, and uses permitted by, the other city zoning ordinances. (Ord. 87-17.03 (part), 1987: prior code §34-13B-1)

**18.38.020 Definitions.** For purposes of this chapter, the following words and terms shall have the meanings set out in this section:

A. "Sensitive area" means lands containing environmentally and geologically sensitive elements which, if disturbed or encroached upon by urban or suburban land development (such as utilities, dwellings, street, industrial, commercial or certain types of agriculture) could be damaged beyond repairability, could cause damage or complete destruction to already existing public or private property within or adjacent to the city, could cause loss of life or bodily harm, or could affect the purity, consistency or volume of the water supply for the city or adjacent communities. Such sensitive areas could include, but not be limited to: earthquake faults, potential landslide areas, steep unstable terrain, areas of potential rock fall, subsurface waters and flooding. Such areas, for the purpose of this title, are designated by the maps developed:

- 1. Through NASA Grant NSG 7226 with titles, "Faults - Map 3; Slope - Map 8; Flood Potential - Map 5; Hydrologic Soil Group - Map 6; and Alluvial Fan-Geomorphology - Map 1";
- 2. Sensitive areas as designated in any future detailed, technical, authoritatively accepted geomorphological study adopted by the city.
  - a. Adopted Bryce Montgomery's study dated November 5th, 1993 (2 mile radius option)

B. Sensitive Vegetation. Vegetation, primarily oak brush, shrubs and maples, on alluvial aprons and exceedingly porous soil areas which areas are recharge zones for water supplies and which vegetation helps prevent stormwater, which naturally becomes subsurface water, from being converted to runoff water. Vegetative cover which can be harmed by compaction from overuse, urban development, or altering of the hydrologic cycle in such a manner as to create an environmental imbalance causing a severe retardation of growth.

C. Earthquake Fault. For the purposes of this chapter, earthquake faults shall refer to faults delineated on Map 3 of "Natural Constraints to Urban Development in the North Ogden Area, Utah, Planning Application Summary" of May 1978, authors Merrill Ridd and Bruce N. Kaliser. In areas not covered by Map 3 of the above study, reference may be made to "Wasatch Fault (Northern Portion), Earthquake Fault Investigation and Evaluation, A Guide to Land Use Planning," July, 1970 by Woodwane-Clyde and Associates.

D. Impervious Surfaces. Those surfaces or such matter that is impenetrable by moisture including, but not limited to, rooftops, driveways, sidewalks, patios, roads, etc.

E. Vented Combustion Apparatus. Any device used in the combustion of a solid fuel for any purposes. (Ord. 87-17.03 (part), 1987: prior code §34-13B-2)

**18.38.030 Permitted Uses.** Except within approved and recorded subdivision outside of the Pole Patch Area. There are no permitted uses. (Ord.2008-11, dated 9/24/08 and Ord. 87-17.03 (part), 1987: prior code §34-13B-3)

**18.38.040 Conditional Uses.** The sensitive area overlay zone ordinance codified in this chapter does not add to the allowed uses of any zone but converts a permitted use in each respective zone over which the sensitive area ordinance codified in this chapter extends to a conditional use. This standard shall not apply to approved and recorded subdivisions outside of the Pole Patch Area. (Ord.2008-11, dated 9/24/08 and Ord. 87-17.03 (part), 1987: prior code §34-13B-4)

**18.38.050 Site Development Standards.** Same as those specified for the particular use in the respective zone over which the sensitive area zone extends. Before building permits are issued for any construction in a sensitive area zone, the procedure set forth in Sections 18.38.070 and 18.38.080 must be completed and a conditional use permit must be approved by the city council in accordance with the provisions of this title. This standard shall not apply to approved and recorded subdivisions outside of the Pole Patch Area. (Ord.2008-11, dated 9/24/08 and Ord. 87-17.03 (part), 1987: prior code §34-13B-5)

**18.38.060 Special Review Procedure.** Except within existing approved and recorded subdivisions outside of the Pole Patch Area, the planning commission shall require that a site plan be submitted for a proposed development or for proposed construction in a sensitive area and it may require that such a site plan be reviewed by a representative of any or all of the following: Utah Geological Survey, U.S. Soil Conservation Service, U.S. Forest Service, Utah Division of Wildlife Resources and any or all departments of the city administration or any other professional expertise or group as may be deemed necessary. The intent in providing for such a review procedure is to assist the planning commission in properly evaluating developments and recommending approval of construction in sensitive areas to assure the least detrimental affect on the land and to attempt to identify and preclude potential terrain hazards to present and future residents of the city. (Ord.2008-11, dated 9/24/08 and Ord. 87-17.03 (part), 1987: prior code §34-13B-6)

**18.38.070 Site Plan Requirements and Considerations.**

A. Impervious surfaces resulting from construction shall be limited to ten percent of the lot area in a sensitive area zone; except in zone RE-20 the limit shall be five thousand square feet or ten percent of the lot area, whichever is greater.

B. No building will be permitted in a sensitive area zone on land where the natural terrain has a slope greater than twenty-five percent (unless otherwise recommended by the city engineer in which case any and all conditions recommended by the city engineer shall be complied with).

C. A closed sewer system shall be required within a sensitive area zone.

D. Spark arrestors shall be installed and maintained in every fireplace or other vented combustion apparatus constructed indoors or outdoors. Screen openings in such arrestors shall not be in excess of one-quarter inch in diameter.

E. A grading plan shall be submitted to the planning commission and to the city council for approval. All cuts and fills shall be made such that the resultant surface has an angle equal to or less than the natural angle of repose of the soil. Approval of an individual plot plan for each lot shall be required before issuance of a building permit.

F. A plot plan of the lot to be developed drawn to a scale of at least one inch equals twenty feet shall be submitted to the planning commission which plot plan shall show lot lines, existing and proposed topographical contours at five foot intervals, location of proposed roads, dwelling units and any other proposed structures, walks, driveways and patio areas, springs and seeps, and all utility lines. All construction shall be in accordance with the plot plan as approved by the city council.

G. Structures shall not be placed on or across a fault nor within fifty feet unless it is determined by professional experts that the distance of fifty feet may be reduced without creating a potential hazard. The planning commission will recommend a greater distance from a class I or II fault line if deemed necessary.

H. Structures in an earthquake sensitive area must comply with earthquake standards set forth in the Uniform Building Code in effect at the time the building plan is approved.

I. Flexible joints shall be required where utility lines cross identified faults.

J. Areas sensitive because of flood potential (Map 5) in the A zone shall be left in their natural state. Setback distances in the B1 flood potential areas should have setback distances from stream channels at a 2:1 ratio from the stream channels to avoid slumping and settlement next to the stream bluff.

K. In areas designated sensitive due to flood potential (Map 5) no construction of any structures shall be permitted which will disrupt flow of water in a natural drainage channel, nor may a channel be filled, blocked or diverted.

L. Street grades and profiles in any sensitive area must be approved by the city engineer and the city council with particular consideration being given to the control of stormwater runoff in flood potential areas. Cuts or surface disturbances shall be revegetated within three months of surface disturbances for roads.

M. In areas sensitive due to hydrologic soil conditions of moderate high or high run-off potential (Map 6) natural vegetation when it is oakbrush and small trees, shall be removed only when necessary for roads, buildings, driveways and landscaping purposes. The maximum lawn area shall be one-fourth acre. A revegetation plan shall be submitted to the planning commission and approved by the city council for any cuts and slope disturbance and each revegetation shall be completed within one year of the surface disturbance.

N. Lots or groups of lots shall provide for the complete containment and controlled release of runoff water resulting on each lot or group of lots in accordance with recommendations of the city engineer, as approved by the city council. The lot owner or owners shall be fully responsible for any property damage resulting on other property from improperly contained runoff from the lot or lots. Facilities of the collection of stormwater runoff shall be the first improvement or facilities constructed on the development site. Such facilities shall be designed so as to retain safely and adequately the maximum expected stormwater runoff for a ten-year record storm. Bonding may be required by the city council to guarantee the completion of stormwater runoff facilities. If such bond is required, it shall be in an amount equal to the cost of construction of such facilities and shall continue for one year after the completion of such facilities.

O. The planning commission, with the help of technical expertise, shall determine if the site is related to active or potential land slides, rock slides, or snow slides, and if so, the planning commission may require that the developer engage the services of an engineer-geologist who shall report his findings to the city engineer who will evaluate and make necessary restrictions which must be complied with by the developer. (Ord. 87-17.03 (part), 1987; prior code §34-13B-7)

P. 1. To ensure compliance with the public drinking water system regulations for the State of Utah, which are promulgated pursuant to the Utah Safe Drinking Water Act, and the goals of this section of the zoning ordinances, certain well and spring protection zones have been designated as sensitive area overlay zones.

2. Until such time that Pleasant View City delineates drinking water source protection zones or a drinking water source protection management area for each of its existing and future ground water sources of drinking water, pursuant to R309-113 ("Drinking Water Source Protection"), as amended, in an area designated sensitive due to the presence of a "deep" or "shallow" well or spring that is a source of drinking water for the public, potential contamination sources, as defined in R309-113-6(1)(u), as amended:

a. Shall not be located, built, constructed, developed, or otherwise operated within 100 feet of a "deep" well, which is a well that has the following construction:

i. An effective geologic seal must exist between the ground surface and the water bearing aquifer. It must be of sufficient thickness and continuity to give confidence of its uniformity throughout the region generally;

ii. The annular space between the drilled hole and the well casing must be grouted or otherwise sealed to eliminate water of questionable quality from seeping alongside the casing into the water bearing aquifer. Such grouting shall be at least two inches thick and extend a minimum of one hundred feet below the surface, or into an effective geologic seal (see R309-106-2.4.7, Utah Admin. Code, as amended, for specific grouting requirements);

iii. The well casing shall extend to an elevation greater than the maximum flood water elevation but not less than eighteen inches above the surrounding ground. However, casings terminated in underground vaults may be permitted on a case by case basis, if the vault is provided with a drain to daylight sized to handle in excess of the well flow;

b. Shall not be located, built, constructed, developed, or otherwise operated within 1,500 feet of a "shallow" well, which is a well that does not meet the above stated requirements of a "deep" well, when the potential contamination source is situated on land that is equal to or higher in elevation than the operating water level elevation, and within at least 100 feet beyond (downhill) the intersection of the operating water level elevation with the ground surface, or 1,500 feet, whichever is less, when the potential contamination source is situated on land that is lower in elevation than the operating water level in a "shallow" well unless the owner of the potential contamination source agrees to implement design or operating standards, as specified by the city, which are intended to prevent discharges to ground water;

c. Shall not be located, built, constructed, developed, or otherwise operated within 1,500 feet of a spring when the potential contamination source is situated on land that is equal to or higher in elevation than the elevation of the spring, and within 100 horizontal feet of a spring when the potential contamination source is situated on land that is lower in elevation than the elevation of the spring unless the owner of the potential contamination source agrees to implement design or operating standards, as specified by the city, which are intended to prevent discharges to ground water. The elevation datum to be used is the point of water collection.

3. After such time that Pleasant View City delineates drinking water source protection zones or a drinking water source protection management area for each of its existing and future ground water sources of drinking water, pursuant to R309-113 ("Drinking Water Source Protection"), as amended:

a. Potential contamination sources, as defined in R309-113-6(1)(u), as amended, shall not be located, built, constructed, developed, or otherwise operated within Zone one under the Preferred Delineation Procedure or the Optional Two-mile Radius Delineation Procedure, which is the area within a 100 foot radius from the wellhead or the margin of the collection area;

b. Pollution sources, as defined in R309-113-6(1)(t), as amended, shall not be located, built, constructed, developed, or otherwise operated within Zone two under the Preferred Delineation Procedure unless the owner of the pollution source agrees to implement design or operating standards, as specified by the city, which are intended to prevent discharges to ground water;

c. Pollution sources, as defined in R309-113-6(1)(t), as amended, shall not be located, built, constructed, developed, or otherwise operated within Zone two under the Drinking Water Source Protection management area under the Optional Two-mile Radius Delineation Procedure, unless it appears that the pollution source will not impact the ground water source or unless the owner of the potential contamination source agrees to implement design or operating standards, as specified by the city, which are intended to prevent discharges to ground water.

4. Any proposed use in a sensitive area overlay zone so designated due to the presence of a "deep" or "shallow" well or spring that supplies culinary water to the public, or within a drinking water source protection zone or a drinking water source protection management area, must be reviewed by the city engineer or designated official in accordance with the requirements of this chapter in order to ensure compliance with the State of Utah regulatory standards for public drinking water systems.

(Ord. 93-19, 6/30/94) (Also see: Ordinance 94-2, 7/12/94)

**18.38.080 Application Procedure.** Except within approved and recorded subdivisions outside of the Pole Patch Area, any person, persons, groups, agencies, partnerships or corporations who desire to develop or build in a designated sensitive area zone must obtain a conditional use permit application from the city office. The permit application must be filled out together with a sepia of the proposed development site plan (see subsections E and F of Section 18.37.070) and presented to the planning commission for the planning commission's consideration at a regularly scheduled meeting. The planning commission will, at that time, determine which agencies or department should review the site plan. Any agency or department reviewing a site plan will refer any recommendations it feels necessary regarding a particular development to the planning commission to satisfy the concerns of this section. The recommendations of any agency or department are in no way binding on the decision of the planning commission to recommend a conditional use permit, but the planning commission may incorporate the recommendations as conditions before final approval of a conditional use permit. (Ord.2008-11, dated 9/24/08 and Ord. 87-17.03 (part), 1987: prior code §34-13B-8)

**18.38.090 Cost and Expense.** Any costs or expenses generated by the employment of experts or professionals for the purposes set forth in this chapter, shall be paid by the person, groups, agencies, partnerships or corporations, thereafter called developers, who desire to develop or construct in the sensitive area zone, and who, because of the filing of a conditional use permit application have given rise to the employment of the experts or professionals as authorized in this chapter. Any costs, fines or forfeitures, including costs of court and a reasonable attorneys' fee, which the commission or the city may incur by reason of the developer's neglect or failure to pay for expertise or technical advice contemplated by this section, shall be paid by said developer. (Ord.87-17.03 (part), 1987: prior code §34-13B-9)

**18.38.100 Conditional Use Permit Expiration.** Unless there is substantial action under a conditional use permit within a maximum period of one year of its issuance, the conditional use permit shall expire. The planning commission may recommend a maximum extension of six months under exceptional circumstances. (Ord. 87-17.03 (part), 1987: prior code §34-13B-10)



**18.38.110 Violation.** Any person, firm or corporation violating any provisions of this chapter shall, upon conviction, be deemed guilty of a misdemeanor. (Amended during 1988 codification; Ord. 87-17.03 (part), 1987: prior code §34-13B-10)

## **Chapter 18.39 - Transportation Oriented Development (TOD) Zone**

**Repealed.** (Ord.2015-7, dated 12/8/15)

## Chapter 18.40 - E-1 Excavation Zone

**18.40.010 Purpose.** The purpose of the E-1 zone is to provide appropriate areas for the excavating, extraction and crushing of sand and gravel. The zone is intended for an area where rehabilitation would enhance the future use of the land and ensure the subsequent beneficial use and beauty of the lands affected by excavation. (Ord 99-1, 1/12/99: prior codes Ord. 87-17.03 (part), 1987 and §34-22-1)

**18.40.020 Permitted Uses.** The following uses are permitted in the E-1 zone:

- A. Any use permitted in an A-1, A-2 or A-5 Zone;
- B. Golf course.

(Ord 99-1, 1/12/99: prior codes Ord. 87-17.03 (part), 1987 and §34-22-2)

**18.40.030 Permitted Uses Requiring Five Acre Minimum Lot Area.** The raising and grazing of horses, cattle, sheep or goats as part of a farming operation including the supplementary or full feeding of such animals, provided that such raising or grazing is not part of, nor conducted in conjunction with, any livestock feed yard, livestock sales yard, slaughter house, animal by-products business or commercial riding academy.

(Ord 99-1, 1/12/99: prior codes Ord. 87-17.03 (part), 1987 and §34-22-3)

**18.40.040 Conditional Uses.**

A. Rock, sand, gravel, clay and any other soil excavation including gravel crushing, subject to all provisions of the City Excavation Ordinance, Chapter 8.24.

B. Accessory uses and buildings customarily incidental to the above and devoted exclusively to the main permitted use of the premises.

(Ord 99-1, 1/12/99: prior codes Ord. 87-17.03 (part), 1987 and §34-22-4)

**18.40.050 Site Development Standards.** The following site development standards apply in the E-1 zone:

A. Minimum lot area, forty thousand square feet;

B. Minimum lot width, one hundred fifty feet;

C. Minimum yard setbacks:

1. One hundred feet from any public street,

2. Fifty feet from any property line,

3. Gravel crushers shall be located not closer than six hundred feet from any residential or agricultural zone boundary.

(Ord. 99-1, 1/12/99: prior codes Ord. 87-17.03 (part), 1987 and §34-22-5)

**18.40.060 Sign Regulations.** The height, size and location of permitted signs shall be in accordance with the regulations set forth in Section 18.10.010.

(Ord 99-1, 1/12/99: prior codes Ord. 87-17.03 (part), 1987 and §34-22-6)

## Chapter 18.42 - Supplementary Use Regulations

**18.42.010 Regulations to Be Supplementary.** The regulations set forth in this chapter supplement the zone regulations appearing elsewhere in this title. (Ord. 87-17.03 (part), 1987: prior code §34-14(part))

**18.42.015 Storage Facilities, Special Regulations.**

A. Notwithstanding other regulations found in this title, storage facilities not specifically associated with a principal use at a particular site shall only be allowed in the area found herein and shall be subject to the standards found herein. This shall include self storage facilities, open storage, and any storage facility where space or units are rented or leased and any proposed expansion of existing facilities.

B. Design standards. All facilities shall be subject to a specific conditional use approval by the city and must provide appropriate buffering, screening, site and building design criteria, access controls, and safety factors as are consistent with the location and the city's design standards.

C. Maximum number of units/spaces. There shall be no more than one unit/space for every three dwelling units within the city limits.

D. Location limitations. Any proposed new facilities may only be located in the area north of the Parkland Business Park (approximately 2800 North) and west of the Railroad line. (Ord.2008-12, dated 9/24/08)

**18.42.020 Lots in Separate Ownership.** The requirements of this title as to minimum building area shall not be construed to prevent the use for a single-family dwelling of any lot or parcel of land in the event that such lot or parcel of land is held in separate ownership at the time the ordinance codified in this title becomes effective. (Ord. 87-17.03 (part), 1987: prior code §34-14-1)

**18.42.030 Yard Space for One Building Only.** No required yard or other open space around an existing building, or which is hereafter provided around any building for the purpose of complying with the provisions of this title, shall be considered as providing a yard or open space for any other building; nor shall any yard or other required open space on an adjoining lot be considered as providing a yard or open space on a lot whereon a building is to be erected or established. (Ord. 87-17.03 (part), 1987: prior code §34-14-2)

**18.42.040 Dwelling to Be Located on Lot.** Every dwelling shall be located and maintained on a lot as defined in this title; such lot shall have the required frontage on a public street or on a right-of-way which has been approved by the board of adjustment. (Ord. 87-17.03 (part), 1987: prior code §34-14-3)

**18.42.050 Separately Owned Lots-Reduced Yards.** On any lot under a separate ownership from adjacent lots and of record at the time of passage of the ordinance codified in this title, and such lot having a smaller width than required for the zone in which it is located, the width of each of the side yards for a dwelling may be reduced to a width which is not less than the same percentage of the width of the lot as the required side yard would be of the required lot width, provided, that on interior lots the smaller of the side yards shall be in no case less than five feet, or the larger less than eight feet; and for corner lots the side yard on the side street side shall be in no case less than ten feet or the other side yard be less than five feet. (Ord. 87-17.03 (part), 1987: prior code §34-14-4)

**18.42.060 Sale or Lease of Required Space.** No space needed to meet the width, yard, area, coverage, parking or other requirements of this title for a lot or building may be sold or leased away from such lot or building. (Ord. 87-17.03 (part), 1987: prior code §34-14-5)

**18.42.070 Sale of Lots below Minimum Space Requirements.** No parcel of land which has less than the minimum width and area requirements for the zone in which it is located may be cut off from a larger parcel of land for the purpose, whether immediate or future, of building or development as a lot, except by permit of the board of adjustment. (Ord. 87-17.03 (part), 1987: prior code §34-14-6)

**18.42.080 Yards to Be UnobstructedcExceptions.** Every part of a required yard shall be open to the sky unobstructed except for accessory buildings in a rear yard, the ordinary projections of skylights, sills, belt courses, chimney cornices and other ornamental features, and fire escapes, fireproof outside stairways and balconies opening upon fire towers projection into a yard not more than five feet. (Ord. 87-17.03 (part), 1987: prior code §34-14-7)

**18.42.090 Accessory Buildings Area.** No accessory building nor group of accessory buildings in any residential zone shall cover more than twenty-five percent of the rear yard. (Ord. 87-17.03 (part), 1987: prior code §34-14-8)

**18.42.100 Height Allowance-Additional.** Public, semipublic or public service buildings or hotels, when authorized in a zone, may be erected to a height not exceeding seventy-five feet if the building is set back from each other established building line at least one foot for each additional foot of building height above the normal height limit required for the zone in which the building is erected. (Ord. 87-17.03 (part), 1987: prior code §34-14-9)

**18.42.110 Height Limitations-Exceptions.** Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, water tanks, wireless or television masts, theater lofts, silos or similar structures may be erected above the height limits prescribed in this chapter, but no space above the height limit shall be allowed for the purpose of providing additional floor space and no heights are permitted above the maximum allowed under airport height regulations of Weber County. (Ord- 87-17.03 (part), 1987: prior code §34-14-10)

**18.42.120 Main Building Minimum Height.** No dwelling shall be erected to a height less than one story above grade. (Ord. 87-17.03 (part), 1987: prior code §34-14-11)

**18.42.130 Accessory Building Maximum Height.** No building which is accessory to a one-family, two-family, three-family or four-family dwelling shall be erected to a height greater than one story or twenty feet. (Ord. 87-17-03 (part), 1987: prior code §34-14-12)

**18.42.140 Clear View of Intersecting Streets.** In all zones which require a front yard, no obstruction to view in excess of two feet in height shall be placed or permitted to remain on any corner lot within a triangular area formed by the street property lines and a line connecting them at points fifteen feet from the intersection of the street lines. The city council shall have the authority to suspend or modify the requirements of this section upon an application by a citizen affected thereby. The application shall be filed with the city council in writing and shall set forth in the application the reasons why this section should be suspended or modified. (Ord. 87-17.03 (part),

1987: prior code §34-14-13)

**18.42.150 Animals and Fowl.**

A. No animals or fowl shall be kept or maintained closer than forty feet from any dwelling and not closer than seventy-five feet from any dwelling on an adjacent lot. Any barn, stable, coop, pen, corral or enclosure for the housing or keeping of animals or fowl shall be kept, constructed or maintained not less than one-hundred feet from a public street and not less than twenty-five feet from any lot line. (Ord 94-12, 11/15/94: prior code '87-17.03 (part), 1987)

B. The keeping or maintaining of animals and fowl shall be permitted only in conjunction with the residential use of the lot for any lot less than twenty thousand square feet. (Ord. 87-17.03 (part), 1987: prior code §34-14-14)

**18.42.160 Water and Sewage Requirements.** Domestic water supply and sewage shall comply with the city or State Board of Health requirements as represented by a certificate of approval from the Board of Health in all applications for a building permit where either an approved supply of piped water under pressure, or a sewer is not available. (Ord. 87-17.03 (part), 1987: prior code §34-14-15)

**18.42.170 Lots and Dwellings on Private Rights-of-Way.** Except where the requirements of this section are reduced by permit of the board of adjustment, the minimum area for any lot fronting on a private right-of-way shall be one-half acre and the minimum setback of the dwelling from the center of the right-of-way, shall be fifty feet. (Ord. 87-17.03 (part), 1987: prior code §34-14-16)

**18.42.180 Personal Accessory Buildings, Special Exception.** The planning commission may consider, as a Special Exception, personal use accessory buildings located on parcels of property without a main building or use. Such consideration shall require a public hearing as required for a conditional use and be subject to the following criteria:

A. Such facilities may be located only on parcels ½ acre or larger.

B. Any such facility may only be used for unoccupied personal use of the owner of the parcel.

C. No such facility may be used for commercial purposes. If the use is changed to commercial use it must be specifically zoned and approved for such use by the city, following appropriate approval processes, prior to any such change.

D. All such facilities must receive approval for the site layout and building design from the planning commission. Consideration of the City's General Plan shall be included as well as Design Requirements. The commission will require such setbacks, building treatments and other factors deemed necessary to mitigate any impacts of such approval.

E. Setback standards are subject to planning commission approval and must at least exceed the minimum requirements of the zone for main buildings while maintaining separation from any adjacent uses. Such standards must include evaluation of potential future use of the property and the general area in which located. Consideration of the City's General Plan shall be included as well as Design Requirements.

F. The size of such facilities shall meet the following:

1. The height, at the crown of the roof, shall not exceed 25 feet.

2. The maximum size shall not exceed 900 square feet. The commission may, in limited circumstances, allow a maximum size of up to 1500 square feet, subject to a demonstration by the property owner that such size would not cause undue impact to adjacent uses, not inhibit future uses of the property, and is consistent with other buildings and uses in the general area. The commission may require additional setbacks, building treatments and other factors to mitigate any impacts of such approval.

G. Outside storage is not permitted on parcels with such facilities, with the exception of items that are kept in compliance with the city nuisance regulations including control of grasses and weeds and parking on appropriate areas and surfaces.

H. Failure to abide by the terms of approval or any zoning or nuisance requirements of the city may result in revocation of the special exception and could require the removal of the building. Future changes in use of the property shall conform to the requirements established by the city and approvals at that time. Such approvals are not guaranteed to include the use of the personal accessory building as part of such new use. (Ord.2010-19, dated 9/28/10; Prior ordinances referenced Signs Lighting - Ord. 87-17.03 (part), 1987: prior code §34-14-17)

**18.42.190 Use of Explosives in Development shall require a Conditional Use Permit.**

A. A Conditional Use Permit shall be required whenever explosive devices are proposed for the purpose of removing, contouring, or clearing land for future development. This includes the removal of rock outcroppings, destruction of overly large boulders that cannot be removed with conventional means, and the lowering of bedrock by blasting of any type.

B. Issuance of the Conditional Use Permit will be evaluated on the following criteria:

1. The potential for loud or disruptive noise in the area of the blasting, engineering data indicating the blasting can safely be performed, character of the surrounding properties, and the distance from the proposed blasting site to the nearest structure; and
2. The time and date the blasting is planned to occur.

C No Conditional Use Permit shall be issued until:

1. The City has received verification from the fire department and building inspector that the applicant has complied with all state and/or local rules and regulations relating to the use of explosive and blasting; and
2. The developer, individual or entity seeking the permit has notified the property owners and occupants of homes within 300 feet of the blasting area of the time and date the blasting is planned to occur.
3. The following disclaimer has been signed before a notary by the developer, individual or entity desiring to engage in blasting:

The permittee agrees to save the City, its officers, employees and agents harmless from any and all costs, damages and liabilities which may accrue or be claimed to accrue by reason of any blasting or use of explosives performed under the permit. The issuance and acceptance of any permit under Chapter 18 shall constitute such an agreement by the permittee to this Section (18.42.190.)

4. The applicant has provided evidence of required insurance.

D. This Chapter shall neither be construed as imposing upon the City, its officers employees and agents, and liability or responsibility for damages to any person injured by or by reason of the performance of any blasting or use of explosives within the public way, or under a permit issued pursuant to this Chapter; nor shall the City, its officers, officials, employees, agents, volunteers or assigns thereof be deemed to have assumed any such liability or responsibility by reason of inspection authorized hereunder, the issuance of any permit, or the approval of any excavation. (Ord.2003-7(part), dated 6/10/03)

## Chapter 18.43 – Design Requirements

### Article I General Provisions

**18.43.100 Purpose.** The purpose of these Design Requirements is to:

- A. Implement the goals set forth in the Pleasant View City General Plan.
- B. Establish and maintain a strong community image and identity by providing for architectural treatments that enhance the visual experience of commercial development in Pleasant View City.
- D. Produce choices for shopping and working in a safe, friendly and enjoyable environment.
- E. Initiate a city where people will want to live and work for generations to come.
- F. Assure that a high level of quality and durability is maintained.
- G. Secure compatibility and appropriate screening for commercial uses.
- H. Enhance the attractiveness of the streetscape and the existing architecture in Pleasant View City.
- I. Create a sense of place, focal points and a sense of arrival in commercial complexes.
- J. Promote building articulation that enhances the appearance of large commercial buildings, insure that commercial buildings and projects incorporate architectural features that provide visual interest, and allow for design flexibility.
- K. Reduce the likelihood of crime through the use of Crime Prevention through Environmental Design (CPTED) principles.
- L. Increase accessibility and safety of pedestrians. (Ord. 2010-15, dated 5/25/10)

**18.43.110 Areas.**

- A. It is intended that land uses are compatible with each other and with adjacent land uses. Each area has differing use and design requirements based on the specific area.
- B. All areas are required to meet the general provisions unless otherwise indicated in the area requirements or if specifically determined by the city. Non residential uses outside of the areas indicated shall be required to incorporate appropriate elements of these requirements, as determined by the City.
- C. The generally acceptable uses as listed in the indicated areas is intended to supplement the various zones. It is recognized that some of the existing uses are incompatible with the acceptable uses.
- D. The specific areas are shown on the General Plan Map and are approximately as described in the area sections. Where such areas overlap with Gateway Areas, Gateway standards shall apply. (Ord. 2010-15, dated 5/25/10)

**18.43.120 Applicability.**

- A. It is intended that these requirements apply to all non single family residential (commercial, industrial, institutional, etc.) uses in all areas of the city and contain specific requirements for specified areas. It is also intended that these requirements be applied as appropriate and consistent with the residential nature of all residential components in mixed use development. Except for the streetscape guidelines on major streets, these requirements are not generally intended for standard single family residential developments. However, residential components in those areas identified in these design requirements shall be compatible with these requirements but may be allowed variations consistent with residential designs.
- B. These requirements may be superseded by a development agreement which is reviewed and approved by the Planning Commission and City Council. The development agreement shall address all appropriate sections of these requirements and other City ordinances. The City may approve other



designs and treatments for both commercial and residential development if the City determines that such variations meet the intent of these requirements. (Ord. 2010-15, dated 5/25/10)

**18.43.130 Effect.**

A. Legally approved existing uses, with a valid land use permit and business license may continue and are not considered non-conforming.

B. All expansions of legally existing uses shall be reviewed by the City as a conditional use. Implementation of these requirements shall be considered in all proposed future expansions of existing uses.

C. All existing buildings and sites must comply with these requirements for any area of expansion, changing or upgrading of the facility including parking and landscaping areas. (Ord. 2010-15, dated 5/25/10)

**18.43.140 Application Requirements.**

A. All applications for development or improvements of sites in the city shall include such information as may be necessary to evaluate these requirements. If a development has underlying codes, covenants, restrictions, or other private contractual agreements that are standard above and beyond Pleasant View City's requirements, the development shall secure approval of the various organizations prior to making application to the City.

B. Determination of Completeness of an Application. Applications shall be submitted to the City Planner. Prior to the consideration of the application by any hearing body, or the scheduling of any public hearings or meetings, the City Planner shall determine and find that the Application is complete and contains all application materials as required herein.

C. The lack of any information required for the specific Application, as required by this Title and the check list provided with the application, shall be cause for the City Planner to find the Application incomplete.

D. A City Planner determination of an incomplete Application shall prohibit any review body from considering any material, items, or other information related to the proposed subdivision. The City Planner shall notify the applicant(s), in writing, of the required information lacking from the Application. The City Planner shall allow thirty (30) calendar days, from the date of notification of an incomplete Application, for the applicant(s) to provide the required information to the City. If the Application remains incomplete after that period, the Application shall be considered null and void and fees forfeited. Re-application is required for further consideration. (Ord. 2010-15, dated 5/25/10)

**Article II  
Site Standards**

**18.43.200.** The City may approve other site design treatments that are determined by the City to meet the intent of this section. Corporate identity may be taken into consideration but a style using approved materials and execution that is in keeping with the intent of these requirements and compatible with other uses in the area will be expected. (Ord. 2010-15, dated 5/25/10)

**18.43.210 Building Orientation.**

A. When there is only one building in a proposed commercial development that will be occupied by one or more tenants, such building shall be oriented toward the abutting primary street and the minimum building setback shall be 20 feet.

B. When there is more than one building in a commercial complex, the commercial complex shall comply with the following guidelines:

1. A minimum of twenty percent of the street frontages shall be occupied by building

facades. Those facades shall either:

- a. Frame the corner of an adjacent street intersection;
- b. Frame and enclose pedestrian and/or vehicle access corridor within the commercial complex;
- c. Frame and enclose parking areas, public spaces, or other site amenities with at least three sides of a building.

C. In addition to paragraph one of this section, twenty percent of the street frontages shall be occupied by a combination of the following:

1. Decorative architectural walls or hedges no higher than two feet;
2. Landscaped entryway signage or features;
3. Gathering spaces;
4. Site Amenities;
5. Landscaping.

D. The remaining sixty percent of street frontage may be occupied by parking areas behind the required landscaped setback, or by access for vehicles or pedestrians.

E. Strictly linear development patterns are prohibited. (Ord. 2010-15, dated 5/25/10)

#### **18.43.220 Pad Sites.**

A. Pad sites shall conform to the following guidelines:

1. Pad site buildings shall be compatible with the largest building within a commercial complex by using two or more of the same building materials and colors.
2. Spaces between adjacent pad site buildings that are not occupied by access points or streets shall provide small pockets of landscaped pedestrian connections, small-scale project amenities, or gathering spaces. Examples include, without limitation:
  - a. A landscaped pedestrian walkway linking customer entrances between two or more pad site buildings;
  - b. A public seating or outdoor eating area;
  - c. An area landscaped with a variety of living materials emphasizing four-season colors, textures, and varieties; or
  - d. Sculptures or fountains.
3. There shall be no more than one double loaded parking aisle located between the building and an adjacent street. (Ord. 2010-15, dated 5/25/10)

#### **18.43.230 Connecting the Site with Surroundings.**

A. Transition. The following transition standards shall be incorporated into the applicant's site design:

1. Transitions between land uses shall be required in the following situations:
  - a. Changes in use between adjoining properties;
  - b. Changes in intensity of use between adjoining properties, such as from large Commercial Centers to multifamily residential; and
  - c. Views, uses, or activities on commercial development sites that are a nuisance for neighbors, such as commercial loading, lighting, noise and service areas.

B. Transition techniques:

1. Architectural transitions - Commercial development shall employ a minimum of two of the following techniques to ensure compatibility with surrounding development, including adjacent residential development:
  - a. Use similar building height.
  - b. Use similar roof form.
  - c. Mitigate the larger mass of commercial buildings with the building treatments

found in other sections as they apply.

2. Green/open space transitions - Commercial development may employ the following techniques to provide transitions and ensure compatibility between the commercial development and surrounding development:

a. Use small green spaces, courts, squares, parks, plazas, and similar spaces that can also function as community gathering places.

b. Use existing natural features as transitions, including natural differences in topography (not retaining walls), streams, existing stands of trees, and similar features. When existing natural features are used as transitions, the city may still require that adequate pedestrian connections to adjacent land uses be accommodated.

3. Community-serving uses as transitions. When office, small-scale retail, pedestrian-intensive retail, civic, or public uses are planned as part of the same development containing more intensive commercial uses, the applicant may site the lesser-intensive uses or more community-serving uses as transitions to lower-intensity, adjacent uses. For example, post offices, banks, and restaurants, all of which are pedestrian-intensive, community-serving uses, can be sited next to adjacent medium-density residential uses.

4. Orientation. Potentially noisy, bright or otherwise bothersome features or uses shall be oriented away from neighboring uses. For example, the avoidance of placing garages, parking lots, or service areas facing the fronts of neighboring buildings. (Ord. 2010-15, dated 5/25/10)

**18.43.240 Special Requirements.** The requirements found in this section address a number of different site conditions that require review and consideration in all development.

A. Location of service areas.

1. All loading docks, refuse disposal areas and other service activities shall be located on block or project interiors away from view of any public street or central project area. Exceptions to this requirement may be approved through the site plan review process when a permit applicant demonstrates that it is not feasible to accommodate these activities on the interior. If such activities are permitted adjacent to a public street or central project areas, a visual screening design approved by the City shall be required. Material used to screen such areas must match the building.

2. Existing and proposed street and access layout and parking areas are to service the intended buildings. Service and loading areas are also to be included and shall be screened from adjacent businesses, the freeway and residential areas. Coordinated maneuvering and loading docks are encouraged between businesses.

B. Benches, bike racks and trash cans. Where determined appropriate by the city along specific streets and access areas, benches, bike racks and trash cans shall be installed according to the approved project design and shall conform to standards and specifications for City approved benches, bike racks and trash cans.

C. Fencing and walls. No fences or walls over two feet in height shall be allowed within the minimum required front setback. Fence materials shall be masonry or wrought iron style metal. Within the Economic Development Area of the city, other materials and sizes may be used upon specific approval of the City.

D. Curb cuts. Curb cuts for alleys or private driveways shall be limited to no more than one per 200 feet of street frontage on all streets. Where UDOT curb cut standards along 2700 North are more restrictive, UDOT standards shall be followed.

E. Merchandise display areas.

1. Fenced merchandise display areas (i.e. garden centers, rock products), visible from a public right-of-way shall use decorative wrought iron fencing and masonry. Additionally, the merchandise display area shall be integrated into the design of the primary structure using one of

the following techniques:

- a. Masonry columns constructed of the same materials and color of the main building, spaced a maximum of twenty-five feet apart and a minimum of six feet high with decorative wrought iron fencing; or
- b. A minimum three foot wall constructed of the same material, color, and style of the main building along the entire length of the fenced storage.

F. Signage. Sign design themes including size, materials and style shall be included for review by the City. The City shall not approve a development proposal without a sign plan. Landscaping that compliments a sign is required.

G. Crime prevention.

1. Commercial development site planning shall integrate the principles of "Crime Prevention through Environmental Design," (CPTED) to the maximum extent practical. Applicants are encouraged to consult with the City Planner and Police Department regarding implementation of CPTED principles to commercial developments. These principles include:

- a. Territoriality. Space within the development and along the edges should be well-defined and delineated to create a sense of ownership, such that intruders and strangers stand out. This may be accomplished through the use of pavement treatments, landscaping, art, signage, screening, fencing, and similar techniques.
- b. Natural Surveillance. Create an environment where it is possible for people engaged in their normal behavior to observe the spaces around them. Maximize a space's visibility through thoughtful design of building orientation, window placement, entrances and exits, landscaping of trees and shrubs, and other physical obstructions. Utilize nighttime illumination of parking lots, walkways, entrances, stairwells, and related areas that promote an environment in which natural surveillance is possible.
- c. Access Control. Plan and implement access control to restrict criminal intrusion, especially in areas where criminal activity cannot be easily observed. Access control may include, but is not limited to, use of fences, walls, landscaping, and lighting to prevent or discourage public access to or from dark or unmonitored areas. In addition, sidewalks, pavement, lighting, and landscaping areas should be used to guide the public to and from primary development entrances and exits.
- d. Activity Support. Create activity support by placing new or existing activities in an area so that individuals engaged in a particular activity become part of the natural surveillance of other areas.
- e. Maintenance. Maintaining landscaping, lighting fixtures, and other features to facilitate the principles of CPTED, territorial reinforcement, natural surveillance, and access control. (Ord. 2010-15, dated 5/25/10)

#### **18.43.250 Traffic Management and Parking.**

A. Traffic management of parking areas shall integrate these areas with the streets and adjacent uses to facilitate the safe flow of traffic.

B. Access control will be evaluated as part of the overall plan using best management practices and City standards. Parking lot access shall be evaluated using the same criteria.

C. Corner lots adjacent to Highway 89 or 2700 North shall have no curb cuts closer than two hundred feet from the corner lot line.

D. Existing and proposed street and access layout and parking areas are to service the intended buildings.

E. Service and loading areas are also to be included and shall be screened from adjacent businesses, the freeway and residential areas.

F. Coordinated maneuvering and loading docks are encouraged between businesses.

G. Unless approved otherwise as part of the development approval based on specific project conditions, all parking areas and numbers of spaces shall meet the requirements of Pleasant View City and/or be consistent with the use.

H. Parking structures shall meet the following standards:

1. Parking structures shall include pedestrian walkways and connections to the sidewalk system. These shall be clearly marked and continuous in design.

2. Parking structures shall contain ground-level retail, office or display windows along all street fronting facades of the parking structure.

3. Parking structures shall be designed with an architectural theme similar to the adjoining structures.

4. Parking stalls located adjacent to walls or columns shall be at least one foot wider than the minimum required width to accommodate door opening clearance and vehicle maneuverability.

I. Existing and proposed street layout and parking areas are to service the intended buildings. Service and loading areas are also to be included and shall be screened from adjacent businesses, highways and residential areas. Coordinated maneuvering and loading docks are encouraged between businesses. (Ord. 2010-15, dated 5/25/10)

#### **18.43.260 Pedestrian and Bicycle Access and Circulation.**

A. Pedestrian accommodation including sidewalks, street furniture, raised bed plantings and other plantings shall be required and maintained year round. Sidewalks shall be constructed of concrete and stamped concrete at driveway intersections and other key pedestrian areas as defined by the City and designed to weave through the front yard landscaping adjacent to the public street. Bus shelters are permitted if they compliment the architectural quality of the buildings. No bus benches are allowed. No advertising is allowed in shelters.

B. A detailed pedestrian circulation plan submitted with all development applications that demonstrates compliance with the following guidelines:

1. Required pedestrian connections. An on-site system of pedestrian walkways shall be designed to provide direct access and connections to and between the following:

a. The primary entrance(s) to each commercial building, including pad site buildings;

b. Any sidewalks or walkways on adjacent properties that extend to the boundaries shared with the commercial development;

c. Any public sidewalk system along streets adjacent to the commercial development;

d. Where applicable, adjacent land uses and developments, including but not limited to adjacent residential developments, retail shopping centers, office buildings, or restaurants; and

e. Where applicable, any adjacent public park, greenway, trail network, or other public or civic use including but not limited to schools, places of worship, public recreational facilities, or government offices.

2. Pedestrian Circulation. No block shall have a length greater than 500 feet unless it incorporates an alley, common drive, access easement, or pedestrian pathway providing through pedestrian access to another street.

3. Pedestrian connections from buildings to parking areas, pad sites, and site amenities. In addition to the connections required above, on-site pedestrian walkways shall connect each primary entrance of a commercial building to:

a. All parking areas or parking structures that serve such primary building;

b. Site amenities or gathering places; and

- c. Transit stops and transit stations. Utah Transit Authority shall be contacted by the applicant during the design process to identify existing and potential transit stops. These stops shall be incorporated into the landscaping and circulation plans for the site.
- 4. Walkways Along Buildings. Continuous pedestrian walkways no less than five feet wide shall be provided along any facade featuring a customer entrance and along any facade abutting customer parking areas. No merchandise displays shall be located within a sidewalk. Pedestrian circulation shall not be obstructed.
- 5. Walkways Through Vehicle Areas shall meet the following guidelines:
  - a. At each point that the on-site pedestrian walkway system crosses a parking lot or internal street or driveway, the walkway or crosswalk shall be clearly marked through the use of a change in elevation or paving materials distinguished by their color, texture, or height. A walkway through the parking lot connecting to the walkway along the primary building shall be required and is subject to City approval. With city approval a walkway through the parking area may be shared by two adjoining parcels and/or another alternative may be considered.
- 6. All ADA requirements shall be met as part of the design of any pedestrian way.
- C. Bicycle Parking. All commercial and mixed use developments shall meet the bicycle parking standards found in this section.
  - 1. Where required along specific streets, benches, bike racks and trash cans shall be installed and shall conform to City engineering standards and specifications for such items.
  - 2. Bicycle parking shall be provided at a ratio consistent with the use and as approved by the city. Generally, there shall be no fewer than two and no more than thirty bicycle parking spaces.
  - 3. Bicycle parking shall not be located where it will obstruct pedestrian movement and circulation. It shall be located at a maximum distance of one-hundred feet of a central building entrance or at least as close as the closest automobile space, excluding handicapped parking spaces.
  - 4. All bicycle racks, lockers, or other facilities shall be securely anchored to the ground or to the structure.
  - 5. Businesses which are solely auto-oriented, such as car washes, may be excluded from the bicycle parking requirements. (Ord. 2010-15, dated 5/25/10)

#### **18.43.270 Public Utilities.**

A. Except as specified in this section, all electrical, communications, cable television service, and other similar distribution wires and/or cables serving all new developments shall be placed underground at the owner or developer's expense. The owner or developer shall be responsible for complying with this requirement and shall make necessary arrangements with each of the servicing utilities for installation of such facilities. Aboveground components, including transformers, terminal boxes, meter cabinets, pedestals, concealed ducts, and other facilities necessarily appurtenant to underground facilities may be placed above ground and shall be screened as approved by the City.

B. As a conditional use permit, the City may waive all or a portion of the underground requirements in a particular case where it is shown, and the City finds, that soil, water table or other conditions make underground installation unreasonable or impractical.

C. The requirements herein shall not apply to low power radio service antennas, electrical transmission lines. (Ord. 2010-15, dated 5/25/10)

#### **18.43.280 Landscaping, Open Space and Streetscapes.**

A. Special Considerations. The City may approve other landscaping, open space and street design treatments that are determined by the City to meet the intent of this chapter.

B. Landscaping.

1. Landscaping plans are required.
2. The ability of the landscaping to enhance the project through interest and variety shall be evaluated.
3. Clustering is encouraged to enhance building architecture and screen parking and loading areas.
4. The interior site landscaping shall be designated to enhance the architecture of the building and aid in the screening of areas that are less visually appealing particularly those adjacent to residential areas.
5. Businesses located adjacent to main streets shall landscape to the shoulder, curb or sidewalk, whichever is closest to the street with approval by the Utah Department of Transportation and the City.
6. Design of the parking areas shall attempt to minimize the large uninterrupted hard surfaced areas with landscaping islands.
7. Landscaping shall integrate the parking areas into the building providing view corridors and pedestrian pathways.
8. Landscaping shall be maintained year round and shall include deciduous trees and bushes and low growing evergreen shrubs. Xeriscape and water conservation designs are encouraged.
9. Landscaping. As a general rule, a minimum of twelve percent of a site shall be landscaped. The City may require greater percentage or allow lesser percentages based on site design, project size, streetscapes, types of uses, and other relevant factors to meet the intent of this chapter.
  - a. Parking areas shall incorporate the use of landscaped islands, strips or other treatments to provide relief from continuous areas of asphalt.
  - b. Landscaped entryway signage or features shall be included.
  - c. All landscaping shall be maintained in a live, healthy, neat and orderly condition, free of weeds, disease, pests and litter. All paved areas, walls and fences shall be in good repair without broken parts, holes, potholes, weeds, litter. Snow and ice shall be removed from pedestrian and parking areas.
  - d. All areas on a site not utilized for building, parking, access, driveways, set aside for future development, or any allowed storage areas, shall be landscaped.

C. Open Space.

1. For nonresidential and mixed-use developments, a minimum of fifteen percent of the net lot area shall be provided on the site for public use open space unless the city determines that the use of the property (such as industrial development or limited general public access) does not warrant such a requirement.
  - a. Required yards and sidewalk widths, which are constructed on private property, may be counted towards this requirement.
  - b. Such public use open space shall include planted areas, fountains, plazas, hardscape elements related to walks and plazas, and similar features which are located on private property but which are generally accessible to the public during the normal business hours.
  - c. Connecting open space between two or more adjacent properties is encouraged.
2. Where open space on two or more adjacent properties is connected and designed as an integrated, useable open space, the required open space percentages may be reduced for nonresidential or mixed-use developments and for residential developments.
3. Developments including a residential component may receive offsets to park impact

fees for dedication of land as a square or civic green.

D. Streetscapes.

1. The purpose of this requirement is to establish a unifying streetscape that identifies the area as a unique gateway to Pleasant View City.

2. All requirements and standards set forth in this chapter shall supersede all other Ordinances for the defined areas unless otherwise stated.

3. This Streetscape requirement shall apply to all property in the specified areas.

4. All streetscape improvements shall be within the area reserved for a standard twenty foot front yard setback and the public right-of-way.

5. All designs affecting 2700 North and Highway 89 are subject to UDOT approval.

E. Trees.

1. All trees shall be selected from the list provided by the City.

2. Street trees shall be required in all areas. The street tree theme shall be the Bradford Pear along 2700 North and a Flowering Crabapple tree along Highway 89.

3. Street trees that do not exceed a height of approximately 30 feet when mature should be planted in the right-of-way below utility lines.

4. Larger trees shall be placed in the landscaped setback outside the area of potential impact to utility lines. This may include islands or bump-out areas that project into the parking lot from the landscaped setback and are designed specifically for tree planting.

5. Trees with red or purple leaves, from the City list, shall be used at the entrances to all developments in the Gateway Areas and along 2700 North and Highway 89 in order to add a distinctive entrance feature.

6. All other trees in the landscape setback shall have leaves that are predominantly green.

E. Buffers and Lighting.

1. A landscaped buffer at least 5 feet wide shall be located between the sidewalk and any development. This buffer shall be used for pedestrian scale lighting, landscaping, or any other City approved purpose that promotes a transition between suburban pedestrian traffic and on-site development.

2. A minimum two foot high berm is required along Highway 89 and 2700 North.

3. Awnings, balconies, signs or similar projections may be permitted at the City's discretion.

4. Pedestrian-scale lighting shall be provided as determined by the City. The style, color and height of the light fixtures shall be uniform along the entire length of the streetscape area, and shall conform to the standards set forth in this chapter.

5. The street pole light designs that exist on the Utah Transit Authority platform at Mountain View Landing shall be used along 2700 North.

6. In addition to security and aesthetic purposes, the light poles shall serve as platforms for hanging banners promoting cultural and civic events. Light poles shall not be utilized for on- or off-premise commercial advertising.

7. The City may dictate the placement of such lighting within the building/parking buffer strip. Light fixtures must be inspected and approved by the City's designee prior to final building occupancy.

F. Maintenance. The property owner shall be responsible for the maintenance of all landscaping on the property, including landscaping in the public right-of-way between the front and/or side property line and the curb. (Ord. 2010-15, dated 5/25/10)

### **Article III Building Guidelines**



**18.43.300 Intention.** It is intended that the requirements for the design and appearance of buildings, including the orientation such buildings on sites, will foster an attractive, functional, safe and inviting environment conducive to business operations. (Ord. 2010-15, dated 5/25/10)

**18.43.310 Special Considerations.** The City may approve other building design treatments that are determined by the City to meet the intent of this chapter. Corporate identity may be taken into consideration but a style using approved materials and execution that is in keeping with the intent of these requirements and compatible with other uses in the area will be expected. (Ord. 2010-15, dated 5/25/10)

**18.43.320 General Building Guidelines.**

A. Buildings shall be oriented to and have at least one primary entrance facing the street or central circulation area.

B. Ground floor street facing facades shall be distinguished from other floors through the use of at least one of the following techniques: architectural banding, cornice treatment, color change, material change, or recessed upper floors. (Ord. 2010-15, dated 5/25/10)

C. A building relief, building articulation, building design or roof treatment as listed in the sections below shall only be counted once when assessing compliance with the minimum number of treatments required. For example, if a building has an arcade, the arcade can count only as a building relief treatment and not a building design treatment.

D. All facades of a building shall be designed with consistent architectural style, detail, and trim features of the primary facade. A traditional style is required.

E. Existing and proposed street and/or circulation layout and parking areas are to service the intended buildings. Service and loading areas are also to be included and shall be screened from adjacent businesses, highways and residential areas. Coordinated maneuvering and loading docks are encouraged between businesses.

F. Pedestrian accommodation including sidewalks, street furniture, raised bed plantings and other plantings shall be required and maintained year round. Sidewalks shall be constructed of concrete and stamped concrete at driveway intersections and other key pedestrian areas as defined by the Planning Commission and designed to weave through the front yard landscaping adjacent to the public street. Bus shelters are permitted if they compliment the architectural quality of the buildings. No bus benches are allowed. No advertising is allowed in shelters.

G. Drive through windows. All buildings with a drive-through window must incorporate one of the guidelines listed:

1. A permanent, covered porte-cochere structure over the drive-through window that is the width of the drive, and of a length consistent with the use, and integrated structurally and architecturally into the design of the building.

2. A permanent cover over the drive-through window that is at least three feet wide, ten feet in length and integrated structurally and architecturally into the design of the building.

3. Incorporate the drive-through area as part of a multi-level building where the drive-through is covered by one or more floors of the building and comprises no more than fifty percent of the area of the floor on which it is located.

H. Where shopping carts are placed outdoors adjacent to the primary facade of the building, such shopping carts shall be screened by a wall a minimum of four feet in height. The exterior facade of the wall shall be treated consistently with the primary facade.

I. Traditional exterior architectural styles are preferred.

J. Corporate identity may be taken into consideration but a style using approved materials and execution that is in keeping with the intent of these requirements and compatible with other uses in the area will be expected. (Ord. 2010-15, dated 5/25/10)

**18.43.330 Building Relief.**

A. Primary facades shall incorporate two, and secondary facades one, of the following building relief treatments (or other treatments determined by the city to meet the intent of this section):

1. Expression of a vertical architectural treatment with a minimum width of twenty-four inches and a minimum depth of two inches placed an average of forty feet apart for facades with a width of two hundred feet or more, or thirty feet apart for facades with a width less than two hundred feet.
2. Building setbacks, offsets or projections with a minimum of ten feet in width and two feet in depth placed:
  - a. an average of one hundred feet apart for facades with a width of two hundred feet or more or fifty feet apart for facades with a width less than two hundred feet.
  - b. an average of eighty feet apart for buildings greater than 20,000 square feet or forty feet apart for buildings less than 20,000 square feet.
3. A primary customer entrance. Primary customer entrances must feature no less than two of the following elements: canopies or porticos, overhangs, recesses/projections, arcades, raised cornice parapets over the door, peaked roof forms, arches, outdoor patios and architectural details such as tile work and moldings which are integrated into the building structure.
4. Arcades or colonnades a minimum of six feet deep with a minimum column width or diameter of twelve inches, or other roof treatments that provide shade and/or a break in the vertical plane along at least fifty percent of the width of a facade.
5. Awnings, associated with windows and/or doors along at least fifty percent of the width of a facade. Awnings must be in detached increments as opposed to one continuous awning. (Ord. 2010-15, dated 5/25/10)

**18.43.340 Building Articulation.**

A. Primary facades shall incorporate three and secondary facades two of the following building articulation treatments (or other treatments determined by the city to meet the intent of this section):

1. Ornamental and structural details that are integrated into the building structure.
2. A texture and/or material change applied to at least twenty-five percent of the facade.
3. Decorative parapet.
4. Architectural banding.
5. Cornice other than that at the top of the building.
6. Rounded design at street corners.
7. Pattern change applied to at least twenty percent of the area of a facade dedicated to a single material. (Example: changing brick work from face brick to soldier course or basket weave pattern.)
8. Arches or arched forms. (Ord. 2010-15, dated 5/25/10)

**18.43.350 Building Design Treatments.**

A. Primary facades shall incorporate three, and secondary facades two, of the following building design treatments (or other treatments determined by the city to meet the intent of this section):

1. Color change applied to at least twenty percent of the facade.
2. Texture and/or material change applied to at least twenty percent of the facade.
3. Architectural banding.
4. Display windows a minimum of six feet high along at least fifty percent of the horizontal length of the first story of a facade.
5. Windows covering at least forty percent of a facade.
6. Arches or arched forms.

7. Ornamental and structural details that are integrated into the building structure.
8. Murals, which must be pre-approved by the City, which enhance the natural beauty of the surroundings or depict appropriate themes.
- B. All facades of a building shall be designed with consistent architectural style, detail, and trim features of the primary facade. Traditional style architecture is encouraged.
- C. Separate structures (accessory building, carwash, cashiers booth, canopies over gas pumps, etc.) on the site shall have the same architectural detail, design elements and roof design as the primary structure, including a comparable pitch or parapets for roofs, same cornice treatment, same materials and colors, etc.
- D. All materials selected must be of superior quality, in keeping with the intent of these requirements. All materials and colors must be submitted by the applicant for review and consideration by the city. (Ord. 2010-15, dated 5/25/10)

**18.43.360 Building Height.** All buildings shall meet the following guidelines:

- A. The maximum building height for buildings shall be three stories or 36 feet.
- B. The minimum building height shall be fourteen feet from the average elevation of the corners at finished grade, to the highest point on the roof.
- C. The minimum building height for accessory buildings shall be twelve feet. (Ord. 2010-15, dated 5/25/10)

**18.43.370 Building Materials.**

- A. All building exterior materials shall meet the requirements of this chapter.
- B. All buildings shall be constructed using the requirements for each specific designated area. Generally, primary facades shall include stucco, stone, brick, Hardiplank or split face block as per the requirements of each section. Unfinished, uncolored or gray concrete block is excluded from all areas. Concrete buildings may be considered provided significant relief and other features are incorporated in the design, as determined by the city.
- C. All desired materials and colors must be presented to the city on a materials presentation board for review and consideration. All materials selected must be of superior quality, in keeping with the intent of these requirements. All materials and colors must be submitted by the applicant for review and consideration by the city.
- D. Side and rear facing metal facades may only be used in areas not abutting Highways and where out of the general public view. (Ord. 2010-15, dated 5/25/10)

**18.43.380 Building Colors.**

- A. The color of all commercial and mixed use buildings is subject to City approval.
- B. The dominant overall color scheme of the building shall generally be subtle, subdued, low reflectance, neutral or earth tones.
- C. Fluorescent, primary or metallic colors are only allowed as lettering for signage. (Ord. 2010-15, dated 5/25/10)

**18.43.390 Roof Treatments.**

- A. All roofs on commercial buildings shall meet at least two of the following requirements:
  1. A three-dimensional cornice treatment along all facades, a minimum of twelve inches high, having a variety of thickness in relief.
  2. Roof overhangs on at least the primary facade that extend at least three feet beyond the supporting walls.
  3. A sloping roof, such as a gable, hip or mansard, that does not exceed the average height of the supporting walls, with an average pitch of 4:12 or greater.

4. For sloping roofs, two or more roof planes on the primary facade.
5. Roof projections such as cupolas, clock towers or bell towers.
6. On flat roofs, decorative parapets along primary and secondary facades that are at least three feet in height above the finished roof, or that are high enough to block the view of any mechanical equipment, are required for all buildings.
- B. Any mechanical equipment is required to be screened from view on all buildings.
- C. Where pitched roofs are used, the eaves or roof edges must be setback at least five feet from any public sidewalk not inside the overhang.
- D. All colors, roof treatments and materials selected must be of superior quality, in keeping with the intent of these requirements. All materials and colors must be submitted by the applicant for review and consideration by the city. (Ord. 2010-15, dated 5/25/10)

#### **Article IV Gateway West Area**

**18.43.400 Description.** As depicted in the City General Plan, Gateway West Area is the entrance to the City from 1-15 extending east on 2700 North to roughly 900 West. This area should include uses with creatively designed structures, following an architecturally unique model or theme, and other innovative features and amenities that welcome visitors and provide a showcase for the City. Uses such as freeway-oriented retail, big-box retail, grocery stores, etc., are recommended in this district. Due to the close proximity of these areas to the transportation hub, Transit Oriented Development guidelines and standards could be applicable. (Ord. 2010-15, dated 5/25/10)

**18.43.410 Intention.**

- A. This area is intended to provide a full range of office, restaurant, retail commercial and service uses which are oriented to serve the City as a whole.
- B. The area is intended to provide for specific uses in a planned commercial setting which will be compatible and complimentary with adjacent uses including nearby residential neighborhoods and will promote a high level of architectural and landscaping excellence.
- C. Enhancements of the architectural quality and landscaping themes are required. (Ord. 2010-15, dated 5/25/10)

**18.43.420 Special Considerations.** The City may approve any design, site, building and streetscape treatments that are determined by the City to meet the intent of this chapter. (Ord. 2010-15, dated 5/25/10)

**18.43.430 General Standards.**

- A. Relationships to surrounding uses shall be considered in respect to the scale and massing of the proposed uses.
- B. Multiple story or buildings higher than 20 feet shall be further separated from residential areas in both distance and screening.
- C. Architectural style, colors and materials will be assessed in order to maintain a consistent quality throughout the area. Traditional architectural styles are encouraged.
- D. All materials selected must be of superior quality, in keeping with the intent of these requirements. All materials and colors must be submitted by the applicant for review and consideration by the city.
- E. Uses shall incorporate within their plans street side windows and pedestrian leisure spaces. Colors and building materials must be compatible with the approved uses.

- F. Shopping centers shall be designed as an integrated development.
- G. Visual variety and high quality materials with compatible color schemes are required. Such quality of building design, materials and colors are intended to enhance the area.
- H. Street side, first floor retail shall be encouraged in office areas.
- I. Uses such as a motel/hotel shall include internal room access.
- J. If a development has underlying codes, covenants, restrictions, or other private contractual agreements that are standard above and beyond the City's requirements, the development shall secure approval of the various organizations prior to making application to the City.
- K. Special site amenities. Emphasis should be placed on providing site amenities to include courtyards, plazas, fountains, pedestrian sections, monuments, sculpture, and art.
- L. Outside storage is not permitted along the main streets.
- M. Vertical elements. Multi-story buildings are encouraged but shall not exceed three stories.
- N. Special considerations may be made by the City for those areas within a TOD zone and are encouraged. (Ord. 2010-15, dated 5/25/10)

#### **18.43.440 Buildings.**

- A. Building exteriors in the Gateway West Area shall be brick, stucco, stone and and/or Hardiplank.
  - 1. No more than thirty percent of a building exterior shall be stucco.
  - 2. No more than sixty percent of a building exterior shall be glass.
- B. In order to achieve the architectural quality, no metal buildings will be permitted. The use of metal as accents or split face block in construction may be considered if it enhances the architectural quality of the structure.
- C. Awnings shall be metal, glass, canvas cloth or equivalent.
- D. Concrete buildings may be considered provided significant relief and other features are incorporated in the design, as determined by the city.
- E. Building construction and design reflecting a traditional style, shall be used to create a structure with substantially equal attractive sides of high quality, rather than placing all emphasis on the front elevation of the structure and neglecting or downgrading the aesthetic appeal of the side elevations of the structure.
- F. Any accessory buildings and enclosures, whether attached to or detached from the main building, shall be of compatible design and materials.
- G. Building setbacks are encouraged to exceed a twenty foot minimum setback with a suitable landscaped area to provide a visually pleasing street frontage.
  - 1. Retail sales and restaurants are to have street and/or central area side windows and pedestrian leisure spaces. (Ord. 2010-15, dated 5/25/10)

#### **18.43.450 Lighting.**

- A. Site and security lighting shall be designed to enhance the architectural quality of the development.
- B. Screening of lights from residential areas is required and glare from traffic areas shall be minimized.
- C. Lighting consistency utilizing a design approved for the entire area shall be required in the parking lots, near sidewalks and in the landscaping.
- D. The street pole light designs that exist on the Utah Transit Authority platform at Mountain View Landing shall be throughout the Gateway West area.
- E. Up-lighting on buildings is encouraged.
- F. No lights shall be used that are unnecessary for regular business, particularly after 10:00 P.M. Lights that are in the vicinity of residential neighborhoods will be restricted.

G. Bollards illuminating pedestrian access walkways are required. (Ord. 2010-15, dated 5/25/10)

## **Article V**

### **Gateway North Area**

**18.43.500 Description.** As depicted in the City General Plan, Gateway North Area is the entrance to the City on north US 89. This area should include uses with creatively designed structures, following an architecturally unique model or theme, and other innovative features and amenities that welcome visitors and provide a showcase for the City. (Ord. 2010-15, dated 5/25/10)

**18.43.510 Intention.**

1. This area is intended to provide, on the hill side of the highway, some limited office and retail facilities that are more in the nature of neighborhood commercial uses. On the lake side of the highway, some low scale commercial/industrial uses are envisioned along with retail uses of a regional scale.

2. The area is intended to provide for specific uses in a planned commercial setting which will be compatible and complimentary with adjacent uses including nearby residential neighborhoods and will promote a high level of architectural and landscaping excellence.

3. Enhancements of the architectural quality and landscaping themes are required. (Ord. 2010-15, dated 5/25/10)

**18.43.520 Special Considerations.** The City may approve any design, site, building and streetscape treatments that are determined by the City to meet the intent of this chapter. (Ord. 2010-15, dated 5/25/10)

**18.43.530 General Standards.**

1. Relationships to surrounding uses shall be considered in respect to the scale and massing of the proposed uses.

2. Visual variety and high quality materials with compatible color schemes are required. The quality of building materials and colors are intended to enhance the Gateway. All materials selected must be of superior quality, in keeping with the intent of these requirements. All materials and colors must be submitted by the applicant for review and consideration by the city. (Ord. 2010-15, dated 5/25/10)

**18.43.540 Buildings.**

1. Building exteriors in this area shall be determined by the City. The use of brick, stucco, stone and or Hardiplank is preferred.

2. Metal or concrete buildings may be considered provided significant relief and other features are incorporated in the design, as determined by the city.

3. Building construction and design should create a structure with substantially equally attractive sides of high quality, rather than placing all emphasis on the front elevation of the structure and neglecting or downgrading the aesthetic appeal of the side elevations of the structure.

4. Any accessory buildings and enclosures, whether attached to or detached from the main building, shall be of similar design and materials.

5. Building setbacks are encouraged to exceed a 20 foot minimum setback with a suitable landscaped area to provide a visually pleasing street frontage. (Ord. 2010-15, dated 5/25/10)

## **Article VI**

### **Mixed Use West Area**

**18.43.600 Description.** As depicted in the City General Plan, Mixed Use West Area is north of 2700 North to the north City boundary between the railroad tracks and I-15 and includes the Transit Oriented Development (TOD) areas. It also includes the area along Highway 89 south of 2550 North. This area is designated for general commercial and light manufacturing, as well as retail and office particularly along Highway 89 and adjacent to the Freeway, and could include high density residential and mixed uses. As it includes the TOD areas, incorporation of those uses and designs is intended and encouraged. (Ord. 2010-15, dated 5/25/10)

**18.43.610 Intention.**

A. The Mixed Use West Areas are intended to encourage commercial and industrial uses in a planned, aesthetically pleasing business park setting, which are compatible both in architecture and landscaping to other uses in the zone.

B. Retail services, professional business parks and manufacturing industrial uses are promoted when they are complementary and can function as a unified cohesive development with adjacent uses. Mixed use may be considered as well as Transit Oriented Development.

C. The Area promotes a moderate level of architectural quality and includes landscaped street themes. (Ord. 2010-15, dated 5/25/10)

**18.43.620 Special Considerations.** The City may approve any design treatments that are determined by the City to meet the intent of this chapter and in keeping with the nature of the site and building uses. (Ord. 2010-15, dated 5/25/10)

**18.43.630 General Standards.**

A. Development within the Area shall be evaluated based on the criteria and information found herein and in this chapter.

B. All buildings shall be designed and constructed with architectural features on all sides.

C. All buildings shall be constructed using a masonry or concrete component on the front facade and approved materials on the remainder which may include but is not limited to; architectural patterned or textured, concrete, metal, colored cinder block and split face block.

D. All materials selected must be of superior quality, in keeping with the intent of these requirements. All materials and colors must be submitted by the applicant for review and consideration by the city.

E. TOD development shall adhere to TOD requirements and appropriate requirements of this chapter that supplement and enhance TOD development, as determined by the City. (Ord. 2010-15, dated 5/25/10)

**18.43.640 Parking.**

A. The design of parking areas shall minimize the large uninterrupted hard surfaced areas with landscaping islands including trees.

B. Pedestrian pathways from public sidewalks to the buildings and through parking areas are required.

C. Access control will be evaluated per an access management plan.

D. Pedestrian/bicycle accommodation, including trails, sidewalks, street furniture, and appropriate plantings, shall be required as appropriate to the use. (Ord. 2010-15, dated 5/25/10)

**18.43.650 Lighting.**

A. Site and security lighting shall be designed to enhance the architectural quality of the

development.

B. Lighting consistency utilizing a design approved for the entire Mixed Use West area zone shall be required along public sidewalks.

C.. Pedestrian-scale lighting along public sidewalks is required.

D. Screening lights from residential areas is required and glare from traffic areas shall be minimized.

E. Uplighting on buildings and signs is encouraged. No lights shall be used that are unnecessary for business, particularly after 9:00 P.M. Lights that are in the vicinity of residential neighborhoods will be restricted. (Ord. 2010-15, dated 5/25/10)

#### **18.43.660 Special Requirements.**

A. Outside storage shall be limited to, generally, a maximum of twenty percent of the site.

1. Screening of storage will be required by esthetic fencing.

2. Screening must be compatible with the buildings.

3. Vehicles or equipment displayed that are regularly used in business operations are not considered outside storage. (Ord. 2010-15, dated 5/25/10)

### **Article VII Mixed Use Central Area**

**18.43.700 Description.** As depicted in the City General Plan, Mixed Use Central Area is along the west side of US 89 extending from the north end of the TOD district to the north city boundary and roughly 2800 to 2550 north between the RR tracks and the Mixed Use East boundary. It overlaps the central and north Gateway areas. This area is intended for general commercial uses and could include medium to high density residential along with mixed uses. (Ord. 2010-15, dated 5/25/10)

#### **18.43.710 Intention.**

A. The Mixed Use Central Area is intended to encourage commercial, office, retail and small business manufacturing uses in a planned, aesthetically pleasing business park setting, which are compatible both in architecture and landscaping to other uses in the zone.

B. Retail service professional business parks and manufacturing uses are promoted when they are complementary and can function as a unified cohesive development with adjacent uses, particularly residential.

C. The Area promotes a high level of architectural quality, including landscaped street themes.

D. Quality of materials, design excellence, and appropriate land uses are the foundation of this Zone. (Ord. 2010-15, dated 5/25/10)

**18.43.720 Special Considerations.** The City may approve any design treatments that are determined by the City to meet the intent of this chapter. (Ord. 2010-15, dated 5/25/10)

#### **18.43.730 General Standards.**

A. Relationships to surrounding uses shall be considered in respect to the scale and massing of the proposed uses.

B. Multiple story or buildings higher than 20 feet shall be further separated from residential areas in both distance and screening.

C. Architectural style, colors and materials will be assessed in order to maintain a consistent quality throughout the area. Traditional architectural styles are encouraged.

D. All materials selected must be of superior quality, in keeping with the intent of these requirements. All materials and colors must be submitted by the applicant for review and consideration by



the city.

E. Uses shall incorporate within their plans street side windows and pedestrian leisure spaces. Colors and building materials must be compatible with the approved uses.

F. Shopping centers shall be designed as an integrated development.

G. Visual variety and high quality materials with compatible color schemes are required. Such quality of building design, materials and colors are intended to enhance the area.

H. Street side, first floor retail shall be encouraged in office areas.

I. Uses such as a motel/hotel shall include internal room access.

J. If a development has underlying codes, covenants, restrictions, or other private contractual agreements that are standard above and beyond the City's requirements, the development shall secure approval of the various organizations prior to making application to the City.

K. Special site amenities. Emphasis should be placed on providing site amenities to include courtyards, plazas, fountains, pedestrian sections, monuments, sculpture, and art.

L. Outside storage is not permitted along the main streets. (Ord. 2010-15, dated 5/25/10)

#### **18.43.740 Buildings.**

A. Building exteriors in the Area shall be brick, stucco, stone and or Hardiplank.

1. No more than thirty percent of a building exterior shall be stucco.

2. No more than sixty percent of a building exterior shall be glass.

B. Awnings shall be metal, glass, canvas cloth or equivalent.

C. Concrete or metal buildings may be considered provided significant relief and other features are incorporated in the design, as determined by the city.

D. Building construction and design reflecting a traditional style, shall be used to create a structure with substantially equal attractive sides of high quality, rather than placing all emphasis on the front elevation of the structure and neglecting or downgrading the aesthetic appeal of the side elevations of the structure.

E. Any accessory buildings and enclosures, whether attached to or detached from the main building, shall be of compatible design and materials.

F. Building setbacks are encouraged to exceed a 20 foot minimum setback with a suitable landscaped area to provide a visually pleasing street frontage. (Ord. 2010-15, dated 5/25/10)

#### **18.43.750 Lighting.**

A. Site and security lighting shall be designed to enhance the architectural quality of the development.

B. Screening of lights from residential areas and glare from traffic areas shall be minimized.

C. Lighting consistency utilizing a design approved for the entire area shall be required in the parking lots, near sidewalks and in the landscaping.

D. Uplighting on buildings is encouraged.

E. No lights shall be used that are unnecessary for regular business, particularly after 10:00 P.M. Lights that are in the vicinity of residential neighborhoods will be restricted. (Ord. 2010-15, dated 5/25/10)

### **Article VIII Mixed Use East Area**

**18.43.800 Description.** As depicted in the City General Plan, Mixed Use East Area is designated to promote a mix of commercial and residential uses along 2700 North from approximately 900 West to the east city boundary and including 2550 North. The mix should consist of office, retail, restaurant, and housing developed in a coordinated, complimentary fashion with significant public spaces and amenities. (Ord. 2010-15, dated 5/25/10)

**18.43.810 Intention.**

- A. This area is intended to provide a range of mixed uses focusing on retail and office commercial but including residential components.
- B. The area is intended to provide for specific uses in a planned commercial setting which will be compatible and complimentary with adjacent uses including nearby residential neighborhoods and will promote a high level of architectural and landscaping excellence.
- C. Enhancements of the architectural quality and landscaping themes are required.
- D. Streetscape treatments are required. (Ord. 2010-15, dated 5/25/10)

**18.43.820 Special Considerations.** The City may approve any design, site, building and streetscape treatments that are determined by the City to meet the intent of this chapter. (Ord. 2010-15, dated 5/25/10)

**18.43.830 General Standards.**

- A. Relationships to surrounding uses shall be considered in respect to the scale and massing of the proposed uses.
- B. Multiple story or buildings higher than 20 feet shall be further separated from residential areas in both distance and screening.
- C. Architectural style, colors and materials will be assessed in order to maintain a consistent quality throughout the area. Traditional architectural styles are encouraged.
- D. All materials selected must be of superior quality, in keeping with the intent of these requirements. All materials and colors must be submitted by the applicant for review and consideration by the city.
- E. Uses shall incorporate within their plans street side windows and pedestrian leisure spaces. Colors and building materials must be compatible with the approved uses.
- F. Shopping centers shall be designed as an integrated development.
- G. Visual variety and high quality materials with compatible color schemes are required. Such quality of building design, materials and colors are intended to enhance the area.
- H. Street side, first floor retail shall be encouraged in office areas.
- I. Uses such as a motel/hotel shall include internal room access.
- J. If a development has underlying codes, covenants, restrictions, or other private contractual agreements that are standard above and beyond the City's requirements, the development shall secure approval of the various organizations prior to making application to the City.
- K. Special site amenities. Emphasis should be placed on providing site amenities to include courtyards, plazas, fountains, pedestrian sections, monuments, sculpture, and art.
- L. Outside storage is not permitted along the main streets. (Ord. 2010-15, dated 5/25/10)

**18.43.840 Buildings.**

- A. Building exteriors in the Area shall be brick, stucco, stone and or Hardiplank.
  - 1. No more than thirty percent of a building exterior shall be stucco.
  - 2. No more than sixty percent of a building exterior shall be glass.
- B. In order to achieve the architectural quality, no metal buildings will be permitted. The use of metal as accents or split face block in construction may be considered if it enhances the architectural quality of the structure.
- C. Awnings shall be metal, glass, canvas cloth or equivalent.
- D. Concrete buildings may be considered provided significant relief and other features are incorporated in the design, as determined by the city.
- E. Building construction and design reflecting a traditional style, shall be used to create a structure with substantially equal attractive sides of high quality, rather than placing all emphasis on the

front elevation of the structure and neglecting or downgrading the aesthetic appeal of the side elevations of the structure.

F. Any accessory buildings and enclosures, whether attached to or detached from the main building, shall be of compatible design and materials.

G. Building setbacks are encouraged to exceed a twenty foot minimum setback with a suitable landscaped area to provide a visually pleasing street frontage.

H. Retail sales and restaurants are to have street side windows and pedestrian leisure spaces. (Ord. 2010-15, dated 5/25/10)

#### **18.43.850 Lighting.**

A. Site and security lighting shall be designed to enhance the architectural quality of the development.

B. Screening of lights from residential areas is required and glare from traffic areas shall be minimized.

C. Lighting consistency utilizing a design approved for the entire area shall be required in the parking lots, near sidewalks and in the landscaping.

D. The street pole light designs that exist on the UTA platform at Mountain View Landing shall be used for the Gateway East area.

E. Uplighting on buildings is encouraged.

F. No lights shall be used that are unnecessary for regular business, particularly after 10:00 P.M. Lights that are in the vicinity of residential neighborhoods will be restricted.

G. Bollards illuminating pedestrian access walkways are required. (Ord. 2010-15, dated 5/25/10)

### **Article IX Neighbor Commercial Areas**

**18.43.900 Description.** As depicted in the City General Plan, Neighborhood commercial Areas are scattered in the residential areas of the city and should include limited size uses that provide services to the neighborhoods in which located. These areas should include uses with creatively designed structures and sites, following an architecturally unique model or theme, and other innovative features and amenities that welcome visitors and provide a showcase for the City. Special consideration should be given to the designs of these locations to insure compatibility with adjacent uses and to limit the impact to residential areas. Appropriate elements of the design requirements found in this chapter shall apply. City approval regarding appropriate compliance with building design and site layout elements of this chapter are required. (Ord. 2010-15, dated 5/25/10)

#### **18.43.910 Special Requirements.**

A. Corner lots adjacent to HWY 89 or 2700 North shall have no curb cuts closer than 200 feet from the corner lot line. Along all other streets, a minimum of 150 feet shall be required. (Ord. 2010-15, dated 5/25/10)

## Chapter 18.44 - Off-Street Parking and Loading

**18.44.010 Off-Street Parking Required.** There shall be provided at the time of erection of any building or at the time any main building is enlarged or increased in capacity, minimum off-street parking space with adequate provisions for ingress and egress by standard sized automobiles as provided in this chapter. (Ord. 87-17.03 (part), 1987: prior code §34-15-1)

**18.44.020 Parking Space-Dwelling.** In all residential zones there shall be provided in a private garage, or in an area properly located for a future garage, space for the parking of one automobile for each dwelling unit in a new dwelling, or each dwelling, or each dwelling unit added in the case of the enlargement of an existing building.  
(Ord. 87-17.03 (part), 1987: prior code §34-15-2)

**18.44.030 Parking Space-Buildings or Uses Not Dwellings.** For a new building, or for any enlargement or increase in seating capacity, floor area or guest rooms of any existing main building, there shall be at least one permanently maintained parking space of not less than one hundred sixty square feet net area, as follows:

A. For church, school, college and university auditoriums and for theaters, general auditoriums, stadiums and other similar places of assembly, at least one parking space for every ten fixed seats provided in the buildings or structures.

B. For hospitals, at least one parking space for each two beds' capacity, including infants' cribs and children's beds. For medical and dental clinics, at least ten parking spaces, provided that three additional parking spaces shall be provided for each doctor or dentist having offices in such clinic in excess of three doctors or dentists.

C. For tourist courts and apartment motels, at least one parking space for each individual sleeping or living unit; for hotels and apartment hotels at least one parking space for each two sleeping rooms, up to and including the first twenty sleeping rooms, and one parking space for each three sleeping rooms over twenty sleeping rooms.

D. For boarding houses, lodging houses, dormitories, fraternities or sororities, at least one parking space for every three persons for whose accommodation the building is designed or used.

E. For restaurants or establishments that serve meals, lunches or drinks to patrons either in their cars or in the building, for retail stores selling directly to the public, and for dance halls and recreational places of assembly at least one space for each two hundred square feet of floor space in the building, or one space for each two employees working on the highest employment shift, or five parking spaces, whichever requirement is greater.

F. For mortuaries, at least thirty parking spaces; for liquor stores at least twenty parking spaces.

G. For all business or industrial uses not listed in this section, one parking space for each two employees working on the highest employment shift.

(Ord. 87-17.03 (part), 1987: prior code §34-15-3)

**18.44.040 Location of Parking Space.** Parking space as required above shall be on the same lot with the main building, or, in the case of buildings other than dwellings, may be located within the same block not farther than five hundred feet therefrom.  
(Ord. 87-17.03 (part), 1987: prior code §34-15-4)

**18.44.050 Parking Lot Regulations.** Every parcel of land hereafter used as a parking lot shall be paved with an asphaltic or concrete surfacing and shall have appropriate bumper guards where needed as determined by the building inspector. Any lights used to illuminate the parking area

shall be so arranged to reflect the light away from adjoining premises in any residential zone. Wherever a parking lot is located adjacent to a residential zone boundary there shall be provided a solid wall or compact evergreen hedge or uniformly painted board fence not less than four feet in height not to exceed six feet in height on the residential boundary side. (Ord. 87-17.03 (part), 1987: prior code §34-15-5)

**18.44.060 Off-Street Truck Loading Space.** On the same premises with every building, structure or part thereof, erected and occupied, or increased in capacity after the effective date of the ordinance codified in this title, for manufacturing, storage, warehouse, goods display, department store, grocery, hotel, hospital, mortuary, laundry, dry cleaning or other use similarly involving the receipt of distribution by vehicles of materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading services in order to avoid undue interference with public use of the streets or alleys. Such space, unless otherwise adequately provided for shall include a minimum ten foot by twenty-five foot loading space with a minimum of fourteen foot height clearance, for every twenty thousand square feet or fraction thereof in excess of three thousand square feet of building-floor use for above-mentioned purposes, or for every twenty thousand square feet or fraction thereof in excess of three thousand square feet of land-use for above-mentioned purposes. (Ord. 87-17.03 (part), 1987: prior code §34-15-6)

## Chapter 18.46 - Motor Vehicle Access

**18.46.010 Business Requiring Access.** Service stations, roadside stands, public parking lots and all other business requiring motor vehicle access shall meet the requirements as provided in this chapter. (Ord. 87-17.03 (part), 1987: prior code §34-16-1)

**18.46.020 Roadways-Curbs.** Access to the station or other structure or parking lot shall be controlled as follows:

A. Access shall be not more than two roadways for each one hundred feet or fraction thereof of frontage on any street.

B. No two of the roadways shall be closer to each other than twelve feet; and no roadway shall be closer to a side property line than three feet.

C. Each roadway shall be not more than thirty-six feet in width.

D. No roadway shall be closer than twenty feet to the point of intersection of two property lines at any street corner.

E. In all cases where there is an existing curb and gutter or sidewalk on the street, the applicant for a permit shall provide a safety island along the entire frontage of the property except for permitted roadways; concrete curbs shall be constructed and height, location and structural specifications shall be approved by the city engineer.

F. Where there is no existing curb and gutter or sidewalk the applicant shall install such safety island and curb, or, in place thereof, construct along the entire length of the property line, except in front of the permitted roadways, a curb, fence, or pipe rail not exceeding two feet or less than eight inches in height. (Ord. 87-17.03 (part), 1987: prior code §34-16-2)

**18.46.030 Gasoline Pump Location.** Gasoline pumps shall be set back not less than eighteen feet from any street line to which the pump island is vertical and twelve feet from any street line to which the pump island is parallel, and not less than ten feet from a residential or agricultural zone boundary line. If the pump island is set at an angle on the property, it shall be so located that automobiles stopped for service will not extend over the property line. (Ord. 87-17.03 (part), 1987: prior code §34-16-3)

## Chapter 18.48 - Public Utility Substations

**18.48.010 Public Utility Substations.** In all residential zones, public utility substations shall meet the requirements of this chapter. (Ord. 87-17.03 (part), 1987: prior code §34-17-1)

**18.48.020 Lot Area.** Each public utility substation in a residential zone shall be located on a lot not less than two thousand square feet in area.  
(Ord. 87-17.03 (part), 1987: prior code §34-17-2)

**18.48.030 Yard.** Each public utility substation in a residential zone shall be provided with a yard on each of the four sides of the building not less than five feet in width, except that for such stations located on lots fronting on a street abutted by one or more residential lots, the front yard, side yards, and rear yard shall equal those required for a single-family residence in the same zone.  
(Ord. 87-17.03 (part), 1987: prior code §34-17-3)

**18.48.040 Street Access.** Each public utility substation in a residential zone shall be located on a lot which has adequate access from a street, alley or easement.  
(Ord. 87-17.03 (part), 1987: prior code §34-17-4)

**18.48.050 Location to Be Approved.** The location of public utility substations in a residential zone must be approved by the city council after recommendation by the planning commission. (Ord. 87-17.03 (part), 1987: prior code §34-17-5)

## Chapter 18.50 - Nonconforming Buildings and Uses

**18.50.010 Purpose and Objectives.** The purpose of this section is to control and gradually eliminate those uses of land or buildings, which, although legal at the time of their establishment, do not now conform to the use, height, location, and similar regulations of the district within which they are situated. (Ord 95-16, 12/12/95: prior codes Ord. 87-17.03 (part), 1987 and §34-18-1)

**18.50.020 Continuing Existing Uses.** Except as hereinafter specified, any use, building, or structure, lawfully existing at the time of the enactment or subsequent amendment of this ordinance, may be continued, even though such use, building, or structure does not conform with the provisions of this ordinance for the district in which it is located. Except as otherwise provided by law, nothing in this chapter shall prevent or discourage the strengthening or restoring to a safe condition or any part of any building or structure declared unsafe by proper authority. (Ord 95-16, 12/12/95: prior codes Ord. 87-17.3 (part), 1987 and §34-18-2)

**18.50.030 Construction Approved Prior To Enactment.** A building, structure, or part thereof which does not conform to the regulations for the district in which it is situated, but for which a building permit was issued and construction started prior to the enactment of this title (or a substantially similar preceding provision), may be completed in accordance with such plans, provided work is prosecuted continuously and without delay. Such building shall be deemed to be nonconforming and shall be subject to the regulations set forth herein. (Ord. 95-16, 12/12/95: prior code Ord. 87-17.03 (part), 1987 and §34-18-3)

**18.50.040 Nonconforming Uses, Substitution, Extension.** A nonconforming use shall not be enlarged, extended, or changed unless the use is changed to a use permitted in the district in which it is located, and a nonconforming building shall not be reconstructed or structurally altered unless such alteration results in removing those conditions of the building which render it nonconforming, except as follows:

A. More Desirable. When authorized by the city council in consideration of the prior recommendation of the planning commission, and in accordance with this title, a nonconforming use which is determined to be of a more desirable nature may be substituted for another nonconforming use.

B. Repairs. Repairs and structural alterations necessary for building safety may be made to a nonconforming building provided that the floor area of such building is not increased.

C. Maintenance permitted. Nonconforming buildings or structures may be maintained.

D. Within Building. A nonconforming use may be extended to include the entire floor area of the existing building in which it is conducted at the time the use became nonconforming.

E. Force Majeure. A nonconforming building or structure which is damaged or partially destroyed by fire, flood, wind, earthquake, or other calamity or act of nature or the public enemy, may be restored. The occupancy or use of such building structure or part thereof which existed at the time of such partial destruction may be continued or resumed provided that such restoration is started within a period of one year and is diligently prosecuted to completion within a period of two years. No reconstruction shall be made, except in the case of residences or accessory farm buildings, unless every portion of such building or structure is made to conform to all regulations for new buildings in the zone in which it is located, as determined by the planning director. (Ord. 95-16, 12/12/95: prior



code Ord. 87-17.03 (part), 1987 and prior code §34-18-4)

**18.50.050 Cessation of Use.** A use shall be deemed to have ceased when it has been discontinued either temporarily or permanently for a period of three years or more, whether or not with the intent to abandon said use, subject to the following provisions:

A. Cessation of Use of Building Designated or Designed for Nonconforming Use.

Except for residential or accessory farm structure, a building or structure which was originally designed for a nonconforming use shall not be put to a nonconforming use again when such use has been discontinued for three years or more.

B. Cessation of Use of Building Not Designed for Nonconforming Use. A building or structure which was not originally designed as a nonconforming use shall not be put to a nonconforming use again when such use has been discontinued for three years or more.

C. Cessation of Use of Nonconforming Use of Land. A nonconforming use of land not involving any building or structure (except minor structures such as fences, signs, and buildings less than 400 square feet in area) shall not be resumed when such uses have been discontinued for three years or more.

D. Cessation of Keeping of Animals not in Compliance with the Ordinance. The keeping of animals not in compliance with the ordinance shall not be resumed when such use has been discontinued for three years or more. (Ord. 95-16, 12/12/95: prior code Ord. 87-17.03 (part), 1987 and §34-18-5)

## **Chapter 18.54 - Conditional Uses and Site Plans**

### **18.54.010 Purpose and Intent.**

A. The purpose and intent of conditional uses is to allow in certain areas compatible integration of uses which are related to the permitted uses of the zone, but which may be suitable and desirable only in certain locations in that particular zone due to conditions and circumstances peculiar to that location and/or upon certain conditions which make the uses suitable and/or only if such uses are conducted, designed, laid out, and constructed on the proposed site in a particular manner.

B. The purpose and intent of site plan review is to assure compatible and complimentary design of sites, buildings and infrastructure that further the goals and policies of the City's General or Master Plans.

C. It is intended that site plans for conditional uses be included with and reviewed simultaneous with conditional use permit review. (Ord 2009-16, dated 10/13/09; prior codes: Ord. 2007-9, 6/26/07, Ord. 87-17.03 (part), 1987 and §34-23-1)

### **18.54.020 Conditional Use Permit.**

A. A conditional use permit shall be required for all uses listed as conditional uses in the zone regulations.

B. A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.

C. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the conditional use may be denied.

D. A conditional use permit may be revoked by the Planning Commission, upon failure to comply with the conditions imposed with the original approval of the permit.

E. The consideration of a conditional use permit shall also include the consideration of a site plan as contained in this chapter and the Planning Commission may impose any conditions or requirements designated or specified to meet the provisions of this chapter and the City's General or Master plans. (Ord 2009-16, dated 10/13/09; prior codes: Ord. 2007-9, 6/26/07, Ord. 87-17.03 (part), 1987 and §34-23-1)

### **18.54.030 Site Plan Approval Required.**

A. For all uses other than single family dwellings and related accessory buildings, the location of main and accessory buildings on the site and in relation to one another, the traffic circulation features within the site, the height and bulk of buildings, the design features and materials of the buildings and site, the provision of off-street parking space, the provision for driveways for ingress and egress, the provision of landscaping and open space on the site, desired or necessary connections to adjacent sites, access to adjacent roadways, and the display of signs shall be in accordance with a site plan or plans or subsequent amendment thereof as approved by the planning commission prior to issuance of a building, or land use permit. In approving site plans, the Planning Commission may impose any conditions or requirements designated or specified to meet the provisions of this chapter and the City's General or Master plans.

B. A site plan shall include all items as designated by the city in check lists supplied with the application forms and as needed to evaluate the requirements of this chapter and the zone in which located. In considering any site plan hereunder, the Planning Commission shall endeavor

to assure safety and convenience of traffic movement both within the land area considered and in relation to street access, harmonious and beneficial relation among the buildings and uses in the land area considered, and the satisfactory and harmonious relation between such area and contiguous land and buildings and with adjacent neighborhoods.

C. The requirements established in the site plan approval, and the zoning regulations of the city shall be provided and maintained as a condition of the establishment and maintenance of any use to which they are appurtenant. (Ord 2009-16, dated 10/13/09; prior codes: Ord. 2007-9, 6/26/07, Ord. 87-17.03 (part), 1987 and §34-23-1)

**18.54.040 Review Procedure.**

A. Application on forms provided by the city for a conditional use permit or site plan approval shall be made to the City Planner.

B. Detailed location, site and building plans according to the check list provided with the application forms shall accompany the completed application forms.

C. The city planner shall determine whether or not an application is complete. If not complete the applicant will be informed of the deficiencies. Once an application is complete, the city planner shall forward copies to appropriate staff or agencies for review and comment and schedule the application at a regularly scheduled DRC (Development Review Committee) meeting. Upon a recommendation from the DRC, who may do so with conditions or list of requirements, the application shall be scheduled for a hearing at the next applicable Planning Commission meeting.

D. The Planning Commission may approve, deny or approve with conditions. (Ord 2009-16, dated 10/13/09; prior codes: Ord. 2007-9, 6/26/07, Ord. 87-17.03 (part), 1987 and §34-23-1)

**18.54.050 Review Criteria.** The Planning Commission shall not approve a conditional use permit or site plan unless evidence is presented to establish that:

A. The proposed use of the particular location is necessary or desirable to provide a service or facility which will contribute to the general well-being of the community; and

B. Such use will not, under the circumstance of the particular case and the conditions imposed, be detrimental to the health, safety and general welfare of persons nor injurious to property or improvements in the community, but will be compatible with and complementary to the existing surrounding and/or planned future uses, buildings and structures when considering traffic generation, parking, building design and location, landscaping and signs; and

C. The proposed use will comply with the regulations and conditions specified in this title for such use including the design standards of the city and the standards of this chapter; and

D. The proposed use conforms to the goals, policies, governing principles, and the land uses found in the General Plan of the city; and

The proposed use will not lead to the deterioration of the environment or ecology of the general area, nor will produce conditions or emit pollutants of such a type or of such a quantity so as to detrimentally effect, to any appreciable degree, public and private properties including the operation of existing uses thereon, in the immediate vicinity, or the community or area as a whole. (Ord 2009-16, dated 10/13/09; prior codes: Ord. 2007-9, 6/26/07, Ord. 87-17.03 (part), 1987 and §34-23-1)

**18.54.060 Determination.** The Planning Commission may review any application for a conditional use or site plan to be located within any zone in which the particular use is allowed by the use regulations of that zone. In reviewing any conditional use or site plan application, the Planning Commission shall include such requirements and conditions necessary for the protection of adjacent properties and the public welfare, and those needed to be in conformance with the General Plan,

city ordinances, and the standards of this chapter. (Ord 2009-16, dated 10/13/09; prior codes: Ord. 2007-9, 6/26/07, Ord. 87-17.03 (part), 1987 and §34-23-1)

**18.54.070 Installation and Guarantee of Improvements.**

A. Consistent with city approvals under this chapter, prior to any building permit being issued or any property being developed, subdivided or used, the property owner or developer shall agree to install all approved and required improvements, including but not limited to: landscaping, parking lots, fences, walls and utilities (sewer, water, gas lines, utilities, streets, storm sewer and others as set forth in the subdivision ordinances of the city) to the property line or such location as required by the city to facilitate the orderly and proper development of the surrounding property.

B. When such improvements are required an escrow guarantee for the public portion of those improvements shall be required under the requirements and conditions as set forth in the subdivision ordinances before building or development may begin.

C. Occupancy of any building or the beginning of any approved use shall not commence until all required improvements, whether public or private, are in place or unless additional escrow is established.

D. Any required public right of way or easement shall be deeded or dedicated to the city prior to the issuance of any permits for construction or use. (Ord 2009-16, dated 10/13/09; prior codes: Ord. 2007-9, 6/26/07, Ord. 87-17.03 (part), 1987 and §34-23-1)

**18.54.080 Building Permit.** Following the approval of a conditional use permit or site plan application, the Community Development Department may approve an application for a building permit and shall insure that development is undertaken and completed in compliance with the approvals and conditions pertaining thereto. . (Ord 2009-16, dated 10/13/09; prior codes: Ord. 2007-9, 6/26/07, Ord. 87-17.03 (part), 1987 and §34-23-1)

**18.54.090 Expiration.** Unless there is substantial action under a conditional use permit or site plan approval within a maximum period of six months of its issuance or approval, the approval or permit shall expire. The Planning Commission may grant a maximum extension of six months under exceptional circumstances. . (Ord 2009-16, dated 10/13/09; prior codes: Ord. 2007-9, 6/26/07, Ord. 87-17.03 (part), 1987 and §34-23-1)

**18.54.100 Appeals.** For purposes of this chapter, the City Council shall be the Appeal Authority. All appeals of actions taken under the authority of this chapter shall be heard by the City Council. Appeal requests must be submitted to the Community Development Department within 30 days of the action appealed. . (Ord 2009-16, dated 10/13/09; prior codes: Ord. 2007-9, 6/26/07, Ord. 87-17.03 (part), 1987 and §34-23-1)

## Chapter 18.56 - Commissions, Boards and Committees

### Article 1 Planning Commission

**18.56.010 Planning Commission Established.** The Mayor shall appoint, with the advise and consent of the City Council, a planning commission to consist of seven members plus two alternates. These members shall be appointed from the duly qualified electorate of Pleasant View City and may be compensated only as provided for in State Law. (Ord. 2007-9, 6/26/07)

**18.56.020 Alternates.** Alternate members may fully participate in the discussions, hearings and meetings, however, they shall not vote on any matter, unless needed to fill a vacancy during the temporary absence of a Planning Commissioner. (Ord. 2007-9, 6/26/07)

**18.56.030 Terms.** The members shall be appointed for a period of four years and are subject to removal with or without cause by the city council at any time. The terms of two commissioners shall expire each year except in the year that the city's mayoral election is held, when the terms of one commissioner plus both alternates shall expire. All terms expire on January 1 in the applicable year. (Ord. 2007-9, 6/26/07)

**18.56.040 Quorum.** Four members shall constitute a quorum to conduct business. All actions taken shall be by majority vote of the membership present. (Ord. 2007-9, 6/26/07)

**18.56.050 Attendance.** Attendance of any member or members at regularly scheduled meetings may be enforced by the chairperson of the commission in the same manner as provided for enforcing the attendance of city council members. (Ord. 2007-9, 6/26/07)

**18.56.060 Training.** The city shall provide initial and ongoing training regarding the duties, responsibilities and city regulations for all commission members and alternates. Attendance at training is required of members and alternates. (Ord. 2007-9, 6/26/07)

**18.56.070 Rules of Policy and Procedure.** The Planning Commission shall establish and adopt Bylaws and Rules of Procedure governing the conduct of meetings and operation of the Planning Commission. (Ord. 2007-9, 6/26/07)

**8.56.080 Organization.** The Planning Commission shall select annually, during the first regularly scheduled meeting in January, a Chairperson, Vice Chairperson, and any other officers deemed necessary, all of whom may be selected to succeed themselves. Such officers shall be elected from among the members of the Planning Commission by majority vote of the total membership, with their duties and responsibilities being set forth in the Planning Commission's Bylaws and Rules of Procedure. (Ord. 2007-9, 6/26/07)

**18.56.090 Powers and Duties.** The Planning Commission shall:

- A. Prepare and recommend a general plan and amendments to the general plan to the City Council as provided in this Code;
- B. Recommend zoning ordinances and maps, and amendments to zoning ordinances and maps, to the City Council as provided in this Code;
- C. Administer provisions of the zoning, subdivision, and sign ordinances, where specifically provided for in this Code;

- D. Recommend subdivision regulations and amendments to those regulations to the City Council as provided in this Code;
- E. Approve or deny subdivision applications as provided in this Code;
- F. Make recommendations to the City Council on matters as the City Council directs;
- G. Hear or decide any matters that the City Council designates, relating to the physical development of land in the City; and
- H. Exercise any other powers and duties:
  - 1. Necessary to perform its functions; or
  - 2. As found in state Law; or
  - 3. Delegated by the City Council. (Ord. 2007-9, 6/26/07)

## Article 2 Board of Adjustment

### **18.56.210 Board Membership.**

A. The board of adjustment is established, the members of which shall be appointed by the mayor with the advice and consent of the city council.

B. The board shall consist of five members and two alternates, each to be appointed for a term of five years and subject to removal with or without cause by the city council at any time, except that the first five members so appointed, one member shall be appointed to serve one year, one member, two years, one member, three years, and one member, four years and one member, five years. In the month of January each year one member shall be appointed for a five-year period to take the place of the member whose term shall next expire, with alternates being appointed on staggered years. Any vacancy occurring on the board by reason of death, resignation, removal or disqualification shall be promptly filled by the Mayor with the advice and consent of the city council for the unexpired term of each member. Not fewer than three members of the board of adjustment shall be a resident of the incorporated area of the city. Alternate members may fully participate in the discussions, hearings and meetings, however, they shall not vote on any matter, unless needed to fill a vacancy during the temporary absence of a Board Member. (Ord. 2007-9, 6/26/07)

**18.56.220 Training.** The city shall provide initial and ongoing training regarding the duties, responsibilities and city regulations for all Board members and alternates. Attendance at training is required of members and alternates. (Ord. 2007-9, 6/26/07)

**18.56.230 Organization.** The board of adjustment shall organize and elect a chairman and adopt rules in accordance with the provisions of this title and other laws. Meetings of the board shall be held at the call of the chairman and at such time as the board may determine. The chairman, or in his absence the acting chairman, may administer oaths and compel the attendance of witnesses. All meetings of the board shall be open to the public. The board shall keep minutes of its proceedings, showing the vote of each question, or if absent or failing to vote, indicating such fact and shall keep records of its examinations and other official action; all of which shall be immediately filed in the office of the city clerk. (Ord. 2007-9, 6/26/07)

**18.56.240 Duties and Powers.** In addition to any other powers given by state law or this title, upon appeals, the board of adjustment after proper notice and public hearing shall have the following powers:

- A. To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision or refusal made in the enforcement of this title;

B. To hear and decide request for special exceptions or for decisions upon other special questions upon which such board is authorized by this title to pass;

C. To authorize upon appeal in specific cases such variance from the terms of this title as will not be contrary to the public interest, where, owing to special conditions a literal enforcement of the provisions of this chapter will result in unnecessary hardship; provided, that the spirit of this title shall be preserved and substantial justice done;

D. To permit the building of a dwelling upon a lot which does not have frontage on a street;

E. To reduce the amount of off-street parking required, where acquisition of land for such use would cause exceptional hardship;

F. Where a zone boundary line divides a lot in single ownership at the time of the passage of the ordinance codified in this title, permit the extension of a use or building situated on the portion of such lot which lies in the less restricted zone into the more restricted zone, provided, that such extension shall be subject to all regulations of the less restricted zone and shall extend not more than one hundred feet into the other portion of the lot in the more restricted zone;

G. Permit for a period not to exceed one year in a residential zone a temporary building of use of a commercial or industrial nature which building or use is incidental and necessary to the construction of the residential development.

H. To permit a nonconforming use to be changed to another use permitted in the same of a more restricted zone than the one in which the nonconforming use would be a permitted use; and which, in the opinion of the board of adjustment either by general rule or on decision in a specific case, will be out of harmony or incongruous with existing and prospective uses in the neighborhood to a less degree than is the nonconforming use that it replaces, with respect to noise, odor, atmospheric emission or pollutants, or physical hazard, and to no greater degree with respect to traffic related to the proposed use, or other factors having a bearing on the harmonious relation of one use to another.

I. To permit the relocation on a lot of a non-conforming building or structure occupied by a nonconforming use, provided the building or structure shall comply with all the height, yard and area requirements in the zone in which it is located.

J. In exercising the above-mentioned powers, such board may, in conformity with the provisions of the law, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken; provided, that before any variance may be granted it shall be shown that:

1. The variance will not substantially affect the comprehensive plan of zoning in the city and that adherence to the strict letter of the ordinance will cause difficulties and hardships, the imposition of which upon the petitioner is unnecessary in order to carry out the general purpose of the plan.

2. Special circumstances attached to the property covered by the application which do not generally apply to the other property in the same zone.

3. That because of the special circumstances, property covered by application is deprived of privileges possessed by other property in the same zone; and that the granting of the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone.

K. The concurring vote of a majority of the five members of the board shall be necessary to reverse any order, requirement or determination of such administrative official, or to decide in favor of such applicant on any matter on which it is required to pass, or to effect any such variation or special exemption to this title. (Ord. 2007-9, 6/26/07)

**18.56.250 Time Limitation.** If an affirmative decision is made by the board of adjustment that approval shall be valid for a period of time no longer than eighteen months from the date of the decision of the board. (Ord. 2007-9, 6/26/07)

### **Article 3 Design Committee**

**18.56.310 Design Committee Established.** The Mayor shall appoint, with the advise and consent of the City Council, a Design Committee to consist of five members plus two alternates. The majority of such members shall be appointed from the duly qualified electorate of Pleasant View City. (Ord. 2007-9, 6/26/07)

**18.56.320 Alternates.** Alternate members may fully participate in the discussions, hearings and meetings, however, they shall not vote on any matter, unless needed to fill a vacancy during the temporary absence of a Committee Member. (Ord. 2007-9, 6/26/07)

**18.56.330 Terms.** The members shall be appointed for a period of three years and are subject to removal with or without cause by the city council at any time. The terms of two members shall expire each year except on one of the time periods, the terms of one Committee member plus both alternates shall expire. All terms expire on January 1 in the applicable year. (Ord. 2007-9, 6/26/07)

**18.56.340 Quorum.** Three members shall constitute a quorum to conduct business. All actions taken shall be by majority vote of the constituted membership. (Ord. 2007-9, 6/26/07)

**18.56.350 Training.** The city shall provide initial and ongoing training regarding the duties, responsibilities and city regulations for all Committee members and alternates. Attendance at training is required of members and alternates. (Ord. 2007-9, 6/26/07)

**18.56.360 Powers and Duties.** The Design Committee shall:

- A. Review and recommend actions regarding applications for commercial and industrial construction.
- B. Exercise any other powers and duties:
  - 1. Necessary to perform its functions; or
  - 2. Delegated by the City Council. (Ord. 2007-9, 6/26/07)

**18.56.370 Rules of Policy and Procedure.** The Design Committee shall establish and adopt Bylaws and Rules of Procedure governing the conduct of meetings and operation of the Committee. (Ord. 2007-9, 6/26/07)

**18.56.380 Organization.** The Design Committee shall select annually, during the first regularly scheduled meeting in January, a Chairperson, Vice Chairperson, and any other officers deemed necessary, all of whom may be selected to succeed themselves. Such officers shall be elected from among the members of the Committee by majority vote of the total membership, with their duties and responsibilities being set forth in the Committee's Bylaws and Rules of Procedure. (Ord. 2007-9, 6/26/07)

*(prior codes for Chapter 18.56 – Board of Adjustment prior to Ord.2007-9, 6/26/07: Ord. 93-7, 3/9/93, Ord. 87-17.03 (part), 1987, and §34-19-1 through §34-19-3)*



## **Chapter 18.58 - Building Permit, Occupancy Certificate and Site Plan**

**Rescinded** 10/13/09 by Ordinance 2009-16 (prior codes: (Ord. 2001-19 dated 11/27/01, Ord. 96-5, dated 3/26/96, Ord. 99-5, 2/23/99, Ord. 87-17-03 (part), 1987 and §34-20-1 thru 3)

## Chapter 18.60 - Administration and Enforcement

**18.60.010 Enforcement.** The Community Development Department (the department) is designated and authorized as the officers charged with enforcement of this title, but the City Council may from time to time entrust such administration, in whole or in part, to any other officer of the city without amendment to this title. (Ord. 2009-16 dated 10/13/09; prior codes: Ord. 2007-9, 6/26/07. Ord. 87-17.03 (part), 1987 and §34-21-1)

**18.60.020 Building Permit Compliance.**

A. The city shall not grant a permit for the construction or alteration of any building or structure or the moving of a building or structure onto a lot, if such building or structure would be in violation of this title.

B. Building Permit Required. The construction, alteration, repair, removal or occupancy of any structure or any part thereof, as provided or as restricted in this title, shall not be commenced, or proceeded with, except after the issuance of a written permit for the same by the building inspector; provided, that no permit shall be necessary where the erection, construction, reconstruction or alteration is minor in character as defined in the adopted building codes, or as determined by the department.

C. Certificate of Occupancy Required. No land shall be used or occupied and no building hereafter structurally altered or erected shall be used or changed in use, except for agricultural purposes, until a certificate of occupancy shall have been issued by the department, stating that the building or the proposed use thereof, or the use of the land, complies with the provisions of this title. A like certificate shall be issued for the purpose of maintaining, renewing, changing or extending a nonconforming use. A certificate of occupancy either for the whole or a part of a building or structure shall be applied for coincidentally with the application for a building permit, and shall be issued within a reasonable time after the erection or structural alteration of such building or structure, or part thereof, shall have been completed in conformity with the provisions of this title. (Ord. 2009-16 dated 10/13/09; prior codes: Ord. 2007-9, 6/26/07, Ord. 87-17.03 (part), 1987 and §34-21-2)

**18.60.030 Powers and Duties.** It shall be the duty of the department to inspect or cause to be inspected all buildings in course of construction or repair. They shall enforce all of the provisions of this title, entering actions in the court when necessary, and failure to do so shall not legalize any violation of such provisions. The City shall not issue any permit unless the plans of and for the proposed erection, construction, alteration and use fully conform to all zoning regulations then in effect. (Ord. 2009-16 dated 10/13/09; prior codes: Ord. 2007-9, 6/26/07, Ord. 87-17.03 (part), 1987 and §34-21-3)

**18.60.040 Changes and Amendments.** This zoning title, including the maps, may be amended from time to time by the City Council after appropriate notice and public hearing; but all proposed amendments shall be first proposed by the Planning Commission or shall be submitted to the Planning Commission for its recommendation. The City Council shall make the final determination of all amendments. (Ord. 2009-16 dated 10/13/09; prior codes: Ord. 2007-9, 6/26/07, Ord. 87-17.03 (part), 1987 and §34-21-4)

**18.60.045 Attorney's Fees, Engineering Fees and Other Professional Fees and Costs.**

A. Fees. All fees incurred by the city for professional services relating to an application required by this title shall be passed on directly to the applicant for payment.

B. Payments/Refund. At the time of application, the applicant shall pay to Pleasant View

City a fee as established by the City Council in the Fee Schedule and shall agree to be responsible for all direct costs associated with the application. Any collected fees not expended shall be returned to the applicant.

C. Non-payment. Non-payment of professional fees, after sixty days from the invoice date, shall be cause to order all work to cease relating to an application, denial of building permits and other approvals until such fees are paid in full. In addition, failure by the applicant to reimburse the city for attorney's fees, engineering fees and other professional fees and costs incurred by the city in relation to the application shall be grounds for denial of approval of other applications or approvals requested by the same applicant.

D. Default. In any legal proceeding brought by the city to collect attorney's fees, engineering fees and other professional fees and costs incurred by the city in relation to an application, the prevailing party shall recover its costs of court, including attorney's fees.

E. Interest Charge. Any payment not received within thirty days of the billing date will be charged interest at the rate of 1% per month (12% per annum), which interest shall begin accruing as of billing date. (Ord. 2009-16 dated 10/13/09; prior codes: Ord. 2007-9, 6.26.07, Ord.2000-10, 3/28/00)

**18.60.050 Annexation.** In accordance with State Law, new areas annexed to the city shall be assigned a land use zone or a variant thereof at the time the ordinance for annexation is adopted. (Ord. 2009-16 dated 10/13/09; prior codes: Ord. 2007-9, 6/26/07, Ord. 87-17.03 (part), 1987 and §34-21-5)

**18.60.060 Licensing.** All departments, officials and public employees of the city which are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this title and shall issue no permit or license for uses, buildings, or purposes where the same would be in conflict with the provisions of the ordinance. Any permit or license issued in conflict with the provisions of city ordinances shall be null and void. (Ord. 2009-16 dated 10/13/09; prior codes: Ord. 2007-9, 6/26/07, Ord. 87-17.03 (part), 1987 and §34-21-6)

**18.60.070 Violations.**

A. Any person, firm or corporation, whether as principal, agent, employee or otherwise, convicted of violating or causing or permitting the violation of the provisions of this title shall be guilty of a class C misdemeanor, and in addition to the fine for such violation shall pay all costs and expenses involved in the case.

B. Each day such violation continues shall be considered a separate offense and be punishable as such.

C. No suspension of sentence or prohibition shall be granted to any such violator unless there is included in the terms thereof the following requirements of the violator:

1. Such party shall comply with the provisions of ordinances which he has been convicted of violating; and

2. Such party shall abate and correct illegal conditions which were brought about by the erection, use, construction, enlargement, alteration, omission or conversion of which such party has caused. (Ord. 2009-16 dated 10/13/09; prior codes: Ord. 2007-9, 6.26.07, Ord. 87-17.56, 1987, Ord. 87-17.03 (part), 1987, and §34-21-7)

## **Chapter 18.62 - Rezoning Procedure and Development Agreement**

**Repealed.** (Ord.2013-2, dated 5/28/13; prior codes: Ord. 2007-9, 6/26/07 & Ord.93-10, 9/14/93)

## Chapter 18.64 - Standards for Single Family Dwellings

**18.64.010 Codes and Standards.** Any dwelling or other structure which is designed or intended for human habitation, which is to be located in Pleasant View city outside of a mobile home park, mobile home subdivision or manufactured home subdivision or P.R.U.D., must meet the standards of the Uniform Building and other Codes as adopted by Pleasant View City, or if it is a manufactured home, it must meet the standards of, and be certified under the National Manufactured Housing and Standards Act of 1974 and must prominently display an insignia approved by the United States Dept. of Housing and Urban Development and must not have been altered in violation of such codes. (Ord. 94-14, 12/13/94)

**18.64.020 Additional Requirements.** In addition to the above codes and standards, the following requirements shall also be met:

1. The dwelling must be permanently connected and attached to a site built permanent foundation which meets I.C.B.O. Guidelines for Manufactured Housing Installations if a manufactured home. Any running gear shall be removed and stored out of sight. Any enclosure must be secured to the perimeter of the dwelling and constructed of materials that are weather resistant and aesthetically consistent with concrete and masonry foundation materials.
2. The dwelling must be permanently connected to and approved for all required utilities.
3. The dwelling must be taxed as real property. If the dwelling is a manufactured home, an affidavit must be filed with the State Tax Commission pursuant to Utah Code Annotated 59-2-602 and qualified therefore as an improvement to real estate.
4. The dwelling must provide a minimum of 72 square feet of enclosed storage with the minimum height of six feet located in a basement or garage area or in an accessory storage structure. Such structure shall conform to all applicable building codes.
5. Porches and landings for ingress and egress to the dwelling must be built in accordance with Chapter 33 of the Uniform Building Code as adopted by the State of Utah.
6. At least 60% of the roof must be pitched at least 2:12 pitch and shall have a roof surface of wood shakes, asphalt, composition, wood shingles, concrete, metal tiles, slate, built up gravel materials or other materials approved by the Uniform Building Code.
7. The dwelling shall have exterior siding consisting of wood, masonry, concrete stucco, masonite or metal or vinyl lap. The roof overhang, including rain gutters, shall not be less than one foot, measured from the vertical side of the building but not including bay windows, nooks, morning rooms, etc.
8. The width of the dwelling shall be at least 20 feet at the narrowest point of its first story for a depth of at least 20 feet exclusive of any garage area. The width shall be considered the lessor of two primary dimensions. If the width of the dwelling faces a street and is less than one half of the length, the required off-street parking shall be in a 2 car garage attached to the length of the dwelling.
9. Required off-street parking spaces shall be side by side.
10. The Pleasant View City Building Inspector, as the zoning enforcement officer in concert with the Pleasant View City Planning Commission, may approve deviations from one or more of the development or architectural standards provided herein on the basis of a finding that the architectural style proposed provided compensating design features and that the proposed dwelling will be compatible and harmonious with existing structures in the vicinity. Together, they may also require other deviations to achieve the overall goals and purposes of this ordinance. These requirements may be appealed to the Board of Adjustment. (Ord. 94-14, 12/13/1994)

## Chapter 18.66 - Attached Accessory Apartments

**18.66.010 Definitions.** “Attached Accessory Apartment (AAA)” means a self-contained apartment, containing cooking, sleeping and sanitary facilities, that is part of or an addition to an existing single family dwelling. Such apartments may be leased from the family living in the primary dwelling which shall be the property owner. (Ord 98-1, 3/24/98)

**18.66.020 Intent.** Chapter 18.66 - Attached Accessory Apartments shall apply to Chapters; 18.09 (RE-15 Zone), 18.10 (RE-20 Zone), 18.16 (A-2 Zone) and 18.18 (A-5 Zone) only. (Ord 98-1, 3/24/98)

**18.66.030 Conditional Use.** Attached Accessory Apartments (AAA) shall be added to the conditional uses in each Chapter namely sections 18.09.030 (F), 18.10.015 (B), 18.16.015 (1) and 18.18.030 (G) and the following will apply:

A. Attached Accessory Apartments (AAA).

1. A notarized application by the property owner shall be filed with the Pleasant View City Recorder who forwards it to the Planning Commission for its consideration. A floor plan and site plan shall be submitted as part of the application. Said application shall include a deed restriction to be recorded by the Weber County Recorder after City approval that states the owner shall occupy the primary dwelling for the duration of the AAA. The statement shall also acknowledge that the AAA is temporary and only effective if the owner complies with all conditions set by Pleasant View City and remains the owner occupying the property. This deed restriction shall read as follows:

“An Attached Accessory Apartment permit was issued by Pleasant View City to \_\_\_\_\_, the current owner of the property known on the Weber County Tax Rolls as Serial Number \_\_\_\_\_ - \_\_\_\_\_, and further described as being located at \_\_\_\_\_, in Pleasant View, as of the day of \_\_\_\_\_, \_\_\_\_\_. This permit does not run with the land, and is automatically invalidated by the sale or other transfer of title to this particular parcel of land. Prospective purchasers or owners are advised that only one unit on this property may be occupied by persons other than the owner of the parcel. The owner of the property shall occupy the primary dwelling. Prospective purchasers may apply to Pleasant View City for an Attached Accessory Apartment permit. If the apartment already exists and all conditions required by the zoning continue to be met, then a new permit MAY be granted.”

2. Design Standards for AAA's.

a. No AAA shall have a minimum area less than 300 square feet nor greater than 50% of the main dwelling.

b. One additional parking space shall be required for each licensed vehicle in the AAA. All AAA parking spaces shall be located out of the front yard setback. On corner lots this requirement applies to any yard abutting a street. Tandem parking may be allowed.

c. Exterior alterations shall compliment and blend with the home in such a way that the AAA is not apparent from the street. Separate entrances, if required, shall not be visible from the street.

d. No separate sewer and water connections, addresses or mailboxes shall be allowed. Internal access between the units shall be maintained.

e. AAA's may be leased from the primary occupants of the house.

f. Only one AAA may be allowed per lot.

g. The AAA shall not be held in separate ownership.

3. Each AAA shall be re-evaluated every three years. If all conditions set by the City continue

to be met and the owner submits a notarized statement that he still occupies the primary dwelling, then the City shall extend the AAA permit for another 3 year period.

4. An AAA permit may be revoked at any time for failure to meet any conditions set by the permit. A notice of violation stating the nature of the complaint shall be sent to the property owner that includes a 30 day time period for compliance. If the violation is not rectified within the stated time period then a hearing shall be held with the City Council. At the conclusion of the revocation hearing, the City Council may revoke the permit, modify the conditions of the permit, or continue the hearing to acquire more information or reaffirm the use. Revocation of the permit may require that the property owner fully remove any fixtures or structural modifications or conditions of the home or property that were installed to create the AAA. The home shall be restored to meet the definition of a single family dwelling.

5. Existing illegal accessory apartments may apply to the City Recorder for designation as AAA. If an applicant can substantially comply with the requirements of this section then a permit may be issued. In addition to the above mentioned standards, this type of application shall also include a Building Code inspection identifying any life/safety hazards that should be corrected as a condition of approval.

6. An applicant may appeal any action by the Planning Commission pertaining to a bonafide AAA or an application for an AAA, to the City Council. An application of appeal shall be filed with the City Recorder. Such appeals shall be accompanied by a letter that states the reasons that the applicant believes the Planning Commission erred, and the reasons why the action(s) of the Planning Commission should be modified. (Ord 98-1, 3/24/98)

**18.66.040 Application Fee.** The application fee and renewal fee for an AAA conditional use permit will be set annually by the City Council. (Ord 98-1, 3/24/98)

## Chapter 18.67 - Electronic Communication Facilities, Towers and Equipment

**18.67.010 Purpose.** The purpose of this chapter is to control the location, visual impacts and proliferation of communication facilities, antennas and towers within Pleasant View City. It is not intended that these requirements be applied to residential ham or amateur radio facilities, nor to residential television or internet communication facilities. (Ord.2010-5, dated 3/9/10; prior code: Ord.2000-16, 7/11/00)

**18.67.020 Definitions.**

A. "Communication Facility" means any communication tower, equipment, antenna, and/or accessory building installed for the primary purpose of providing low power radio communications service.

B. "Communication Tower" means a tower that supports or contains communications antennas or associated equipment.

C. "Communication Antenna" means any commercial transmitting and receiving device designed to radiate and/or capture electromagnetic communications signals, as authorized by the Federal Communications Commission (FCC). (Ord.2000-16, 7/11/00)

D. "Stealth" means being designed and constructed in such a way as to be unobtrusive by looking like some other form such as a light, tree, or flag pole or by being concealed within a structure such as a mechanical component, sign or building. (Ord.2010-5, dated 3/9/10; prior code: Ord.2000-16, 7/11/00)

**18.67.030 Policies.** It is the intent of Pleasant View City to protect the health, safety, welfare and aesthetics of the City's residents by accommodating the need for low power electromagnetic communications equipment and facilities. All communication facilities shall be placed in areas where they will have minimal impact, require the fewest numbers, and present opportunities for co-location. In addition it is the City's intent to promote the location of communication facilities on City owned property. (Ord.2010-5, dated 3/9/10; prior code: Ord.2000-16, 7/11/00)

**18.67.040 Overall Master Plan for Current and Future Sites Required.** Every company/applicant shall submit an overall master plan for sites within the City. This plan shall display locations of existing and future proposed communication facilities and shall be sufficiently detailed for consideration of co-location and siting on City owned land. Such plans shall be reviewed prior to any specific site application. (Ord.2010-5, dated 3/9/10; prior code: Ord.2000-16, 7/11/00)

**18.67.050 Special Requirements for Communication Facilities.**

A. In addition to other fees, a special application fee may be required by the City.

B. No interference with existing antennas, and emergency or airport communications shall be allowed.

C. Site, grading, drainage, landscape and utility plans are required. Appropriate setbacks may be required to offset the height impacts, but generally, the standards of the zone in which the site is to be located shall apply.

D. Appropriate fencing shall be required to reduce the potential for vandalism when deemed necessary.

E. Removal of climbing pegs from the first 20 feet of any tower is required.

F. Compliance with all laws related to aircraft and airport safety is required.

G. FCC license and compliance is required.



H. Engineering certification for seismic, wind/weather hazards, electrical safety, and structural integrity is required. In addition, an engineering certification concerning interference with other communication service is required.

I. No signs shall be allowed on the antenna unless the antenna is a "stealth" sign.

J. Landscaping of the compound area is required as per the zone in which the antenna is located. (Ord.2010-5, dated 3/9/10; prior code: Ord.2000-16, 7/11/00)

**18.67.060 Preferred Sites.** The following are preferred sites and facilities in the order of preference:

A. Sites where co-location can occur now or in the future are preferred.

B. City owned properties are preferred and may be leased by the applicant.

C. Installations on existing structures (joint use) and hidden from simple recognition commonly called "stealth" are strongly preferred.

D. Areas located adjacent to US89 and west to the I-15 Freeway are preferred.

E. A-5 zones are also preferred. (Ord.2010-5, dated 3/9/10; prior code: Ord.2000-16, 7/11/00)

**18.67.070 Special Requirements for Wall Mounted Antennas.** "Stealth" philosophy is required, emphasizing architectural and color compatibility. No extensions of an antenna above a roof line shall be allowed without "stealth" technology. (Ord.2010-5, dated 3/9/10; prior code: Ord.2000-16, 7/11/00)

**18.67.080 Special Requirements for Roof Mounted Antennas.** To the greatest extent possible, all antennas shall be architecturally compatible with the building. (Ord.2010-5, dated 3/9/10; prior code: Ord.2000-16, 7/11/00)

**18.67.090 Special Requirements for Monopole Towers.**

A. All antennas shall be setback from residential uses or zones a distance equal to the height of the tower.

B. All antennas shall be located to the rear of a lot and behind the main building, if applicable.

C. Maximum height for a monopole tower with a single user is 60 feet. Multi-use towers may rise to 120 feet in height. If co-location has not occurred within three years of approval, and maintained, the City may require a reduction in height to meet the single user requirement.

D. A minimum separation of 1500 feet is required between towers.

E. To secure a new tower location, all applications shall demonstrate that a new tower is needed, that co-location is not feasible and that providing an antenna on a wall, roof or existing structure would not provide adequate service.

F. Lattice towers are not allowed. (Ord.2010-5, dated 3/9/10; prior code: Ord.2000-16, 7/11/00)

**18.67.100 Siting.**

A. All communications facilities shall be processed as Conditional Uses along with Site Plan Review per Chapter 18.54.

B. Except for staff approval of site and construction plans for new equipment, co-location does not require additional approval from the city beyond appropriate lease arrangements with the property owner and communication facility owner, but notification of all such planned actions must be provided to the city. (Ord.2010-5, dated 3/9/10; prior code: Ord.2000-16, 7/11/00)

**18.67.110 Abandoned Communication Facilities.**

A. Any communication facility that is abandoned or in disrepair for a period exceeding 6 months, shall be deemed abandoned by the City. The City shall notify the owner that it must be

repaired and/or put to use within 30 days after receiving said notice, or the facility must be removed. All costs incurred by the City to remove such facilities shall occur at the owner's expense. Any permits associated with the facility shall be automatically revoked if the communication facility is removed.

B. If a tower poses any immediate threat to public health, the City reserves the right to repair, correct or remove said tower with or without notice to the owner. The owner shall bear all expenses related to this emergency action. (Ord.2010-5, dated 3/9/10; prior code: Ord.2000-16, 7/11/00)

**18.67.120 Leases.** The property owner where communication facilities are located may require leases for any such facilities. The owner may also require separate leases for any co-located facilities. (Ord.2010-5, dated 3/9/10)

## **Chapter 18.68 — Master Planned Community (MPC)**

**Repealed.** (Ord.2014-7, dated 11/25/14; prior Ord.2005-5, 6/14/05)

## Chapter 18.70 - ADEQUATE PUBLIC FACILITIES

**A. PURPOSE AND INTENT.** The purpose and intent of this Chapter is as follows:

1. To ensure that Public Facilities needed to support new development meet or exceed the Minimum Service Capacity Standards established by this Chapter;
2. To ensure that no subdivisions, site plans, conditional use permits, and/or building permits are approved which would cause a reduction in the Minimum Service Capacity Standards for any Public Facilities below the Adopted Minimum Capacity established in this Chapter;
3. To ensure that adequate Public Facilities needed to support new development are available concurrent with the impacts of such development;
4. To establish uniform procedures for the review of development applications subject to the adequate public facilities standards and requirements.
5. To facilitate implementation of goals and policies set forth in the *Pleasant View General Plan* relating to adequacy of Public Facilities and Minimum Service Capacity Standards; and
6. To ensure that all applicable legal standards and criteria are properly incorporated in these procedures and requirements.

**B. DEFINITIONS.** In addition to the definitions set forth in other sections of this code, the following words and phrases used in this Chapter shall have the meanings herein prescribed:

1. *Adequacy Determination.* The findings and decision formally adopted by City Council of the analysis, also called an "Adequacy Recommendation", for a proposed development application in relation to the anticipated impact on the Minimum Service Capacity of the City's Public Facilities.
2. *Adequacy Recommendation.* A specific analysis of a proposed development application in relation to the anticipated impact on the Minimum Service Capacity of the City's public facilities prepared by Staff and presented to Council for formal adoption as an Adequacy Determination.
3. *Adequate Public Facilities.* Facilities which have the capacity to serve development without decreasing the acceptable minimum service levels adopted in this Chapter.
4. *Available Public Facilities.* Facilities or services are in place, or that a financial commitment is in place to provide the facilities or services within a specified time.
5. *Administrator.* Is the Zoning Administrator, or designee of the City Administrator.
6. *Committed Development.* Any development having received a minimum of Preliminary Approval, not to exceed one (1) year from the date of said approval; or any development having received Final Approval with a recorded Final Plat.

7. *Development Application.* Any request for approval, permission, or other action made pursuant to the provisions of the Subdivision (Chapter 17) or Zoning Ordinances (Chapter 18) of the Municipal Code. Such requests include, but are not limited to, building permits, preliminary plats, final plats, or re-zonings. A General Plan Amendment is not considered a development request.

8. *Development Order.* Any action approving, denying or approving with conditions, an application for a development permit, including but not strictly limited to preliminary plats, final plats, re-zonings, or conditional use permits.

9. *Formal Submittal.* A development request, where an application and fees are paid in full, all required items for that particular request have been submitted to the City, and at least one technical review has been completed identifying deficiencies. Subdivision Concept Plan Applications/Reviews or cursory concept development reviews are not considered a formal submittal.

10. *Informal Submittal.* An application made with the City where an applicant is provided general comments and information regarding a conceptual development project or potential development request. These applications may or may not have applicable fees that must be paid in conjunction with its processing. Subdivision Concept Plan Applications/Reviews or cursory concept development review are considered an informal submittal.

11. *Minimum Service Capacity.* An existing service level that is identified in this Chapter and is determined to be the minimum acceptable service or capacity in order to allow for additional demand from development to be placed on the system.

12. *Public Facility.* A specific utility service provided by a Municipality or Service District to the public; herein specifically identified as Culinary Water, Secondary Water, Storm Drain, Sewer and Streets.

### **C. APPLICABILITY.**

1. This Chapter shall not apply to any use, development, project, structure, fence, sign or activity which does not result in a new equivalent residential unit (ERU). Refer to Diagram 18.70.02 for the Adequacy Determination Process.

2. Adequacy determination shall be adopted by City Council prior to formal submittal of a development request. Refer to Diagram 18.70.02 for the Adequacy Determination Process.

3. Subdivision of properties that require the expansion of the City's culinary water system (source, storage, and/or distribution network) in order to service additional ERUs, shall obtain a positive adequacy determination prior to the formal submittal of a development request.

4. The adequacy determination shall not affect in any manner the permissible use of property, density of development, design and improvement standards, or other applicable standards or requirements of the Pleasant View Zoning Ordinance or Pleasant View Subdivision Ordinance, all of which shall be operative and remain in full force and effect without limitation.

5. All development shall adhere to minimum standards for public facilities, regardless of

specific inclusion of this Chapter.

**D. MONITORING.** The City shall develop, maintain, and update documents and information which shall provide support to the City officials and departments responsible for adequacy of public facilities review, monitoring and planning for Public Facilities.

1. At a minimum, the following documents and information shall be available:

- (a) Existing dwelling units and nonresidential development;
- (b) Committed Development;
- (c) The capacity of existing Public Facilities provided by Pleasant View City as identified in the Capital Facility Plans for Culinary Water, Storm Drain, and Sewer.
- (d) The current Capital Improvements Program; and
- (e) The capacity created by the completion of proposed projects identified in the Capital Improvements Program for the current year.

**E. ANNUAL REVIEW.** The Administrator shall annually prepare and submit to the City Council an Adequacy of Public Facilities Management Report.

1. The Adequacy of Public Facilities Management Report shall include the following:

- (a) Present availability of each resource, with a focus on water sources and capacities;
- (b) Projected demand for the coming year, for five years and for ten years into the future as described in the City's most recently adopted Capital Facilities Plan; and
- (c) Recommended limitations, restrictions or allocations, if any, upon the use or reuse of each resource for purposes of short-term and long-term planning for the growth of the city in an orderly, efficient and environmentally sound use of resources;
- (d) Growth trends and projections;
- (e) Other data, analysis or recommendations as the Administrator may deem appropriate, or as may be requested by the Council.

2. *Effect of Review.* The annual Review may, in whole or in part, form the basis for City recommendations to the City Council and City Council actions to repeal, amend or modify this Chapter; other data, reports, analyses and documents relevant to such decisions as may be available may be used.

3. *Amendments.* Nothing herein precludes the City Council or limits its direction to amend this Chapter at such other times as may be deemed necessary or desirable.

**F. APPLICATION AND SUBMITTAL REQUIREMENTS.** Prior to making application for any development approvals, an adequacy determination shall be adopted by the City Council. The

application for an adequacy determination shall be made on a form prepared by the City, and includes sufficient information to allow the City to determine the impact of the proposed development on Public Facilities pursuant to the adequacy determination procedures.

The information required shall include, but shall not be limited to:

1. The location of the proposed development;
2. For residential development and uses: The total number of lots (or dwelling units), type of dwelling units (including square footage), size of lots, total acreage of development and gross density of proposed development;
3. For non-residential development and uses: A brief description on the type of use, the anticipated average water demand (per day) with any other unique demand depending on the time of day or time of year; and average traffic trip generation (per day);
4. Identification of the Public Facilities impacted by the proposed development;
5. Any other appropriate information as may be required by the City consistent with these provisions, and such items shall be stamped and signed by a licensed professional engineer.
  - (a) Such additional items required to be submitted, prior to submitting for any development application approval (e.g. subdivision, site plans, building permits and/ or conditional use permits) may include, but is not limited to the following:
    - (i) Analysis of water demand for the proposed development
    - (ii) Will-serve letters from either secondary water service providers, sewer service providers or other culinary water service providers
    - (iii) Detailed analysis of traffic circulation and/or generation, including types of traffic and pavement structure impacts.
6. All applicable application fees shall be paid in full.

#### **G. PROCEDURES FOR “ADEQUACY RECOMMENDATION”**

1. *Technical Review.* The Administrator and City Engineer shall determine whether the application is complete and complies with the submission requirements set forth in this Chapter. If the application is incomplete or the submission requirements have not been complied with, the Administrator shall so notify the Applicant, specifying the deficiencies.

If the application is complete and the submission requirements have been complied with, the Administrator and City Engineer shall evaluate the proposed development for compliance with the Adopted Minimum Service Capacity Standards and shall submit an “Adequacy Recommendation” to the City Council.

2. *Recommendation Content.* The “Adequacy Recommendation” shall, at a minimum, include the

following, based upon Staff recommendations:

- (a) The number of equivalent dwelling units proposed by the Applicant, by type, for each Public Facility;
- (b) The timing and phasing of the proposed development, if applicable;
- (c) The specific Public Facilities impacted by the proposed development;
- (d) The extent of the impact of the proposed development in the applicable Impact Areas;
- (e) The capacity of existing public facilities in the Impact Areas which will be impacted by the proposed development;
- (f) The demand on existing Public Facilities in the Impact Areas from existing and approved development;
- (g) The availability of existing capacity to accommodate the proposed development; and
- (h) If existing capacity is not available, Planned Capacity and the year in which such Planned Capacity is projected to be available, if known.

3. *Subdivisions.* A proposed subdivision which could result in a range of potential impacts shall be reviewed as if the greatest impact would result. The adequacy of public facilities review for the application for a subdivision shall compare the Capacity of Public Facilities to the maximum projected demand which may result from the proposed rezoning based upon the potential density of the affected area pursuant to the rezoning.

4. *Site Plans and Conditional Use Permits.* Those permitted uses and conditional uses which require site plan review shall be reviewed as if the greatest impact would result. Conditional use permits shall also be reviewed as if the greatest impact would result. The adequacy of public facilities review for the site plan review and/or conditional use permit shall compare the Capacity of Public facilities to the maximum projected demand which may result from the proposed development of the property. A will-serve letter shall be required for any and all site plans and conditional use permits unless the site plan or conditional use permit will not result in an increased impact on the existing public facilities.

5. *Building Permits.* No building permit shall be issued unless adequate public facilities can be demonstrated, whether for residential, commercial, or other uses that result in additional ERUs. A will-serve letter shall be required for any and all building permits, except those in approved subdivisions.

6. *Positive Recommendation.* If the Administrator and City Engineer conclude that each Public Facility will be available concurrent with the impacts of the proposed development at the Adopted Minimum Service Capacity Standards, the Administrator shall make a positive adequacy recommendation.



7. *Negative Recommendation.* If the Administrator and City Engineer determine that any Public Facility will not be available concurrent with the impacts of the proposed development at the Adopted Minimum Service Capacity Standards based upon existing Public Facilities, the Administrator shall make a negative adequacy recommendation.

8. *Conditional Recommendation.* In rare circumstances, the Administrator and City Engineer may determine that stipulations may be included with the adequacy recommendation regarding the density of the proposed development, the timing and phasing of the proposed development, the provision of Public Facilities by the Applicant or any other reasonable conditions to ensure that all Public Facilities will be adequate and available concurrent with the impacts of the proposed development.

Conditional adequacy recommendations will not be considered for development approvals where the water (culinary or secondary) Public Facilities has been deemed inadequate.

Conditional adequacy recommendations would be subject to one or more of the following:

- (a) Deferrals of further Development Orders until all Public Facilities are available and adequate. If Public Facilities in the Impact Area are not adequate to meet the Adopted Minimum Service Capacity Standard for the entire development proposal, consistent with the requirements of this Chapter and Table 18.70.01; or
- (b) Reduction of the density or intensity of the proposed development to a level consistent with the Available Capacity of Public Facilities; or
- (c) Commitment and construction by the Applicant of the Public Facility that will meet the Adopted Minimum Service Capacity Standard at the time that the impact of the development will occur. This commitment is subject to an enforceable Development Agreement, adopted and executed by the City Council no later than the approval of the Development Order.
  - (i) The proposed Public Facility must be a planned capital improvement and identified on the applicable Capital Facility Plan.
  - (ii) At the option of the City, and as identified in the Capital Facilities Plan, and only if the Planned Capital Improvement will provide capacity exceeding the demand generated by the proposed development, reimbursement to the Applicant for the pro rata cost of the excess Capacity.
- (d) Additional items required to be submitted and approved, in conjunction with the development agreement, will include, but not limited to the following:
  - (i) An engineer's cost estimate for total project cost, which should include an estimate of the total financial resources needed to construct the Planned Capital Improvement and a description of the cost participation associated therewith;
  - (ii) A schedule for commencement and completion of construction of the Planned Capital Improvement with specific target dates for multi-phase or large scale Capital Improvement projects;

9. *Withdrawal of Application.* The Applicant may withdraw the Application for Development Approval at any time by submitting a written request to the Administrator. Withdrawal may result in the forfeiture of all fees paid by the Applicant for the processing of the application.

#### **H. PROCEDURES FOR “ADEQUACY DETERMINATION”**

1. Upon receipt of an “Adequacy Recommendation” for a specific development application, the City Council shall:

- (a) Make and adopt a positive adequacy determination; or
- (b) Make and adopt a negative adequacy determination; or
- (c) Make and adopt a positive adequacy determination with conditions, subject to one or more of the stipulations stated in Subsection 18.70(G)(7).

#### **I. EFFECT OF ADEQUACY DETERMINATION.**

1. *Adequacy Determination Results.* An Adequacy Determination for a Development Order shall be deemed to indicate that:

- (a) Public Facilities are available at the time of issuance of the Adequacy Determination.
- (b) Public Facilities will be considered to be available through all subsequent stages of the development approval process up to the date of expiration of the final Development Order approval.

2. *Adequacy Determination Not Evidence.* A positive adequacy determination shall not be deemed as evidence supporting a request for a General Plan Land Use Map amendment, nor shall it affect the need for the Applicant for a rezoning to meet all other requirements as set forth in the City’s Municipal Ordinances.

#### **J. EXPIRATION OF ADEQUACY DETERMINATION.**

1. Should a formal submittal for a development request not be initiated within one (1) year, the Adequacy Determination shall expire. No extensions are permitted with an Adequacy Determination. A new application and fees will be required to be paid in full, and proceed through the process established in this Chapter. A new Adequacy Determination must be adopted by the City Council.

2. Otherwise, an Adequacy Determination shall be deemed to expire when the Development Order to which it is attached expires, lapses, is revoked, or if the Applicant has not complied with the conditions attached to its issuance.

3. Time extension requests for Development Orders are subject to applying and obtaining an adopted Adequacy Determination prior to receiving an extension approval.

4. If no expiration date is provided in the Pleasant View City Municipal Code, in the conditions of

the Adequacy Determination, or the Development Order approval, the Adequacy Determination shall expire within one (1) year after the adoption of the Adequacy Determination.

#### **K. METHODOLOGY AND CRITERIA FOR AVAILABILITY AND ADEQUACY.**

1. *Availability of Public Facilities.* Public Facilities shall be deemed to be available if they meet the following standards:

- (a) Public Facilities shall be deemed to be available within the applicable Impact Area if:
  - (i) The Public Facilities are currently in place or will be in place when the Development Order is granted; or
  - (ii) Provision of the Public Facilities are a condition of the Development Order and are guaranteed to be provided at or before the issuance of a final plat or building permit for proposed development on the subject property; or
  - (iii) The Public Facilities are under construction and will be available at the time that the impacts of the proposed development will occur; or
  - (iv) The Public Facilities are guaranteed by an enforceable development agreement which ensures that the Public Facilities will be in place at the time that the impacts of the proposed development will occur.

2. *Adequacy of Public Facilities.* Public Facilities shall be deemed to be adequate if it is demonstrated that they have Available Capacity to accommodate the demand generated by the proposed development in accordance with the following calculation methodology, unless otherwise indicated herein:

- (a) Calculate Available Capacity by subtracting from the total Capacity the sum of:
  - (i) The demand for each Public Facility created by existing development; and
  - (ii) The demand for each Public Facility created by the anticipated completion of Committed Development; and
  - (iii) The demand for each Public Facility created by the anticipated completion of the proposed development under consideration for an adequacy determination.

3. *Minimum Service Capacity Standards.* Compliance with Minimum Service Capacity Standards shall be measured for each Public Facilities set forth in Table 18.70.01.

#### **L. ADMINISTRATION.**

- 1. *Rules and Regulations.* The City Council may adopt, by resolution, rules,

regulations, administrative guidelines, forms, worksheets and processes as are necessary to efficiently and fairly administer and implement the Adequate Public Facilities Ordinance.

2. *Administrative Fees.* The City Council may establish by resolution, a fee schedule for each of the administrative procedures, determinations, approvals and certifications required by this Resolution.

3. *Conflict.* To the extent of any conflict between other City resolutions or regulations and this Section, the more restrictive is deemed to be controlling. This Chapter is not intended to amend or repeal any existing City, resolution or regulation.

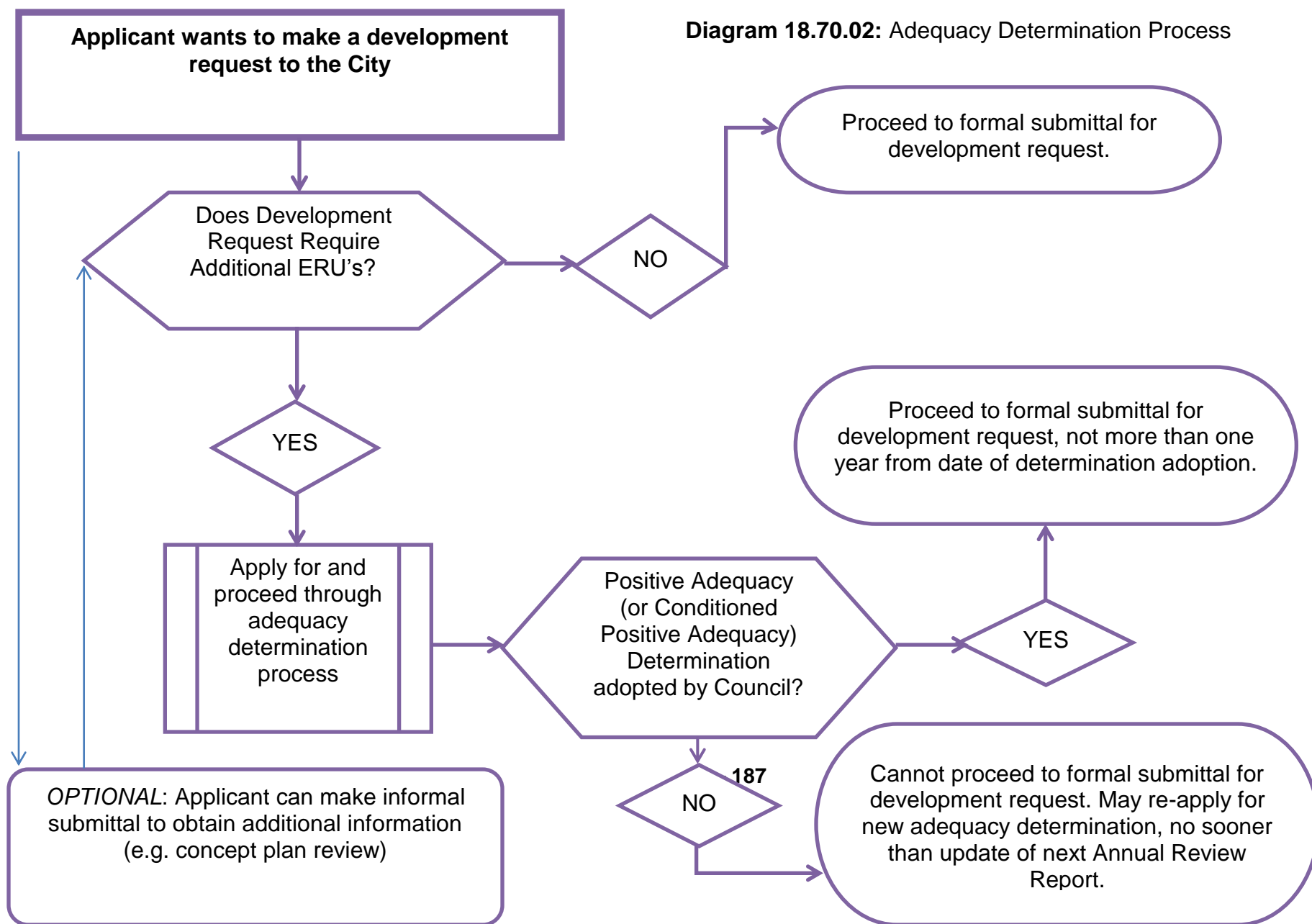
4. *Appeal.* Adequacy Determinations may be appealed to District Court within 30 calendar days of written notification of the decision from the City, or approval of the minutes of the meeting in which the action was taken, whichever occurs first. (Ord 2017-2, dated 2/15/17 and Ord.2014-6, dated 7/22/14)

**Table 18.70.01: Minimum Service Capacity Standards**

Public Facility	Minimum Capacity Service Standard	Affected Area
<b>Culinary Water</b>	<ul style="list-style-type: none"> <li>Source: 864 gallons per day per connection (ERU) must be available (peak day)</li> <li>Storage: 400 gallons per ERU</li> <li>Distribution System Pressure Capacity: 50 psi (peak instantaneous)</li> <li>Fire Flow: 20 psi at required fire flow for the proposed development</li> <li>Culinary water infrastructure must be available and ability to connect for the proposed development</li> </ul>	<i>Pleasant View City Water:</i> Properties that lie within city limits east of Highway 89
	<ul style="list-style-type: none"> <li>Minimum capacity service standard as determined by the culinary water service provider (i.e. will-serve letter)</li> </ul>	<i>Bona Vista Water District:</i> Properties that lie within the city limits west of Highway 89
<b>Secondary Water</b>	<ul style="list-style-type: none"> <li>Sufficient water shares (as determined by the secondary water service provider) to cover the ground proposed for development</li> <li>Secondary water infrastructure must be available and ability to connect for the proposed development</li> <li>Minimum capacity service standard as determined by the secondary water provider (i.e. will-serve letter)</li> </ul>	Citywide

<b>Storm Drain</b>	<ul style="list-style-type: none"><li>▪ Detention: 0.1 CFS per acre release rate</li><li>▪ Detention Basin Volume: 100-yr storm</li><li>▪ Piping System Capacity: 10-yr storm</li><li>▪ Impacts on entire system evaluated in storm water model. Consideration will be given for new, expansion or use of existing regional detention basins.</li></ul>	Citywide
<b>Sewer</b>	<ul style="list-style-type: none"><li>▪ Impacts on entire system evaluated in sewer model</li><li>▪ Minimum service capacity standard as determined by the sewer district at district connections (i.e. will-serve letter</li></ul>	Citywide
<b>Streets</b>	<ul style="list-style-type: none"><li>▪ Two means of ingress/egress for a maximum of 50 dwelling units (this is determined to be an aggregate of both existing and proposed dwelling units from the last public intersection that has two means of ingress/egress)</li><li>▪ If projected site traffic (greater than) &gt; 1,000 ADT, <b>OR</b> Projected peak hour traffic (greater than) &gt; 200; a Traffic Study will be required. The level of traffic study required will be determined using the UDOT's Traffic Impact Study Levels (I, II, III or IV)</li><li>▪ Impact of additional truck traffic</li></ul>	Pleasant View City Streets
	<ul style="list-style-type: none"><li>▪ Approval of new or improved access</li></ul>	State Roads (UDOT): 2700 North and US-89

Diagram 18.70.02: Adequacy Determination Process



## **Title 18**

### **Zoning**

#### Chapters:

18.02 General Provisions .....	18 - 1
18.04 Definitions .....	18 - 3
18.08 Zones Established.....	18 - 13
18.09 RE-15 Zone.....	18 - 15
18.10 RE-20 Zone.....	18 - 18
18.12 S-1G Zone (repealed) .....	18 - 21
18.14 Gateway Zones (repealed).....	18 - 22
18.15 Mixed Use Zones (repealed) .....	18 - 23
18.16 A-2 Zone .....	18 - 24
18.18 A-5 Zone .....	18 - 26
18.20 R-1 Zone .....	18 - 30
18.22 R-5 Zone .....	18 - 32
18.24 RMH-1 Zone.....	18 - 34
18.25 Residential Multi-Family Zone – RM (repealed) .....	18 - 49
18.26 C-1 Zone .....	18 - 50
18.27 Commercial zones (C-1 & C-2) .....	18 - 52
18.28 C-2 Zone .....	18 - 57
18.29 Sign Regulations .....	18 - 58
18.30 C-3 Zone .....	18 - 79
18.31 CP-1, CP-2 and CP-3 Zones.....	18 - 80
18.32 MP-1 Zone .....	18 - 92
18.33 Manufacturing/Commercial Mix Zone (MCM).....	18 - 98
18.34 M-2 Zone.....	18 - 103
18.35 Special Approval Residential Zones.....	18 - 104
18.36 PS-1-A Zone .....	18 - 109
18.37 Planned Residential Unit Development PRUD (repealed) .....	18 - 119
18.38 Sensitive Area Overlay Zone.....	18 - 120
18.39 Transportation Oriented Development (TOD) Zone (repealed).....	18 - 126
18.40 E-1 Excavation Zone .....	18 - 127
18.42 Supplementary Use Regulations.....	18 - 128
18.43 Design Requirements.....	18 - 132
18.44 Off-Street Parking and Loading.....	18 - 152
18.46 Motor Vehicle Access.....	18 - 154
18.48 Public Utility Substations .....	18 - 155
18.50 Nonconforming Building and Uses .....	18 - 156
18.54 Conditional Uses and Site Plans.....	18 - 158
18.56 Commissions, Boards and Committees .....	18 - 161
18.58 Rescinded .....	18 - 165
18.60 Administration and Enforcement .....	18 - 166
18.62 Rezoning Procedure and	



Development Agreement (repealed) .....	18 - 168
18.64 Standards for Single Family Dwellings .....	18 - 169
18.66 Attached Accessory Apartments .....	18 - 170
18.67 Electronic Communication Facilities.....	18 - 172
18.68 Master Planned Community (MPC) (repealed) .....	18 - 175
18.70 Adequate Public Facilities .....	18 - 176

## **Title 20**

### **Zoning**

#### Chapters:

20.08	Changes of Zoning .....	20 - 1
20.32	Apartment (RM) Requirements (repealed).....	20 - 5
20.38	Gateway Zones.....	20 - 6
20.40	Mixed Use Zones.....	20 - 12

## Title 20

### Zoning

<b>Chapter 20.08 - Changes of Zoning .....</b>	<b>20 - 1</b>
20.08.010 Purpose and Intent. ....	20 - 1
20.08.020 Development to Be Linked To Rezoning. ....	20 - 1
20.08.030 Application Procedure. ....	20 - 1
20.08.040 Concept Development Plan. ....	20 - 2
20.08.050 Concept Development Plan Attached to Rezoning. ....	20 - 2
20.08.060 Procedure for Processing development Proposals. ....	20 - 2
20.08.070 Development to Take Place Only in Accordance with Approved Plans .....	20 - 2
20.08.080 Reversion to Original Zoning Designation .....	20 - 2
20.08.090 Development Agreement. ....	20 - 3
20.08.100 Development Agreement to Constitute a Covenant Running with the Land .....	20 - 3
20.08.110 City Zoning Alternative Actions .....	20 - 3
 <b>Chapter 20.32 - Apartment (RM) Requirements .....</b>	 <b>20 - 5</b>
Repealed.	
 <b>Chapter 20.38 - Gateway Zones .....</b>	 <b>20 - 6</b>
<b>Section I. General Provisions .....</b>	<b>20 - 6</b>
20.38.100 Purpose. ....	20 - 6
20.38.110 Parking and Access. ....	20 - 6
20.38.120 Architectural and Site Standards. ....	20 - 6
20.38.130 Other Requirements. ....	20 - 6
20.38.140 Use Regulations. ....	20 - 7
20.38.150 Lot Requirements. ....	20 - 8
20.38.160 Yard Requirements. ....	20 - 8
20.38.170 Development Review. ....	20 - 8
<b>Section II. Gateway West .....</b>	<b>20 - 9</b>
20.38.200 Description and Intent. ....	20 - 9
20.38.210 Uses. ....	20 - 9
<b>Section III. Gateway North .....</b>	<b>20 - 10</b>
20.38.300 Description and Intent. ....	20 - 10
20.38.310 Uses. ....	20 - 10
 <b>Chapter 20.40 - Mixed Use Zones .....</b>	 <b>20 - 12</b>
<b>Section I. General Provisions .....</b>	<b>20 - 12</b>

20.40.100 Purpose. ....	20 - 12
20.40.110 Parking and Access. ....	20 - 12
20.40.120 Architectural and Site Standards. ....	20 - 12
20.40.130 Other Requirements. ....	20 - 12
20.40.140 Use Regulations. ....	20 - 13
20.40.150 Lot Requirements. ....	20 - 14
20.40.160 Yard Requirements. ....	20 - 14
20.40.170 Development Review. ....	20 - 14
<b>Section II. Mixed Use West</b> .....	<b>20 - 14</b>
20.40.200 Description and Intent. ....	20 - 15
20.40.210 Uses. ....	20 - 15
<b>Section III. Mixed Use Central</b> .....	<b>20 - 16</b>
20.40.300 Description and Intent. ....	20 - 16
20.40.310 Uses. ....	20 - 16
<b>Section IV. Mixed Use East</b> .....	<b>20 - 17</b>
20.40.400 Description and Intent. ....	20 - 17
20.40.410 Uses. ....	20 - 17

## **Chapter 20.08 – Changes of Zoning**

**20.08.010 Purpose and Intent.** The purpose of this chapter is to establish responsibilities and commitments of both Pleasant View City and an applicant at the time the city considers rezoning of property in response to a filed application. This chapter also outlines the procedure and options of the city in considering rezoning approval. (Ord.2013-2, dated 5/28/13)

### **20.08.020 Development to Be Linked to Rezoning.**

A. Since the purpose of zoning regulations is to promote the general welfare, safety, health, convenience and economic prosperity of the residents of the city, rezoning of property should further this purpose. As rezoning of property itself does nothing to promote these goals, the achievement of proposed development upon which rezoning is based is of prime importance to the city to justify the actual rezoning requested.

B. It is to the advantage of an applicant for rezoning to gain City acceptance of a development concept for property which is the subject of a zoning application. Acceptance of a development concept with rezoning approval should only occur when in accordance with policies and guidelines outlined in the city's adopted master plan respecting the need and desires of residents in the immediate area.

C. Therefore, in order to associate projected development with a rezoning application, Pleasant View City requires that a concept development plan showing an applicant's general development proposals be submitted as part of a rezoning application for all proposed developments.

D. With this information, the city can more readily determine whether a rezoning application would be in conformance with the city adopted master plan, its goals and policies and be compatible with surrounding land use and zoning and can better assess the impact of the proposed development on existing public infrastructure along with the attitudes of property owners and residents of the impacted area. The intent herein is to enhance flexibility and facilitate ease of acceptance in the city's response to rezoning requests. (Ord.2013-2, dated 5/28/13)

### **20.08.030 Application Procedure.**

A. The city procedure for processing rezoning applications for developments requires an applicant to submit as part of the rezoning application, a concept development plan and to specify the general land uses, the general site and building arrangements which will occupy the property, and the general time frame and phasing of development if rezoning is granted.

B. Applications shall be on forms provided by the city and shall be accompanied by materials and plans as found in the check list provided with the application. Applications shall be submitted to the city planner.

C. Neighboring property owners will be notified of the rezoning application, and the general conceptual details of what is proposed, including how and when it would be located on the property.

D. The Planning Commission and the City Council will consider whether the application should be approved or disapproved based upon the merits and compatibility of the proposed project with the master plan and surrounding land uses and its impact on the surrounding area. They will consider also whether the proposed development, and in turn the petitioned-for rezoning, is needed to provide a service or convenience brought about

by changing conditions and which therefore promotes the public welfare. They may require subsequent changes in the concept development plan in order to achieve compatibility and may impose any conditions to lessen or eliminate adverse impacts. (Ord.2013-2, dated 5/28/13)

**20.08.040 Concept Development Plan.** The conceptual plan to be submitted with a rezoning application shall indicate general land use types, approximate locations and arrangements of buildings, structures, and facilities and general open space, parking access and traffic patterns, utility provisions, and all information determined by the city to be necessary to adequately review the proposal, and shall be regarded as a "concept development plan" only. More specific development plans are to be reviewed by the city at a later date as part of the subdivision, site plan review, conditional use approval and building permit issuance process. The information shown on the concept development plan may vary in detail depending on the scale of projects and may be described in broad general terms in plan and narrative form. (Ord.2013-2, dated 5/28/13)

**20.08.050 Concept Development Plan Attached to Rezoning.** At the time of rezoning approval by the City Council, the concept development plan becomes attached to the rezoning and the rezoned land. The applicant/owner and any assigns or successors in interest, becomes committed to develop in accordance with the conceptual proposals outlined in the plan. The city may require that a materially different concept, use, building arrangement, etc., be amended by the City after public hearings as per the procedure followed for original approval. If the city denies such changes or amendments and/or the concept plan is abandoned, the City may take steps to rescind zoning approval and revert the zoning to its former zone or to institute another appropriate zone. (Ord.2013-2, dated 5/28/13)

**20.08.060 Procedure for Processing Development Proposals.** After rezoning is completed, a development proposal shall be processed and specific plans for all or a phase of the development on the rezoned land shall be reviewed as required by the zoning and subdivision ordinance and other applicable regulations and codes in effect and shall be in general accordance with the concept plan and any conditions attached to approvals. (Ord.2013-2, dated 5/28/13)

**20.08.070 Development to Take Place Only in Accordance with Approved Plans.** Once City approvals have been granted, permits shall be issued only for uses, buildings and structures as approved by the City on relevant plans. Permits shall be issued and development shall only proceed in such a manner as to assure that all amenities and features of approved plans are constructed and all conditions of approval are complied with as development proceeds. (Ord.2013-2, dated 5/28/13)

**20.08.080 Reversion to Original Zoning Designation.**

A. If development does not occur as proposed at the time of zoning approval, the public benefits expected from the development cannot be realized and the effect of the rezoning is therefore without merit in terms of improving the public economic prosperity, general welfare, safety, health and convenience to the city's residents. If in such cases the city finds that the zoning purpose has not been attained, the City may take steps to rescind zoning approval and revert the zoning to its former zone or to institute another

appropriate zone so that future opportunities for similar development in the same general area may be shared by all properties deemed suitable, and so that a speculative zoning monopoly is not created.

B. If building permits have not been obtained or if construction of the development or an agreed upon phase thereof in accordance with the approved development plans, has not commenced within two years from the date of zoning approval or other time period as set by the City, the city may examine the reasons for the delay and the progress of the developers to that point and may either extend the time period or the City may take steps to rescind zoning approval and revert the zoning to its former zone or to institute another appropriate zone. The reversion of zoning shall follow the same procedure established by law for amending the zoning map. (Ord.2013-2, dated 5/28/13)

#### **20.08.090 Development Agreement.**

A. The City Council may require an applicant, at the time of zoning approval, to enter into a development agreement which specifies and details the petitioner's responsibilities and commitments in carrying out development contained in a concept development plan and which lists the conditions and limitations of development imposed by the City and also the contemplated action of the City in case of default by an applicant or any successors in interest in the rezoned property.

B. The agreement shall also contain the applicant's acknowledgement that the commitment of zoning is predicated upon the good faith accomplishment of the proposed development and if not started or constructed within the specified period of time, the City may take steps to rescind zoning approval and revert the zoning to its former zone or to institute another appropriate zone. (Ord.2013-2, dated 5/28/13)

#### **20.08.100 Development Agreement to Constitute a Covenant Running with the Land.**

A development agreement with appropriate time limitations, which has been executed as part of a rezoning process, shall be recorded in the county recorder's office as a covenant running with the land. (Ord.2013-2, dated 5/28/13)

#### **20.08.110 City Zoning Alternative Actions.**

A. In all rezoning petition considerations, the City Council, after considering the recommendations of the Planning Commission and after holding the required public hearing(s), may take any of the following alternative actions, subject to appropriate findings of fact:

1. By motion, grant conditional zoning approval with the rezoning to become effective by passage of an ordinance at a future date when more detailed development plans and/or other information have been approved by the city. This action represents a zoning commitment by the city with fulfillment based upon a petitioner's future more complete proposals for development.

- a. Conditional zoning approval shall be valid for a period of two years or such other time period as expressly set by the City Council. Upon the expiration of such period of time without further proposals for development, the City Council shall either grant an extension of time or rescind its conditional approval and deny the rezoning petition.

- b. Once further proposals are submitted, the City Council, after due consideration of additional material submitted, and upon a recommendation from the Planning Commission, shall:

- i. Approve rezoning subject to the development plan and adopt an ordinance rezoning the property; or
    - ii. Approve with changes or conditions and adopt an ordinance rezoning the property; or
    - iii. Deny the rezoning petition.
  2. Grant the petition, subject to the proposed concept plan and other requirements of this chapter and adopt an ordinance rezoning the property; or
  3. Deny the rezoning petition outright.
- B. City Initiated Zoning. The City Council, upon its own initiative and after receiving the recommendation of the Planning Commission may zone or rezone land:
1. Where it is determined to be in the best interest of the general public; or
  2. In order to achieve consistency as a result of amendments to or the contents of the City's General or Master Plans; or
  3. Where changed conditions, public attitudes or life styles so indicate a need. (Ord.2013-2, dated 5/28/13)



## **Chapter 20.32 - Apartment (RM) Requirements**

**Repealed.** (Ord. 2015-8, dated 12/8/15; prior codes: Ord.2013-2, dated 5/28/13; prior code: Ord.2012-5, dated 6/12/12)

## Chapter 20.38 – Gateway Zones

### SECTION I GENERAL PROVISIONS

**20.38.100 Purpose.** The purpose of the Gateway Zones is to provide an aesthetically pleasing entry into Pleasant View City that allows areas for a variety of retail, office, and entertainment while accommodating automobile traffic to regional services dependent upon a major transportation facility. (Ord.2015-8, dated 12/8/15; prior codes: Ord.2013-2, dated 5/28/13 and Ord.2012-5, dated 6/12/12)

**20.38.110 Parking and Access.** Parking areas and access shall meet requirements of this code. Strategies for walkable commercial development shall be implemented where appropriate. All access and street placements shall be subject to the UDOT Cooperative Agreement, and be in compliance with the Pleasant View Access Study and the City's Master Street Plan. (Ord.2013-2, dated 5/28/13; prior code: Ord.2012-5, dated 6/12/12)

**20.38.120 Architectural and Site Standards.** All development shall incorporate the Design Requirements of the City that are appropriate to the type of project or design alternatives approved by the City. Site plan approval shall be required of all developments. (Ord.2013-2, dated 5/28/13; prior code: Ord.2012-5, dated 6/12/12)

#### **20.38.130 Other Requirements.**

The following provisions shall apply:

A. Private Covenants: If applicable, the developer shall submit a proposed declaration of covenants to the city for review, and record the accepted covenants with the subdivision plat for the project.

B. Grading and Drainage: All developments shall be graded according to the city engineering and building requirements to provide adequate drainage on and off the property. Buildings shall be equipped with facilities for the discharge of all roof drainage onto the subject lot or parcel in a manner acceptable to the City. Unless specifically determined otherwise by the City, land drain systems shall be included.

C. Easements: Buildings may not be located within public easements without written approval of the City and utility providers.

D. Maintenance: All developments shall be properly maintained by the owners.

E. Phasing Plan: A project phasing plan shall be submitted for review at the time of preliminary plat or site plan approval. Development shall be in accordance with the phasing plan unless a revised phasing plan is approved by the city.

F. Utilities and street improvements.

1. Complete utility plans shall be provided including onsite storm drain provisions.

2. Streets and appropriate access shall be required and plans for placement of such shall be approved by the City based on the UDOT Cooperative Agreement, the Pleasant View Access Study and the City's Master Street Plan. Plans for completion of improvements to adjacent and/or any required new streets shall be provided by the developer and be subject to City approval.

G. Conflicts. Whenever the Mixed Use zones conflict or overlap the Gateway Zones, as depicted on the General Plan, the Gateway zone requirements shall prevail.

(Ord.2015-8, dated 12/8/15; prior codes: Ord.2013-2, dated 5/28/13 and Ord.2012-5, dated 6/12/12)

**20.38.140 Use Regulations.** Uses may be conducted only in accordance with the following regulations:

A. Only those uses listed as permitted, conditional or accessory uses as set forth in this chapter may be conducted.

1. Except where parcels are deemed by the City to have restricted development options or where in proximity to transportation hubs, residential uses must not be located any closer than two hundred feet of Highway 89 or 2700 North.

2. A conditional use permit must be obtained prior to establishing a conditional use.

3. Sexually oriented businesses are prohibited.

B. All uses shall be conducted within completely enclosed buildings, except those customarily associated with outside use such as auto sales or unless otherwise allowed in this chapter, or those temporary uses customarily conducted in the outdoors, including Christmas tree lots, fireworks stands and parking lot sales associated with an approved use on the property. Parking lot sales may be conducted up to four (4) 1-week periods per year.

C. Accessory uses and buildings may be conducted or used only in conjunction with allowed permitted and conditional uses. Accessory uses or buildings include, but are not limited to, parking lots and terraces, properly screened utility and loading areas and other buildings and activities which are customarily incidental and subordinate to the principal permitted or conditional use on the premises.

D. There shall be no storage of trash or debris nor any used, wrecked or neglected materials, equipment or vehicles. No commercial materials, goods or inventory may be stored in open areas, except for temporary display items which may be located only on private property no closer than ten feet from any public right of way. Outdoor storage of inventory or products such as firewood, water softener salt, garden supplies and building materials is permitted only in specific areas approved for such purpose by the City and shall be screened from view through the use of solid fencing, a minimum of six (6) feet high and shall be an accessory use to the principle use. Fencing and walls shall be made of high quality, durable materials that require minimal maintenance. Acceptable material includes, but not limited to tilt-up concrete, masonry block, brick, stone, metal, composite/recycled materials or other manufactured materials or combination of materials commonly used for fencing.

E. No vehicle, boat or trailer, or parts thereof, which is in a wrecked, junked, dismantled, inoperative or abandoned condition, attended or not, may be parked or stored for longer than twenty-four hours unless stored within a completely enclosed building.

F. No commercial vehicles such as earthmoving or material handling equipment, semi-trucks or trailers or any commercial truck, trailer or vehicle may be stored for longer than twenty-four hours, except in conjunction with an approved use, or approved development or construction activities on the property.

G. Utility trailers and recreational vehicles such as motor homes, travel trailers, watercraft, campers and all-terrain vehicles, may not be stored in any area unless part of an approved business for such or except in conjunction with a single-family dwelling, and must be in accordance with City requirements.

H. Access and street location. Access to public streets and roads and the placement of such roads and access shall be subject to City approval and the following:

1. Along Highway 89 and 2700 North, UDOT approval shall be required for all access.

2. On street intersections connecting to Highway 89 and 2700 North there shall be no curb cuts closer than one hundred feet to that intersection. Corner lots on all other streets shall have no curb cuts closer than sixty feet to the intersection.

The City may require greater distances as uses and conditions dictate.

3. All access and street placement shall be subject to specific City approval based on the UDOT Cooperative Agreement, the Pleasant View Access Study, and the City's Master Street Plan.

(Ord.2015-8, dated 12/8/15; prior codes: Ord.2015-2, dated 3/10/15, Ord.2013-2, dated 5/28/13 and Ord.2012-5, dated 6/12/12)

#### **20.38.150 Lot Requirements.**

A. Width. Minimum lot width shall be as established with development approval. Each lot or parcel must front on or have legal access to a public street.

B. The following area requirements shall apply:

1. Minimum Project Area: "Project" shall be defined as any development for which preliminary plat or site plan approval has been proposed or granted. The minimum area of any project shall be one acre.

2. Minimum Lot Area: Minimum lot area shall be as established with development approval. (Ord.2013-2, dated 5/28/13; prior code: Ord.2012-5, dated 6/12/12)

#### **20.38.160 Yard Requirements.**

A. Yard requirements shall be determined during the site plan, Subdivision and/or mixed use review by the City.

B. Single-family residential buildings shall be buffered from non-single family lot lines as required by the City. The City may require fencing, screening, setbacks, landscaping and other buffers based on the intensity of the non-single family residential use, the location of the project, the extent of the adjacent residential use including the project longevity, and whether said uses are contained in the same building.

C. Prior Created Lots: Nonconforming lots or parcels of land which legally existed or were created by a preliminary or final plat approval prior to the establishment of the zone shall be brought into conformance with the requirements of this chapter prior to or with new development. (Ord.2013-2, dated 5/28/13; prior code: Ord.2012-5, dated 6/12/12)

#### **20.38.170 Development Review.**

A. All uses proposed may only be established in conformance with development review procedures of the city. Applicants shall follow the procedures and requirements of City codes regarding development review in the preparation and review of development proposals. Appropriate site plan review shall be included.

B. All uses shall be conducted according to the approved plan or plat and any conditions of approval. Plans or plats may not be altered without prior approval of the city.

C. Development agreements may be required and included in development approvals. (Ord.2013-2, dated 5/28/13; prior code: Ord.2012-5, dated 6/12/12)

## **SECTION II GATEWAY WEST**

### **20.38.200 Description and Intent.**

A. Description. As depicted in the City General Plan, the area in which Gateway West zone could be applied is the entrance to the City from 1-15 extending east on 2700 North to roughly 900 West.

B. Intent.

1. The intent of the Gateway West Zone is to provide areas for development that is compatible with a major arterial highway corridor. It is intended to provide a full range of office, restaurant, retail commercial and service uses which are oriented to serve the City as a whole.

2. It is further intended that a variety of retail, office, entertainment intermixed in the area to create a walkable environment for workers, shoppers, residents and visitors while accommodating automobile traffic to regional services dependent upon a major transportation facility.

3. It is also intended to encourage orderly, aesthetically pleasing development and a balance of uses while discouraging strip commercial with its attendant congestion, pollution and visual blight. (Ord.2015-8, dated 12/8/15; prior codes: Ord.2013-2, dated 5/28/13 and Ord.2012-5, dated 6/12/12)

### **20.38.210 Uses.**

A. The following uses are permitted:

1. Banks, credit unions, financial institutions.
2. Beauty, health or fitness centers.
3. Books, videos, media, photography, copies; retail sales.
4. Art and drafting and/or office supplies, stationery; retail sales.
5. Clothing retail including apparel, footwear, sewing supplies
6. Department or food stores.
7. Furniture, electronics, appliances or home furnishings retailing.
8. Hardware and/or home improvement retailing.
9. Health, beauty, medical products retailing.
10. Hobbies, crafts and/or toy retailing.
11. Household goods retailing.
12. Medical, dental, health services.
13. Office uses (professional, insurance, legal, travel, similar).
14. Pharmacy.
15. Restaurants and/ or fast food establishments.
16. Shopping centers, malls.
17. Sporting goods, retailing

B. The following are conditional uses:

1. Auto and/or equipment parts retailing.
2. Automobile sales, new and/or used; maximum three acres per business.
3. Automotive services enclosed within a building, including lube, tune up, automatic wash, inspection, tires, mufflers, repairs.

4. Community uses.
5. Convention, arena, reception and/or assembly facilities.
6. Cultural exhibits and activities.
7. Daycare center.
8. Entertainment, amusement, recreational activities.
9. Equipment or appliance light repairs and/or service enclosed within a building.
10. Gas stations, convenience stores.
11. Hospitals.
12. Hotels and motels.
13. Laundry.
14. Lumber, building material and/or landscaping retail sales yards.
15. Movie theaters, concert halls.
16. Public or quasi-public facilities.
17. Recreational vehicle or boat sales.

C. Other uses. Uses substantially similar to, or customarily accessory to, a listed use or category may be administratively allowed as determined by the Community Development Department. (Ord.2015-8, dated 12/8/15; prior codes: Ord.2013-2, dated 5/28/13 and Ord.2012-5, dated 6/12/12)

### **SECTION III GATEWAY NORTH**

#### **20.38.300 Description and Intent.**

A. As depicted in the City General Plan, the area in which the Gateway North zone could be applied is the entrance to the City on north US 89.

B. Intent.

1. The intent of the Gateway North Zone is to allow, on the Hill Side of the highway, some limited office and retail facilities that are more in the nature of neighborhood commercial. On the Freeway Side of the highway, along with retail uses of a regional scale, some low scale commercial/industrial uses are envisioned.

2. The area is intended to provide for specific uses in a planned commercial setting which will be compatible and complimentary with adjacent uses including nearby residential neighborhoods and will promote a high level of architectural and landscaping excellence.

3. This area should include uses with creatively designed structures, following an architecturally unique model or theme, and other innovative features and amenities that provide an inviting welcome to the City. (Ord. 2015-8, dated 12/8/15; prior codes: Ord.2013-2, dated 5/28/13 and Ord.2012-5, dated 6/12/12)

#### **20.38.310 Uses.**

A. The following uses are permitted on the Freeway Side of Highway 89:

1. Those uses listed as permitted in the Gateway West Zone.

B. The following are conditional uses on the Freeway Side of Highway 89:

1. Those uses listed as conditional uses in the Gateway West Zone
2. Manufacturing within an enclosed building.
3. Warehousing/Distribution.

C. The following uses are permitted on the Hill Side of Highway 89

1. Neighborhood Services.
  2. Banks, credit unions, financial institutions.
  3. Medical, dental, health services.
  4. Daycare center.
- D. The following are conditional uses on the Hill Side of Highway 89:
1. Automobile sales, new and/or used; maximum three acres per business.
  2. Automotive services enclosed within a building, including lube, tune up, automatic wash, inspection, tires, mufflers, repairs, parts retailing
  3. Community uses.
  4. Cultural exhibits and/or activities.
  5. Gas stations, convenience stores.
  6. Recreational vehicle or boat sales.
  7. Restaurants.
  8. Office uses, small scale (professional, insurance, legal, travel, similar).
- E. Other uses. Uses substantially similar to, or customarily accessory to, a listed use or category may be administratively allowed as determined by the Community Development Department. (Ord.2015-8, dated 12/8/15; prior codes: Ord.2013-2, dated 5/28/13 and Ord.2012-5, dated 6/12/12)

## **Chapter 20.40 – Mixed Use Zones**

### **SECTION I GENERAL PROVISIONS**

**20.40.100 Purpose.** The purpose of the Mixed Use Zones is to provide areas for development compatible with the major arterial highway corridors. It is intended that a variety of retail, office be intermixed in the area to create a walkable environment for workers, shoppers, residents and visitors while accommodating automobile traffic to regional services dependent upon a major transportation facility. It is also intended that some mixed use areas will include commercial and industrial uses in a planned environment consistent with such uses and compatible with other adjacent uses. (Ord.2015-8, dated 12/8/15; prior codes: Ord.2013-2, dated 5/28/13 and Ord.2012-5, dated 6/12/12)

**20.40.110 Parking and Access.** Parking areas and access shall meet requirements of this code. Strategies for walkable commercial development shall be implemented where appropriate. All access and street placements shall be subject to the UDOT Cooperative Agreement, and be in compliance with the Pleasant View Access Study and the City's Master Street Plan. (Ord.2013-2, dated 5/28/13; prior code: Ord.2012-5, dated 6/12/12)

**20.40.120 Architectural and Site Standards.** All development shall incorporate the Design Requirements of the City that are appropriate to the type of project, or design alternatives approved by the City. Site plan approval shall be required of all developments. (Ord.2013-2, dated 5/28/13; prior code: Ord.2012-5, dated 6/12/12)

**20.40.130 Other Requirements.**

The following provisions shall apply:

A. Private Covenants: if applicable, the developer shall submit a proposed declaration of covenants to the city for review, and record the accepted covenants with the condominium map or subdivision plat for the project.

B. Grading and Drainage: All developments shall be graded according to the city engineering and building requirements to provide adequate drainage on and off the property. Buildings shall be equipped with facilities for the discharge of all roof drainage onto the subject lot or parcel in a manner acceptable to the City. Unless specifically determined otherwise by the City, land drain systems shall be included.

C. Easements: Buildings may not be located within public easements without written approval of the City and utility providers.

D. Maintenance: All developments shall be properly maintained by the owners.

E. Phasing Plan: A project phasing plan shall be submitted for review at the time of preliminary plat or site plan approval. Development shall be in accordance with the phasing plan unless a revised phasing plan is approved by the city and adopted as an exhibit. Such phasing plan shall be included in a development agreement.

F. Utilities and street improvements.

1. Complete utility plans shall be provided including onsite storm drain provisions.



2. Streets and appropriate access shall be required and plans for placement of such shall be approved by the City based on the UDOT Cooperative Agreement, the Pleasant View Access Study and the City's Master Street Plan. Plans for completion of improvements to adjacent and/or any required new streets shall be provided by the developer and be subject to City approval.

G. Conflicts. Whenever the Mixed Use zones conflict or overlap the Gateway Zones, as depicted on the General Plan, the Gateway zone requirements shall prevail. (Ord.2015-8, dated 12/8/15; prior codes: Ord.2013-2, dated 5/28/13 and Ord.2012-5, dated 6/12/12)

**20.40.140 Use Regulations.** Uses may be conducted only in accordance with the following regulations:

A. Only those uses listed as permitted, conditional or accessory uses as set forth in this chapter may be conducted. A conditional use permit must be obtained prior to establishing a conditional use.

B. All uses shall be conducted within completely enclosed buildings, except those customarily associated with outside use such as auto sales, as determined by the city or unless otherwise allowed in this chapter, or those temporary uses customarily conducted in the outdoors, including Christmas tree lots, fireworks stands and parking lot sales associated with an approved use on the property. Parking lot sales may be conducted up to four (4) 1-week periods per year.

C. Accessory uses and buildings may be conducted or used only in conjunction with allowed permitted and conditional uses. Accessory uses or buildings include, but are not limited to, parking lots and terraces, properly screened utility and loading areas and other buildings and activities which are customarily incidental and subordinate to the principal permitted or conditional use on the premises.

D. There shall be no storage of trash or debris nor any used, wrecked or neglected materials, equipment or vehicles. No commercial materials, goods or inventory may be stored in open areas, except for temporary display items which may be located only on private property no closer than ten feet from any public right of way. Outdoor storage of inventory or products such as firewood, water softener salt, garden supplies and building materials is permitted only in specific areas approved for such purpose by the City and shall be screened from view through the use of solid fencing, a minimum of six (6) feet high and shall be an accessory use to the principle use. Fencing and walls shall be made of high quality, durable materials that require minimal maintenance. Acceptable material includes, but not limited to tilt-up concrete, masonry block, brick, stone, metal, composite/recycled materials or other manufactured materials or combination of materials commonly used for fencing.

E. No vehicle, boat or trailer, or parts thereof, which is in a wrecked, junked, dismantled, inoperative or abandoned condition, attended or not, may be parked or stored for longer than twenty-four hours unless stored within a completely enclosed building.

F. No commercial vehicles such as earthmoving or material handling equipment, semi-trucks or trailers or any commercial truck, trailer or vehicle may be stored for longer than twenty-four hours, except in conjunction with an approved use, or approved development or construction activities on the property.

G. Utility trailers and recreational vehicles such as motor homes, travel trailers, watercraft, campers and all-terrain vehicles, may not be stored in any area unless part of

an approved business for such or except in conjunction with a single-family dwelling, and must be in accordance with City requirements.

H. Access and street location. Access to public streets and roads and the placement of such roads and access shall be subject to City approval and the following:

1. Along Highway 89 and 2700 North, UDOT approval shall be required for all access.

2. On street intersections connecting to Highway 89 and 2700 North there shall be no curb cuts closer than one hundred feet to that intersection. Corner lots on all other streets shall have no curb cuts closer than sixty feet to the intersection. The City may require greater distances as uses and conditions dictate.

3. All access and street placement shall be subject to specific City approval based on the UDOT Cooperative Agreement, the Pleasant View Access Study, and the City's Master Street Plan.

(Ord.2015-8, dated 12/8/15; prior codes: Ord.2015-2, dated 3/10/15, Ord.2013-2, dated 5/28/13 and Ord.2012-5, dated 6/12/12)

#### **20.40.150 Lot Requirements.**

A. Width. Minimum lot width shall be as established with development approval. Each lot or parcel must front on or have legal access to a public street.

B. The following area requirements shall apply:

1. Minimum Project Area: "Project" shall be defined as any development for which preliminary plat or site plan approval has been proposed or granted. The minimum area of any project shall be one acre.

2. Minimum Lot Area: Minimum lot area shall be as established with development approval.

C. Prior Created Lots: Nonconforming lots or parcels of land which legally existed or were created by a preliminary or final plat approval prior to the establishment of the zone shall be brought into conformance with the requirements of this chapter prior to or with new development. (Ord.2013-2, dated 5/28/13; prior code: Ord.2012-5, dated 6/12/12)

#### **20.40.160 Yard Requirements.**

A. Yard requirements shall be determined during the site plan, subdivision.

(Ord.2015-8, dated 12/8/15; prior codes: Ord.2013-2, dated 5/28/13 and Ord.2012-5, dated 6/12/12)

#### **20.40.170 Development Review.**

A. All uses proposed may only be established in conformance with development review procedures of the city. Applicants shall follow the procedures and requirements of City codes regarding development review in the preparation and review of development proposals. Appropriate site plan and conditional use reviews shall be included.

B. All uses shall be conducted according to the approved plan or plat and any conditions of approval. Plans or plats may not be altered without prior approval of the city.

C. Development agreements may be required and included in development approvals. (Ord.2013-2, dated 5/28/13; prior code: Ord.2012-5, dated 6/12/12)

## **SECTION II**

## **MIXED USE WEST**

### **20.40.200 Description and Intent.**

A. Description. As depicted in the City General Plan, the area in which the Mixed Use West zone could be applied is north of 2700 North to the north City boundary between the railroad tracks and I-15, includes the Transit Oriented Development (TOD) areas, and includes the area south of 2550 North between Highway 89 and the railroad tracks.

B. Intent.

1. The Mixed Use West Areas are intended to encourage commercial and industrial uses in a planned, aesthetically pleasing business park setting, which are compatible both in architecture and landscaping to other uses in the zone.

2. This area is intended for general commercial and light manufacturing, as well as retail and office particularly along Highway 89 and adjacent to the Freeway, and could include a variety of residential and mixed uses.

3. Retail services, professional business parks and manufacturing/industrial uses are promoted when they are complementary and can function as a unified cohesive development with adjacent uses.

(Ord.2015-8, dated 12/8/15; prior codes: Ord.2013-2, dated 5/28/13 and Ord.2012-5, dated 6/12/12)

### **20.40.210 Uses.**

A. The following uses are permitted:

1. Uses listed as permitted in the Gateway West Zone.
2. Business parks.
3. Manufacturing within an enclosed building.
5. Warehousing/Distribution.

B. The following are conditional uses:

1. Automobile sales, new and/or used.
2. Automotive services enclosed within a building, including lube, tune up, automatic wash, inspection, tires, mufflers, repairs, parts retailing.
3. Community uses.
4. Contractor/Construction Equipment yards and/or facilities; may not be located east of the UP rail tracks and not within 500 feet of the freeway.
5. Equipment and/or appliance repairs and/or service enclosed within a building.
6. Gas stations, convenience stores.
7. Hospitals.
8. Lumber, building material retail sales.
9. Mixed uses (residential/retail/office/industrial).
10. Motorcycle, snowmobile, other similar recreation equipment sales and/or service.
11. Office/warehouse facilities, small scale.
12. Outdoor storage as part of a principle use with an approved CUP.
13. Public or quasi-public facilities, utility facilities.
14. Recreational vehicle or boat sales.
15. Recreational facilities, non-motorized.

16. Self storage facilities, subject to the requirements found in Supplementary regulations.

17. Sexually Oriented Businesses, not within five hundred feet of UDOT controlled roads, nor east of the U.P. (the operating freight line) rail tracks.

C. Other uses. Uses substantially similar to, or customarily accessory to, a listed use or category may be administratively allowed as determined by the Community Development Department. (Ord.2015-8, dated 12/8/15; prior codes: Ord.2015-2, dated 3/10/15, Ord.2013-2, dated 5/28/13 and Ord.2012-5, dated 6/12/12)

### **SECTION III MIXED USE CENTRAL**

#### **20.40.300 Description and Intent.**

A. Description. As depicted in the City General Plan, the areas in which the Mixed Use Central zone could be applied includes two areas, one is along the west side of US 89 extending from the north end of the TOD district to the north city boundary, the other is roughly 2800 to 2550 north between the RR tracks and the Mixed Use East boundary. It overlaps the central portion of the west Gateway area and the north Gateway area.

B. Intent.

1. The Mixed Use Central Area is intended to encourage commercial, office, retail and small business manufacturing uses in a planned, aesthetically pleasing business park setting, which are compatible both in architecture and landscaping to other uses in the zone.

2. Retail service professional business parks and manufacturing uses are promoted when they are complementary and can function as a unified cohesive development with adjacent uses, particularly residential.

3. Quality of materials, design excellence, a high level of architectural quality, including landscaped street themes, and appropriate land uses are the foundation of this Zone. (Ord.2015-8, dated 12/8/15; prior codes: Ord.2013-2, dated 5/28/13 and Ord.2012-5, dated 6/12/12)

#### **20.40.310 Uses.**

A. The following uses are permitted:

1. Uses listed as permitted in the Gateway West Zone.
2. Automobile sales, new and/or used.
3. Automotive services enclosed within a building, including lube, tune up, automatic wash, inspection, tires, mufflers, repairs, parts retailing.
4. Bottling works, non-alcoholic.
5. Business parks.
6. Equipment or appliance light repairs and/or service enclosed within a building.
7. Manufacturing within an enclosed building.
8. Motorcycle, snowmobile, other similar recreation equipment sales and/or service.
9. Office/warehouse facilities, small scale.
10. Recreational vehicle or boat sales.
11. Warehousing/Distribution.

B. The following are conditional uses:

1. Community uses.
2. Contractor/Construction Equipment yards and/or facilities; may not be located within 200 feet of Highway 89.
3. Gas stations, convenience stores.
4. Hospitals.
5. Lumber, building material retail sales.
6. Outdoor storage as part of a principle use with an approved CUP.
7. Public or quasi-public facilities.
8. Recreational facilities, non-motorized.
9. Self Storage Facilities, subject to the requirements found in Supplementary Regulations.

C. Other uses. Uses substantially similar to, or customarily accessory to, a listed use or category may be administratively allowed as determined by the Community Development Department.

D. Sexually Oriented Businesses are prohibited. (Ord.2015-8, dated 12/8/15; prior codes: Ord.2015-2, dated 3/10/15, Ord.2013-2, dated 5/28/13 and Ord.2012-5, dated 6/12/12)

## **SECTION IV MIXED USE EAST**

### **20.40.400 Description and Intent.**

A. Description. As depicted in the City General Plan, the area in which the Mixed Use East zone could be applied is along 2700 North from approximately 900 West to the east city boundary and including 2550 North.

B. Intent.

1. This area is intended to provide a range of uses focusing on retail and office commercial. The overall mix should consist of office, retail, and restaurant developed in a coordinated, complimentary fashion with significant public spaces and amenities.
2. The area is intended to provide for specific uses in a planned commercial setting which will be compatible and complimentary with adjacent uses including nearby residential neighborhoods and will promote a high level of architectural and landscaping excellence.
3. Enhancements of the architectural quality and landscaping themes are required.
4. Streetscape treatments are required. (Ord.2015-8, dated 12/8/15; prior codes: Ord.2013-2, dated 5/28/13 and Ord.2012-5, dated 6/12/12)

### **20.40.410 Uses.**

- A. The following uses are permitted:
  1. Uses listed as permitted in the Gateway West Zone.
- B. The following are conditional uses:
  2. Community uses.
  3. Gas stations, convenience stores.
  4. Public or quasi-public facilities.
  5. Recreational facilities, non-motorized.

C. Other uses. Uses substantially similar to, or customarily accessory to, a listed use or category may be administratively allowed as determined by the Community Development Department.

D. Sexually Oriented Businesses are prohibited. (Ord.2015-8, dated 12/8/15; prior codes: Ord.2013-2, dated 5/28/13 and Ord.2012-5, dated 6/12/12)