

No.	Item	Description	Legend
1	1" Poly Pipe	FPS Poly Pipe	Type A
2	1" Compression Stop or Mueller B-25029	Ford-FB 100-4-Q or Mueller B-25029	Type B
3	Service Saddle Clamp	Ford-FB 202B	
4	Water Main Pipe	MDL 1" PVC	

No.	ITEM	DESCRIPTION
1	Frame and Cover	24" Plastic from (traffic) The words "Water Meter" cast into cover
2	Radio Unit	Neptune R-500 Radio PU Unit
3	Water Meter	Neptune X" X Y" T-10 Meter with Auto Direct Register
4	Water Meter Valve	Copper Ford VBICT255551-01
5	1" Water Meter Yoke	ATI McDonald 21-218N172
6	Water Barrel	21" White HDPE Barrel
7	Connection	1" Ford (used) or direct to Mueller Commercial fittings as listed
8	1" Poly Pipe	FPS Poly Pipe

\* D1 Pipe may be Direct Tapped.  
If Direct Tap use CC Threads

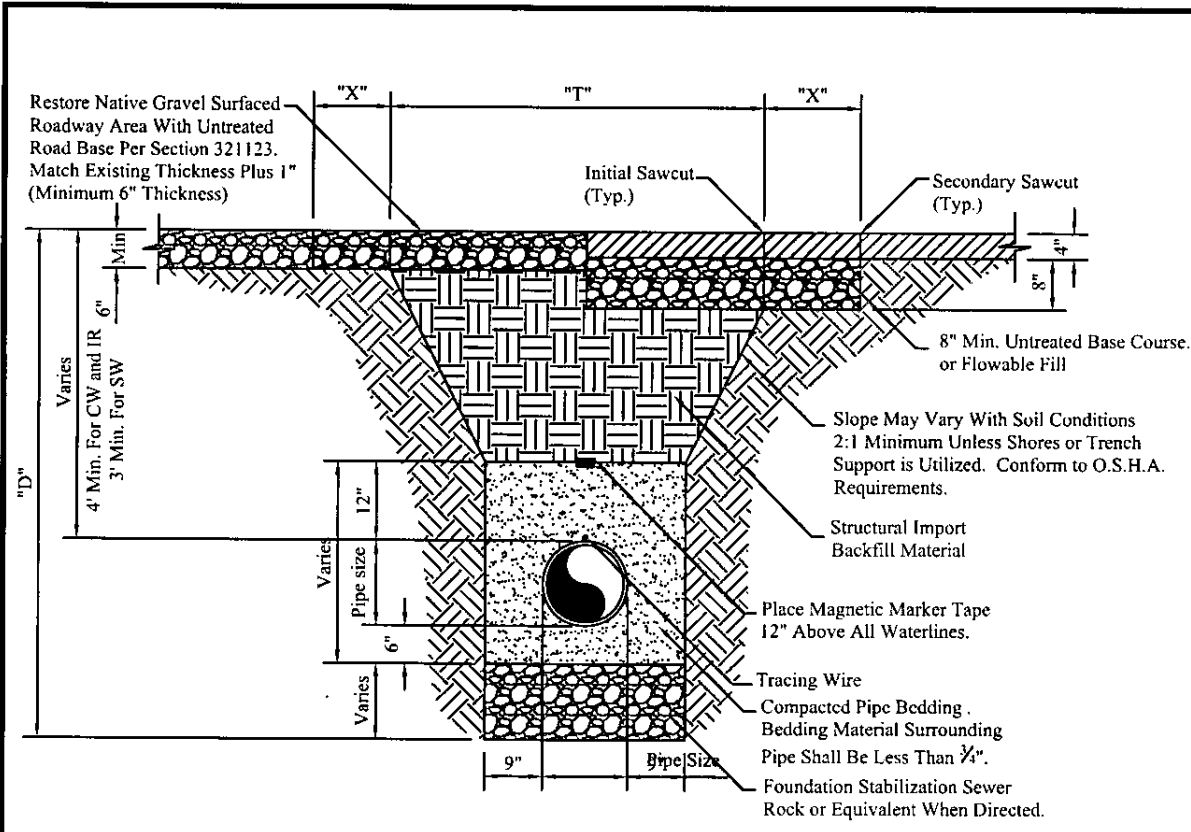
Typical 3/4" Meter

3/4" and 1" Water Meter with 1" Water Service

- Notes for 1" Minimum Service Taps:
1. **Inspection:** Prior to Backfilling Around the Meter Box, Secure Inspection of Installation by City Engineer.
  2. **Backfilling:** Install All Backfill Material per APWA Section 310.02 in lifts Not Exceeding 6 inches After Compaction. Compact each lift to a Minimum Relative Density of 95 Percent.
  3. **Meter Box:** No Grade Ramp Allowed to Raise Meter Box.
  4. **Meter in Traffic Areas:** Provide same Type of Meter Box as Required for 1/2" and 3/4" Service Meters.
  5. **Meter:** Herriman City will Provide and Install Meter.
  6. **Pipe:** Install IPS Poly Pipe to 1/2 Min from Back of Wall. Coordinate with Utility Agency for Type of Pipe to be used outside of Right-of-Way.
  7. **Placement:**
    - A) Do not Install Meter Box Under Driveaway Approaches, Sidewalks, or Curb and Gutter.
    - B) In New Construction, Install Meter near Center of Lot in Paralel.
    - C) 3' Min Away From Drive Approach.

- Notes for 3/4" Meter with 1" Service Line:
1. **Inspection:** Prior to Backfilling around the Meter Box, Secure Inspection of Installation by Engineer.
  2. **Backfilling:** Install All Backfill Material per APWA Section 310.02 in lifts Not Exceeding 6 inches After Compaction. Compact each lift to a Minimum Relative Density of 95 Percent.
  3. **Meter Box:** No Grade Ramp Allowed to Raise Meter Box.
  4. **Meter in Traffic Areas:** Provide same Type of Meter Box as Required for 1/2" and 3/4" Service Meters.
  5. **Meter:** Herriman City will Provide and Install Meter.
  6. **Pipe:** Install IPS Poly Pipe to 1/2 Min from Back of Wall. Coordinate with Utility Agency for Type of Pipe to be used outside of Right-of-Way.
  7. **Placement:**
    - A) Do not Install Meter Box Under Driveaway Approaches, Sidewalks, or Curb and Gutter.
    - B) In New Construction, Install Meter near Center of Lot in Paralel.
    - C) 3' Min Away From Drive Approach.

Sheet Name <b>3/4" and 1" Water Meter with 1" Water Service</b>	Approved _____ City Engineer	Date _____	Revisions <table border="1"> <thead> <tr> <th>No.</th> <th>Date</th> <th>Drawn By</th> <th>Remarks</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> </tbody> </table>	No.	Date	Drawn By	Remarks																
				No.	Date	Drawn By	Remarks																
CW-01 Sheet	Funded 1851  <b>Herriman</b> 13011 S. Pioneer St. • Herriman, UT 84096																						



### Typical Trench

"D" = Trench Depth  
 "T" = Trench Width  
 "X" = 2' if "D" is Less Than 42"  
 "X" = 3' if "D" is Greater Than 42"

- 1) **Additional Pavement Removal:** Remove Additional Pavement to a Painted Lane Stripe, a Lip of Gutter, a Curb, an Existing Pavement Patch, or an Edge of Pavement If Such a Feature Is Within 2' of the Second Sawcut. If More Than 50% of the Permanent Surfacing of a Traveled Lane is Impacted by the Excavation, the Entire Lane Width Shall Be Sawcut, Removed, and Replaced.
- 2) **Untreated Base Course:** Provide Material Specified in Section 321123. Place and Compact Per Section 312326. Maximum Lift Thickness is 8" Before Compaction.
- 3) **Shoring:** Shore in Conformance With Section 314100.
- 4) **Tack Coat:** Full Tack Coat Coverage On All Vertical Surfaces Per Section 321214.
- 5) **Asphalt Pavement:** Use Asphalt H.M.A Specified in Section 321205 and Section 321203.
  - A. Install In Lifts No Greater Than 3" After Compaction.
  - B. Compact Each Lift In Conformance With Section 321203.
  - C. Plane Off Surface Distortions That Exceed 1/4" Deviation In 10'. Coat Planed Surfaces With a Cationic or Anionic Emulsion As Approved By City Engineer.
  - D. Asphalt Pavement Thickness Depth Shall Equal Existing Plus 1", 4" Minimum.
  - E. Use 1/2" Gradation Per Section 321205.
- 6) **Patch Repair:** Repair the Asphalt Pavement Patch If Any of the Following Conditions Within the Patch Occur.
  - A. Cracks At Least 1' Long and 1/4" Wide Occur More Often Than 1 in 10 Square Feet.
  - B. Pavement Surface Distortion Exceeds 1/4" Deviation in 10'.
  - C. Asphalt Raveling Is Greater Than 1 Square Foot Per 100 Square Feet.
  - D. If Slurry Seal Within 1 Year, Re-Slurry Seal Full Lane Width For Each Lane Effected.
- 7) **Equipment:** All Asphalt Pavement Shall Be Installed With Mechanical Paving Equipment Unless Otherwise Approved by the City Engineer.

### Trench Details

Revisions		Remarks
No.	Date	Drawn By


**Herriman**  
 13011 S. Pioneer St. • Herriman, UT 84096

**Trench Details**

Date \_\_\_\_\_

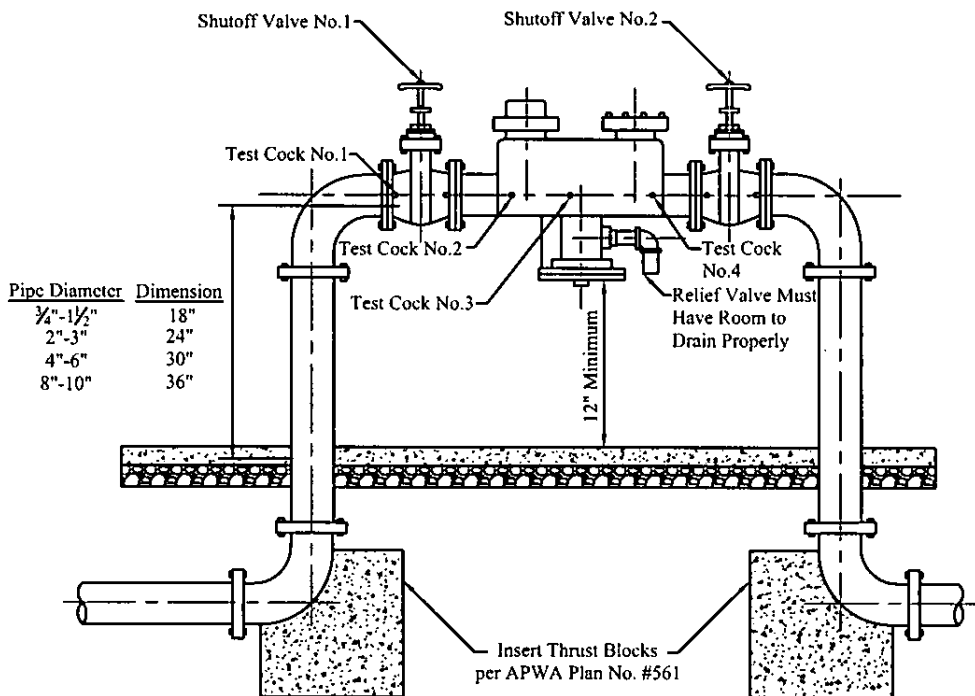
City Engineer \_\_\_\_\_

Sheet Name \_\_\_\_\_

Approved \_\_\_\_\_

Sheet  
**CW-02**





**Notes:**

1. Unit May be Installed in Metal or Concrete Enclosure. Ensure that Enclosure Drains Freely.
2. Pipe Line Shall be Flushed Before Installation.
3. Mount Unit in Upright Position. Install Supports per Manufacturer Recommendation.
4. Allow Min. 6" Clearance Around Unit to Conduct Testing and Repairs.
5. New Installation Shall be Inspected and Tested by Licensed Backflow Prevention Tester.
6. Test is to be Performed by Owner of Assembly Within 10 Days of Initial Use.
7. Except for Machined Surfaces, Coat All Items Exposed to Atmosphere with Epoxy Paint. Color to be Selected by Engineer.
8. Shall Not be Installed in a Vault.
9. Ensure Test Cock Plugs are Installed Securely and are Leak Proof.

**Reduced Pressure Backflow Prevention (Ground)**

No.	Date	Drawn By	Remarks

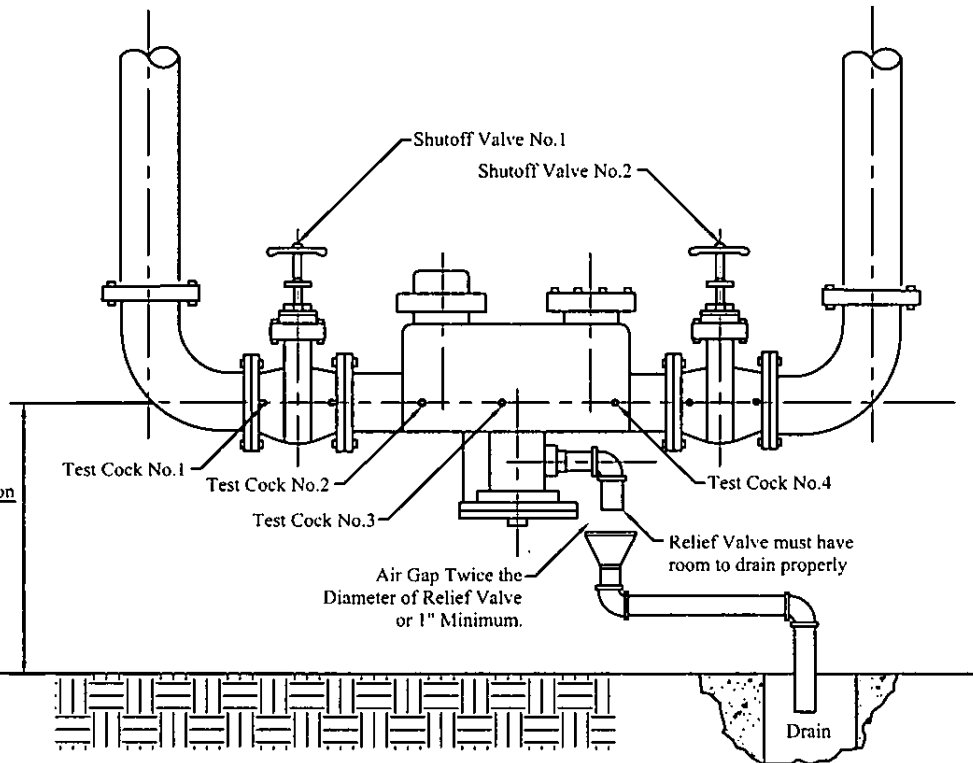

  
**Herriman**
  
 13011 S. Pioneer St. • Herriman, UT 84096

**Reduced Pressure Backflow Prevention (Ground)**

Sheet Name: \_\_\_\_\_ Date: \_\_\_\_\_  
 Approved: \_\_\_\_\_ City Engineer

Sheet  
**CW-03**

Pipe Diameter	Dimension
1/4"-1 1/2"	18"
2"-3"	24"
4"-6"	30"
8"-10"	36"



**Notes:**

1. Unit May be Installed in Metal or Concrete Enclosure. Ensure that Enclosure Drains Freely.
2. Pipe Line Shall be Flushed Before Installation.
3. Mount Unit in Upright Position. Install Supports per Manufacturer Recommendation.
4. Allow Min. 6" Clearance Around Unit to Conduct Testing and Repairs.
5. New Installation Shall be Inspected and Tested by Licensed Backflow Prevention Tester.
6. Test is to be Performed by Owner of Assembly Within 10 Days of Initial Use.
7. Except for Machined Surfaces, Coat all Items Exposed to Atmosphere with Epoxy Paint. Color to be Selected by Engineer.
8. Shall Not be Installed in a Vault.
9. Ensure Test Cock Plugs are Installed Securely and are Leak Proof.

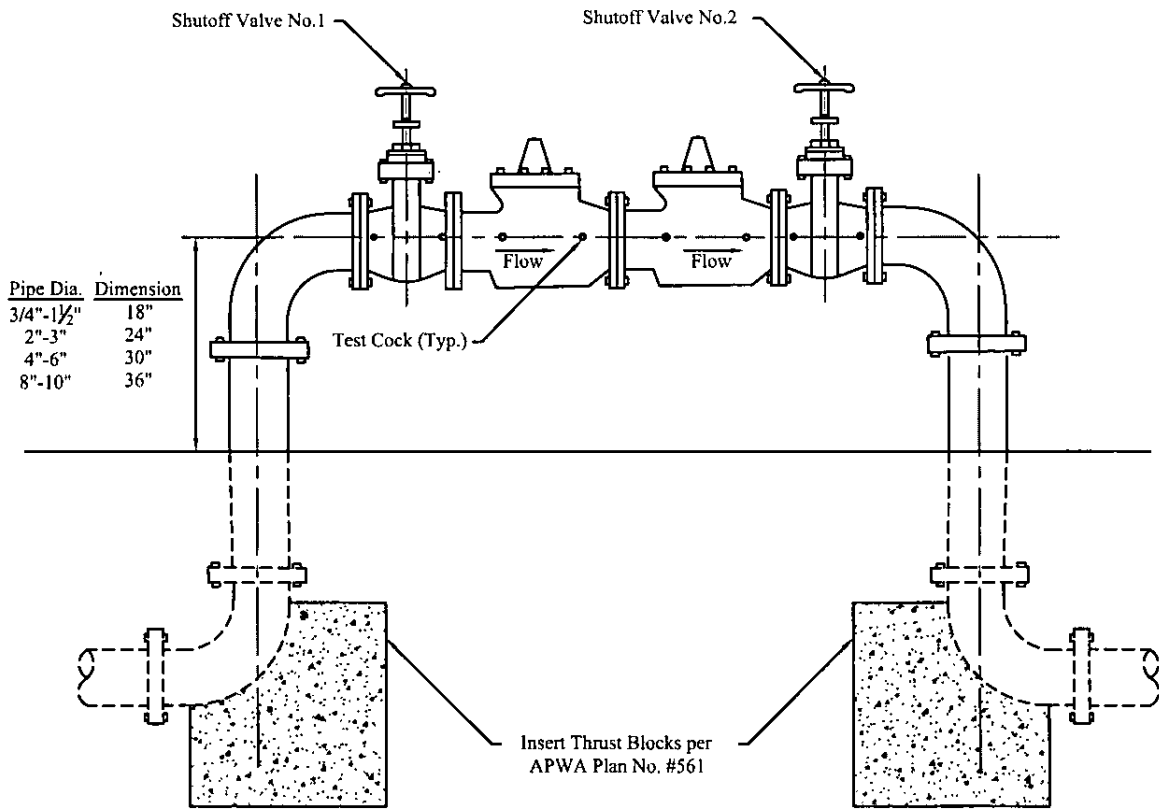
**Reduced Pressure Backflow Prevention (Suspended)**

Revisions		Remarks
No.	Date	Drawn By



**Herriman**  
Founded 1851  
 13011 S. Pioneer St. • Herriman, UT 84096

<p><b>Reduced Pressure Backflow Prevention (Suspended)</b></p>	<p>City Engineer _____ Date _____</p>	
<p>Sheet Name</p>	<p>Approved</p>	
<p>Sheet</p>		<p>CW-04</p>



**Notes:**

1. Above Ground Installation Preferred. Unit May be Installed Below Ground if Drainage Ensures Unit Will Not be Submerged.
2. Pipe Line Shall be Flushed Before Unit is Installed.
3. Mount Unit in Upright Position in a Horizontal Pipe Run. Install Supports Per Manufacturer Recommendation.
4. Allow Min 6" Clearance Around Unit to Conduct Tests and Repairs.
5. New Installation Shall be Inspected and Tested by Licensed Backflow Prevention Tester.
6. Test is to be Performed by Owner of Assembly Within 10 Days of Initial Use.
7. Ensure Test Cock Plugs are Installed Securely and are Leak Proof.

**Double Check Valve Backflow Prevention (Surface)**

No.	Date	Drawn By	Remarks

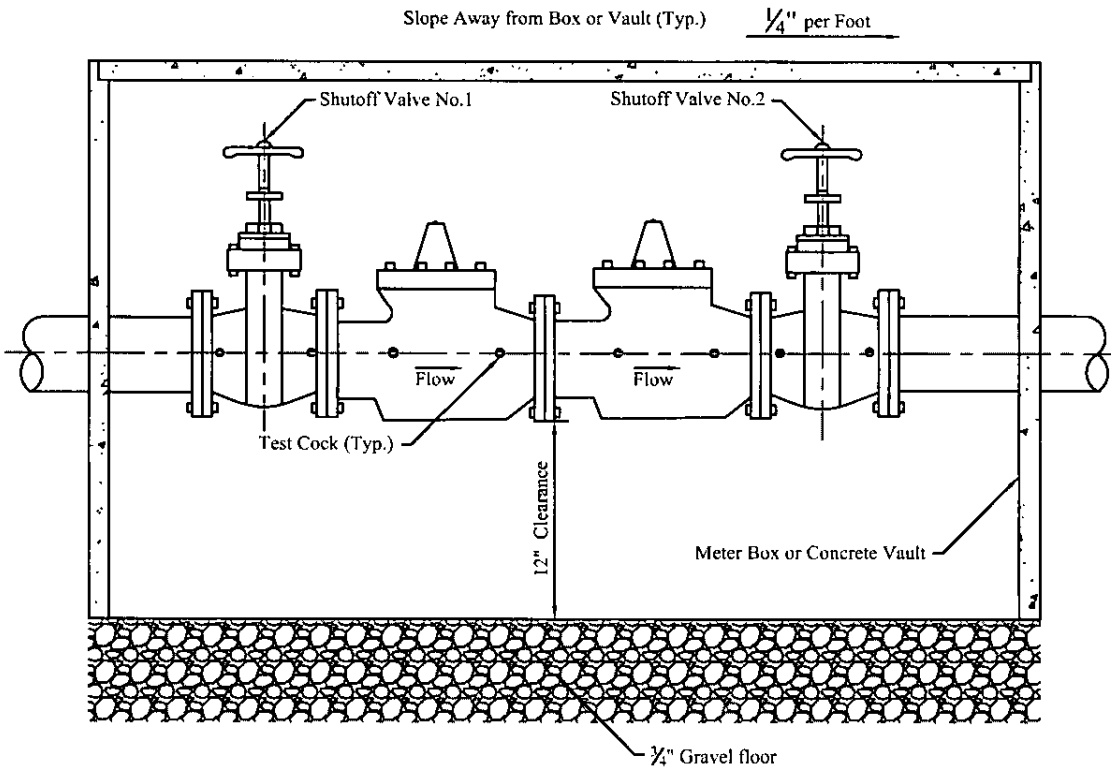
**Herriman**  
 Founded 1851  
 13011 S. Pioneer St. • Herriman, UT 84096

**Double Check Valve Backflow Prevention (Surface)**

City Engineer \_\_\_\_\_ Date \_\_\_\_\_

Sheet Name \_\_\_\_\_  
 Approved \_\_\_\_\_

Sheet  
**CW-05**



Notes:

1. Above Ground Installation Preferred. Unit May be Installed Below Ground if Drainage Ensures Unit Will Not be Submerged.
2. Pipe Line Shall be Flushed Before Unit is Installed.
3. Mount Unit in Upright Position in a Horizontal Pipe Run. Install Supports per Manufacturer Recommendation.
4. Allow Min. 6" Clearance Around Unit to Conduct Tests and Repairs.
5. New Installation Shall be Inspected and Tested by Licensed Backflow Prevention Tester.
6. Test is to Be Performed by Owner of Assembly Within 10 Days of Initial Use.
7. Ensure Test Cock Plugs are Installed Securely and are Leak Proof.
8. Concrete Box Shall be per APWA 033004 Class 4000.

**Double Check Valve Backflow Prevention (Sub-Surface)**

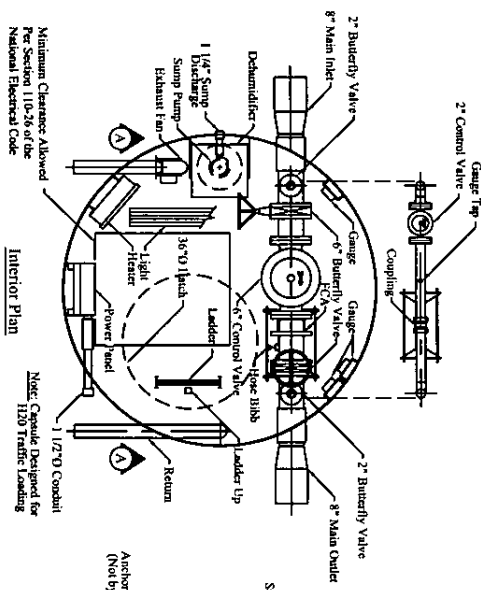
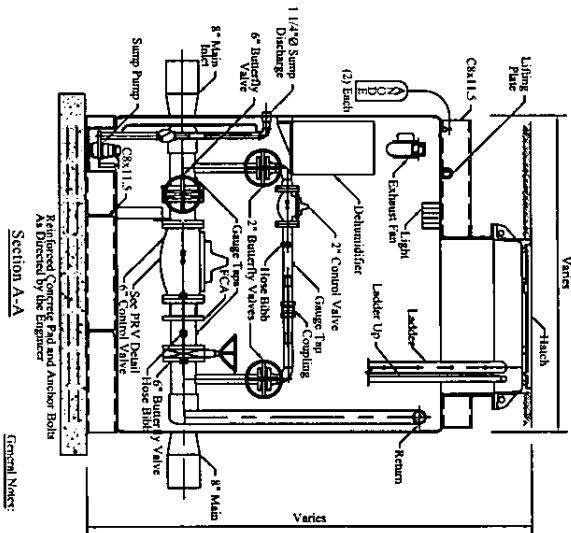
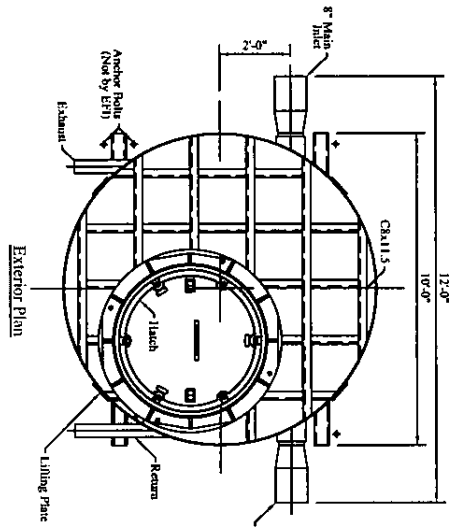
No.	Date	Drawn By	Remarks

  
**Herriman**  
 Founded 1851  
 13011 S. Pioneer St. • Herriman, UT 84096

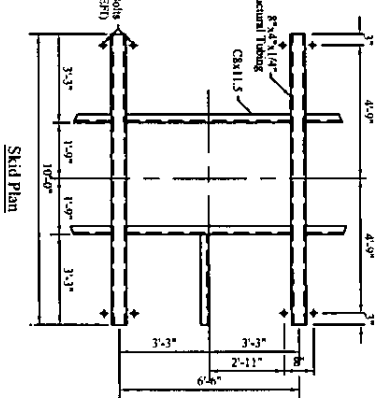
**Double Check Valve Backflow Prevention (Sub-Surface)**  
 \_\_\_\_\_  
 City Engineer

Sheet Name \_\_\_\_\_  
 Approved \_\_\_\_\_  
 Date \_\_\_\_\_

Sheet  
**CW-06**



Pressure Reducing Valve (PRV) EFI Station



General Notes:

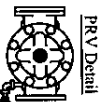
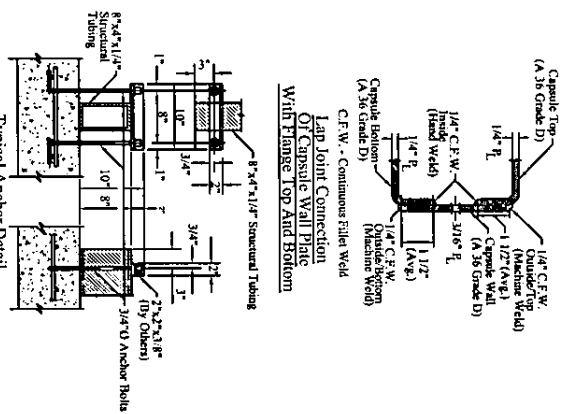
1. The Actual Size of the Control Valves, Pipes, and Butterfly Valves Will Vary Depending on Flow Requirements of the Station.
2. All Piping and Equipment Will be Adequately Supported and Braced.
3. Capable and Structural Steel Shall Conform to ASTM A-36.
4. Structural Lifting: A300, Grade B.
5. Schedule 40 Steel Pipe.
6. Manufacturer Requires a 3-4 Month Lead Time Prior to Delivery of PRV.
7. FCA - Flanged Coupling Adapter.
8. Plate & Structural Steel: ASTM A-36.
9. Structural Tubing: A300, Grade B.
10. All Piping Shall Be Stainless Steel Compression Fittings. No Flared Fittings.
11. All Vent Caps Need to be Mushroom Caps.
12. All PRV's Shall Be Epoxy Coated Inside and Out, Including all Internal Parts.

Note:

Anchor Clips, Bolts & Nuts Provided by Installer

Connector Notes:

1. Concrete Shall Provide Galvanized Steel Mushroom Vent Piping. (See CW-49)
2. Contractor Shall Provide Full Meter Enclosure (NEMA 4 Stainless Steel) for Meter Base. Contractor Shall Run Power to Meter Base. PRV Station Shall be a Fully Functioning Station.
3. Install Polyurethane Floor: Slipping to the Sump.
4. Sump Pump and Dehumidifier Must be Powered Up and Tested on Immediately After the Station is Set in Place.
5. Do Not Shim Station. It is Intended That the Main Pipe Members be in Continuous Contact with the Concrete Pad.



CW-07

Sheet Name: Pressure Reducing Valve (PRV) EFI Station

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

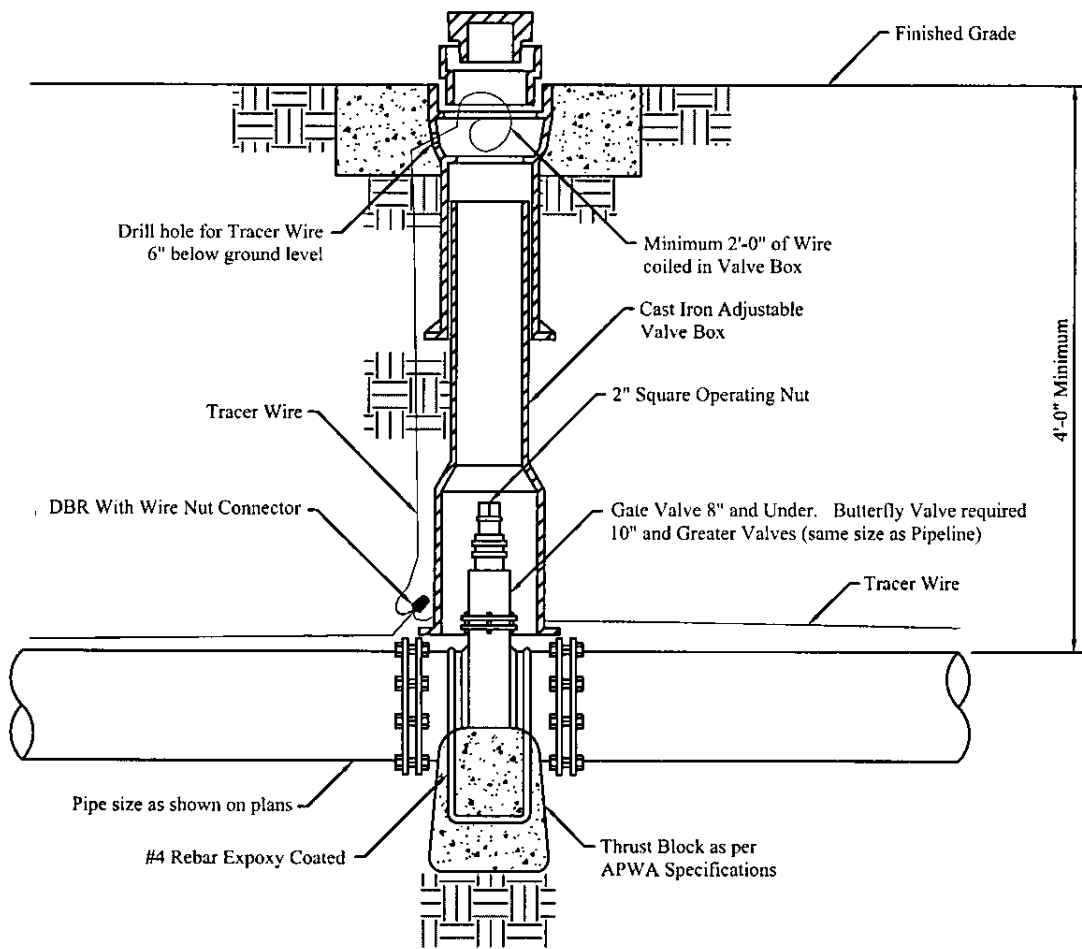
City Engineer: \_\_\_\_\_

Founded 1851

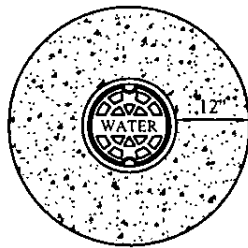
**Herriman**

13011 S. Pioneer St. • Herriman, UT 84096

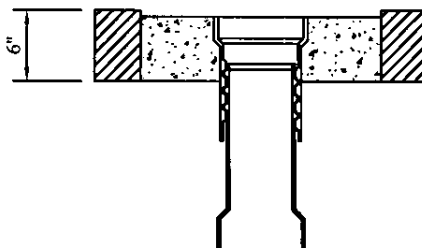
Revisions		Remarks
No.	Date	Drawn By



Culinary



Plan



Profile

Note:

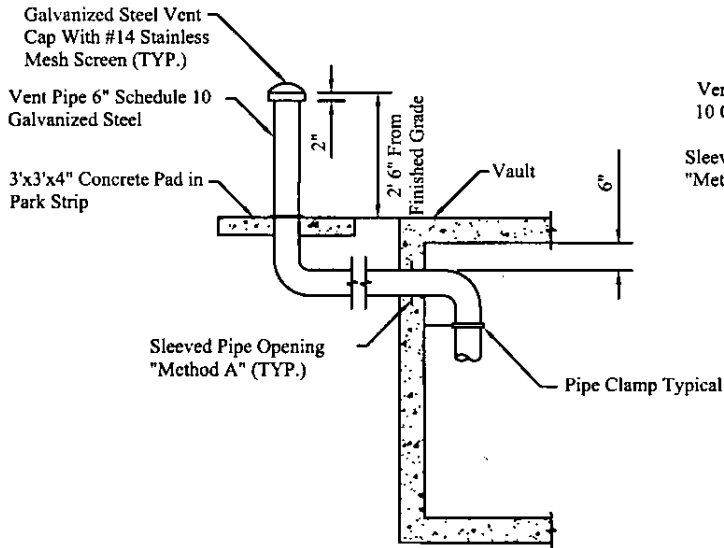
Valve Box Shall be Clean, Plumb and Properly Aligned on the Valve.

Water Valve

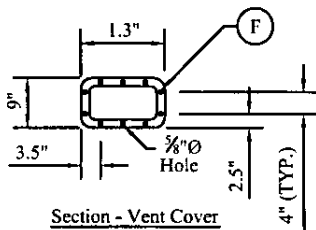
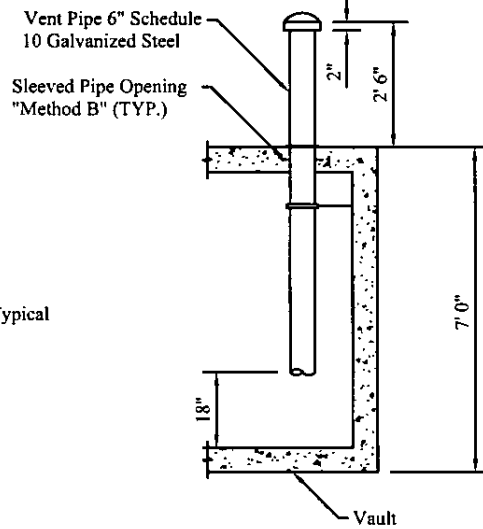
Revisions		Remarks	
No.	Date	Drawn By	
		<b>Water Valve</b>	
Sheet Name		Approved	
Sheet		Date	
CW-08		City Engineer	

Mushroom Cap Detail

Method A

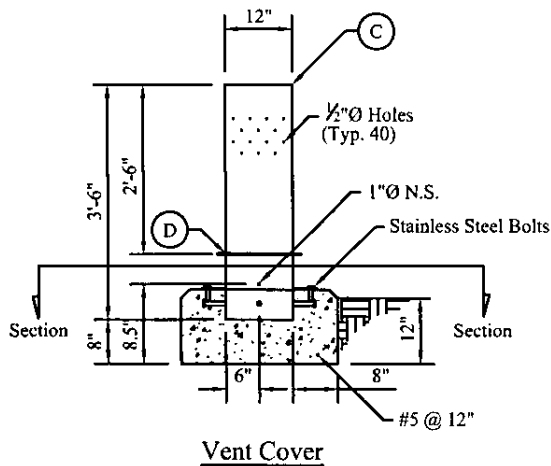


Method B

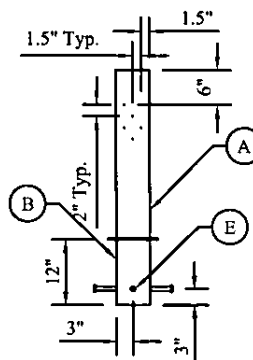


Section - Vent Cover

Parts List		
Item	Qty	Description
(A)	1	TS 12" x 6" x 1/4" x 2'-6"
(B)	1	TS 12" x 6" x 1/4" x 12"
(C)	1	1/4" PL - 6" x 1'-0"
(D)	2	1/4" PL - 9" x 1'-3"
(E)	4	3/4"Ø x 4" H.S.A.
(F)	10	1/2"Ø x 3" Breakaway Bolts



Vent Cover



Side View  
(Items Removed for Clarity)

Notes:

Size of Vent Cover can vary depending on size of Vent.

Open to Air-Place a No. 14 Mesh Non-Corrosible Screen over the open end of P.V.C. Pipe. Attach w/S.S. Hose Clamp.

Hot Dipped Galvanized Steel Stand Pipe for Air Vent.

1 1/2" Min. chamfer all around Concrete Base.

24" Concrete Base Front of Walk to Top Back of Curb

Vent Cover / Vent Detail

Revisions		Remarks
No.	Date	Drawn By

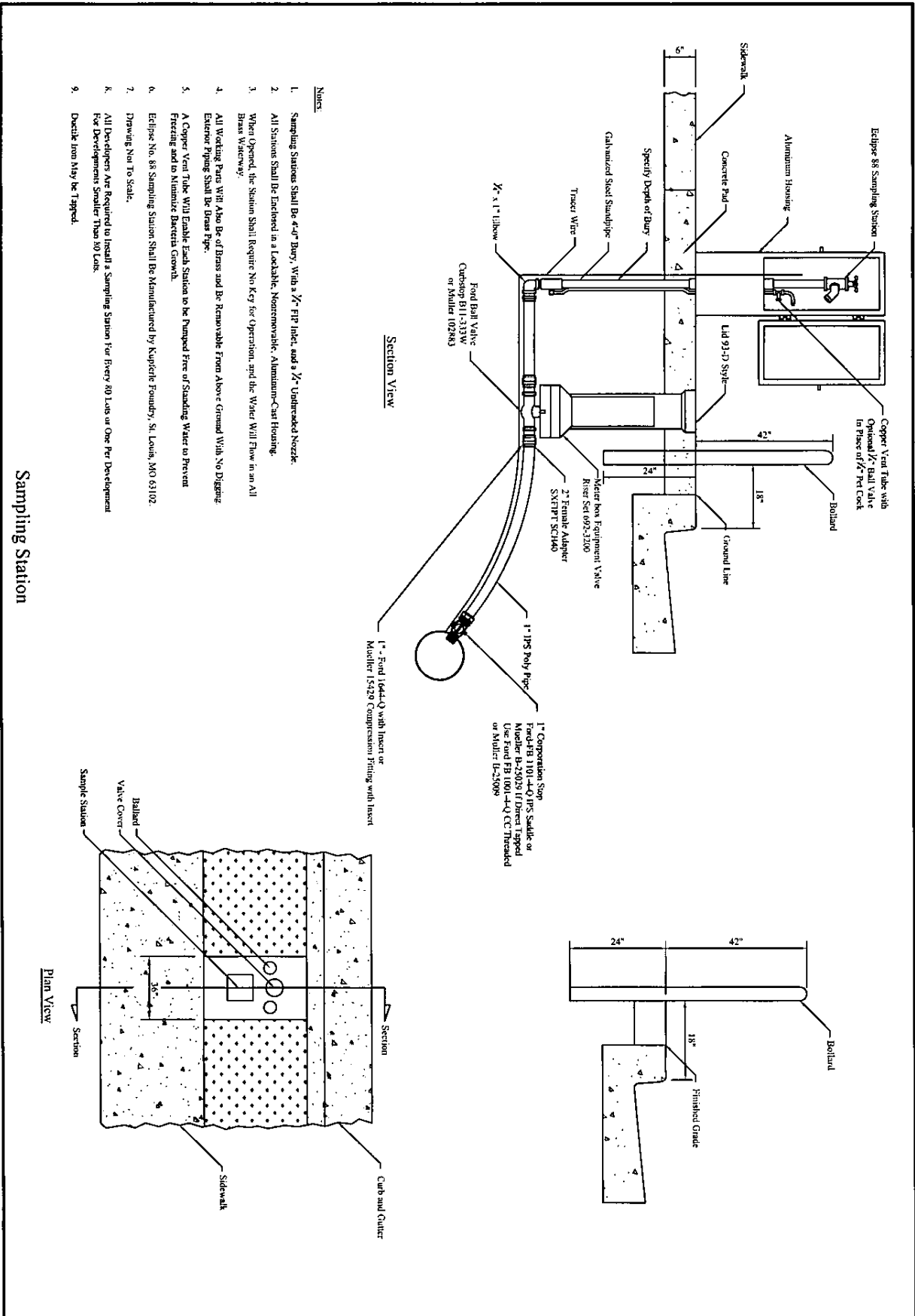
**Herriman**  
 Founded 1851  
 13011 S. Pioneer St. • Herriman, UT 84096

**Vent Cover/ Vent Detail**

Sheet Name \_\_\_\_\_ Date \_\_\_\_\_

Approved \_\_\_\_\_ City Engineer

Sheet  
**CW-09**



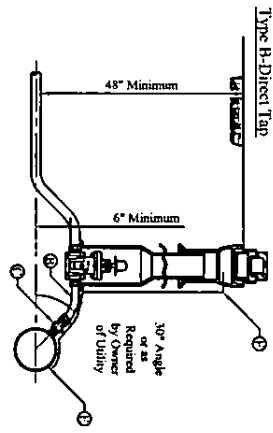
- Notes:**
1. Sampling Station Shall Be 4'-0" Deep, With a 1/2" RIP Inlet, and a 1/2" Untracked Neck.
  2. All Stations Shall Be Enclosed in a Lockable, Nonremovable, Aluminum-Cast Housing.
  3. When Opened, the Station Shall Require No Key for Operation, and the Water Will Flow in an All Brass Waterway.
  4. All Working Parts Will Also Be of Brass and Be Removable From Above Ground With No Digging. Exterior Flange Shall Be Brass Pipe.
  5. A Copper Vent Tube Will Enable Each Station to be Pumped Free of Standing Water to Prevent Freezing and to Minimize Bacteria Growth.
  6. Eclipse No. 88 Sampling Station Shall Be Manufactured by Knapco Foundry, St. Louis, MO 63102.
  7. Drawing Not To Scale.
  8. All Developers Are Required to Install a Sampling Station For Every 40 Lots or One Per Development For Developments Smaller Than 40 Lots.
  9. Ductile Iron May Be Tapped.

Sampling Station

Sheet Name <b>Sampling Station</b>	Approved _____ City Engineer	Date _____	<p><b>Herriman</b>                  13011 S. Pioneer St. • Herriman, UT 84096</p>	Revisions	
				No.    Date    Drawn By    Remarks	

CW-10  
Sheet



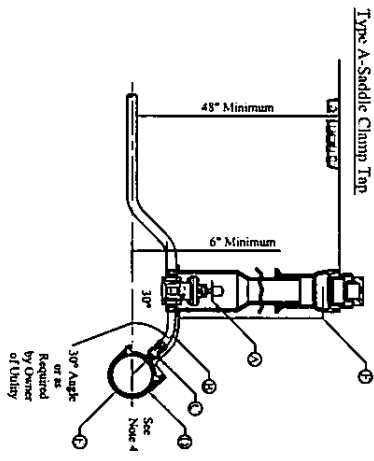


Typical 1-1/2" and 2" Service Taps

- Notes For 1-1/2" and 2" Service Taps:
1. Inspection Prior to Backfilling Around the Meter Box. Secure Inspection of Installation by City.
  2. Backfill: Install and Compact All Backfill Material Per APWA Section 110330.
  3. Tapping: Place Taps a Minimum 24 Inches Apart. Use a Tapping Tool Which is Sized Corresponding to the Size of the Service Line to be Installed. No Taps Within 24 Inches of the End of Pipe.
  4. PVC Pipe: A Service Saddle Clamp is Required on All PVC Pipe Unless Specified Otherwise.
  5. Taps: Teflon Tape is Required on All Taps.

Notes For 1-1/2" and 2" Service Lines:

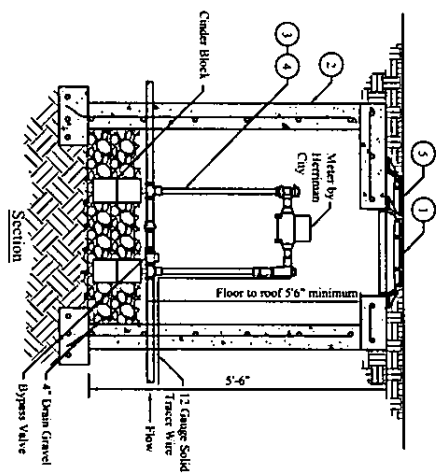
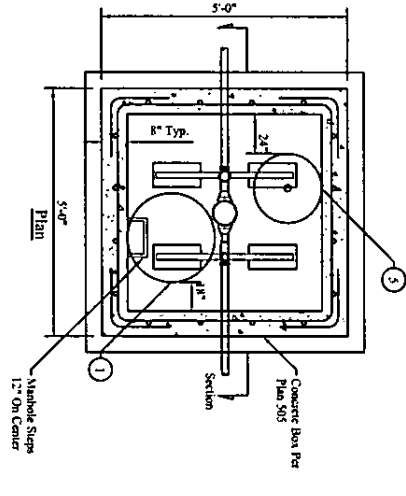
1. Inspection Prior to Backfilling Around the Meter Box. Secure Inspection of Installation by Engineer.
  2. Backfilling: Install All Backfill Material Per APWA Section 110330 in Lifts Not Exceeding 6 Inches After Compaction. Compact Each Lift to a Minimum Relative Density of 95 Percent.
  3. Meter: Herriman City Will Provide and Install Meter.
  4. Pipe: Install IPS Poly Pipe to Property Line. Coordinate With Utility Agency for Type of Pipe to be Used Outside of Right-of-Way.
  5. Placement:
    - A) Do Not Install Meter Box Under Driveway Approaches, Sidewalks, or Curb and Gutter.
    - B) In New Construction, Install Meter Near Center of Lot in Parkway.
- Note:  
All Fittings Shall Be Compression Fittings With Inserts



Type A-Saddle Clamp Tap

No.	ITEM	DESCRIPTION
①	ITEM	DESCRIPTION
②	Gate Valve	2"
③	1 1/2" or 2" Poly Pipe	IPS Poly Pipe
④	1 1/2" or 2" Compression Slop Service Saddle Clamp	Water Meter
⑤	Water Meter Pipe	Water Meter Pipe
⑥	Tracer Wire	Tracer Wire

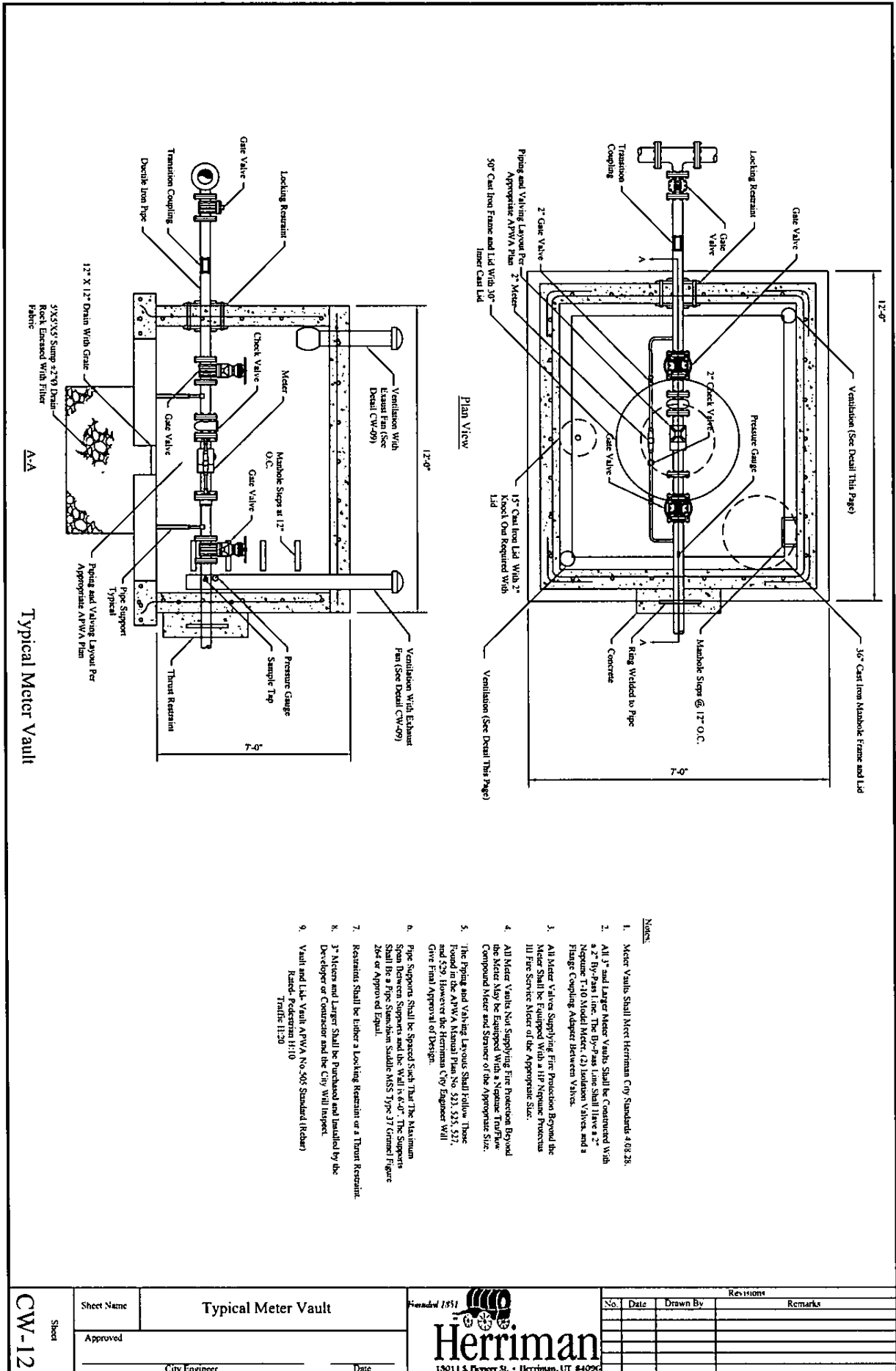
• (1) Pipe May Be Direct Tapped  
• If Direct Tap Use CC Threads



No.	Item	Description
1	10" Frame and Cover	Plan No. 502
2	Concrete Box	Plan No. 505
3	1 1/2" Custom Sizer with Bypass	VBIH77-1082-11-465
4	2" Custom Sizer with Bypass	VBIH77-1082-11-77
5	21" Frame & Cover w/ 2" N.O.	See CW-111

1 1/2" and 2" Meters

Sheet <b>CW-111</b>	Sheet Name	1-1/2" and 2" Meter	Founded 1851  <b>Herriman</b> 15011 S. Flower St. • Herriman, UT 84096	Revisions	Remarks
	Approved	City Engineer		Date	No.



Typical Meter Vault

- Notes:
1. Meter Vaults Shall Meet Herriman City Standards 4.08.28.
  2. All 1" and Larger Meter Vaults Shall be Connected With a 2" By-Pass Line. The By-Pass Line Shall Have a 2" Nipple T-10 Standard Meter (2) Isolation Valves and a Flange Coupling Adapter Between Valves.
  3. All Meter Valves Supplying Fire Protection Beyond the Meter Shall be Equipped With a 1/2" Nipple Protection III Fire Service Meter of the Appropriate Size.
  4. All Meter Vaults Not Supplying Fire Protection Beyond the Meter May be Equipped With a Nipple "True/Flow" Compound Meter and Strainer of the Appropriate Size.
  5. The Piping and Valving Layout Shall Follow These Specifications: APWA (Manual) Plan No. 521, 525, 527, and 529. However the Herriman City Engineer Will Give Final Approval of Design.
  6. Pipe Supports Shall be Spaced Such That The Maximum Span Between Supports and the "Wall" is 6'-0". The Supports Shall be a Pipe Stanchion Suitable MSSS Type 37 (rinned) Figure 26 or Approval Equal.
  7. Restraints Shall be Under a Locking Restrain or a Thrust Restrain.
  8. 3" Meters and Larger Shall be Purchased and Installed by the Developer or Contractor and the City Will Inspect.
  9. Vault and Lid, Vault APWA No. 505 Standard (Redux) Rated, Potomac H110 Traffic 1:120

Sheet CW-12	Sheet Name	Typical Meter Vault		Revisions			
	Approved	_____		City Engineer	Date	_____	
				No.	Date	Drawn By	Remarks

No.	Date	Drawn By	Remarks

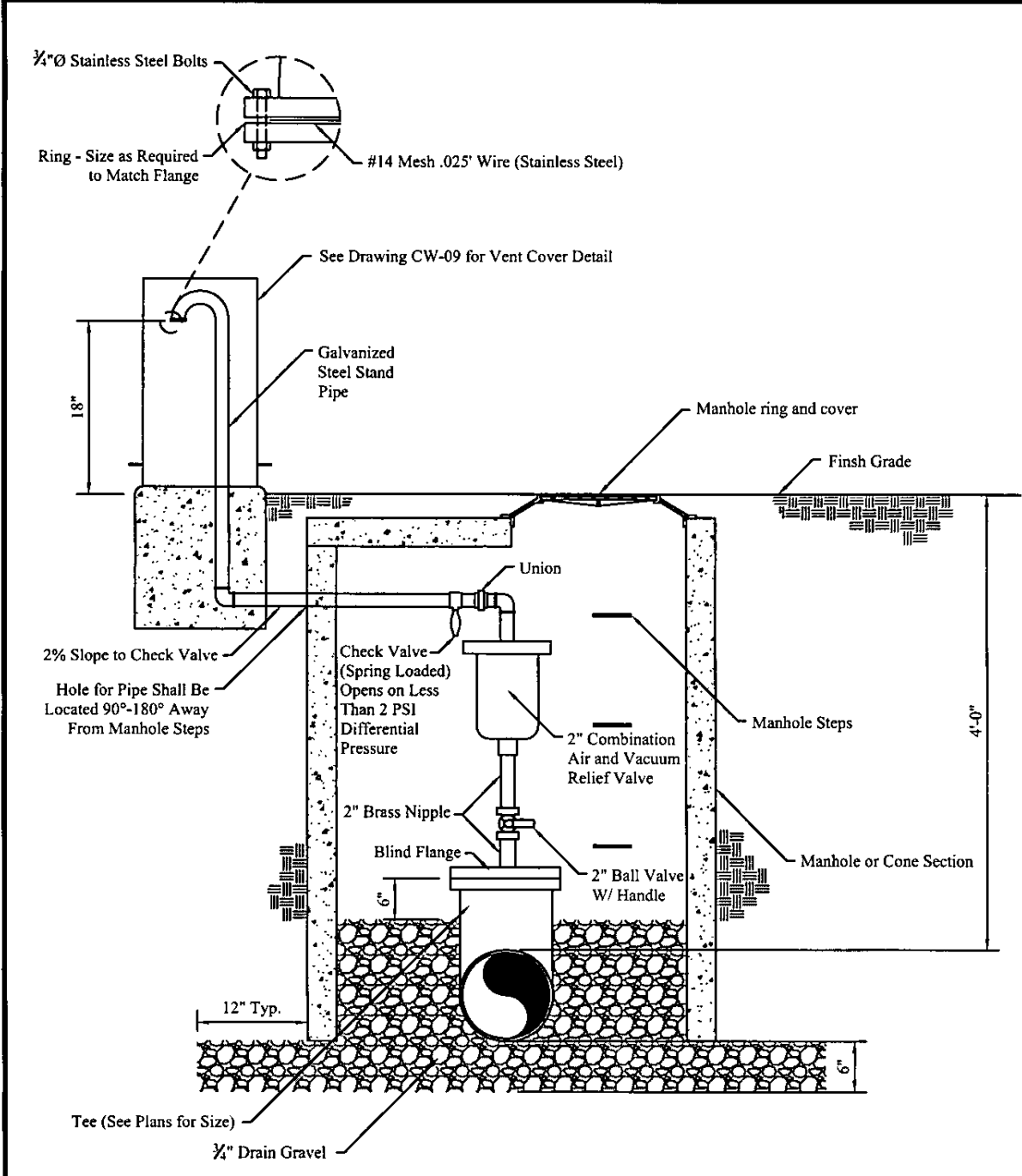

  
**Herriman**
  
 13011 S. Pioneer St. • Herriman, UT 84096

2" Air/ Vacuum  
 Combination

Date \_\_\_\_\_  
 City Engineer

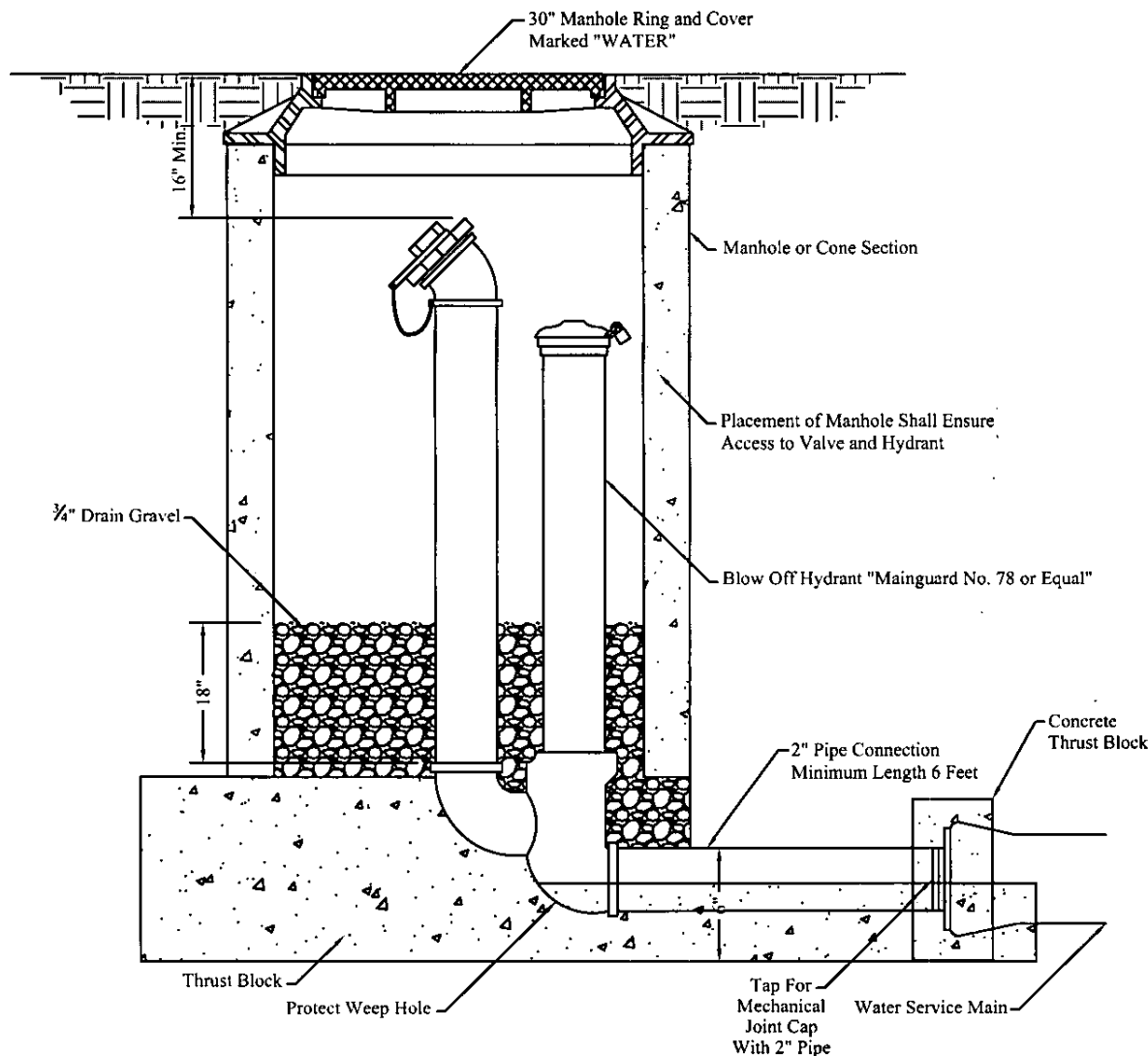
Sheet Name \_\_\_\_\_  
 Approved \_\_\_\_\_

Sheet  
**CW-13**



- Notes:**
- Vent Shall be Located in Park Strip or City Property.
  - Schedule 80 PVC Pipe or Galvanized Steel Maybe Used Between Air/ Vac Valve and the Stand Pipe.

**2" Air/Vacuum Combination**



Notes:

1. Inspection: Prior to Backfilling Around the Assembly, Secure Inspection of Installation by Engineer.
2. Backfill: Install and Compact Backfill Material Per APWA Section 310520.
3. Concrete: Class 4,000 Per APWA Section 033004. Apply a Sealing/Curing Compound Per APWA Section 033900.
4. Working Parts: All Working Parts Shall Be Bronze-to-Bronze Design, and Be Serviceable From Above Ground With No Digging.
5. Post Hydrants Shall Be Non-Freezing, Self Draining Type With a 36" Bury. Hydrants Will Be Furnished with a 2" FIP Inlet, a Non-Turning Operating Rod, and Shall Open to the Left.
6. Locking: Hydrants Shall Be Lockable to Prevent Unauthorized Use as Manufactured by Kupferle Foundry CO., ST. Louis, MO., or Approved Equal.
7. Must be Installed in Road, Not Parkstrip.

**Blow-Off Hydrant**

Revisions		Remarks
No.	Date	Drawn By


  
**Herriman**
  
 13011 S. Pioneer St. • Herriman, UT 84096

**Blow Off Hydrant**

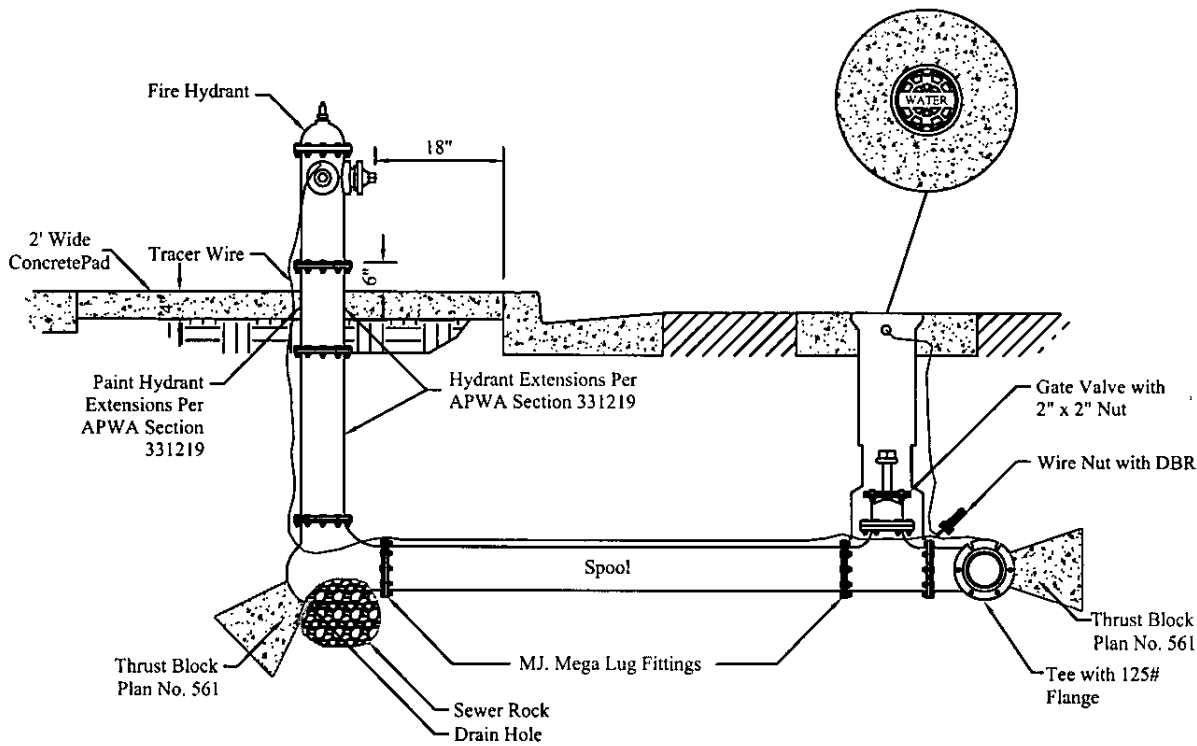
Date \_\_\_\_\_

City Engineer \_\_\_\_\_

Sheet Name \_\_\_\_\_

Approved \_\_\_\_\_

Sheet  
**CW-14**



**Note:**

Poly Wrap Hydrant to Bury Line.

No.	Date	Drawn By	Remarks

**Herriman**  
 Founded 1851  
 13011 S. Pioneer St. • Herriman, UT 84096

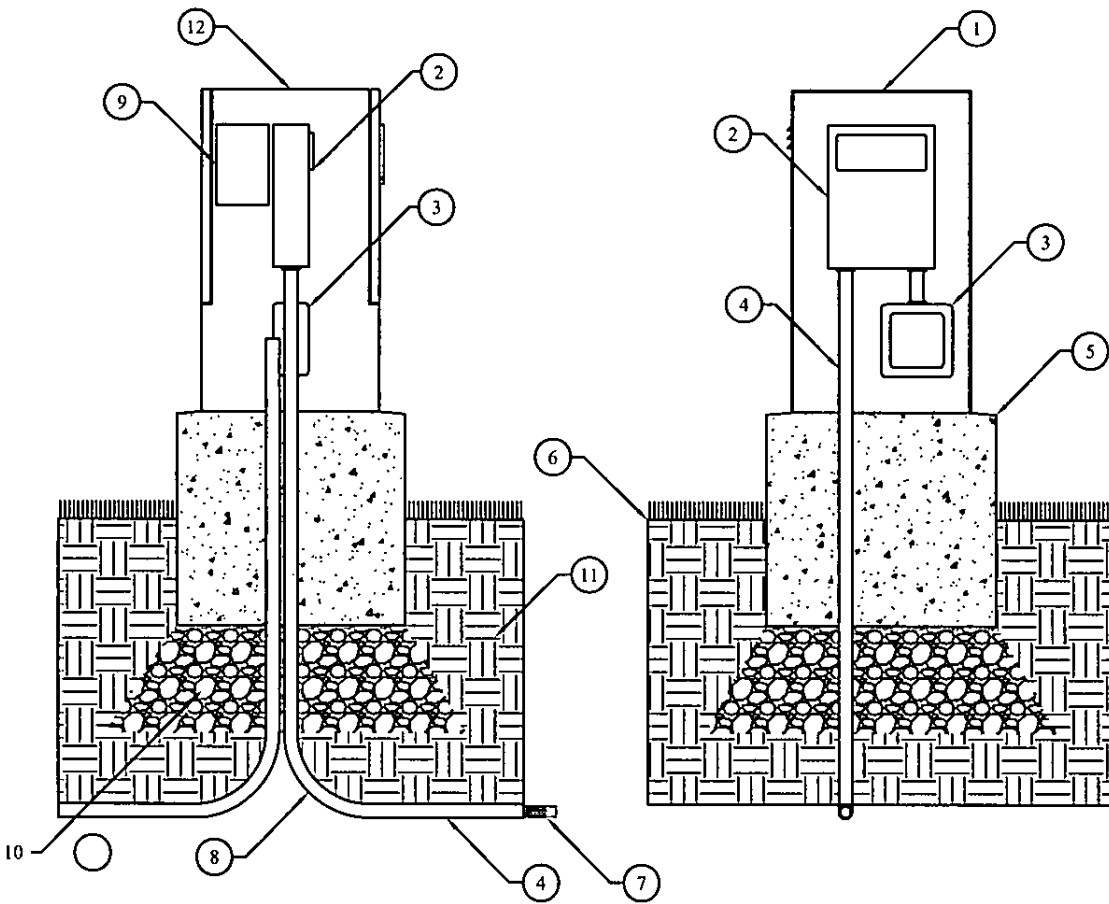
Fire Hydrant with Valve

City Engineer \_\_\_\_\_ Date \_\_\_\_\_

Sheet Name \_\_\_\_\_ Approved \_\_\_\_\_

Sheet  
**CW-15**

**Fire Hydrant with Valve**



Front View

Side View

- |   |   |
|---|---|
| <ul style="list-style-type: none"> <li>① Metered controller enclosure</li> <li>② Meter socket with test blocks</li> <li>③ Load center</li> <li>④ Conduit (not supplied) for line feed into meter</li> <li>⑤ Poured concrete base 12" thickness extend 6" above grade slope at 0.5% minimum</li> <li>⑥ Finished grade</li> </ul> | <ul style="list-style-type: none"> <li>⑦ Direct burial control wires to control valves</li> <li>⑧ PVC long sweep elbow use one sweep elbow Per-Controller install one extra for future use</li> <li>⑨ Automatic controllers remove front doors of controllers and place side by side</li> <li>⑩ 6" minimum road base</li> <li>⑪ Subgrade compacted to 95%</li> <li>⑫ Stainless steel V.I.T. Products INC. Strong box SD-18D SS/SD-24D SS or approved equal</li> </ul> |
|---|---|

Notes:

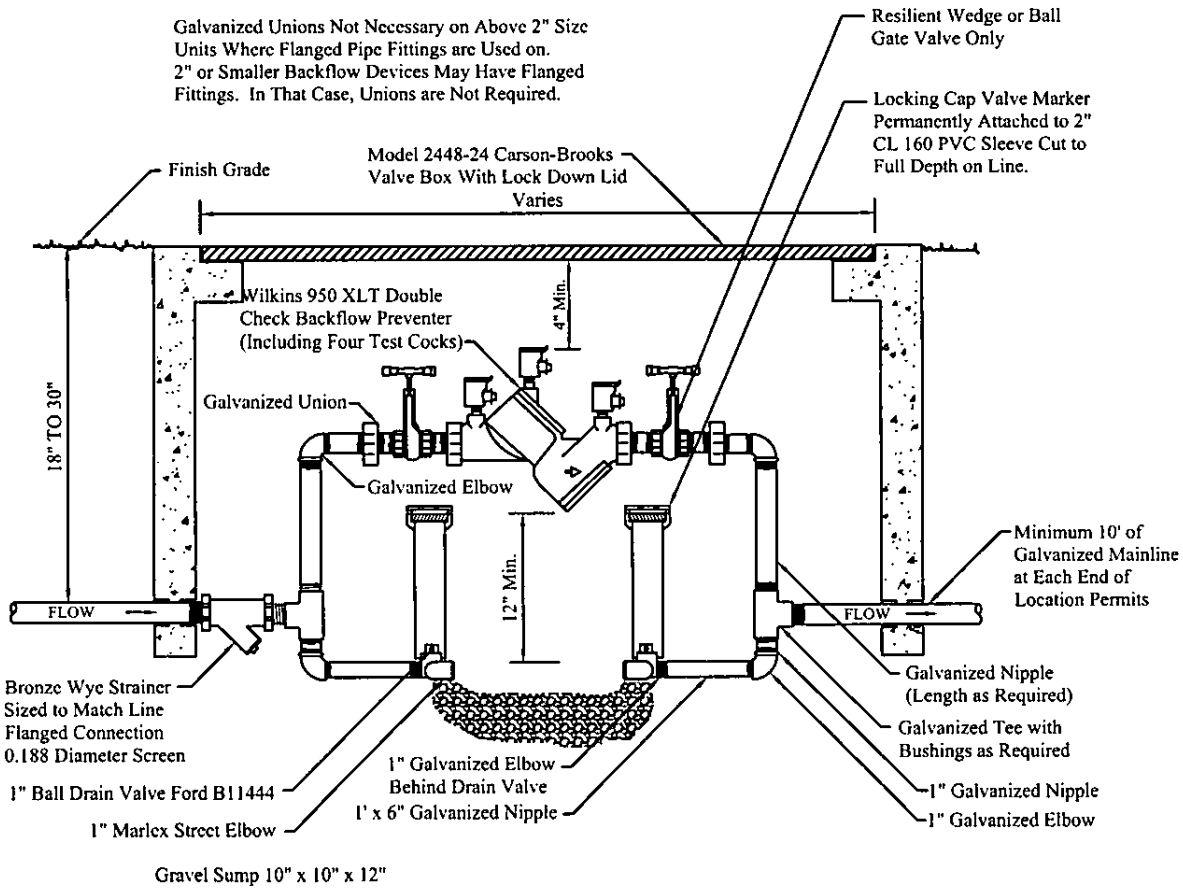
1. Ground Low Voltage with 3 Ground Rod Grid 8 Feet Apart.
2. Trenching Shall Conform to CW-02

**Meter Controller Enclosure**

	Revisions				
No.	Date	Drawn By	Remarks		
					
<b>Meter Controller Enclosure</b>		Date _____ City Engineer _____			
Sheet Name	Approved _____				
Sheet					
<b>IR-01</b>					

**Note:**

Galvanized Unions Not Necessary on Above 2" Size Units Where Flanged Pipe Fittings are Used on. 2" or Smaller Backflow Devices May Have Flanged Fittings. In That Case, Unions are Not Required.



**Notes:**

1. All Fittings Noted on the Downstream Side of the Backflow Preventer are the Same on the Upstream Side.
2. Use Box Extensions as Necessary.
3. Valve Box Sizes:  
 2" ASSY - MODEL 2448-24  
 1 1/2" ASSY - MODEL 2448-24  
 1 1/4" ASSY - MODEL 1730-18

No.	Date	Drawn By	Remarks

Founded 1851

**Herriman**  
 13011 S. Pioneer St. • Herriman, UT 84096

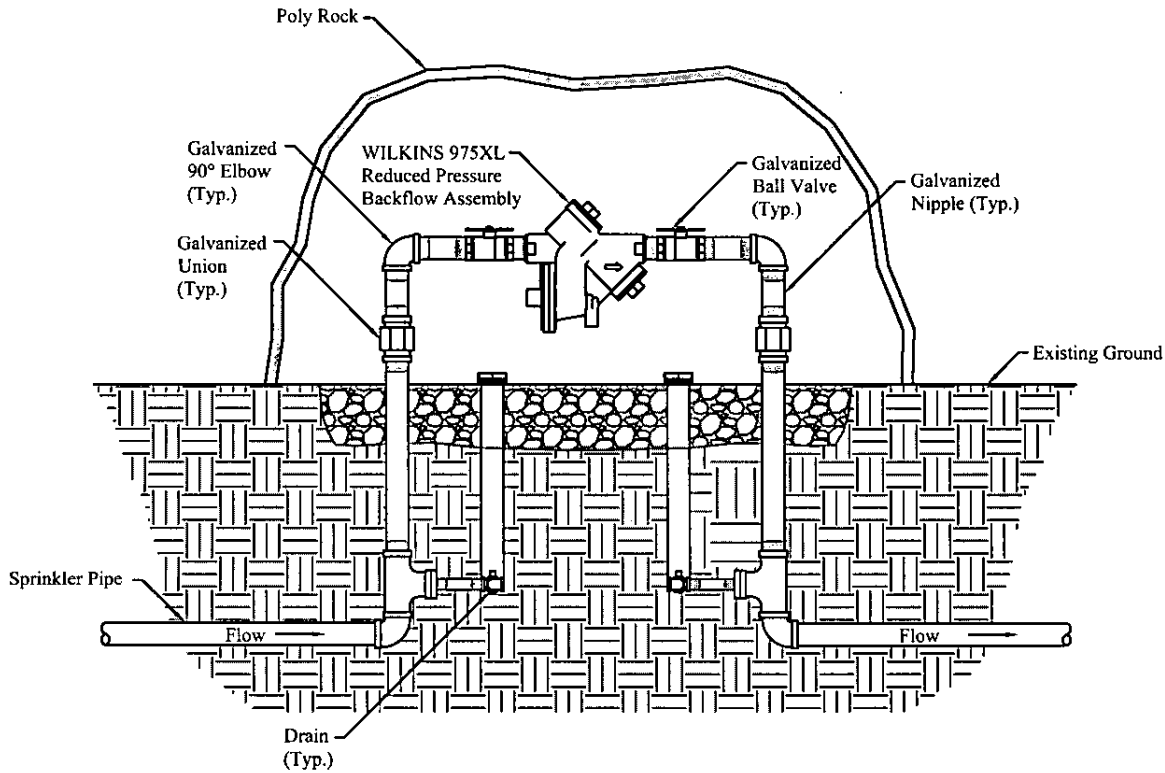
**Double Check Backflow Prevention Assembly (2" or Smaller Sizes)**

City Engineer \_\_\_\_\_ Date \_\_\_\_\_

Sheet Name \_\_\_\_\_ Approved \_\_\_\_\_

Sheet  
**IR-02A**

**Double Check Backflow Prevention Assembly (2" or Smaller Sizes)**



**Notes:**

1. All Fittings Noted on the Downstream Side of the Backflow Preventer are the Same on the Upstream Side.
2. Use Box Extensions as Necessary.
3. Valve Box Sizes:  
 2" ASSY - MODEL 2448-24  
 1 1/2" ASSY - MODEL 2448-24  
 1 1/4" ASSY - MODEL 1730-18
4. Galvanized Unions Not Necessary on Above 2" Size Units Where Flanged Pipe Fittings are Used on. 2" or Smaller Backflow Devices May Have Flanged Fittings. In That Case, Unions are Not Required.

**Reduced Pressure Backflow Assembly**

Revisions		Remarks
No.	Date	Drawn By

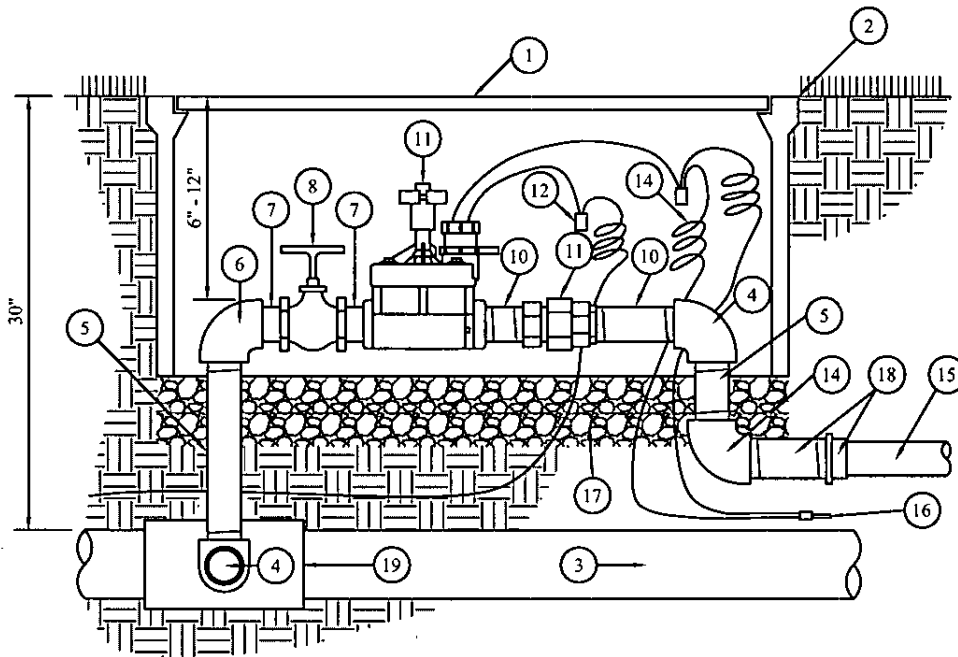

**Herriman**  
 Founded 1851  
 13011 S. Pioneer St. • Herriman, UT 84096

**Reduced Pressure Backflow Assembly**  
 \_\_\_\_\_ Date  
 City Engineer

Sheet Name \_\_\_\_\_  
 Approved \_\_\_\_\_

Sheet  
**IR-02B**





- |   |  |
|---|--|
| <p>① Carson-Brooks 1419-12 Standard or Jumbo Valve Box With Stainless Steel Bolts. (Bolt Down Lid). (Must Be Approved by Landscape Architect Prior to Installation) Install At Grade</p> <p>② Install at Grade</p> <p>③ Main Water Supply Line</p> <p>④ PVC Schedule 80 T x T Elbow</p> <p>⑤ PVC Schedule 80 Nipple; Length as Required (Typ)</p> <p>⑥ PVC Schedule 80 T x T Elbow Same Size as Valve</p> <p>⑦ Schedule 80 Nipple On Either Side of Gate Valve</p> <p>⑧ Milwaukee Brand or Approved American Made Brass Gate Valve With Non Rising Stem (Line Size)</p> | <p>⑨ Electric Control Valve - See Equipment Schedule</p> <p>⑩ Schedule 80 Nipple On Either Side of Union</p> <p>⑪ PVC Schedule 80 Union</p> <p>⑫ Water Tight Connectors (3M DBY Only)</p> <p>⑬ Provide 18" Expansion Loop at Each Wire Connector in Box</p> <p>⑭ Schedule 80 Elbow With Schedule 80 Nipple Into T x T Bushing to Lateral</p> <p>⑮ Lateral Line</p> <p>⑯ Control Wires</p> <p>⑰ 6" Minimum Depth Clean Pea Gravel</p> <p>⑱ Threaded Nipple With Bushing</p> <p>⑲ PVC Schedule 80 Tee 5 x 5 x 5 With Schedule 80 SXT Bushing or Double Strap Saddle or Harco Service Tee</p> |
|---|--|

**Notes:**

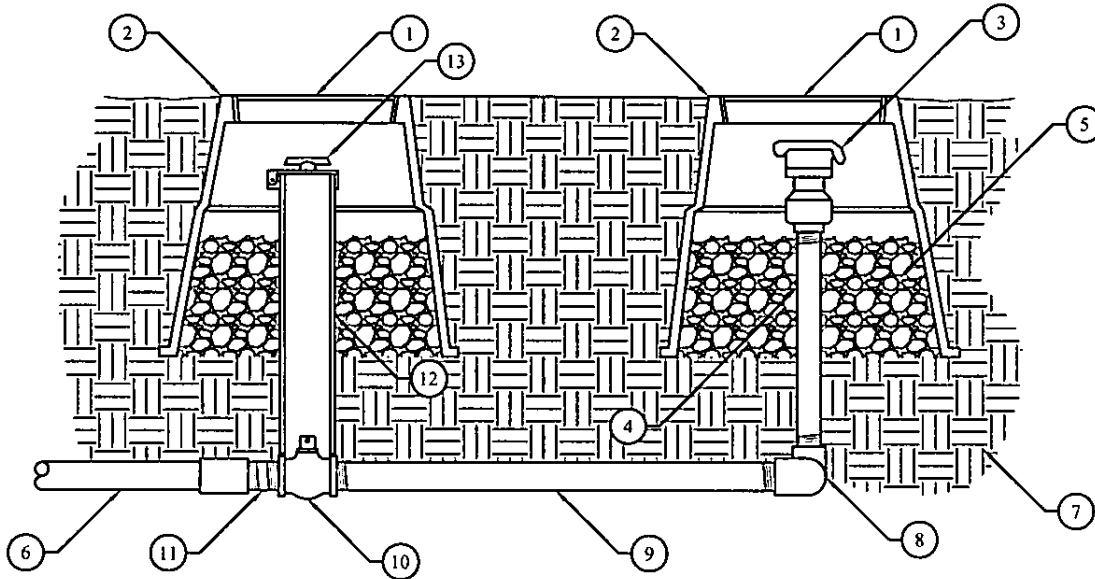
1. One Remote Control Valve Per Valve Box.
2. All Fittings and Nipples in Manifold Shall Be Schedule 80 Threaded PVC Using Teflon Tape and #5 Rector Seal.
3. Valve Manifold to be Installed Perpendicular (90°) to Main Line. Minimum of 1 Foot Before Change in Direction.

## Control Valve Assembly

No.	Date	Drawn By	Remarks

Control Valve Assembly	Date _____
Sheet Name	Approved
City Engineer	

Sheet  
**IR-03**



- |  |  |
|--|--|
| <p>① 10" Round Green Plastic Valve Box, Carson-Brooks 910 or Equal</p> <p>② Install Box at Finish Grade in Turf Areas, 2" Above Grade in Planting Areas</p> <p>③ Quick Coupler - See Equipment Schedule (Mount 4" - 6" Below Grade)</p> <p>④ 1" Galvanized Riser, Length as Required</p> <p>⑤ 6" Minimum Depth Clean Pea Gravel</p> <p>⑥ Main Supply Line</p> <p>⑦ Sub-Grade Compacted to 90% (TYP.)</p> | <p>⑧ 1" Galvanized Double Elbow Swing Joint</p> <p>⑨ 1" Galvanized Nipple, Minimum Length 24" Before transition to PVC pipe</p> <p>⑩ 1" Ball B11444 Ford Valve</p> <p>⑪ Schedule 80 Nipple</p> <p>⑫ 2" Schedule 40 PVC Sleeve Notched Over Ball Valve</p> <p>⑬ 906L Weathermatic Locking Valve Cap Permanently attached to sleeve. Top of marker 4" - 6" below grade</p> |
|--|--|

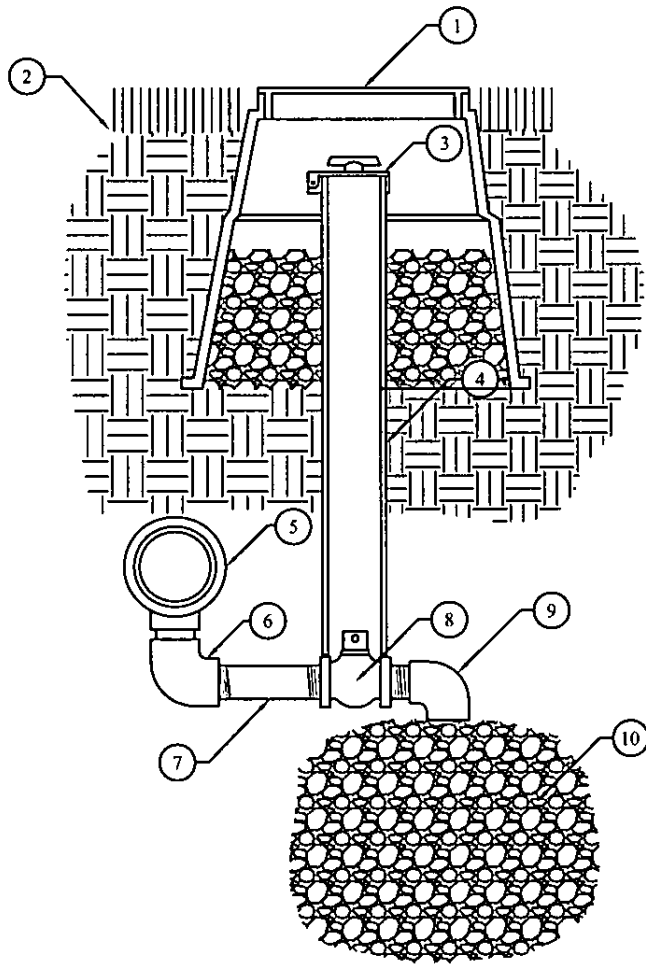
## Quick Coupling Valve Assembly

Revisions		No.	Date	Drawn By	Remarks
No.	Date				



**Herriman**  
13011 S. Pioneer St. • Herriman, UT 84096

<p>Quick Coupling Valve Assembly</p>	<p>Date _____</p>
<p>Sheet Name _____</p>	<p>Approved _____</p>
<p>Sheet _____</p>	
<p><b>IR-04</b></p>	



- ① 10" Round Valve Box with Lock Bolt, Carson-Brooks 910 or Equal
- ② Finish Grade
- ③ 906L Weathermatic Locking Valve Cap Attached to Sleeve. Top of Marker 4" - 6" Below Grade
- ④ 2" PVC Schedule 40 Sleeve Notched Over Valve
- ⑤ PVC Schedule 80 tee & Main Line
- ⑥ 3/4" PVC Schedule 80 Elbow
- ⑦ 3/4" PVC Schedule 80 Nipple (Length as Required)
- ⑧ 3/4" Ford B11333 Ball Valve
- ⑨ 3/4" Marlex Street Elbow
- ⑩ Gravel Sump - 18" x 18" x 12" Minimum Size

Notes:

- 1. All PVC Nipples to be Schedule 80
- 2. Provide Valve Key to Owner

Note:

PVC Pipe Shall Conform to the Following Standards: Main Line Pipe 3" and Larger Shall be Class 200 O-Rings Harco Ductile Iron Fittings or Machined Joint Fittings at All Changes of Direction. US Schedule 80 S x S x S Tee with Schedule 80 SXT Bushing for All Remote Control Valve Installations, or Epoxy Coated Double Strap Saddles. Cap and Thrust Block Main Lines Three (3) Feet Past All Fittings and Valves, Lateral Lines to be Schedule 40 PVC.

## Manual Drain Valve Assembly

Revisions		Remarks
No.	Date	Drawn By

**Manual Drain Valve Assembly**

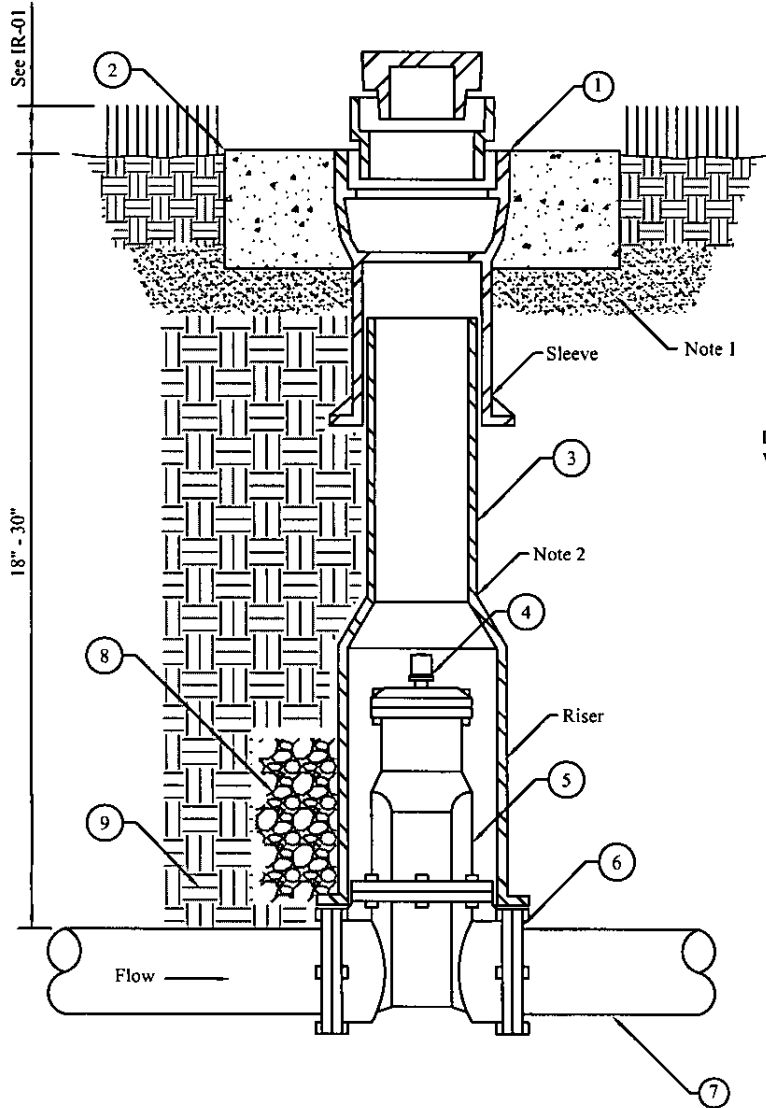
Date \_\_\_\_\_

City Engineer \_\_\_\_\_

Sheet Name \_\_\_\_\_

Approved \_\_\_\_\_

Sheet  
**IR-05**



- ① 10" Cast Iron Valve Box With Concrete Collar
- ② Finish Grade
- ③ Cast Iron Adjustable Valve Box
- ④ 2" Square Operating Unit
- ⑤ Flange x Flange Gate Valve See Equipment Schedule
- ⑥ Schedule 80 Flange Adapter
- ⑦ Main Water Supply Line
- ⑧ 6" Minimum Gravel
- ⑨ Subgrade Compacted to 90%

**Notes:**

1. Untreated Base Course: Provide Material Specified in APWA Section 321123. Do Not Use Gravel or Sewer Rock. Place Per APWA Section 330520. Compact Per APWA Section 330505 to a Modified Proctor Density of 95% or Greater. Maximum Lift Thickness is 8" Before Compaction.
2. Maintain 1½" Clearance Between Sleeve Section and Riser Section.

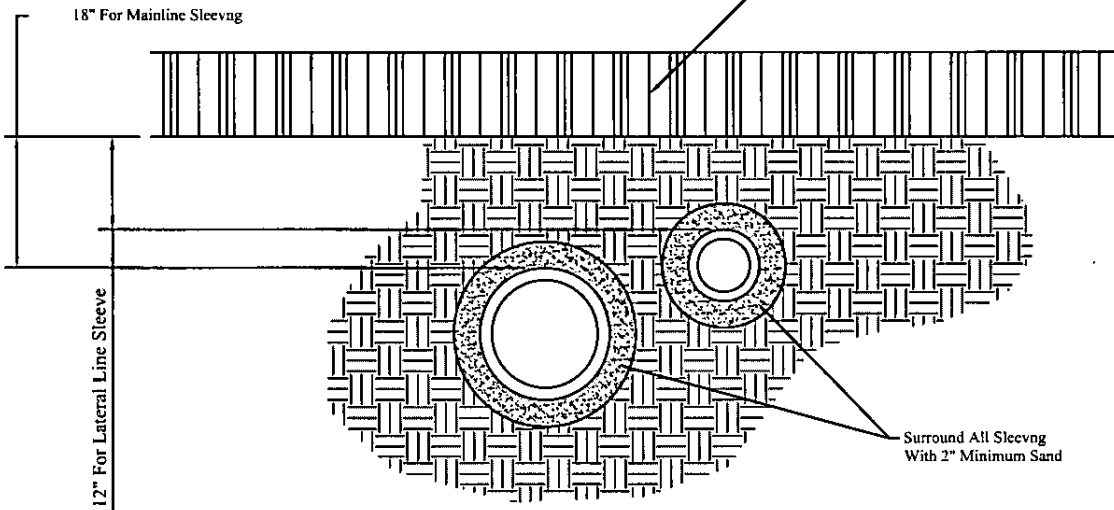
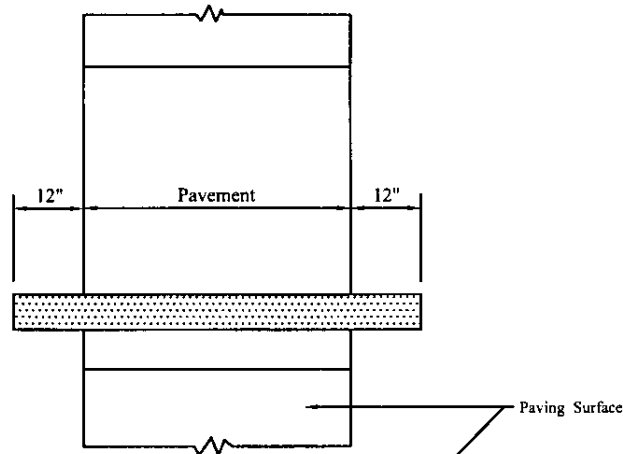
**Gate Valve**

Revisions		Remarks
No.	Date	Drawn By


**Herriman**  
 13011 S. Pioneer St. • Herriman, UT 84096  
 Founded 1851

Gate Valve \_\_\_\_\_ Date \_\_\_\_\_  
 Sheet Name \_\_\_\_\_  
 Approved \_\_\_\_\_  
 City Engineer

Sheet  
**IR-06**



**Notes:**

1. When Multiple Pipes Occur In One Trench, Add Required Sleeve Sizes Together For One Size.
2. Wires Shall Be In Separate Conduit As Per Chart Below.
3. Refer To Sleeving Diagram For Sizes Of All Sleeves.
4. Extend All Sleeving 12" Minimum Beyond Edge Of Paving.

**Sleeve Size Chart**

Pipe Size	Minimum Sleeve Size
3/4"	1 1/2"
1"	2"
1 1/4"	2 1/2"
1 1/2"	2 1/2"
2"	3"
2 1/2"	4"
3"	4"
4"	6"
6"	8"

**Wire Conduit Sizes**

Number of Wires	Minimum Conduit Size
1-4	3/4"
5-7	1"
8-11	1 1/2"
12-22	2"
23-31	2 1/2"
32-36	3"

Revisions		Remarks
No.	Date	Drawn By


  
**Herriman**
  
 13011 S. Pioneer St. • Herriman, UT 84096

**Typical Sleeving Detail and Sleeving Diagram**

Sheet Name: \_\_\_\_\_ Date: \_\_\_\_\_  
 Approved: \_\_\_\_\_ City Engineer

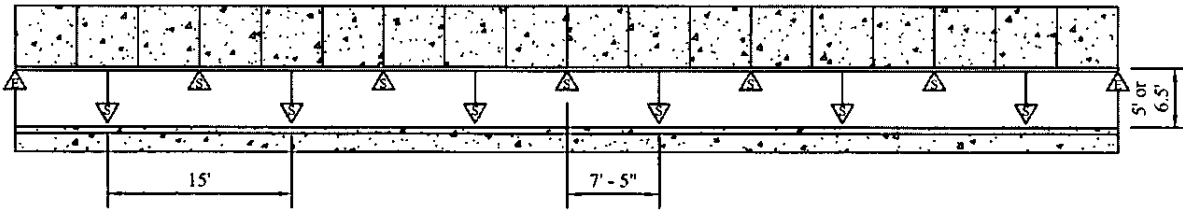
**Typical Sleeving Detail and Sleeving Diagram**

Sheet  
**IR-07**

Note:

Spacing Shown is For 5' Mow Strip.  
Vary Spacing Accordingly For Other  
Streetscape Widths.

- ▲ New Rainbird SST-PC Pop-Up Spray Head
- ▼ New Rainbird EST-PC Pop-Up Spray Head



Notes:

1. Heads Alternating to Form Triangle Spacing.
2. Drawing Not to Scale.
3. Main Line and Laterals are to be Located on Sidewalk Side of Park Strip.

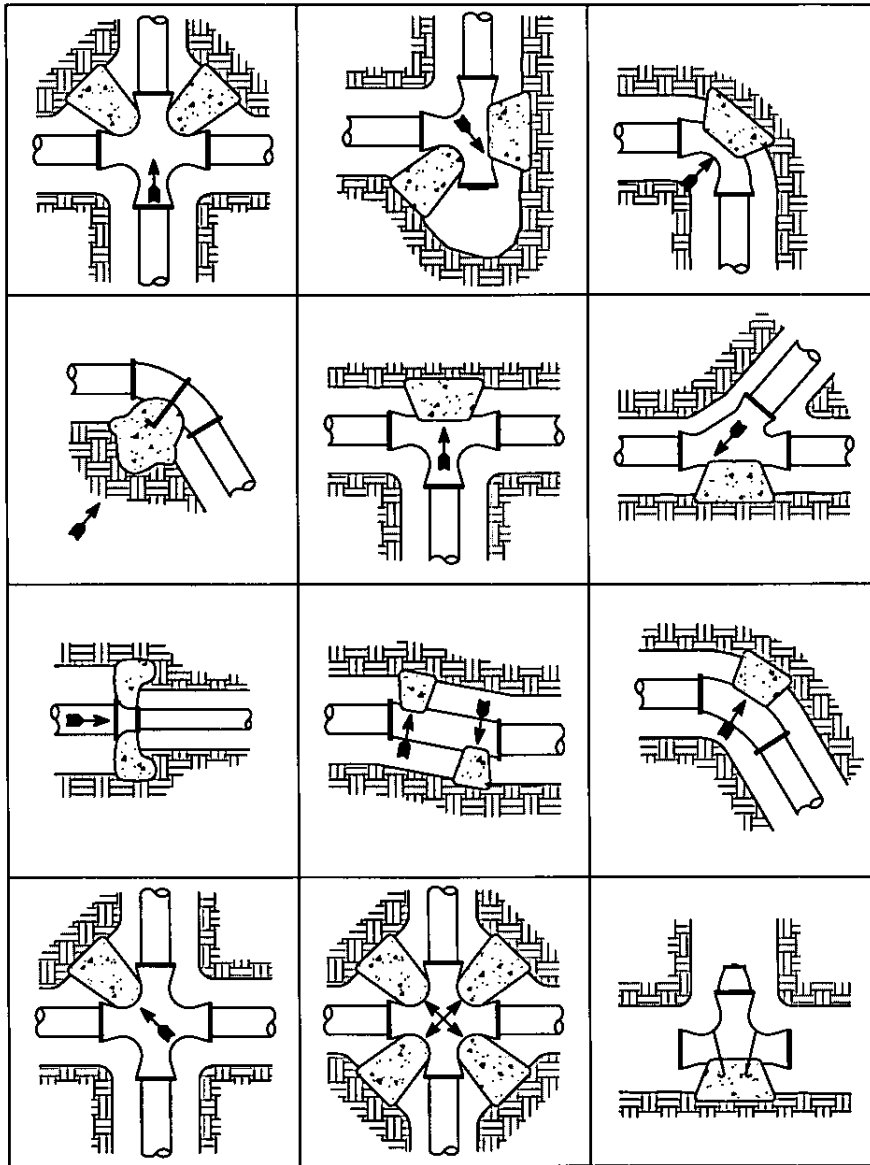
Typical Streetscape Head Pattern


Revisions		Drawn By	Remarks
No.	Date		


**Herriman**  
 18011 S. Pioneer St. • Herriman, UT 84096

Typical Streetscape Head Pattern  
 Sheet Name \_\_\_\_\_  
 Approved \_\_\_\_\_  
 City Engineer \_\_\_\_\_  
 Date \_\_\_\_\_

Sheet  
**IR-08**

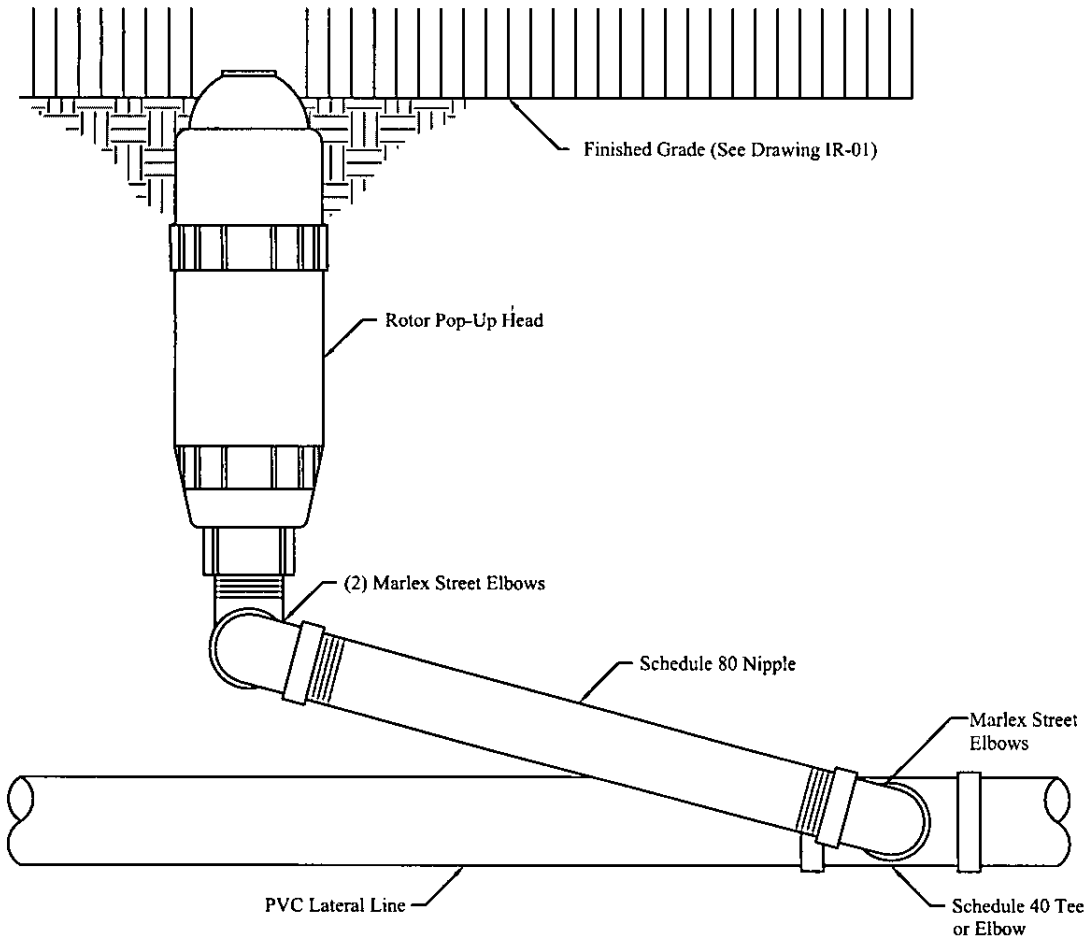


 Direction of Thrust (TYP.)  
 Install Thrust Blocks On  
 All 3" Fittings and Valves

Minimum Bearing Area In Square Feet					
Size of Pipe	Tees, Valves Dead Ends	90° Bends	45° Bends	22 1/2° Bends	1 1/4° Bends
3"	2	3	2	2	2

## Thrust Block Details

		<b>Thrust Block Detail</b>			
Sheet Name	Approved _____ Date _____ City Engineer				
Sheet		IR-09			
Revisions		No.	Date	Drawn By	Remarks



Notes:

1. Top of head shall be adjusted to match finished grade.
2. Minimum size of supply pipe and fittings to all rotors is  $\frac{3}{4}$ ".

**Pop-Up Rotor Sprinkler Detail**

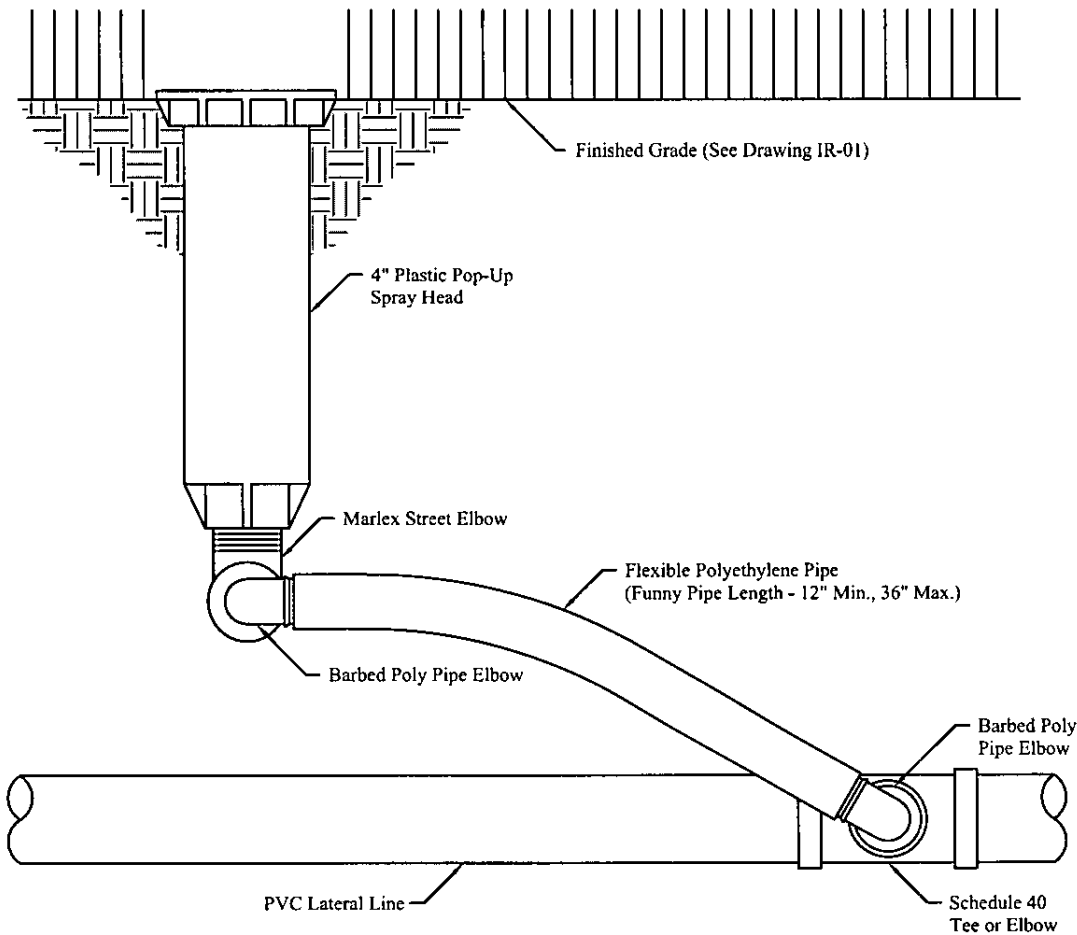
Revisions		Remarks
No.	Date	Drawn By


**Herriman**  
 Founded 1851  
 13011 S. Pioneer St. • Herriman, UT 84096

Sheet Name: **Pop Up Rotor Sprinkler Detail**  
 Approved: \_\_\_\_\_ Date: \_\_\_\_\_  
 City Engineer: \_\_\_\_\_

Sheet  
**IR-10**





**Notes:**

1. Top of head shall be adjusted to match finished grade.
2. Minimum size of supply pipe and fittings (except flexible polyethylene pipe and barbed fittings) to all pop-up sprays is  $\frac{3}{4}$ ".
3. Minimum size of flexible polyethylene pipe and barbed fittings to all pop-up sprays is  $\frac{1}{2}$ ".

**Pop-Up Spray Sprinkler Detail**

Revisions		Remarks
No.	Date	Drawn By

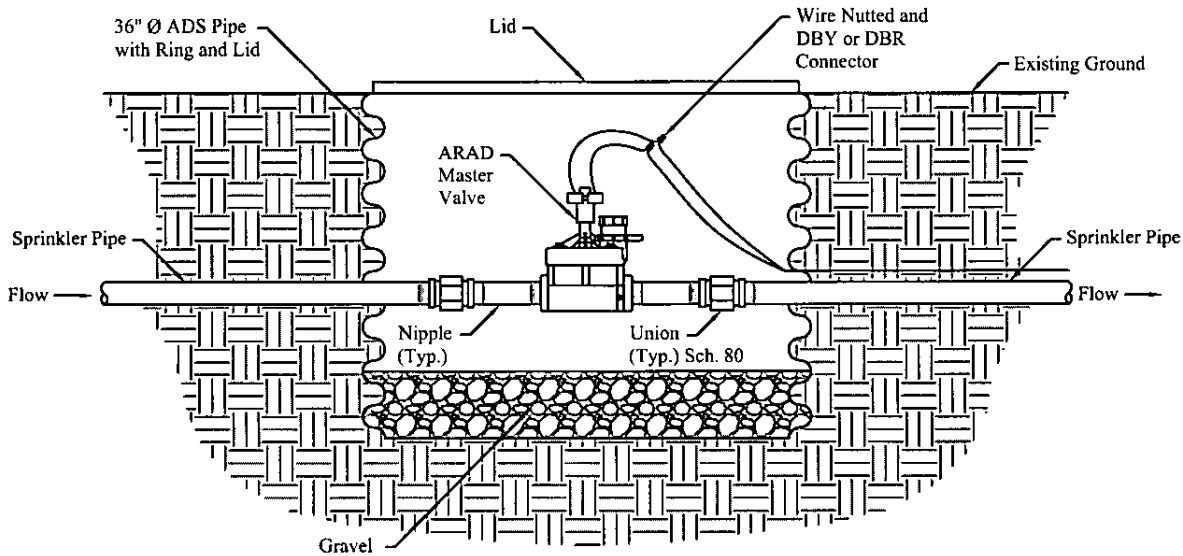

  
**Herriman**
  
 13011 S. Pioneer St. • Herriman, UT 84096

**Pop-Up Spray Sprinkler Detail**

Date \_\_\_\_\_  
 City Engineer \_\_\_\_\_

Sheet Name \_\_\_\_\_  
 Approved \_\_\_\_\_

Sheet  
**IR-11**



Note:

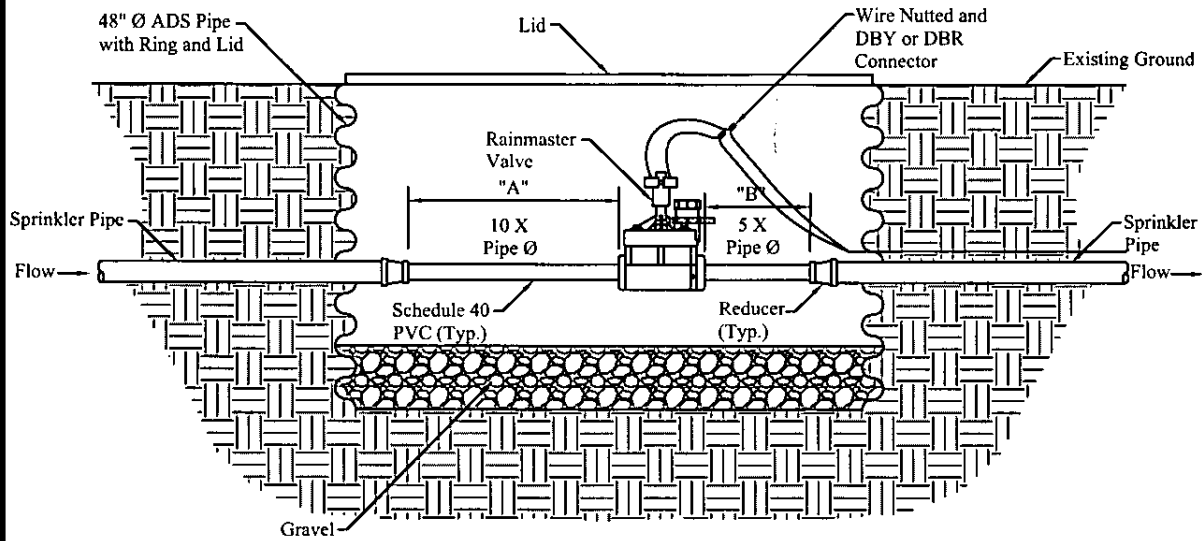
2" or smaller use Schedule 80 Unions  
 3" or larger use companion flanges

Master Valve Detail

Revisions		Remarks
No.	Date	Drawn By

 <b>Herriman</b> <small>Founded 1851</small> <small>18011 S. Pioneer St. • Herriman, UT 84096</small>	<b>Master Valve Detail</b>	Date _____
	Sheet Name Approved _____ City Engineer	Sheet <b>IR-12</b>



Main line		
Size	A (IN)	B (IN)
3/4"	7.5	3.75
1"	10	5
1 1/4"	12.5	6.25
1 1/2"	15	7.5
2"	20	10
3"	30	15
4"	40	20
6"	60	30
8"	80	40

Note:  
No Fittings Shall be Threaded.

### Flow Sensor Detail

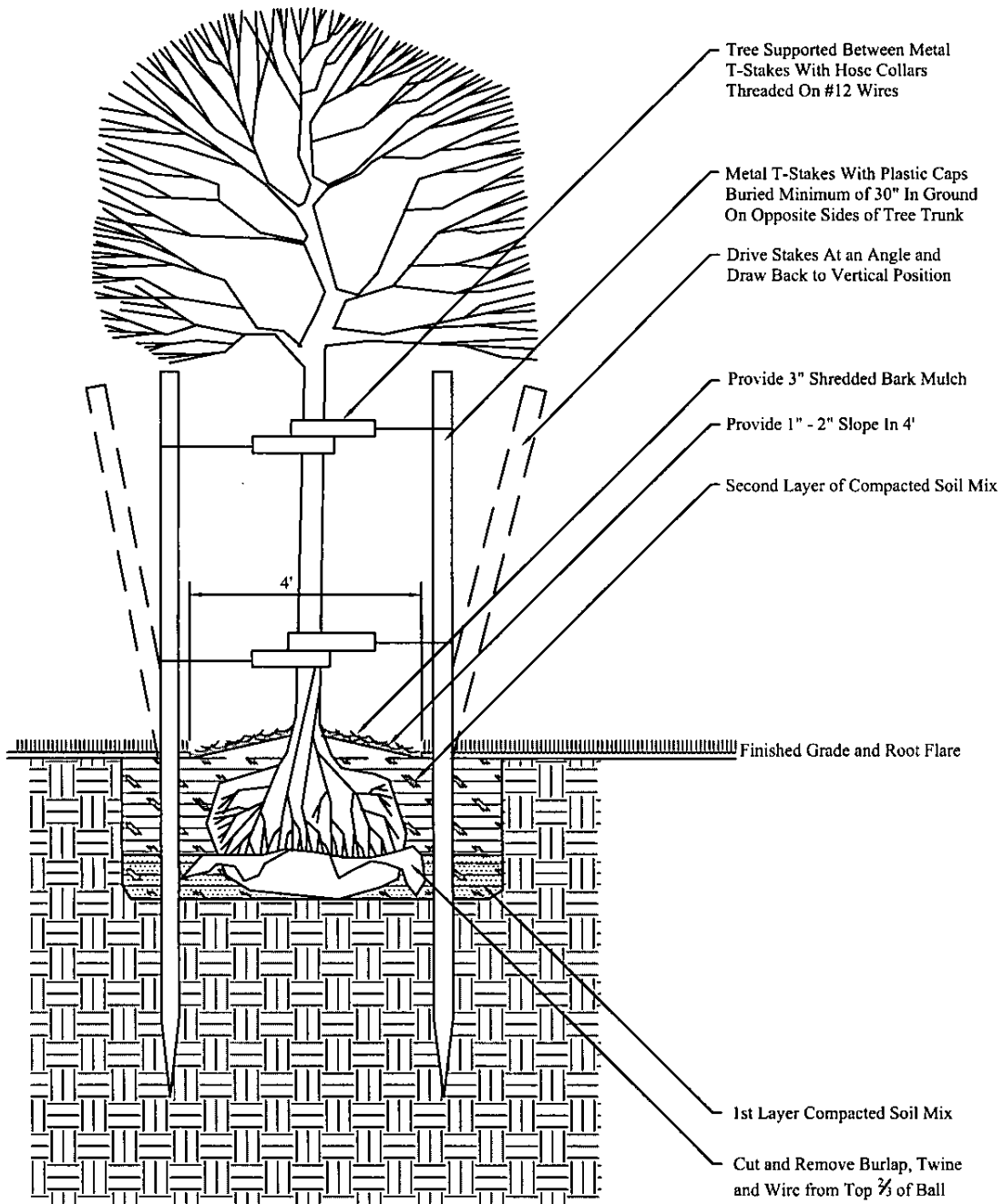
Revisions		
No.	Date	Remarks


**Herriman**  
 Founded 1851  
 13011 S. Pioneer St. • Herriman, UT 84096

Flow Sensor Detail  
 \_\_\_\_\_ Date  
 City Engineer

Sheet Name \_\_\_\_\_  
 Approved \_\_\_\_\_

Sheet  
**IR-13**



**Notes:**

1. To Install Tree in a Hole, Add 1st Layer of Compacted Soil Mix, Cut and Remove All Burlap, Twine and Wire From Top 2/3 of Ball, and Add Second Layer of Soil.
2. Typical Tree Planting Depth: From Root Flare to Bottom of Ball Plus 2".
3. Typical Tree Planting Width: Twice the Width of the Ball.

**Tree Planting and Staking**

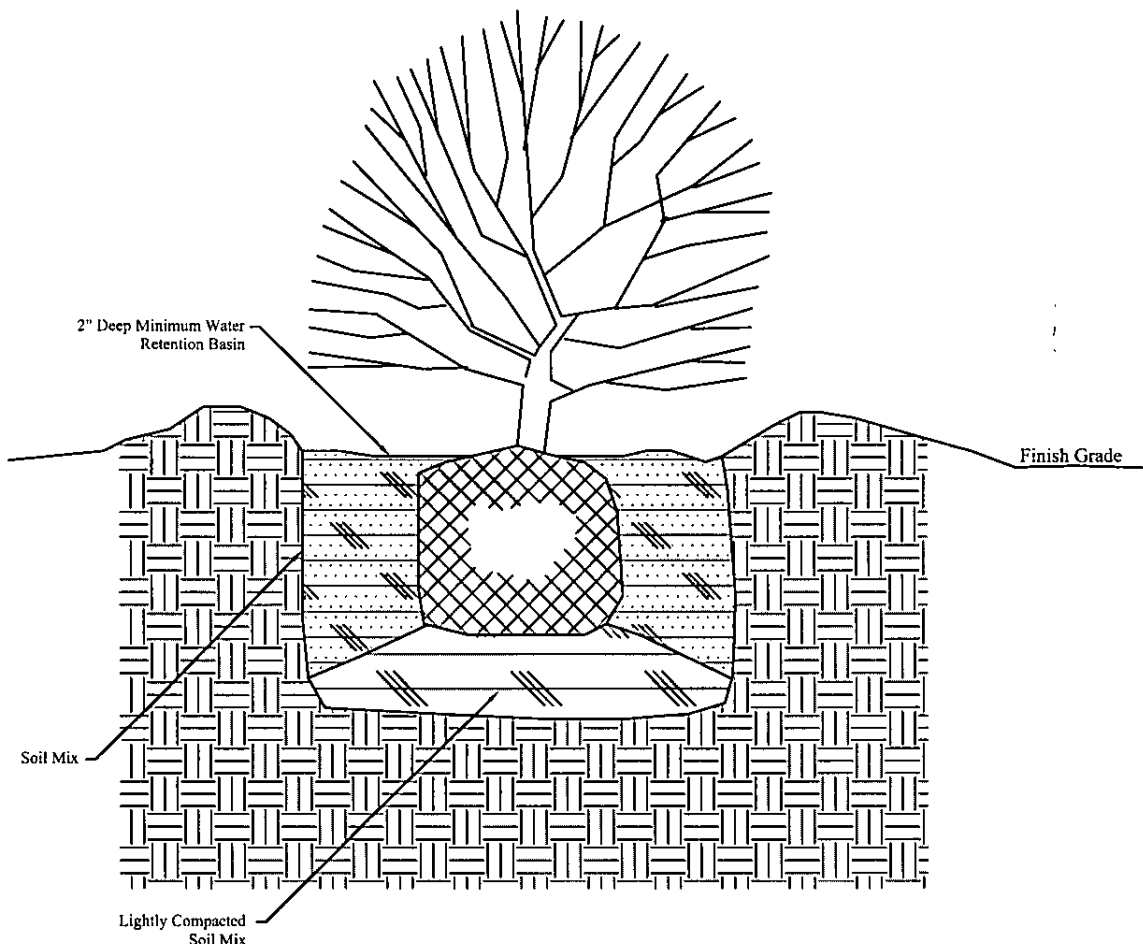
Revisions		Remarks
No.	Date	Drawn By

**Herriman**  
 13011 S. Pioneer St. • Herriman, UT 84096

**Tree Planting and Staking**

Sheet Name: \_\_\_\_\_ Date: \_\_\_\_\_  
 Approved: \_\_\_\_\_  
 City Engineer: \_\_\_\_\_

Sheet  
**LP-01**



**Notes:**

1. Soil Mix For All Trees, Shrubs and Ground Cover Shall Be 30% Existing Soil Excavated From Plant Hole, 30% Imported Loamy Topsoil, 20% Clean Course Sand and 20% Peat Moss.
2. Place Agriform Tabs In Each Planting Pit, Buried 1/3 Depth of Ball.
3. Place Tabs As Follows:  
 #1 & #2 Size - 1 Tab  
 #5 Size - 2 Tabs  
 1 1/2" Cal. & Up - 3 Tabs
4. Place Tabs No Closer Than 18" Apart.
5. Typical Shrub Planting Depth: Depth of Ball Plus 3"
6. Typical Shrub Planting Width: Width of Ball Plus 6"

**Shrub Planting Detail**

Revisions			
No.	Date	Drawn By	Remarks


**Herriman**  
 13011 S. Forest St. • Herriman, UT 84096

**Shrub Planting Detail**

Date \_\_\_\_\_

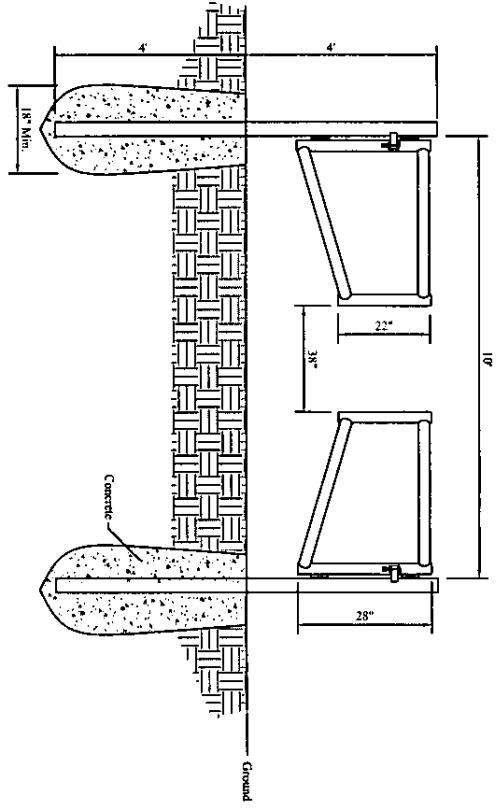
City Engineer \_\_\_\_\_

Sheet Name \_\_\_\_\_

Approved \_\_\_\_\_

Sheet

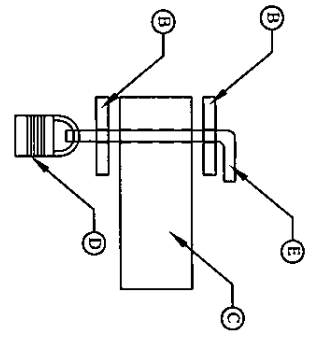
**LP-02**



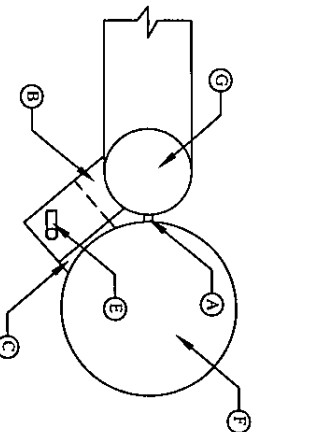
Double Gate Cross Section



Plan View



Lock Detail Front View



Lock Detail Top View

- Notes:**
1. Gate Must Swing Into Herriman City Property.
  2. Prime and Paint Gate Assembly Glossy Black.
  3. Cut and Weld Pieces to Fit.

Item	Qty	Description	Note
①	4	Hinges	2
②	4	Metal Plate	5
③	2	2" Sq. Tube	7
④	2	Padlock Lock	1
⑤	2	Latching Pin	6
⑥	2	Post	3
⑦	2	Base	4

**Notes for Lock Piece:**

1. The Developer's Responsibility to provide Locks for Gate. Lock Must be Kept in Herriman City Shop and not to be at Knapptonite PL1002. Lock can be Purchased at Attachional Building Supply (801)586-5481.
2. The Hinges Must be Heavy Duty Hinges from Metal Man.
3. The Pipe for the Post is 6" Schedule 40 Pipe.
4. The Pipe Used to do the Gate is 3" Schedule 40 Pipe.
5. The Metal Plate Should be 2 1/2" x 4" and 1/2" Thick With a 3/8" Hole for the Latching Pin to go Through and Must be Cut and Welded on Approximately a 30 Degree Angle to the 3" Schedule 40 Pipe.
6. The Latching Pin is Made from 1/2" Round Steel That is 7 1/2" Tall With a 2 1/2" Bend With a hole at the bottom so that the lock can go through.
7. The Tubing is 2 1/2" sq Tubing With a Copied End Should be 4" Long With a 3/8" hole for the Latching Pin go Through and Needs to be Cut and Welded on Approximately a 30 Degree Angle to The 6" Schedule 40 Pipe.

**Gate Assemblies For Trail Heads**

LP-03

Sheet

Sheet Name: Gate Assemblies For Trail Heads

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

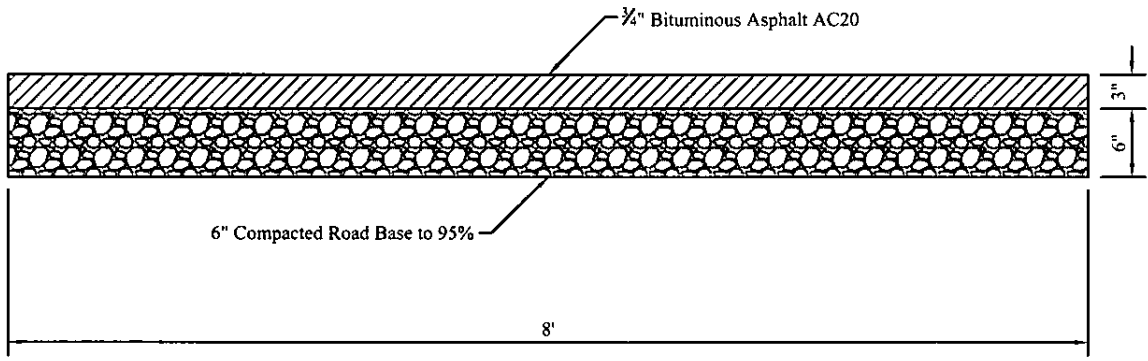
City Engineer

Founded 1851

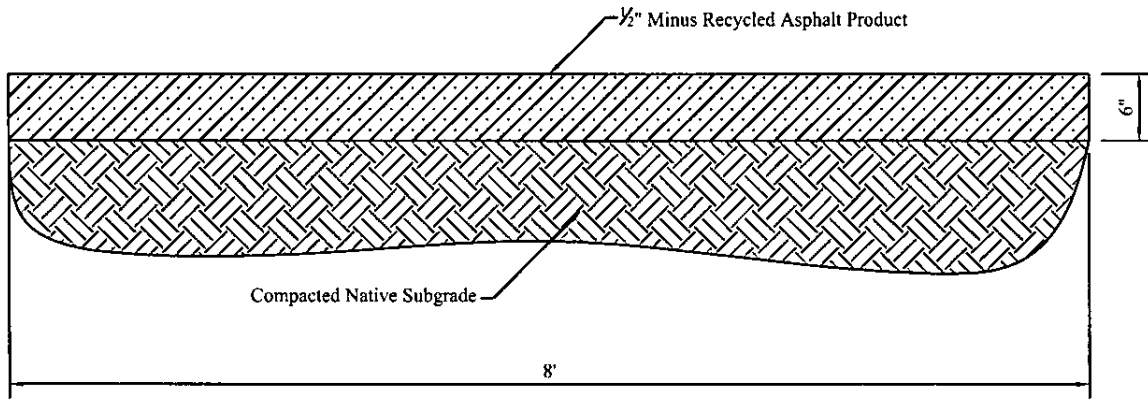
**Herriman**

13011 S. Power St. • Herriman, UT 84096

Revisions				Remarks
No.	Date	Drawn By		



Hard Surface / Pedestrian Trail



Soft Surface / Equestrian Trail

Trail Detail

Revisions			
No.	Date	Drawn By	Remarks

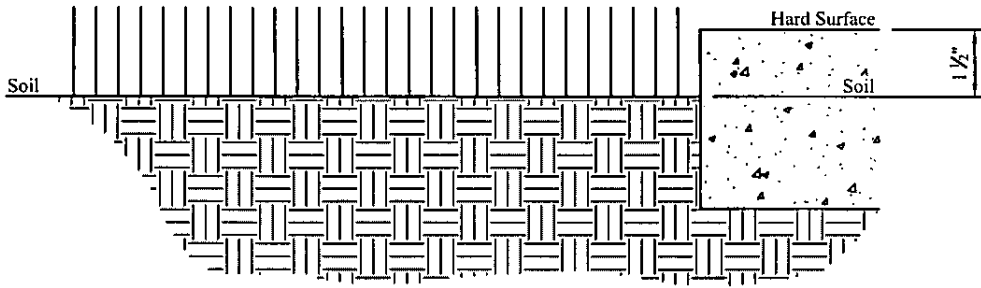
**Herriman**

Trail Detail

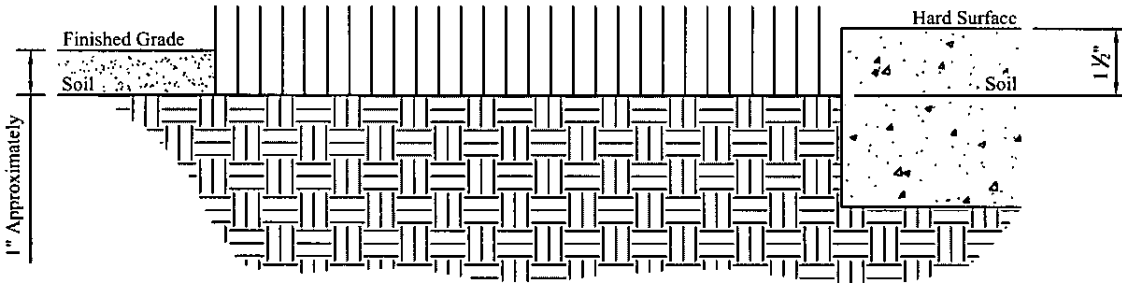
\_\_\_\_\_ Date  
 \_\_\_\_\_ Date

Sheet Name  
 Approved \_\_\_\_\_  
 City Engineer

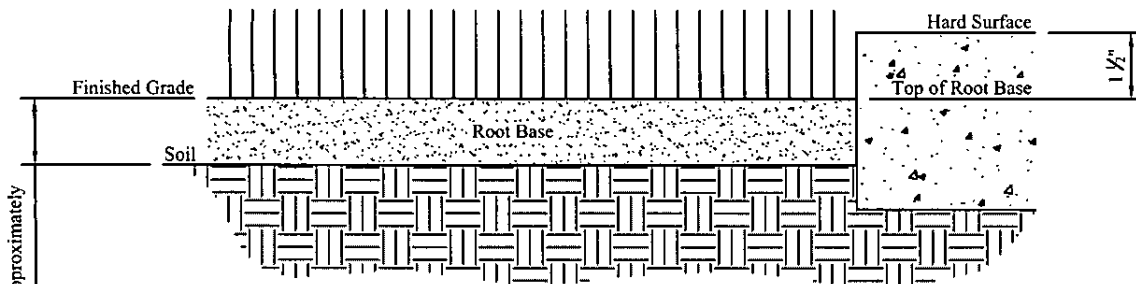
Sheet  
**LP-04**



**A** Detail - Existing  
Scale: No Scale



**B** Detail - Seeding  
Scale: No Scale



**C** Detail - Sod  
Scale: No Scale

Finish Grade

Revisions		Remarks
No.	Date	

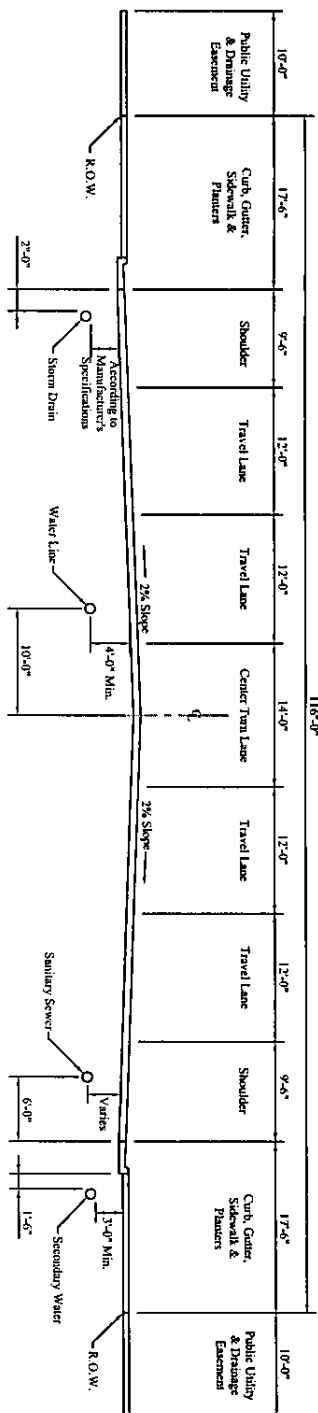

**Herriman**  
 13011 S. Pioneer St. • Herriman, UT 84096

Finish Grade \_\_\_\_\_ Date \_\_\_\_\_  
 City Engineer \_\_\_\_\_

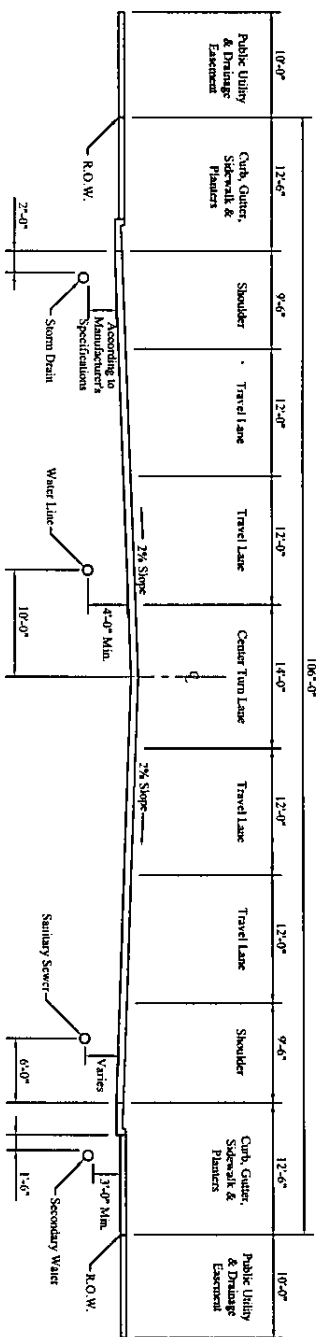
Sheet Name \_\_\_\_\_  
 Approved \_\_\_\_\_

Sheet  
**LP-05**

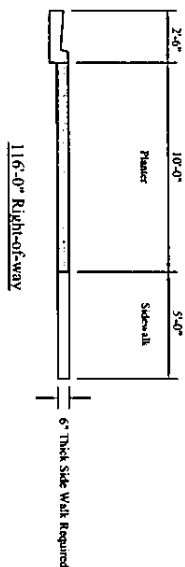
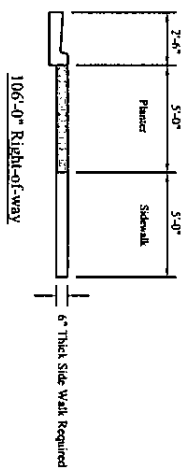




Major Arterial - 116'-0" Right-of-Way

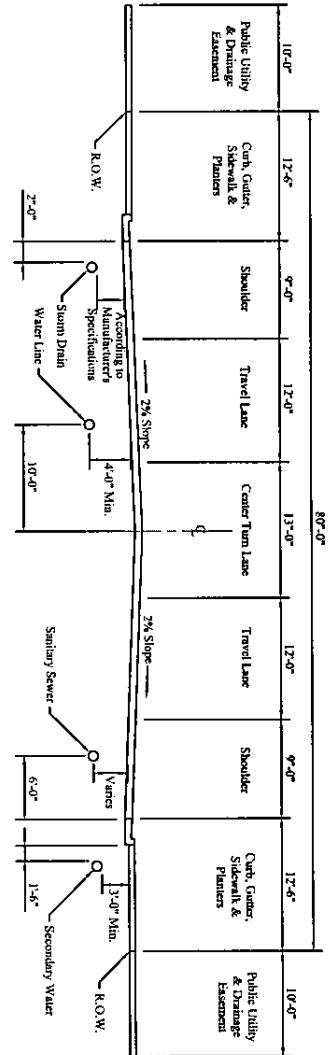


Major Arterial - 106'-0" Right-of-Way

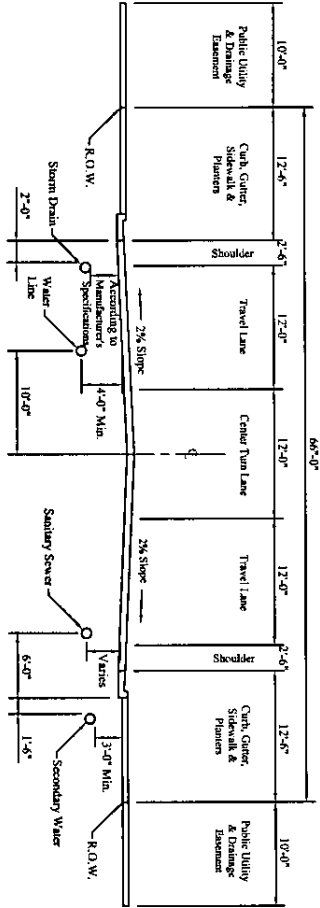


Typical Roadway Cross Sections

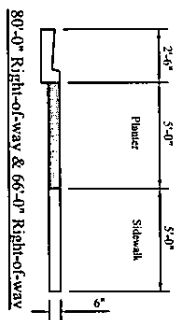
RD-01A Sheet	Sheet Name	Typical Roadway Cross Section	Founded 1851 <b>Herriman</b> 13031 S. Power St., • Herriman, UT 84096	Revisions	
	Approved	Date		Civ. Engineer	No.
				Drawn By	Remarks



Minor Arterial - 80'-0" Right-of-Way



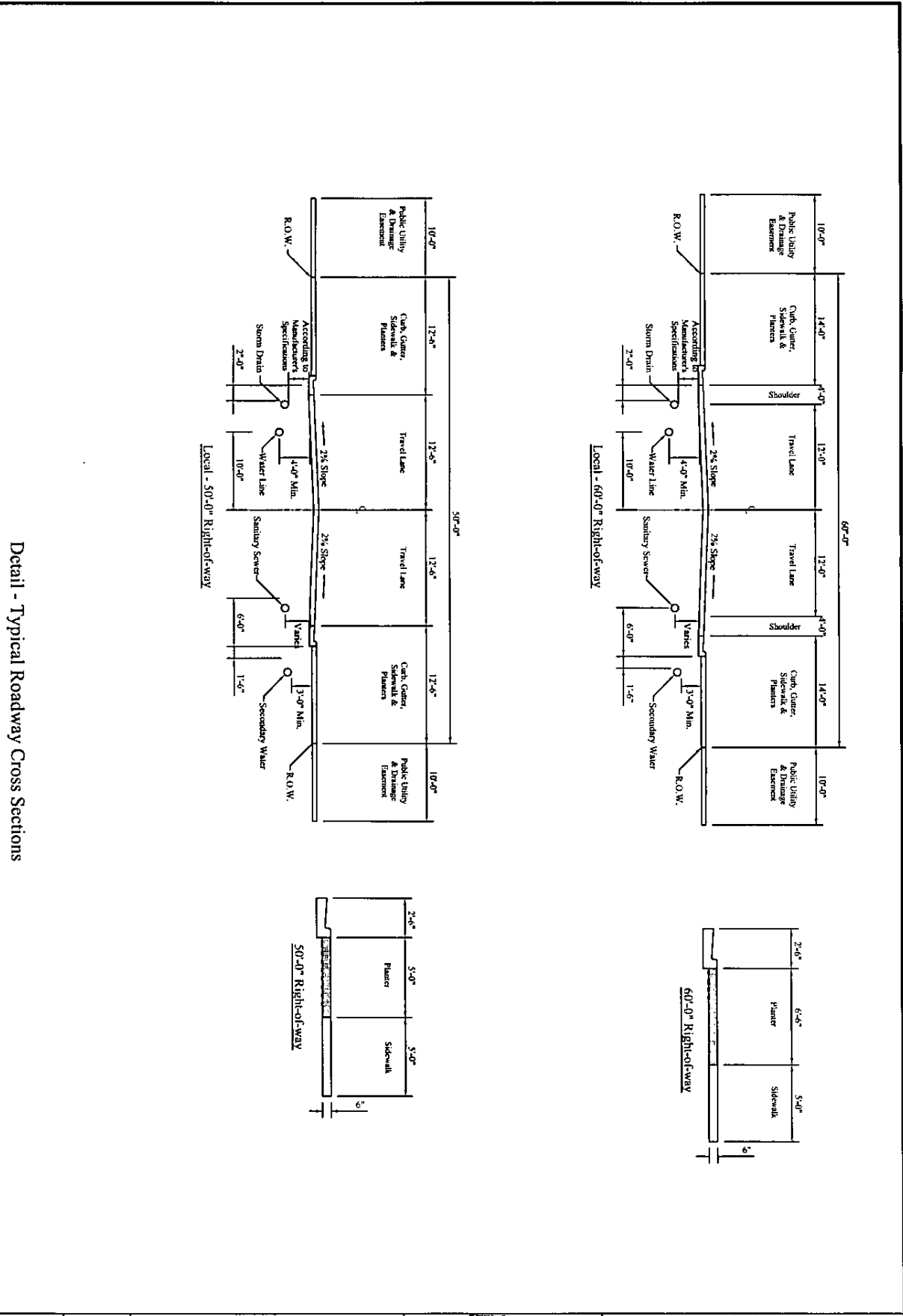
Minor Collector - 66'-0" Right-of-Way



80'-0" Right-of-Way & 66'-0" Right-of-Way

Detail - Typical Roadway Cross Sections

RD-01B Sheet	Sheet Name	Typical Roadway Cross Sections		Revisions		Remarks
	Approved	City Engineer		Date	No.	



Detail - Typical Roadway Cross Sections

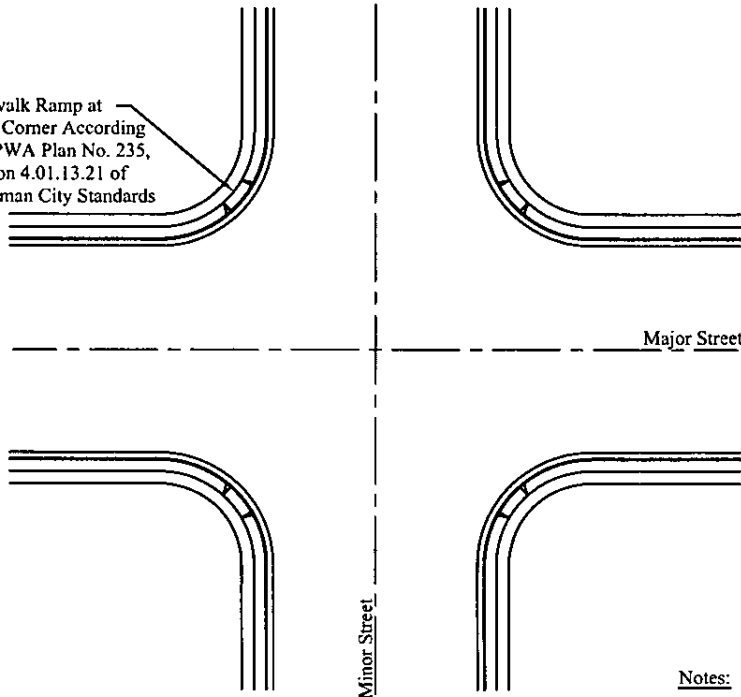
No.	Date	Drawn By	Revisions	
			Remarks	

Sheet Name: **Typical Roadway Cross Section**  
 Approved: \_\_\_\_\_  
 City Engineer: \_\_\_\_\_ Date: \_\_\_\_\_



RD-01C

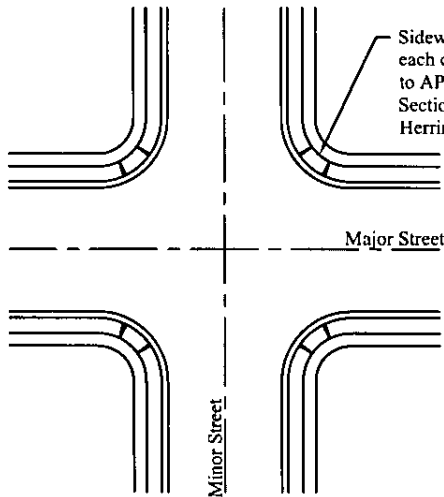
Sidewalk Ramp at Each Corner According to APWA Plan No. 235, Section 4.01.13.21 of Herriman City Standards



Collateral and Arterial Street Intersections

Notes:

1. Materials, Construction, and Workmanship Shall be in Accordance with the City of Herriman Engineering Standard Specifications.
2. Transition Structure Shall be in Accordance with APWA Plan No. 213.
3. Curb and Gutter shall be Type A in Accordance with APWA Plan No. 205.
4. Cross Drain Gutter Not Allowed across Collectors or Arterials.



Minor Street Intersections

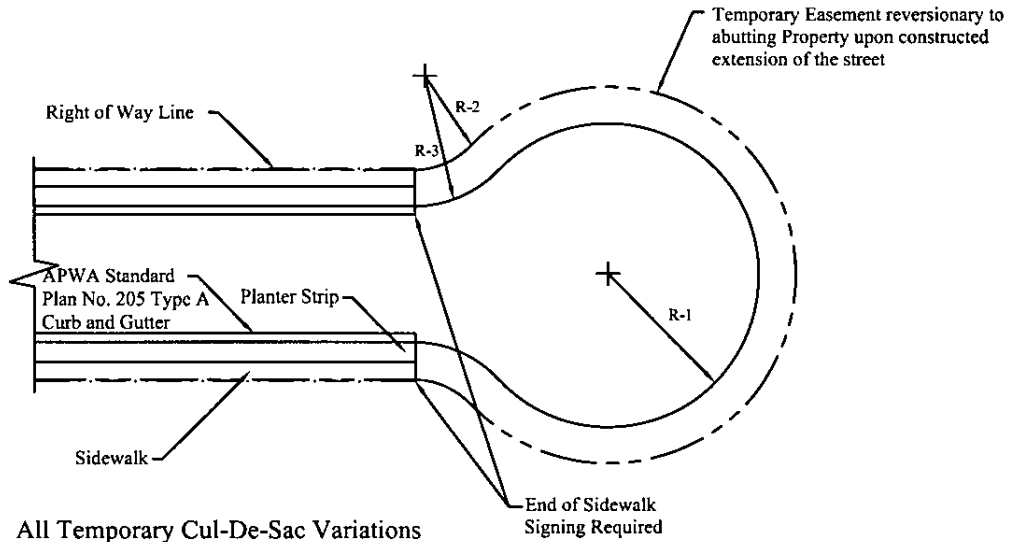
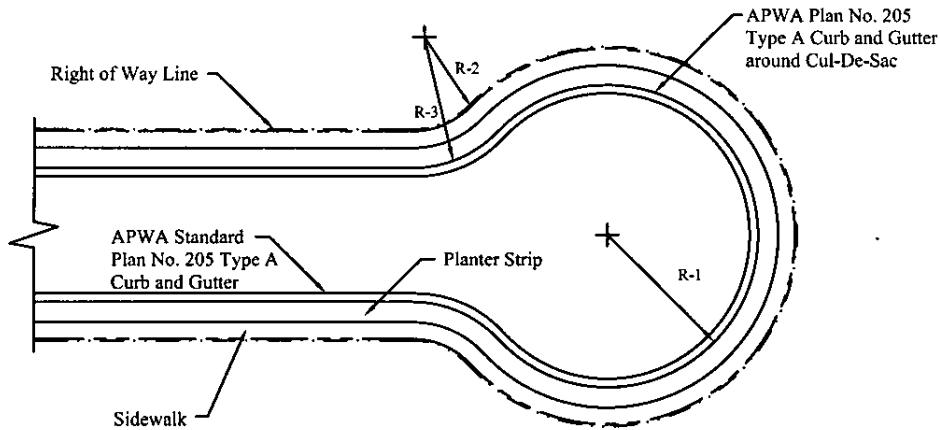
Sidewalk ramp at each corner according to APWA Plan No. 235, Section 4.01.13.21 of Herriman City Standards

Back of Curb Radii for Various Street Intersections

		Right of Way Width				
		50	60	66	80	106
Right of Way Width	50	25	25	25	30	30
	60	25	25	25	30	30
	66	25	25	30	30	30
	80	30	30	30	40	40
	106	30	30	30	40	40

No.	Date	Drawn By	Revisions		
			Remarks		
<p style="margin: 0;">Herriman 19011 S. Pioneer St. • Herriman, UT 84096</p>					
<p style="font-size: 24pt; margin: 0;">Typical Street Intersection</p>			<p style="margin: 0;">Date _____</p>		
<p style="margin: 0;">Sheet Name</p>			<p style="margin: 0;">City Engineer</p>		
<p style="margin: 0;">Approved _____</p>			<p style="margin: 0;">Date _____</p>		
<p style="margin: 0;">Sheet</p>					
<p style="font-size: 24pt; margin: 0;">RD-02</p>					

Typical Street Intersection



**All Temporary Cul-De-Sac Variations  
Must Have Approval of City Engineer  
And City Fire Authority.**

	Residential	Industrial
R-1	45	60
R-2	30	30
R-3	35	35

**Note:**

Dead End or No Outlet Signing May be Required.

**Standard Cul-De-Sac**

Revisions			
No.	Date	Drawn By	Remarks


**Herriman**  
 Founded 1851  
 13011 S. Pioneer St. • Herriman, UT 84096

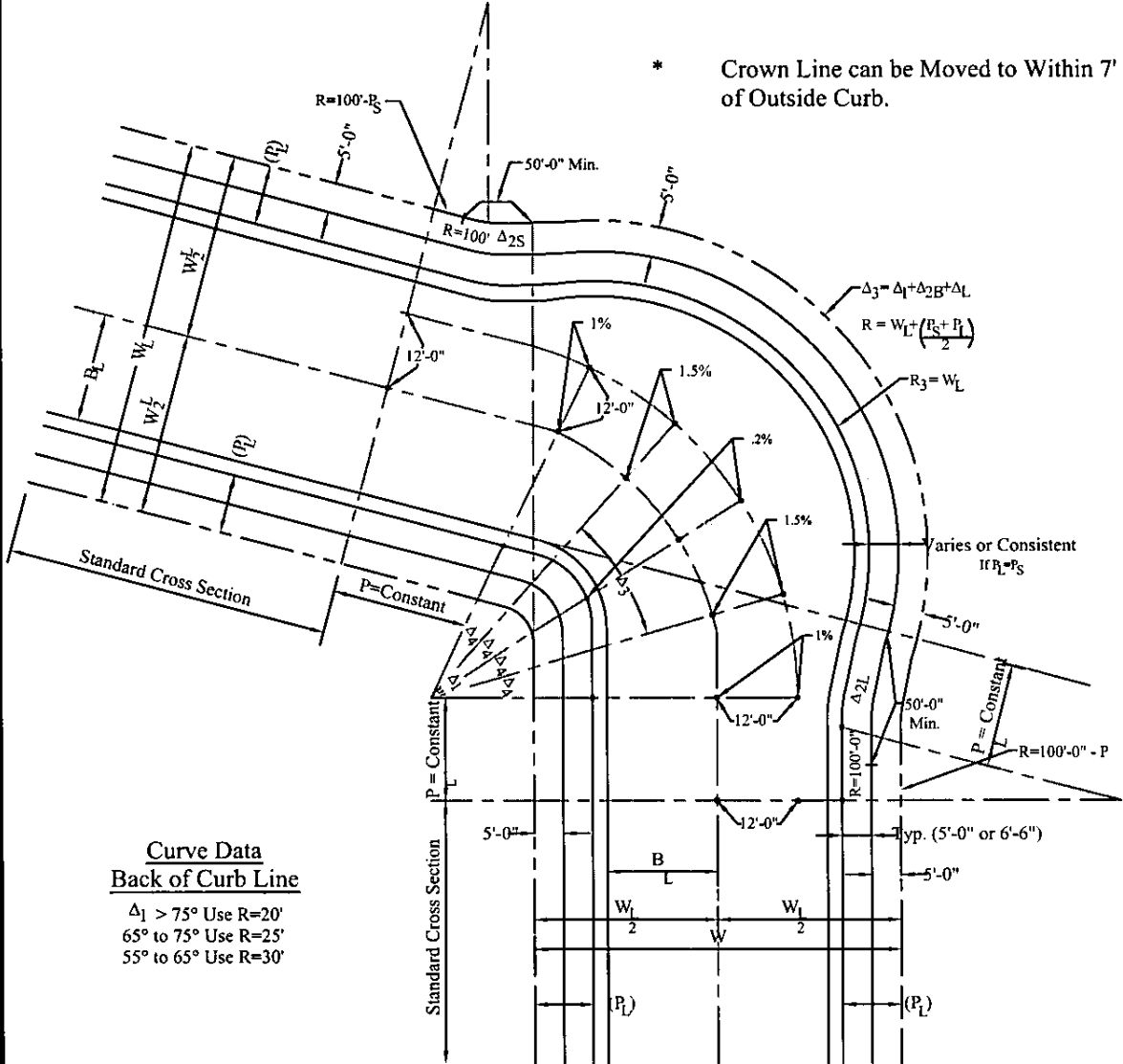
**Standard Cul-De-Sac**  
 \_\_\_\_\_ Date  
 City Engineer

Sheet Name \_\_\_\_\_  
 Approved \_\_\_\_\_

Sheet  
**RD-03**

W	B
66'	20.5'
60'	16'

\* Crown Line can be Moved to Within 7' of Outside Curb.



**Curve Data**  
**Back of Curb Line**  
 $\Delta_1 > 75^\circ$  Use  $R=20'$   
 $65^\circ$  to  $75^\circ$  Use  $R=25'$   
 $55^\circ$  to  $65^\circ$  Use  $R=30'$

**Notes:**

1. Subscript "S" and "L" Denote Smaller and Larger Widths Respectively.
2. Elevations are Required Where Circled.
3. Transverse Slopes Shown Above are Typical for Flat Approach Grades and can be Increased to a Maximum of 4% at Center of Curve for Steep Approach Grades.
4. Limits of Slope, Crown Line to Outside Gutter, Maximum 3.8% for 6" C.F.; Minimum = 1%.

No.	Date	Drawn By	Remarks

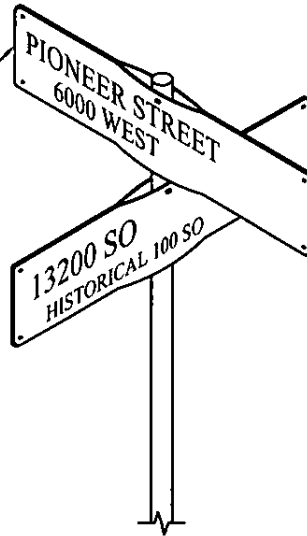
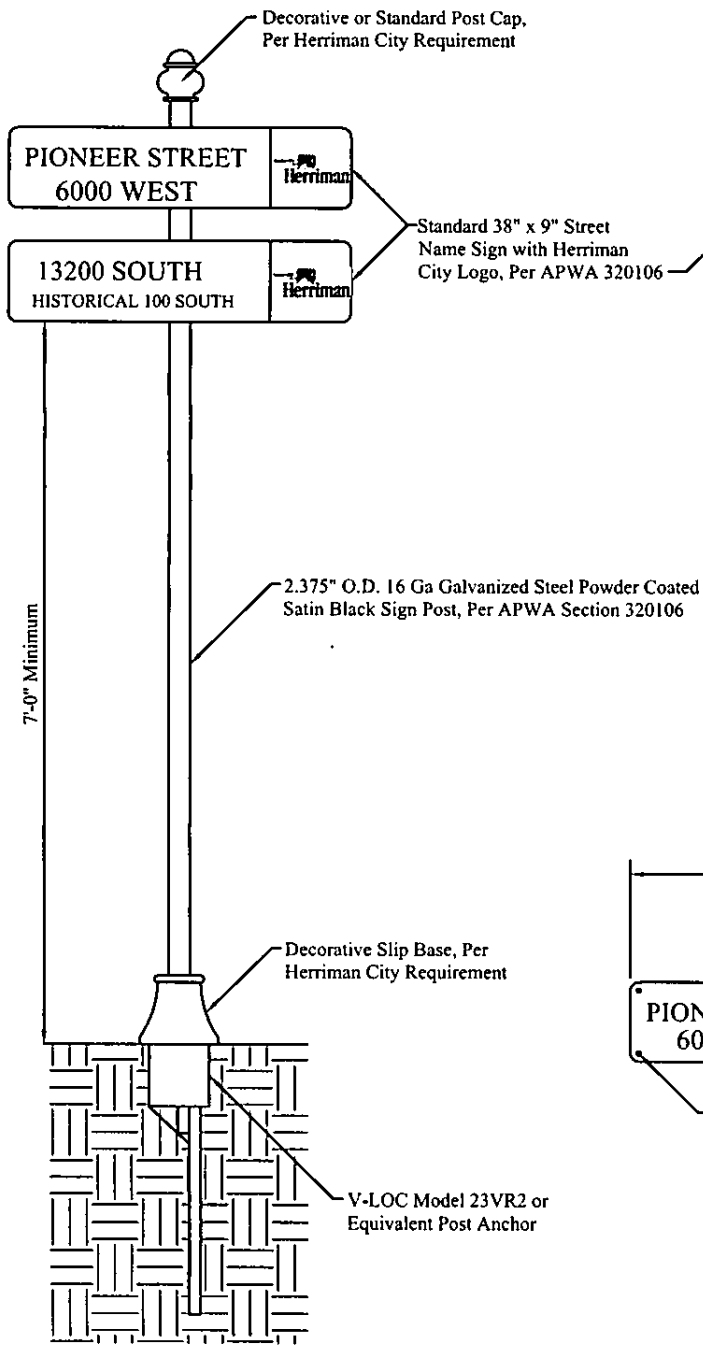
**Herriman**  
 13011 S. Pioneer St. • Herriman, UT 84096

**Superelevated Knuckle**

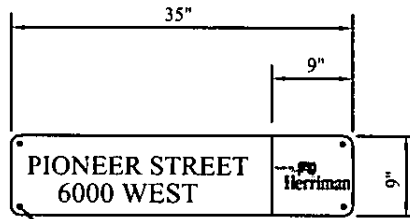
Sheet Name \_\_\_\_\_  
 Approved \_\_\_\_\_  
 City Engineer \_\_\_\_\_

Sheet  
**RD-04**

**Detail - Superelevated Knuckle**



Isometric View



Stainless Steel Rivets (Typical)

Sign Blade Detail

Street Sign Detail

Notes:

1. All Mounting Hardware, Post, Cap and Base to be Powder Coated Satin Black (or equivalent).
2. Install Sign per APWA 320106.
3. Each set of Street Name Signs Shall have its Own Sign Post. No Other Signs Shall be Mounted on the Post with the Street Name Signs.
4. All Street Name Signs shall be 7'-0" Minimum from Ground to Bottom of Sign.

Standard Street Name Sign

No.	Date	Drawn By	Remarks

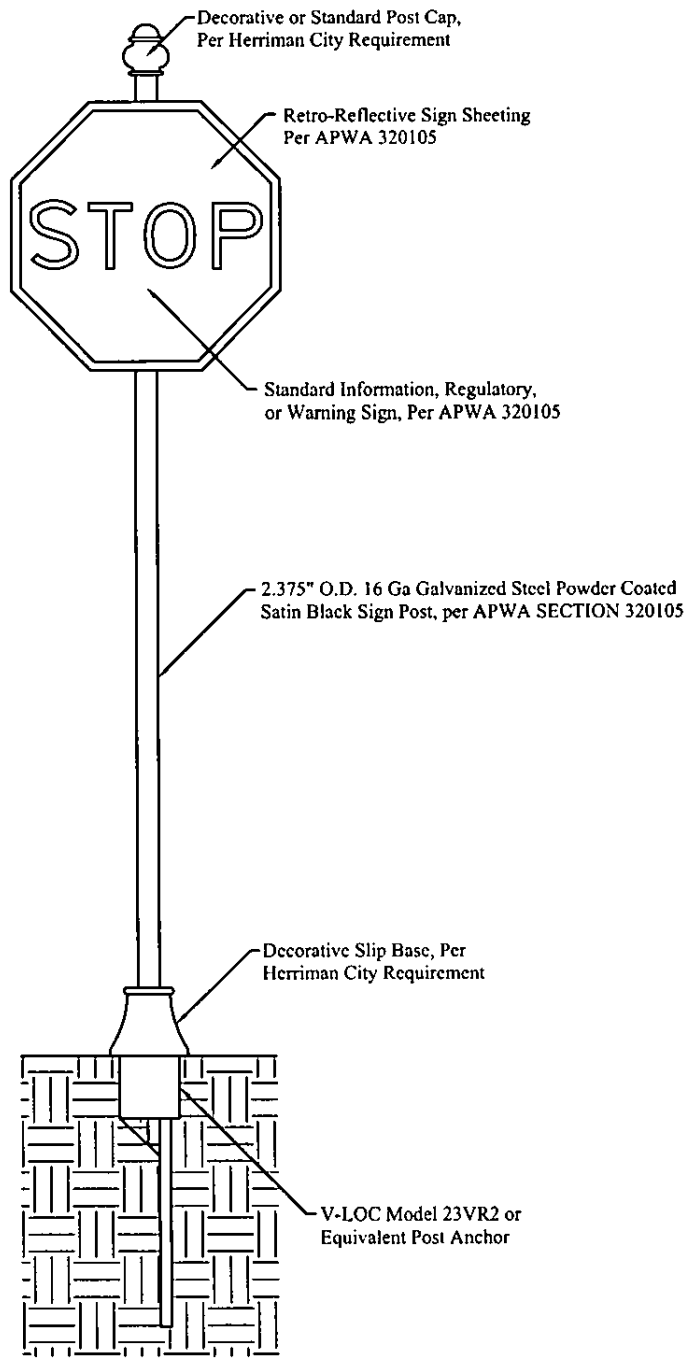

  
**Herriman**
  
13011 S. Pioneer St. • Herriman, UT 84096

Standard Street Name Sign

City Engineer \_\_\_\_\_ Date \_\_\_\_\_

Sheet Name \_\_\_\_\_ Approved \_\_\_\_\_

Sheet  
**RD-05**



**Notes:**

1. All Mounting Hardware, Post, Cap and Base to be powder coated Satin Black (or equivalent).
2. Install sign per APWA 320105.
3. All Information, Regulatory and Warning Signs shall be 7'-0" Minimum from ground to bottom of sign, per MUTCD.
4. All Signs Must Be Galvanized Steel Powder Coated.

**Regulatory and Warning Sign Detail**

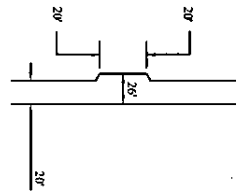
Revisions		Remarks
No.	Date	Drawn By



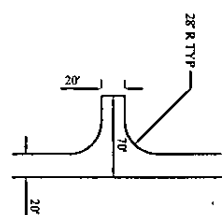
**Herriman**  
18011 S. Pioneer St. • Herriman, UT 84096

<p><b>Standard Regulatory and Warning Sign</b></p>	<p>Date _____</p>
<p>Sheet Name</p>	<p>City Engineer</p>
<p>Approved</p>	<p>Date _____</p>
<p>Sheet</p>	
<p><b>RD-06</b></p>	

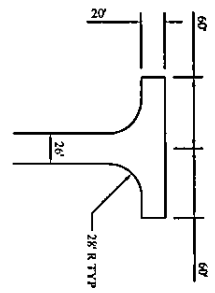




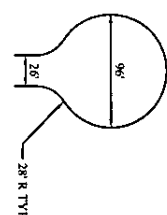
**A** Detail - Minimum Clearance Around Scale: No Scale A Fire Hydrant



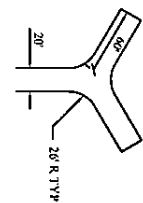
**B** Detail - Acceptable Alternative to Scale: No Scale 120' Hammerhead



**C** Detail - 120' Hammerhead Scale: No Scale



**D** Detail - 96' Diameter Cut-De-Sac Scale: No Scale



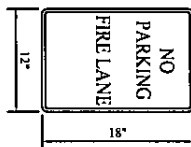
**E** Detail - 60' 'Y' Scale: No Scale



**G** Detail - Sign Type "A" Scale: No Scale



**H** Detail - Sign Type "C" Scale: No Scale



**I** Detail - Sign Type "D" Scale: No Scale

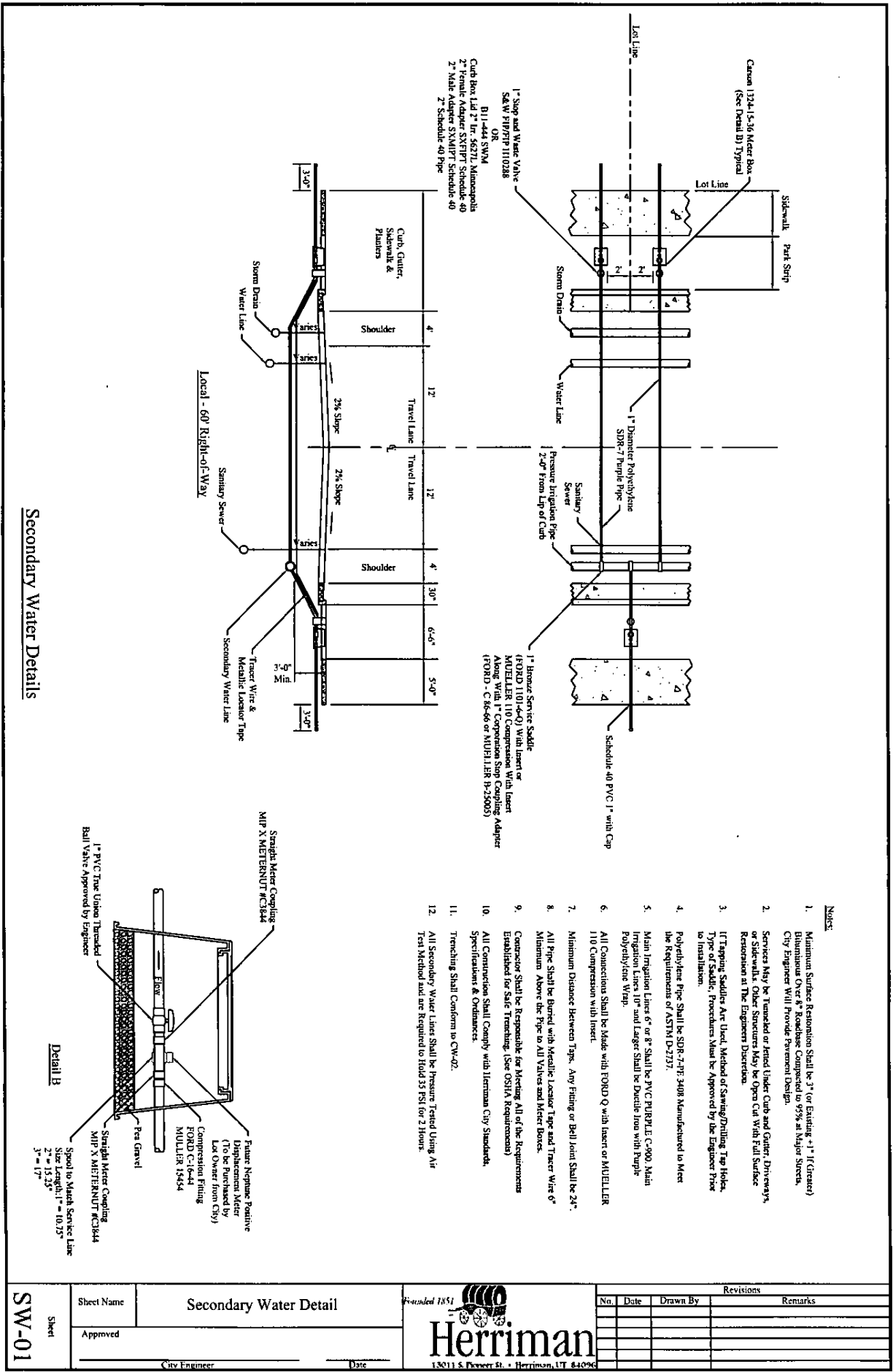
Length (ft)	Width (ft)	Requirements for Dead-End Fire Apparatus Access Roads
0-150	20	None Required Turnabouts Required
151-500	20	120-Foot Hammerhead, 60-Foot 'Y' or 96-Foot-Diameter Cut-De-Sac in Accordance with Figure Below
501-750	20	120-Foot Hammerhead, 60-Foot 'Y', or 96-Foot-Diameter Cut-De-Sac in Accordance with Figure Below
Over 750		Special Approval Required

**F** Scale: No Scale Detail - Table

- NOTE:**
- Fire Apparatus Access Roads Shall Be in Accordance With this Detail and All Other Applicable Requirements of the International Fire Code.
  - Access and Loading Facilities, Buildings or Portions of Buildings Hereafter Constructed shall be Accessible to Fire Department Apparatus by the Way of an Approved Fire Apparatus Access Road with Asphalt, Concrete or Other Approved Driveway Surface Capable of Supporting the Imposed Load of Fire Apparatus Weighing at Least 75,000 Pounds.
    - The Minimum Gate Width Shall Be 20 Feet.
    - Gates Shall Be of the Swinging or Sliding Type.
    - Construction of Gates Shall Be of Material That Allow Manual Operation by One Person.
    - Gate Components Shall be Maintained in an Operative Condition at All Times and Repaired or Replaced When Necessary.
    - Decorative Gates Shall be Replaced With a Means of Opening the Gate by Fire Department Fire Code Official.
    - Decorative Gates Shall Not be Locked With a Padlock or Chain and Padlock Unless They are Capable of Being Opened by Means of Portable Entry Tools or When a Key Hole Containing the Key(s) to the Lock is Installed at the Gate Location.
    - Locking Device Specifications Shall be Submitted for Approval by the Fire Code Official.
  - Access Road With a Hydrant Where a Fire Hydrant is Located on a Fire Apparatus Access Road, the Minimum Road Width Shall Be 20 Feet.
  - Grade: Fire Apparatus Access Roads Shall Not Exceed 10 Percent in Grade. Exception: Grades Steeper Than 10 Percent as Approved by Fire Code Official.
  - Turning Radius: The Minimum Turning Radius Shall be Determined by the Fire Code Official, 28' Inside Diameter.
  - Dead End: Dead End Fire Apparatus Access Roads in Excess of 150 Feet Shall be Provided With Width and Turnaround Provisions in Accordance With Table Detail F.

Fire Apparatus Access Roads

RD-07 Sheet	Sheet Name	Fire Apparatus Access Roads	<p>Herriman 13011 E. Fowler St. • Herriman, UT 84096</p>	Revisions		Remarks
	Approved	_____		No.	Date	
	City Engineer	_____				
	Date	_____				



Secondary Water Details

SW-01

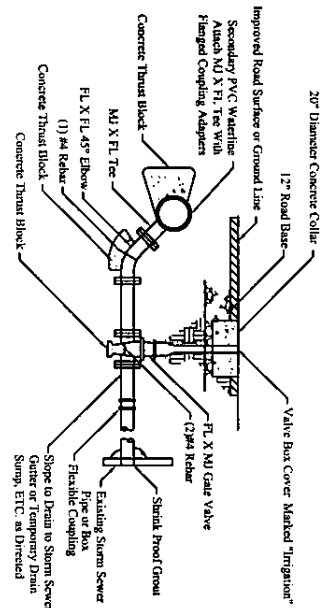
Sheet Name	Secondary Water Detail
Approved	_____
City Engineer	_____
Date	_____

Founded 1851

**Herriman**

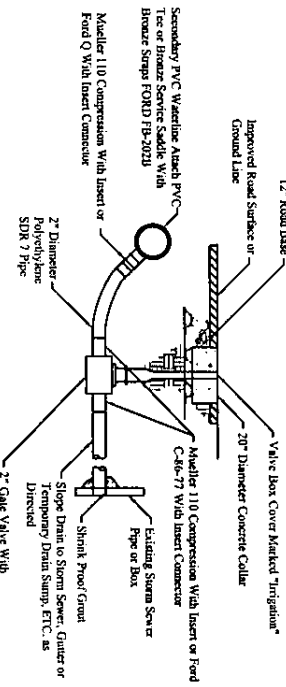
13011 S. Peckover St. • Herriman, UT 84096

Revisions			
No.	Date	Drawn By	Remarks

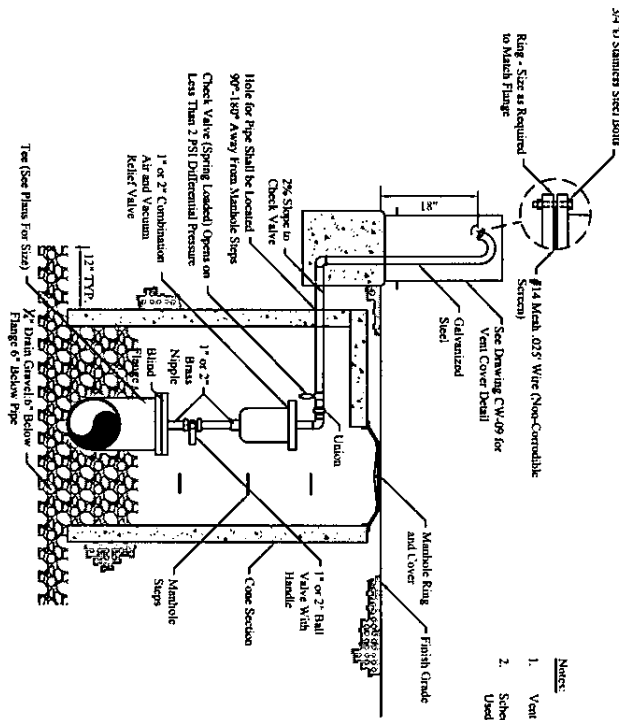


4" Drain Valve Detail

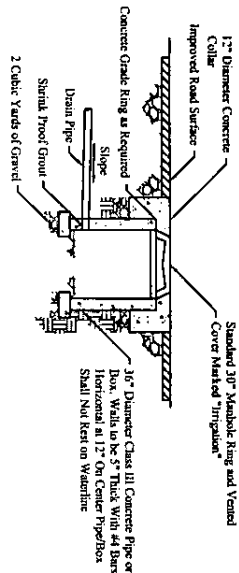
- Notes:
1. Vent Shall be Located in Park Strip or City Property.
  2. Schedule 80 PVC Pipe or Galvanized Steel May be Used Between Air/Vac. Valve and the Stand Pipe.



2" Drain Valve Detail



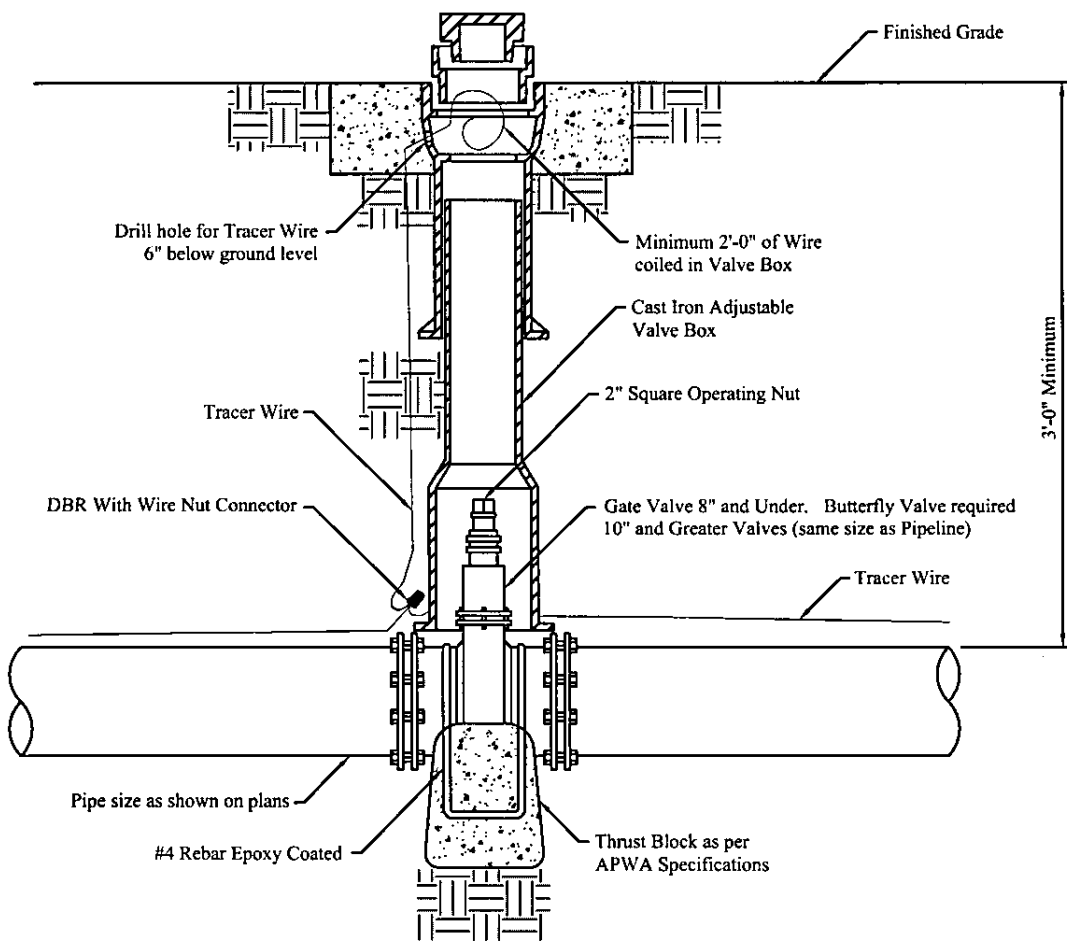
1" & 2" Air Vacuum Relief Detail



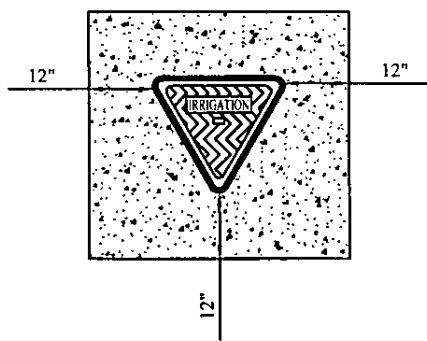
Temporary Gravel Drain Sump Detail

Secondary Water Details

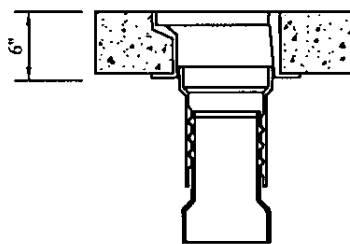
Sheet Name <b>Secondary Water Detail</b>	Revisions	
	No.	Remarks
Sheet <b>SW-02</b>	Date	Drawn By
Approved	City Engineer	
<p>                     Founded 1851  <b>Herriman</b>                      13011 S. Pioneer St. • Herriman, UT 84094                 </p>		



Irrigation



Plan



Profile

Note:

Valve Box Shall be Clean, Plumb and Properly Aligned on the Valve.

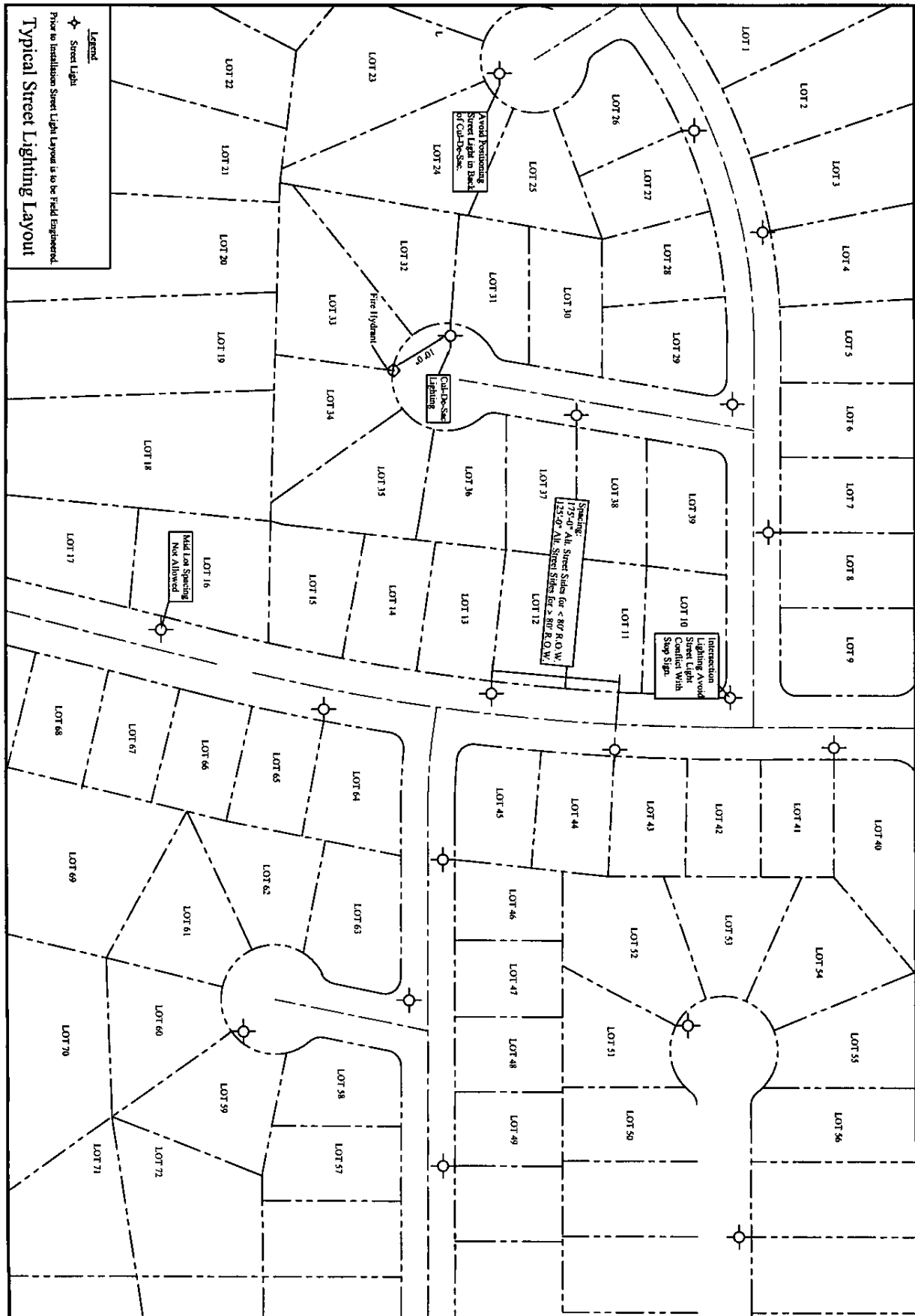
**Irrigation Valve**

Revisions		Remarks
No.	Date	Drawn By

**Herriman**
  
 13011 S. Pioneer St. • Herriman, UT 84096

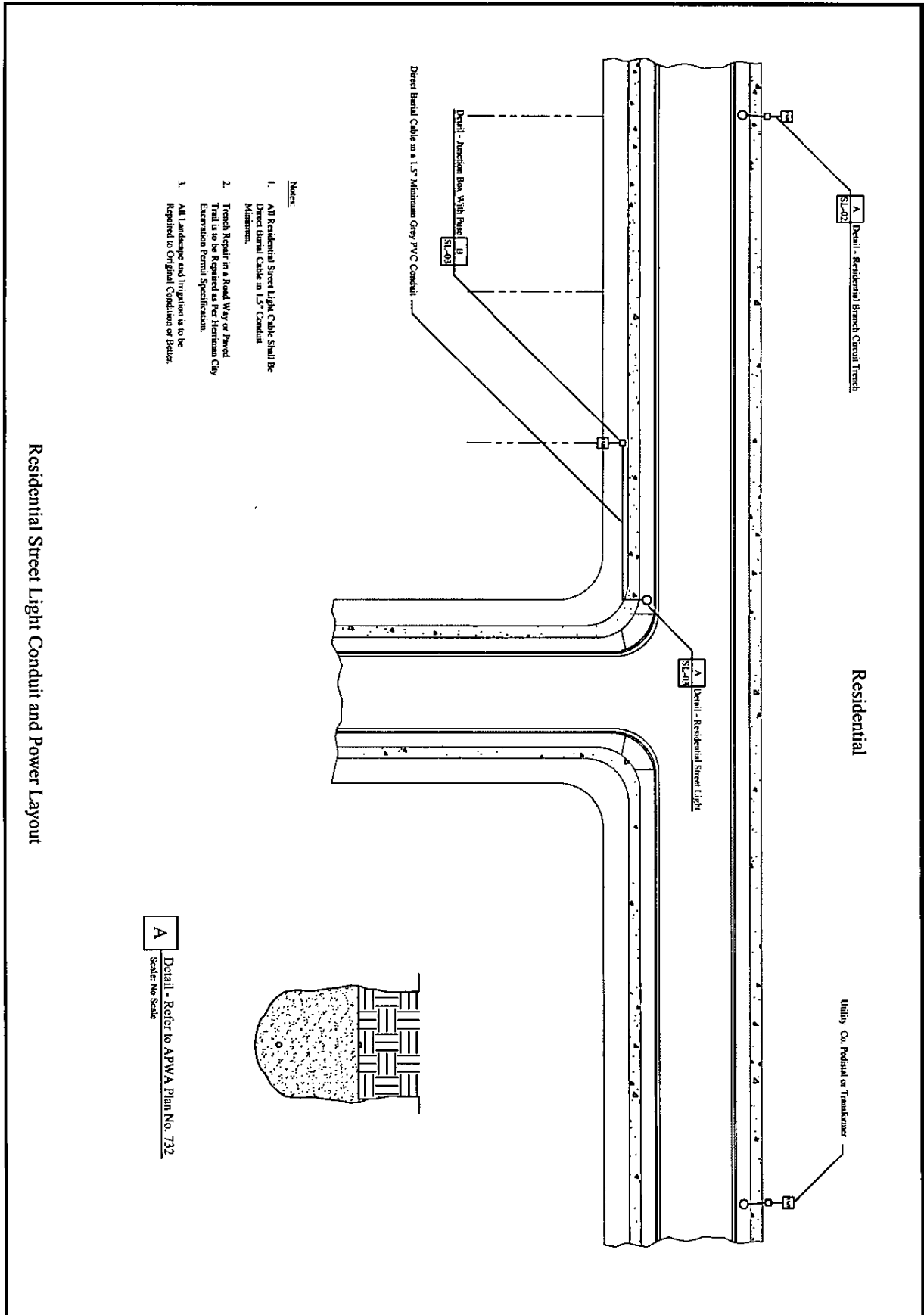
Irrigation Valve \_\_\_\_\_ Date \_\_\_\_\_  
 City Engineer \_\_\_\_\_  
 Sheet Name \_\_\_\_\_  
 Approved \_\_\_\_\_

Sheet  
**SW-03**



**Legend**  
 Street Light  
 Prior to Installation Street Light Layout is to be Field Engineered.  
**Typical Street Lighting Layout**

<b>SL-01</b> Sheet	Sheet Name	<b>Typical Street Lighting Layout</b>	 <b>Herriman</b> 13011 & Pioneer St. • Herriman, UT 84096	No.	Date	Drawn By	Revisions	Remarks
	Approved							
	City Engineer	Date						



- Notes:**
1. All Residential Street Light Cable Shall Be Direct Burial Cable in 1.5" Conduit Minimum.
  2. Trench Repair in a Road Way or Paved Trail is to be Repaired as Per Herriman City Excavation Trench Specification.
  3. All Landscape and Irrigation is to be Replaced to Original Condition or Better.

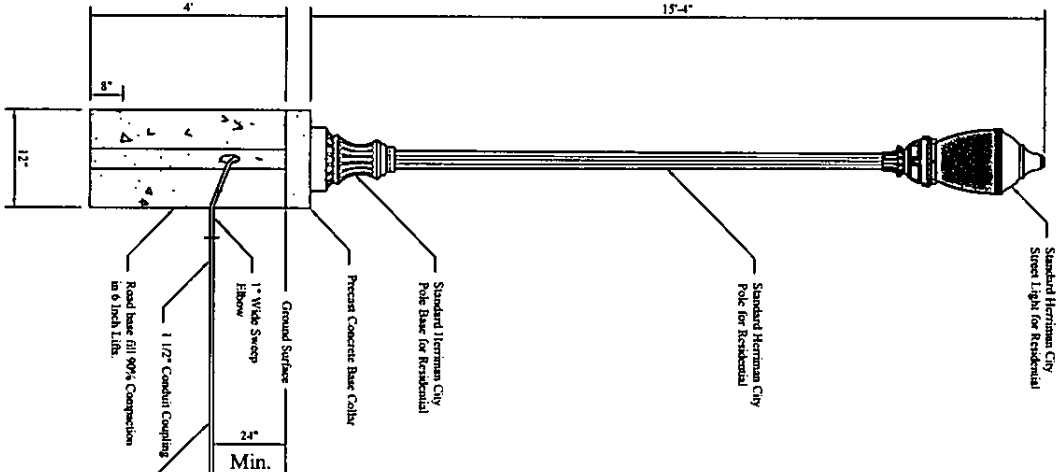
**A** Detail - Refer to APVA Plan No. 732  
Scale: No Scale

Residential Street Light Conduit and Power Layout

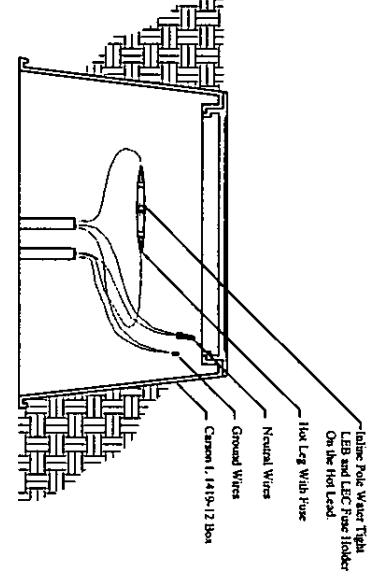
Sheet Name <b>Residential Street Light Conduit and Power Layout</b>	Approved _____ Date _____ City Engineer		Revisions <table border="1"> <thead> <tr> <th>No.</th> <th>Date</th> <th>Drawn By</th> <th>Revisions</th> <th>Remarks</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> </tbody> </table>	No.	Date	Drawn By	Revisions	Remarks																				
	No.	Date		Drawn By	Revisions	Remarks																						
Sheet <b>SL-02</b>	Approved _____ Date _____ City Engineer		Revisions <table border="1"> <thead> <tr> <th>No.</th> <th>Date</th> <th>Drawn By</th> <th>Revisions</th> <th>Remarks</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td><td> </td></tr> </tbody> </table>	No.	Date	Drawn By	Revisions	Remarks																				
No.	Date	Drawn By	Revisions	Remarks																								


  
**Herriman**
  
 13011 S. Pioneer St. • Herriman, UT 84096

**A**  
Detail - Residential Street Light  
Scale: No Scale

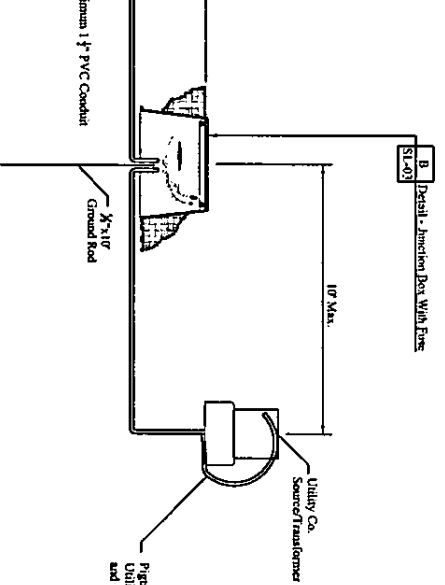


**B**  
Detail - Junction Box With Fuse  
Scale: No Scale



Residential Street Light

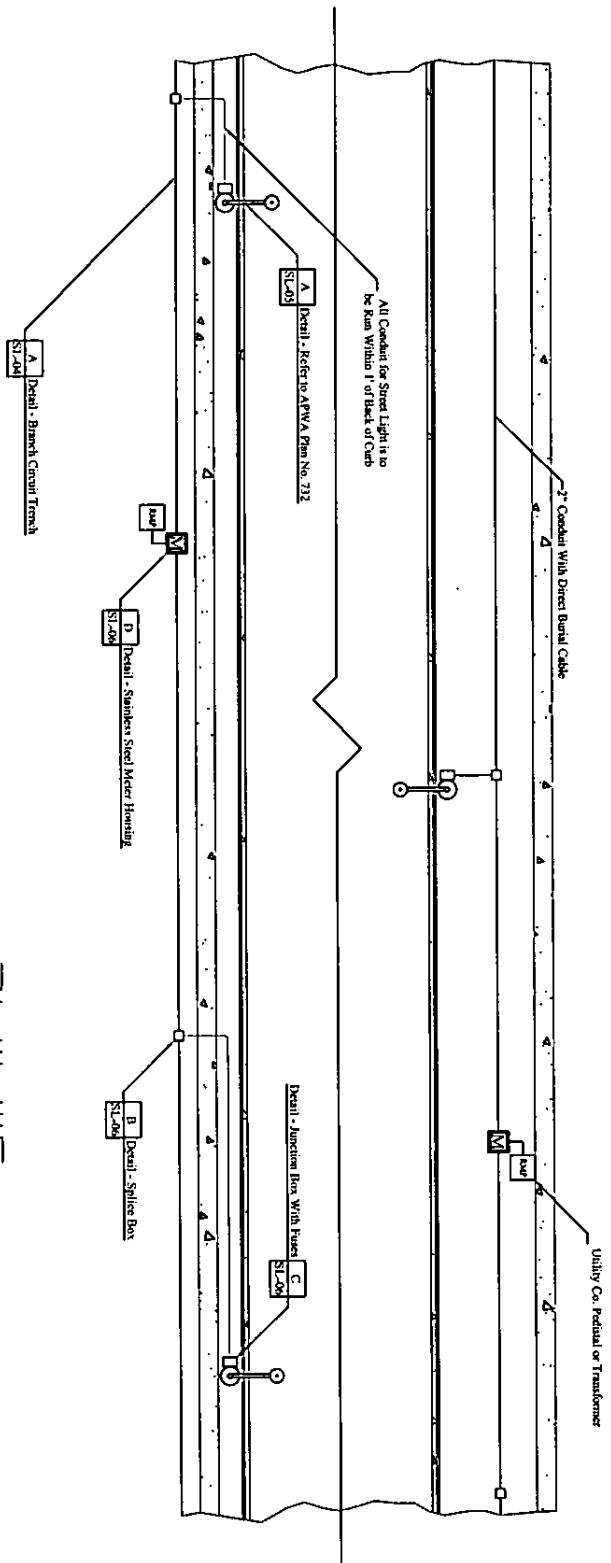
**A**  
Detail - Residential Branch Circuit Trench  
Scale: No Scale



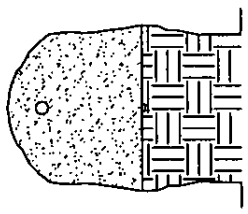
- Notes:**
1. Contractor Shall Follow Herriman City Installation and Inspection Procedures Before Acceptance.
  2. All Construction to meet Herriman City Specifications and National Electric Code.
  3. Undersized Native Gravel or 90% Compacted Road Base in 6" Lifts.
  4. Wire From Transformer or Secondary Box to Junction Box to be Single Conductor (Direct Burial) ULTD Rated #8 Stranded Copper Cable Type or RHH or RHW 60 Mils XLP (Hot, Neutral, Ground).
  5. Fuse Hot Wire in Junction Box. Supply and Install Splitter Kit for Neutral.
  6. Contractor to Install Junction Box With Fuse. Box to be Located within 10 Feet from Utility Co. Transformer or Secondary Box. Leave Pigtails 8 Feet Long to Transformer or Secondary Box. Utility Co. to Make Connection.
  7. Contractor Shall Provide All Necessary Parts and Labor for Complete and Operable Installation of Street Light.
  8. Each Street Light shall have a Junction Box Marked "Street Light" With Fuse.
  9. Street Lights Should be a Minimum of 5 Ft. From Driveway Approaches.
  10. Electronic Assemblies Must be Sealed as Auto CAD DWG or ESRI Specific.

Sheet <b>SL-03</b>	Sheet Name <b>Residential Street Light</b>		Revisions	
	Approved _____ City Engineer		Date _____	No. _____
			Drawn By _____	Remarks _____

Commercial



- Notes:**
- All Commercial Street Light Cable Shall Be Direct Burial Cable in Conduit 1 1/2" Minimum Schedule 40 Grey Non Conductive PVC.
  - If Trench Repair is in a Road Way or Paved Trail the Repair Will be as per Herriman City Road Cut Spec.



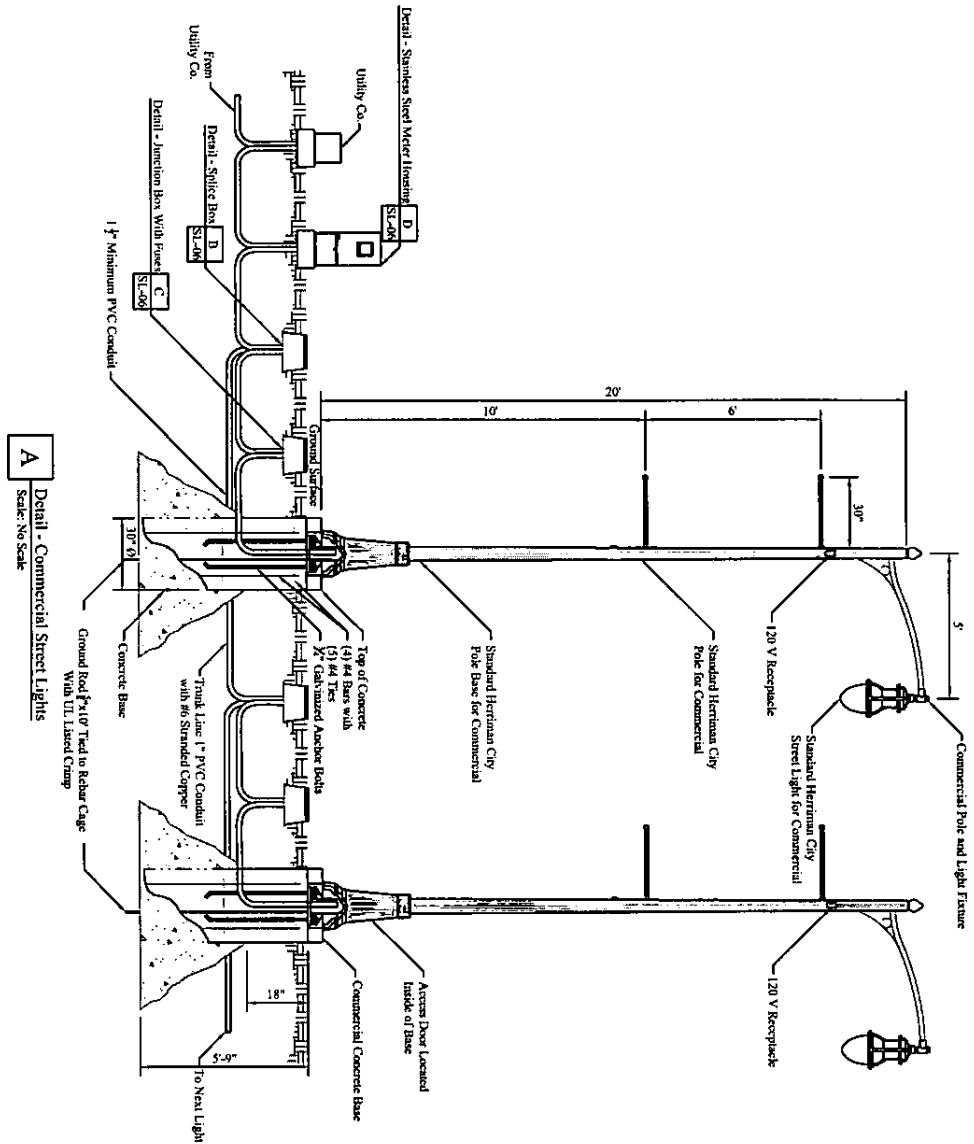
Commercial Street Light Conduit and Power Layout

**A** Detail - Refer to APWA Plan No. 732  
Scale: No Scale

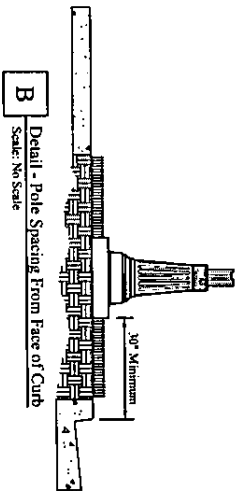
Sheet <b>SL-04</b>	Sheet Name <b>Commercial Street Light Conduit and Power Layout</b>		Revisions			
	Approved		No.	Date	Drawn By	Remarks
	City Engineer					
	Date					



Commercial Street Lights 240 V System



**A** Detail - Commercial Street Lights  
Scale: No Scale



**B** Detail - Pole Spacing From Face of Curb  
Scale: No Scale

- Notes:**
1. Contractors Shall Follow Herriman City Installation and Inspection Procedure Before Acceptance.
  2. Commercial Light Poles Shall Be Located as Indicated on the Approved Lighting Site Plan, and Described in the City Standards.
  3. Each Commercial Light Shall Have a Junction Box With Cover Marked "Street Lighting" With Fuses.
  4. Fuse Box Wires in Junction Boxes Supply Spike Kit for Neutral Wire.
  5. Install Grey Non-Conductive PVC Conduits With 2" Cover and Sand Bedding.
  6. Connector to Install Meter Cabinet V.L.T. SP 24SS240V Strong Box With Breaker Panel, box to be Located Minimum 8 Feet From Utility Co. Transformer or Secondary Box.
  7. Balance Loads Across Phases for 120 V Receptacles.
  8. Vibrated 4000 PSI Concrete @ 28 Days (6.5 Cuy Mix).
  9. Any Disturbed Material Within 8 Feet of Pole Foundation Shall be Compacted to 90% or Greater.
  10. Undisturbed Native Gravel-Sandy Gravel Assumed. If Different, Contact City Engineer.
  11. Use a 3/8" Diameter Saw Tube.
  12. Electronic Assemblies Must Be Sealed as Auto CAD DWG or ESRU Specific.
  13. Ground and Neutral Shall Be Separate.
  14. Maintain 3" Clearance on All Sides of Pole.
  15. Wires From Transformer or Secondary Box to Junction Box to be Single Conductor (Direct Burial) UNB Rated #6 Stranded Copper Cable Type or RHH or RHW 90 Mils SLT (HMA, Neutral, Ground).
  16. Field Assemblies By Contractor.
  17. Lead Schedule (Copy Given to Building Department)
  18. 5 Day Burn Test

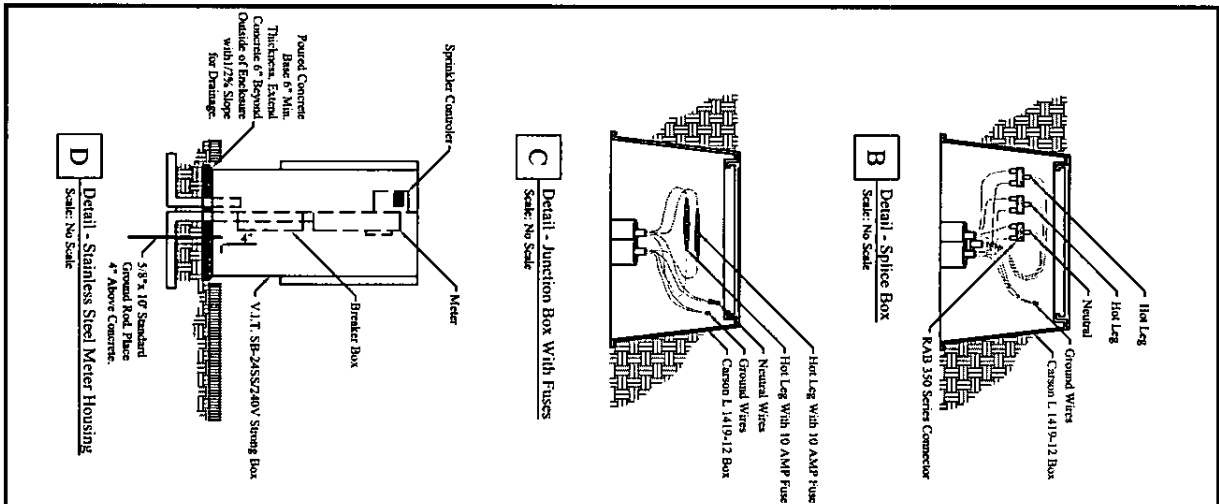
SL-05  
Sheet

Sheet Name	Commercial Street Lights
Approved	_____
City Engineer	Date

Founded 1851

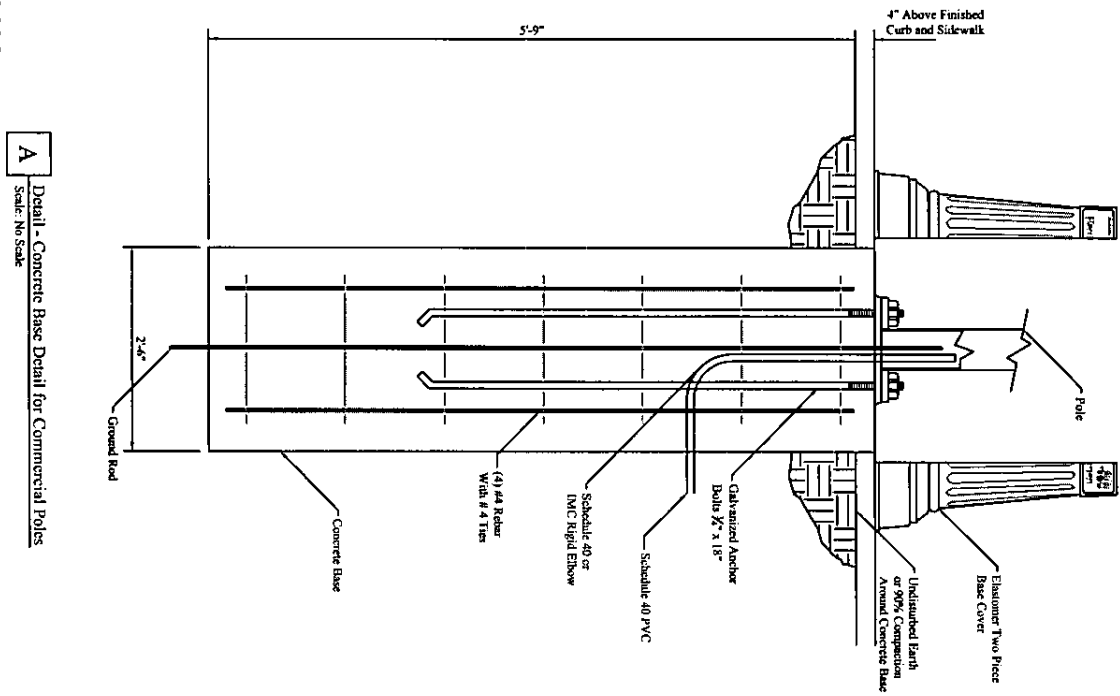
**Herriman**  
13011 S. Pioneer St. • Herriman, UT 84096

Revisions			Remarks
No.	Date	Drawn By	



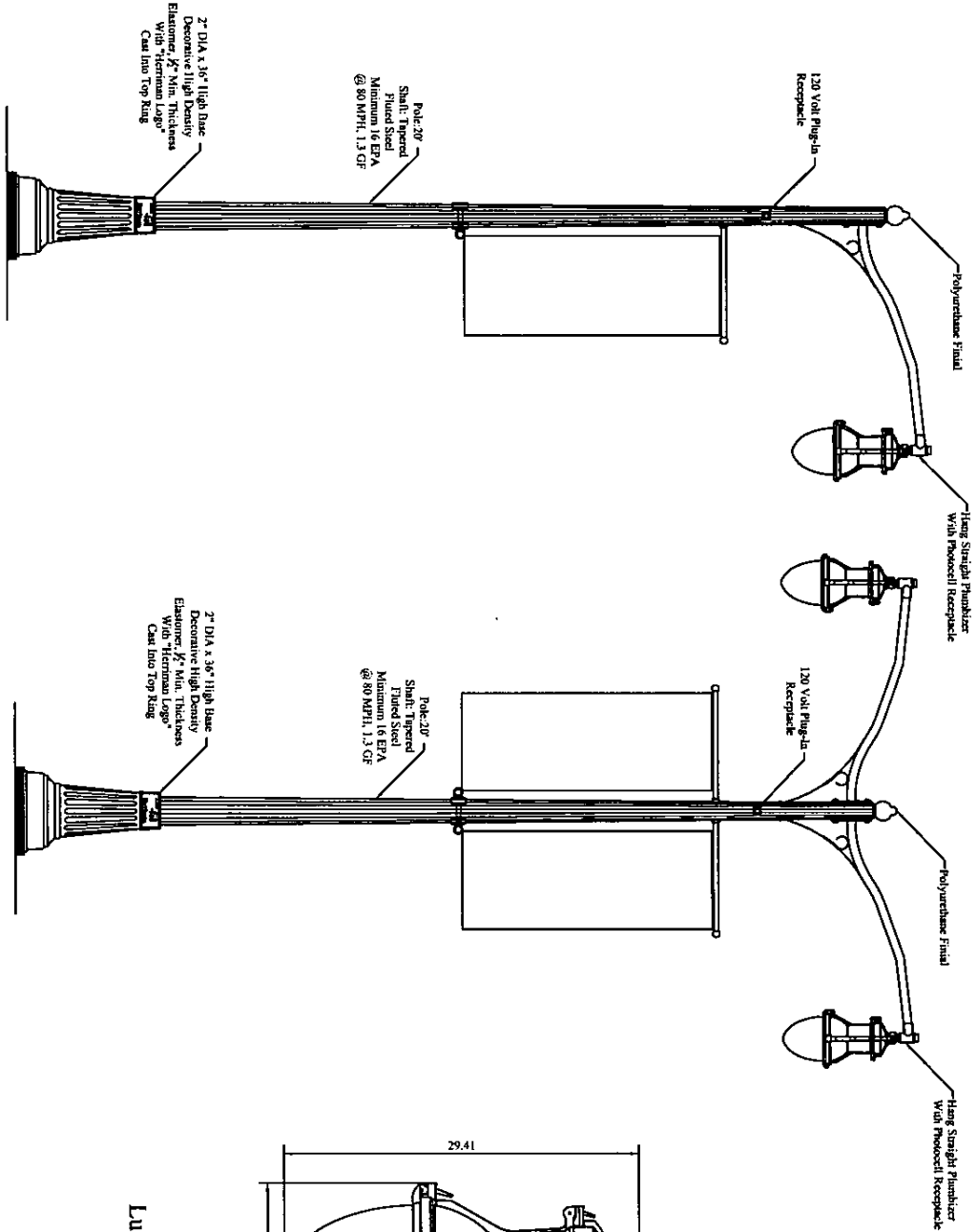
**NOTE:**  
1. If Depth Cannot Be Met, Meter Must Be Equivalent to Meter as Shown.

Commercial Street Lights 240 V System

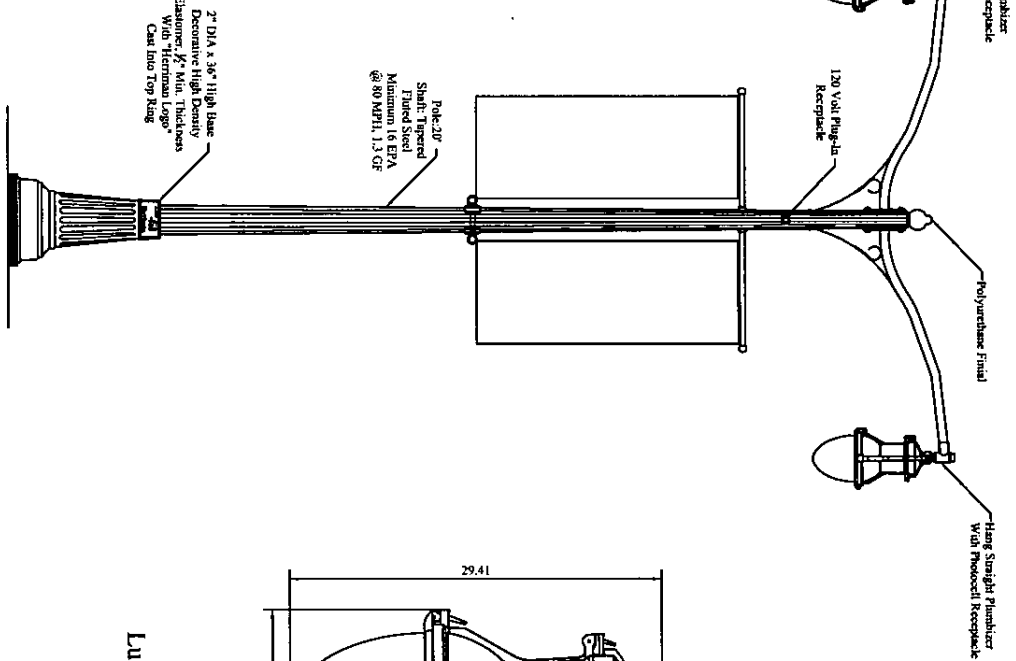


Sheet Name <b>Commercial Street Lights</b>	Approved _____ City Engineer	Date _____	Revisions			
			No.	Date	Drawn By	Remarks
SL-06 Sheet	Founded 1851  <b>Herriman</b> 13011 S. Prosser St. • Herriman, UT 84096					

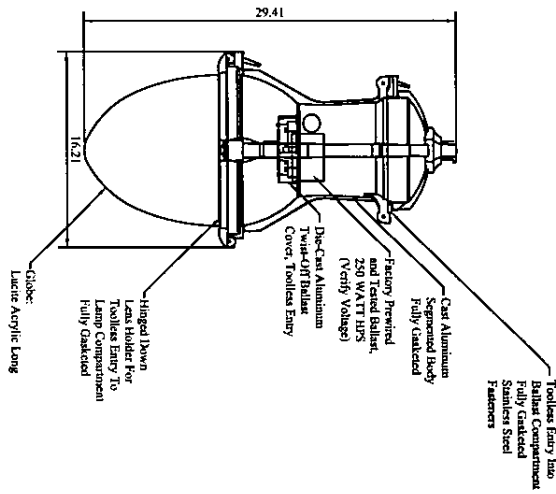
Towne Center Single Street Light



Towne Center Double Street Light



Luminaire Details



Sheet  
SL-07

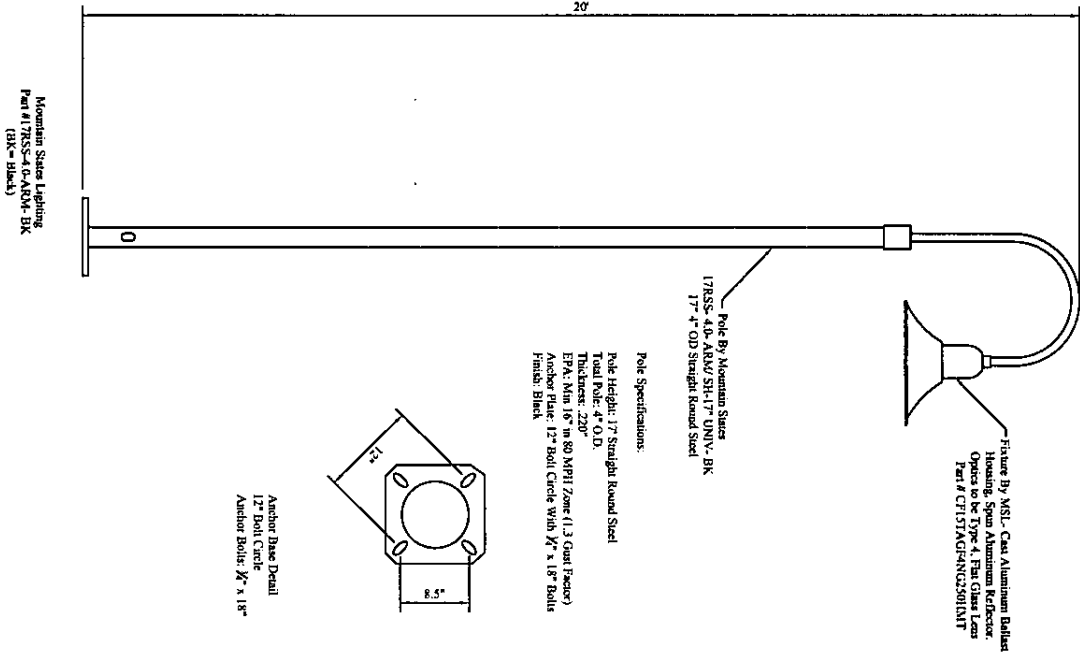
Sheet Name	Towne Center Street Lights	
Approved	City Engineer	Date

Founded 1851

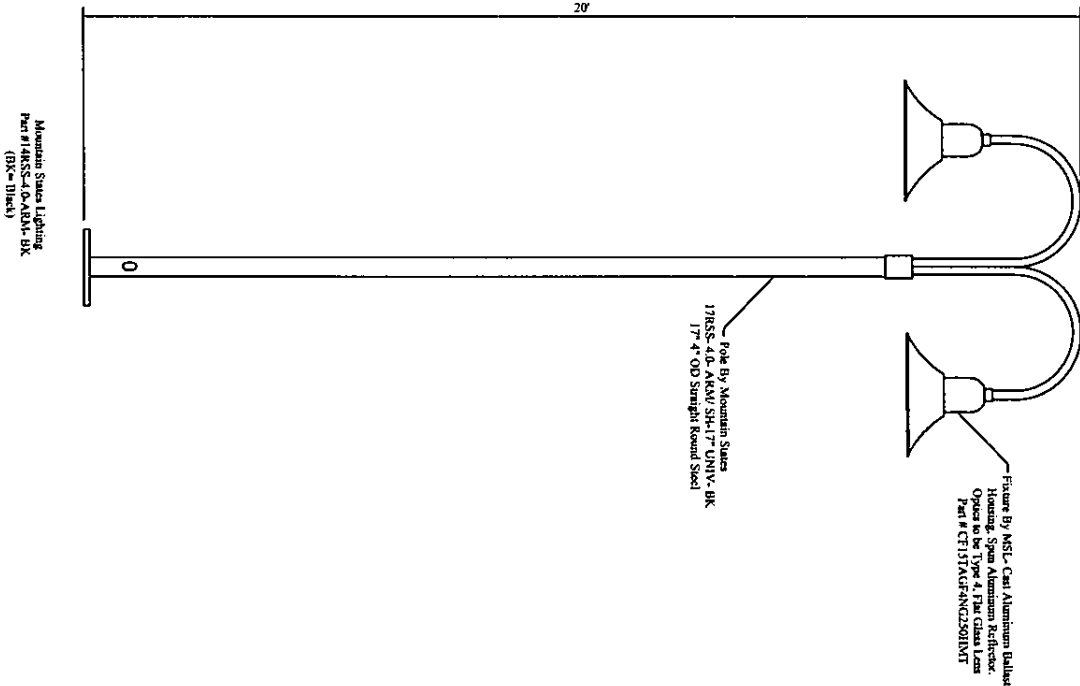
**Herriman**  
13011 S. Pioneer St. • Herriman, UT 84096

Revisions			Remarks
No.	Date	Drawn By	

Parking Lot 17' Single Light

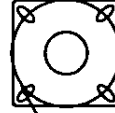


Parking Lot 17' Double Light

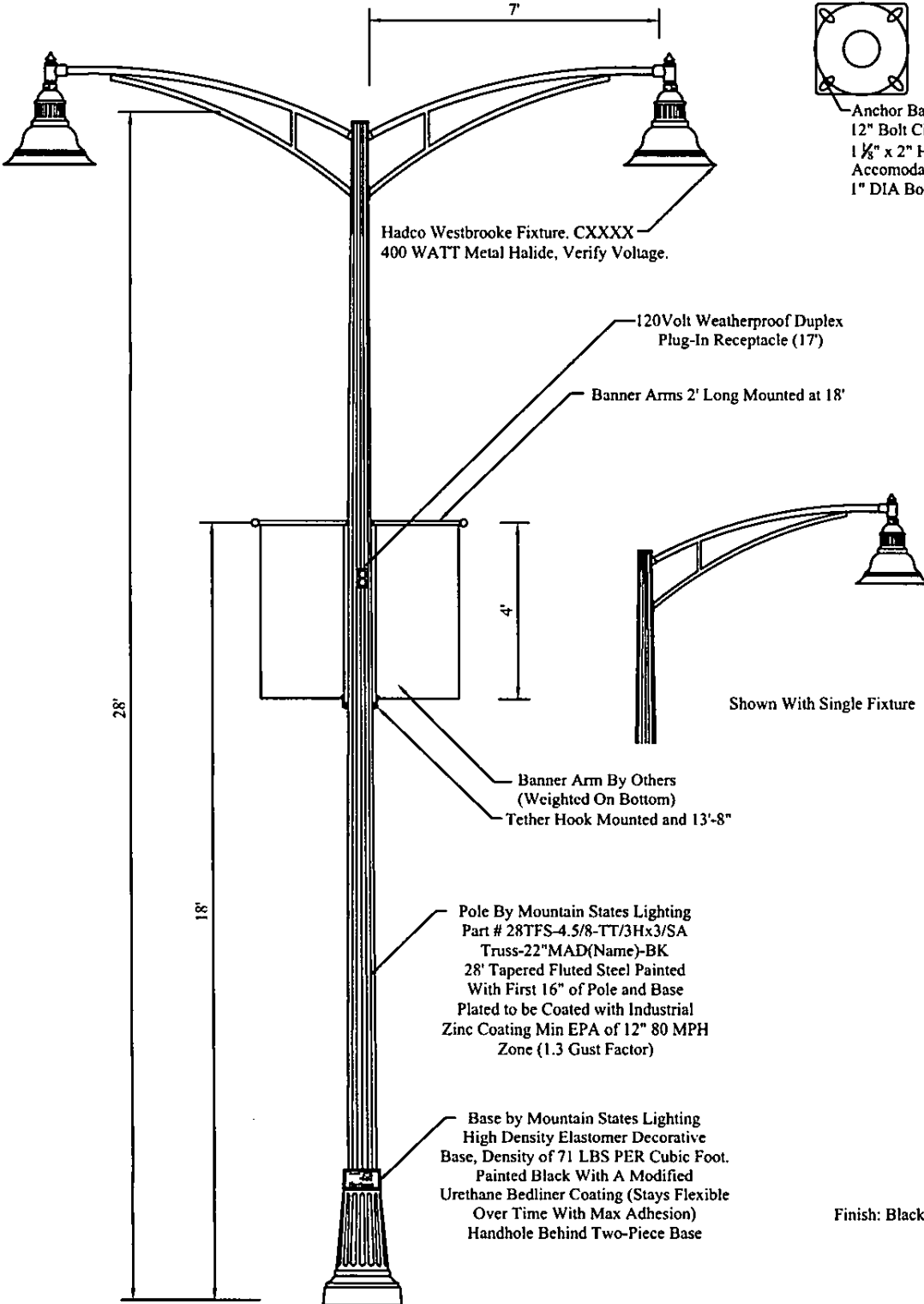


Sheet SL-08	Sheet Name	Parking Lot 17' Light	 <p><b>Herriman</b> 13011 S. Pioneer St. • Herriman, UT 84096</p>	Revisions				
	Approved	_____		City Engineer	Date	_____	No.	Date

4 Bolts at 90 Degrees  
 1" Dia x 36" Long x 3" Hook  
 Bolts to Have a 4" Projection  
 Out of the Concrete.  
 Bolts to be Galvanized



Anchor Base Detail  
 12" Bolt Circle  
 1 1/8" x 2" Holes to  
 Accomodate up to  
 1" DIA Bolt.



Hadco Westbrooke Fixture, CXXXX  
 400 WATT Metal Halide, Verify Voltage.

120Volt Weatherproof Duplex  
 Plug-In Receptacle (17)

Banner Arms 2' Long Mounted at 18'

Shown With Single Fixture

Banner Arm By Others  
 (Weighted On Bottom)

Tether Hook Mounted and 13'-8"

Pole By Mountain States Lighting  
 Part # 28TFS-4.5/8-TT/3Hx3/SA  
 Truss-22" MAD(Name)-BK  
 28' Tapered Fluted Steel Painted  
 With First 16" of Pole and Base  
 Plated to be Coated with Industrial  
 Zinc Coating Min EPA of 12" 80 MPH  
 Zone (1.3 Gust Factor)

Base by Mountain States Lighting  
 High Density Elastomer Decorative  
 Base, Density of 71 LBS PER Cubic Foot.  
 Painted Black With A Modified  
 Urethane Bedliner Coating (Stays Flexible  
 Over Time With Max Adhesion)  
 Handhole Behind Two-Piece Base

Finish: Black

Big Box Parking Lot Light

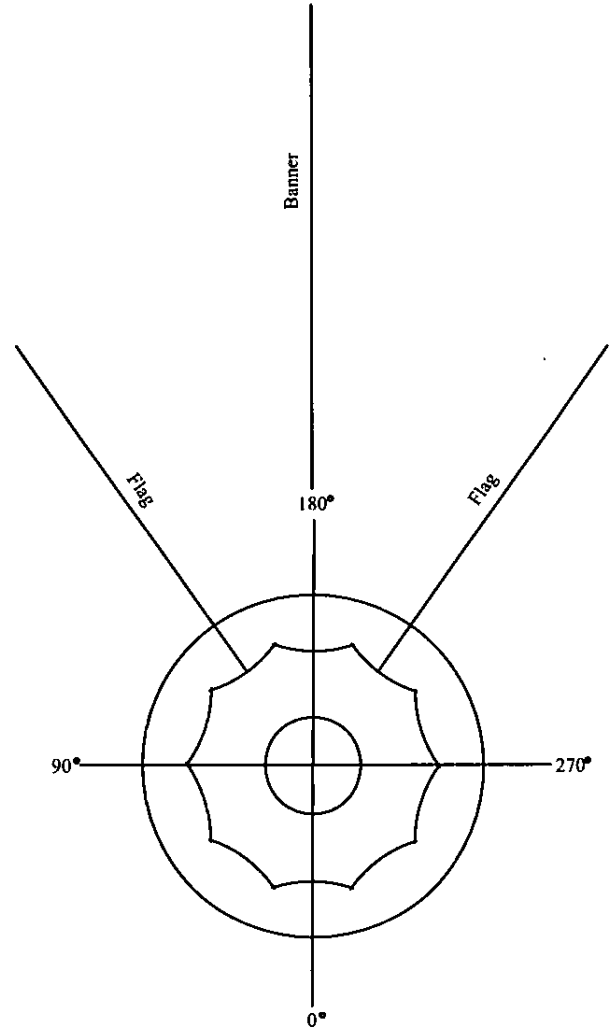
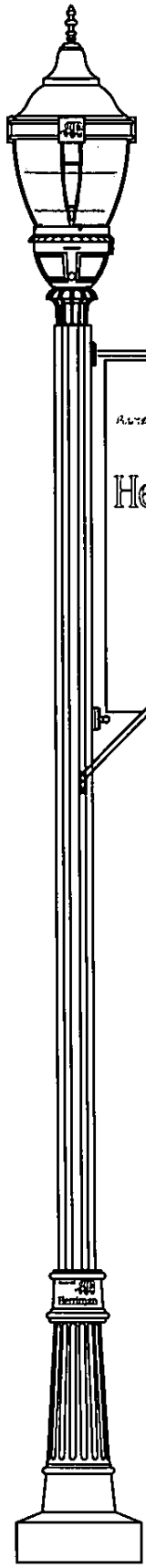
Revisions		Remarks	
No.	Date	Drawn By	

*Founded 1851*  
  
**Herriman**  
 13011 S. Pioneer St. • Herriman, UT 84096

**Big Box Parking Lot Light**

Sheet Name \_\_\_\_\_ Date \_\_\_\_\_  
 Approved \_\_\_\_\_  
 City Engineer \_\_\_\_\_

Sheet  
**SL-09**



Pole Orientation

Base by Mountain States Lighting  
 Part # Frank- 17"W x 40"- HDEB- HERR  
 High Density Elastomer Decroactive  
 Base, Density of 71 LBS Per Cubic  
 Foot. Painted Black With A  
 Modified Urethane Bedliner Coating  
 (Stays Flexible Over Time W/ Max Adhesion)  
 Base To Be An Average of 3/8" Thick

Towne Center Main Street Light

Revisions		Remarks
No.	Date	Drawn By

Founded 1851  
  
 13011 S. Pioneer St. • Herriman, UT 84096

Towne Center Main Street Light

Sheet Name: \_\_\_\_\_ Date: \_\_\_\_\_

Approved: \_\_\_\_\_ City Engineer

Sheet  
**SL-10**

## HERRIMAN PLANNING COMMISSION

### RULES OF PROCEDURE

The Herriman Planning Commission shall be governed by the provisions of all applicable state statutes, city/county ordinances and these rules.

#### I

#### MEMBERS

The Commission shall be comprised of not less than four and not more than seven members. Members of the Commission shall be appointed by the Mayor, with the advice and consent of the Council.

#### II

#### OFFICERS AND DUTIES

The Commission shall annually elect a chairman and vice chairman. The chairman and such other officers elected by the Commission shall serve for a term of one year.

#### III

#### MEETINGS

A. *Quorum*

A quorum, which shall consist of a simple majority of the Planning Commission members, shall be necessary to conduct any business of the Planning Commission.

B. *Time of meeting*

Regular meetings shall be held on the second and fourth Thursdays and a work session on the fifth Thursday of each month at 6:00 p.m. in the Herriman Community Center at 13011 S Pioneer Street. The date of a regular meeting may be changed by the majority of all the members of the Planning Commission provided at least one week notice is given each member of the new date for a regular meeting.

C. *Meetings Open to the Public*

All regular meetings or work sessions of the Planning Commission shall be open to the

public and notice shall be given as required by law.

D. *Order of Business*

The order of business shall be:

1. Welcome, Introduction and Preliminary Matters.
  - 1.1 Pledge of Allegiance
  - 1.2 Reverence
  - 1.3 Approval of Minutes
2. Consent items
3. Conditional use applications
4. Rezoning applications
5. Subdivisions
6. Special items
7. Other business
8. Adjournment

The Planning Commission may change the order of business or consider matters out of order for the convenience of the applicants or other interested persons.

E. *Voting*

1. An affirmative vote of the majority of voting members present at the meeting shall decide all matters under consideration by the Planning Commission unless otherwise provided for in these rules.

2. The Chair, or Vice-Chair in the absence of the Chair, shall vote only in case of a tie on rezoning, conditional use, and subdivision matters unless his/her presence at the meeting is required to constitute a quorum in which case he/she shall be a voting member on such matters. The Chair shall be a voting member on all other matters before the Planning Commission.

IV

CONSIDERATION OF APPLICATIONS

A. *Notice of Meeting*

1. The Planning Commission, through the Planning Staff, shall, insofar as practical, mail notices of the first meeting at which an application for a conditional use or the first public hearing for a subdivision or zoning amendment is to be considered to all property owners appearing on the latest plat in the Salt Lake County Recorder's Office within a 300 foot radius of the premises affected by the application. Compliance with this subparagraph



shall not be a condition precedent to proper legal notice and no hearing or action taken thereon shall be deemed invalid or illegal because of the failure to mail the notices provided for in this paragraph.

2. Whenever public hearing is held on any subdivision ordinance change or general plan amendment application, notice shall be published in accordance with Utah law and the requirements of the Herriman City zoning ordinance.

**B. *Meeting Procedure***

Any person may appear in person, by agent, or attorney at any meeting of the Planning Commission. The order of procedure in the consideration of each application shall be as follows:

1. Presentation by the City Planner of the application, including staff recommendation. Presentation shall include the reading of pertinent written comments or reports concerning the application.
2. Applicant or authorized agent.
3. Witnesses in favor of application.
4. Witnesses against application.
5. Rebuttal shall not be allowed. A member of the Planning Commission may request that witnesses be allowed to make further statements in order to answer questions raised by previous statements.

**C. *Decisions***

Decisions of the Planning Commission shall be final at the end of the meeting at which the matter is decided. The City Planner shall send a written copy of the Planning Commission's decision to the applicant, his attorney, or agent. Such copy of the decision shall include, insofar as practical, the reasons for the Commission decision.

**D. *Reconsideration of Applications***

An application which has been denied by the Planning Commission may be reconsidered by the Commission if an applicant presents new evidence which the Commission determines is sufficient to merit reconsideration of the application. A request for reconsideration shall be made in writing and filed within ten days from the date of the original decision. If a request for reconsideration is granted by the Commission, the application shall be reconsidered in the same manner as an original application is considered.

E. *Appeal Process for Planning Commission Decisions*

Any person shall have the right to appeal to the Appeals Authority any decision rendered by the Planning Commission by filing in writing, stating the reasons for the appeal with the Appeals Authority within ten days following the date upon which the decision is made by the Planning Commission provided the matter or decision is appropriate matter or decision for appeal to the Appeals Authority. After receiving the appeal, the Appeals Authority will then hold a public meeting on the appeal and issue a decision.

V

AMENDMENTS

These rules may be amended at any regular meeting of the Planning Commission by an affirmative vote of not less than four voting members of the Commission, provided that such an amendment has been presented in writing to each member of the Commission at least 48 hours preceding the meeting at which the vote is taken. All amendments must be approved by the City Council prior to becoming effective.

HERRIMAN  
PLANNING COMMISSION  
BYLAWS AND RULES OF PROCEDURE

A. ORGANIZATION

1. Appointment of Chair and Vice Chair: The Commission, at its first regular meeting in August of each year, shall select a Chair and Vice Chair.
2. The Chair to Preside at Commission Meetings: The Chair shall preside at all meetings of the Commission and shall provide general direction for the meetings.
3. Duties of the Chair:
  - a. To call the Commission to order on the day and the hour scheduled and proceed with the order of business.
  - b. To announce the business before the Commission in the order in which it is to be acted upon.
  - c. To receive and submit in the proper manner, all motions and propositions presented by the members of the Commission.
  - d. To put to vote all questions which are properly moved, or necessarily arise in the course of proceedings and to announce the results of motions.
  - e. To inform the Commission, when necessary, on any point of order or practice. In the course of discharge of this duty, the Chair shall have the right to call upon legal counsel for advice.
  - f. To authenticate by signature, when necessary, or when directed by the Commission, all of the acts, findings and orders, and proceedings of the Commission.
  - g. To maintain order at the meetings of the Commission.
  - h. To move the agenda along, hold down redundancy by limiting time allowed for comments, if necessary, set guidelines for public input, and reference handouts and procedures during meetings.
  - i. Recognize speakers and Commissioners prior to receiving comments and presentations.

- 
- j. If desirous of voting on a particular issue, the Chair may turn the position of Chair over to the Vice Chair or another Planning Commission member in the absence of the Vice Chair. The Chair will remain impartial on issues and not participate in the voting procedures unless called upon to break a tie vote.
  4. Duties of the Vice Chair: The Vice Chair, during the absence of the Chair, shall have and perform all of the duties and functions of the Chair.
  5. Secretary: The Planning Staff shall serve as secretary of the Planning Commission.
  6. Secretary's Duties:
    - a. To post public notices and copies of the agenda of regular and special Planning Commission meetings, consisting of a quorum, 24 hours prior to the meeting according to Utah law.
    - b. To attend every session of the Commission, to take and record the roll, to read any communications, resolutions or other papers which may be ordered to be read by the Chair of the meeting and to receive and bring to the attention of the Commission all messages and other communications from other sources.
    - c. To keep the minutes of the proceedings of the commission and to record them.
    - d. To keep and maintain a permanent record file of all documents and papers pertaining to the work of the Commission.
    - e. To ensure Commissioners receive materials pertinent to regularly scheduled Commission meetings three days prior to Planning Commission meetings.
    - f. To perform such other duties as may be required.

B. RIGHTS AND DUTIES OF MEMBERS

8. Meeting Attendance: Every member of the Commission shall attend the sessions of the Commission unless duly excused or unless unable to attend because of extenuating circumstances. Any member desiring to be excused shall notify the secretary or chair.
9. Conflict of Interest: A Planning Commission member may declare a conflict of interest with specific agenda items. Members of the Planning Commission who feel

they or any other member of the Commission may have an actual, apparent, or reasonably foreseeable conflict of interest on any matter that is on the Commission agenda shall explain the apparent conflict to the Commission. The Commission may then vote to decide whether the requested disqualification is justified. After declaring a conflict of interest, a Planning Commission member shall leave the room and not participate in the discussion and vote on that matter, nor attempt to use his/her influence with other Commissioners before, during, or after the meeting. Below are some guidelines for conduct:

- a. There may be a conflict of interest if there are personal, familial, or financial ties between a Planning Commissioner and applicant on any items of business.
  - b. A Planning Commissioner may appear before the Commission through his/her employment as an advocate or agent for a proponent only after the Commissioner's disqualification on the subject matter.
  - c. A Planning Commissioner must not sell or offer to sell services or solicit prospective clients or employment by stating an ability to influence Planning Commission decisions.
  - d. A Planning Commissioner must not use the power of office to seek or obtain a special advantage that is not in the public interest nor any special advantage that is not a matter of public knowledge.
10. Explaining the Vote: After the vote is taken, any member of the Commission desiring to explain his/her vote shall be allowed an opportunity to do so.
  11. Not to Vote Unless Present: No member of the Commission shall be permitted to vote on any question unless the member shall be present when the vote is taken and when the result is announced. No member shall give his/her proxy to any other person.
  12. Place: All meetings of the Commission shall be held in the Herriman Community Center or at such other place as the Commission may designate. A meeting having been convened at the place designated, may be adjourned by the Commission to any other place within Herriman for the sole purpose of investigating some particular matter of business which may be more conveniently investigated at such other place, or may be adjourned to any other room more convenient for conducting the business of the Commission, so long as proper notice of meeting location is posted for the general public as required by Utah law.
  13. Regular Meetings - Time for Notice: Regular meetings of the Commission shall be

held on the second and fourth Thursday of each month at 7:00 p.m. and a work session on the fifth Thursday of each month at 6:00 p.m. At the discretion of the Chair, field trips or additional work sessions may be held at appropriate times.

14. Special Meetings: The secretary shall give notice of the time and purpose of every special meeting of the Commission at least 24 hours prior to such meeting. Such notice shall be delivered to each member of the Commission personally, or by telephone. Such notice may also be given by the United States Mail, directed to the member of the Commission so to be notified at the member's residence and mailed no less than five days prior to the time fixed for such special meeting. It is specifically provided, however, that any member may, in writing, waive prior notice of the meeting.
15. Meetings, Matters Considered: Other Business items pertaining to the affairs of the Herriman Planning Commission and falling within the authority and jurisdiction of the Commission may be considered and acted upon at any regular meeting of the Commission.
16. Quorum: Four members of the Commission shall constitute a quorum for the transaction of business. Any member disqualified because of a conflict of interest shall not be considered when determining whether a quorum is constituted. Members abstaining from a vote, however, shall count toward consideration of a quorum. Except as otherwise specifically provided in these rules, a majority vote of the Commission members present at a meeting shall be required and shall be sufficient to transact any business before the Commission.

#### C. PROCEDURE - ORDER OF BUSINESS

17. Order of Business: The order of business shall be as follows:
  - a. Field trip (if needed)
  - b. Approval of minutes
  - c. Roll taken by secretary
  - d. Consideration of agenda items
  - e. Other business at the discretion of the Chair
  - f. Adjournment
18. Field Trips: On those occasions when site inspections are deemed advisable, field trips shall be held prior to the Planning Commission meetings, the time of the field trip to be posted on the agenda. Only Planning Commission members and pertinent staff shall be allowed to attend the field trip. Field trips shall be for the purpose of gathering information, not for discussing decisions.

19. Agenda for Meetings: The Planning staff, with the assistance of the Chair, shall prepare a written agenda for each meeting as far in advance as possible and shall email such agenda to each member of the Commission prior to the commencement of the meeting. Such agenda shall be emailed to the members of the Commission at least three days prior to each meeting.
20. Agenda Deadline: Requests for Planning Commission consideration must be properly presented (i.e., fees paid, applications and petitions filed) to the Community Development Department a minimum of 21 days prior to the date requested for Planning Commission consideration.
21. Staff Report: Applications presented to the Planning Commission for their consideration shall be accompanied by a staff report detailing the overview, background, analysis and staff recommendation(s) which shall include findings of fact and conditions for approval. Staff reports shall address the portion of the Zoning Ordinance affected by petitioner's request and how it fits within the guidelines of the ordinance and the general plan. Staff reports shall be as concise as possible while allowing for adequate coverage of the subject matter and shall be made available to anyone requesting a copy of the staff report.

Copies of staff reports and other pertinent materials shall be made available to the Planning Commission members three days prior to regularly scheduled Planning Commission meetings.

22. Submission of Written Materials: Applicants or interested parties should submit written materials on the Thursday by noon, prior to the scheduled meeting to allow the Planning Commission adequate time to review the materials.
23. Notification of Public Hearings: Notices of all items scheduled for Planning Commission informal hearings shall be mailed to the appropriate parties within 10 days of the Planning Commission meeting.

D. PROCEDURE - ORDER AND DECORUM

24. Order of Consideration of Items: The following procedure will normally be observed, however, it may be rearranged by the Chair for individual items, if necessary, for the expeditious conduct of business:
  - a. Item introduction by Chair.
  - b. Staff presentation and recommendation.
  - c. Petitioner/Developer presentation of proposal.

- d. Opening of the public portion of hearings.
- e. Proponents/opponents comments.
- f. Public hearing closed.
- g. Planning Commission discussion and vote. The discussion is closed to the petitioner and public unless the Planning Commission requests additional information. Chair outlines possible actions: Approval, denial, continuation or approval with conditions. If additional information is required, the public portion of the meeting may be reopened by the majority vote.

E. PROCEDURE - MOTIONS

25. **Making Motions:** Any Planning Commissioner, but the Chair, may make or second a motion. Motions should state findings for approval or denial within the motion:
- a. Motions should state findings at the beginning of the motion followed by the recommendation to the appropriate body, if any, and should be concluded with the conditions of approval. The motion may refer to the staff report for the detail of the findings of fact and conditions for approval if the author of the motion finds them acceptable.
  - b. The staff summary should be sufficient in detail to assist the Commission in stating findings.
  - c. Motions may be repeated for clarification following discussion and prior to the vote at the request of any Commissioner.
  - d. Planning Commissioners may request legal advice from the City Attorney in the preparation, discussion and deliberation of motions.
26. **Second Required:** Each motion of the Commission must be seconded with the exception of motions to amend a motion and motions to adjourn the Planning Commission meeting.
27. **Withdrawing a Motion:** After a motion is stated, the motion shall be in the possession of the Commission but may be withdrawn by the author of the motion prior to the vote. Withdrawal of a second is not necessary.
28. **Motion to Table:** A motion to table an agenda item for further study should be



accompanied by specific reasons for continuing the matter and whenever possible, a specific date to rehear the matter should be scheduled.

29. Amending Motions: When a motion is pending before the Commission, any member may suggest an amendment without a second, at any time prior to the Chair putting the motion to vote. The amendment must be accepted by the author and the second of the motion in order for it to amend the stated motion. The author and the second may choose not to accept the amendment.
30. Substitute Motions: A substitute motion, which shall replace the original motion, may be made prior to a vote on the original motion.
31. To Rescind a Motion: A motion to rescind or make void the results of a prior motion may take place when the applicant and other persons directly affected by the motion have not materially changed their position in reliance on the Commission's action on the motion.
32. To Reconsider a Motion: To recall a previous motion for further evaluation and/or action, a motion of reconsideration may be made by a Commissioner who voted with the majority. The motion to reconsider must pass with a majority vote. If it is determined that the motion should stand as previously approved, no formal vote is necessary. If the former motion is to be amended or made void, the motion shall be put to a formal vote of the Commission. Motions to reconsider a previous motion must take place during the same meeting the motion was made or when the minutes containing that particular item are approved.
33. Motion to Adjourn: A motion to adjourn the meeting shall be made at the end of each Planning Commission meeting. No second is required to the motion to adjourn.

#### F. PROCEDURES - DEBATE

34. Interruptions and Questions: No member of the Commission shall interrupt or question another member in debate without obtaining the Commissioner's consent, and to obtain such consent, shall first address the Chair.

#### G. PROCEDURES - VOTING

35. Changing a Vote: No member shall be permitted to change his/her vote after the decision is announced by the Chair.
36. Tie Votes: Tie votes shall be broken by the Chair casting a vote.

37. Conflict of Interest/Disqualification: Any member declaring a conflict of interest shall be disqualified and shall leave the room and not participate in the discussion and vote pertaining to that particular matter.
38. Abstention: Any member abstaining from a vote may remain seated at the table and participate in the discussion. Reasons for abstention must be stated at the time of the abstention and such reason shall not be considered a conflict of interest.

H. PROCEDURES - SUSPENSION OF RULES

39. Suspension or Alteration of Rules: No standing rules of the Commission shall be altered, amended, suspended or rescinded without the vote of a majority of all the members of the Commission.

I. AMENDMENT OF RULES OF PROCEDURE

40. These rules of procedure may be amended at any meeting of the Commission held after not less than fourteen days written notice of the proposal to amend the rules, upon a majority vote of all of the members of the Planning Commission, and after approval by the City Council.

J. RECORDING OF RULES

41. These rules and all subsequent amendments shall be recorded by the secretary in the Planning Commissioner's Handbook and copies shall be furnished to each member of the Commission.

---

Signature of Chair  
Herriman Planning Commission

37. Conflict of Interest/Disqualification: Any member declaring a conflict of interest shall be disqualified and shall leave the room and not participate in the discussion and vote pertaining to that particular matter.
38. Abstention: Any member abstaining from a vote may remain seated at the table and participate in the discussion. Reasons for abstention must be stated at the time of the abstention and such reason shall not be considered a conflict of interest.

H. PROCEDURES - SUSPENSION OF RULES

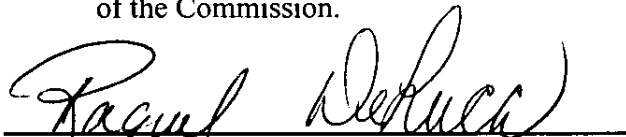
39. Suspension or Alteration of Rules: No standing rules of the Commission shall be altered, amended, suspended or rescinded without the vote of a majority of all the members of the Commission.

I. AMENDMENT OF RULES OF PROCEDURE

40. These rules of procedure may be amended at any meeting of the Commission held after not less than fourteen days written notice of the proposal to amend the rules, upon a majority vote of all of the members of the Planning Commission, and after approval by the City Council.

J. RECORDING OF RULES

41. These rules and all subsequent amendments shall be recorded by the secretary in the Planning Commissioner's Handbook and copies shall be furnished to each member of the Commission.



Signature of Chair  
Herriman Planning Commission

HERRIMAN  
PLANNING COMMISSION  
RULES OF ETHICAL CONDUCT

I. Conflict of Interest

A Planning Commissioner to whom some private benefit may come as the result of a Planning Commission action should not be a participant in the action.

- A. The private benefit may be direct or indirect; create a material or personal gain; or provide an advantage to relations, friends, or to groups and associations which hold some share of a person's loyalty. However, membership itself in a group or organization shall not be considered a conflict of interest as to Planning Commission action concerning such group or association unless a reasonable person would conclude that such membership in itself would prevent an objective consideration of the matter.
- B. A Planning Commissioner experiencing, in his/her opinion, a conflict of interest, should declare his/her interest publicly, abstain from voting on the action, and excuse themselves from the room during consideration of the action. They should not discuss the matter privately with any other commissioner. The vote of the Planning Commissioner experiencing a conflict of interest who fails to disqualify themselves shall be disallowed.
- C. A conflict of interest may exist under these rules although a Planning Commissioner may not believe he has an actual conflict; therefore, a Planning Commissioner who has any question as to whether a conflict of interest exists under these rules should raise the matter with the other Planning Commissioners and the City Attorney in order that a determination may be made as to whether a conflict of interest exists.
- D. No planning official should engage in any transaction in which he has a financial interest, direct or indirect, with the agency or jurisdiction that he serves unless the transaction is disclosed publicly and determined to be lawful.
- E. The Planning Commission recommends that the City Council, in making appointments to the Planning Commission, not attempt to exclude whole categories or associations of business, professional, or other persons in anticipation of conflict of interest problems. The service of competent people of good character need not be sacrificed. Their withdrawal from participation in planning matters is necessary only in those specific cases in which a conflict of interest arises.

## II. Gifts and Favors

Gifts, favors, or advantages must not be accepted if they are offered because the receiver holds a position of public responsibility.

- A. The value of a gift or advantage and the relation of the giver to public business should be considered in determining acceptability. Small gifts that come in a form of business lunches, calendars, or office bric-a-brac are often, not always, acceptable. In cases of doubt, refuse. In cases of marginal doubt, refuse.

## III. Treatment of Information

It is important to discriminate between planning information that belongs to the public and planning information that does not.

- A. Reports and official records of a public planning agency must be open on an equal basis to all inquiries. Planning advice should not be furnished to some unless it is available to all.
- B. Information of private affairs that is learned in the course of performing planning duties must be treated in confidence. Private affairs become public affairs when an official action -- such as a change in zone classification or approval of a plan -- is requested with respect to them. Only then is a disclosure of relevant information proper.
- C. Information contained in studies that are in progress in a planning agency should not be divulged except in accordance with established agency policies on the release of its studies. A public planning agency is not required to do its thinking out loud in public.
- D. Prearranged private meetings between a Planning Commissioner and applicants, their agents, or other interested parties are prohibited. Partisan information on any application received by a Planning Commissioner whether by mail, telephone, or other communication should be made part of the public record.

## IV. Political Activity

Membership in a political party and contributions to its finances or activities are matters of individual decision that should neither be required of, nor prohibited to, Planning Commissioners.

- A. The extent of participation in political activities should be governed by

professional judgment as well as limited by an applicable civil service law or regulation.

- B. The powers of Planning Commissioners must not be exercised, nor their duties performed, in any way that will create special advantages for a political party. The special position of a Planning Commissioner should not be used to obtain contribution or support for a political party and should not be used to obtain partisan favors.
- C. Partisan debate of a community's planning program, and the consideration of planning in a party's platform is proper. Planning officials should, however, give political parties equal access to information.

*Overall - New Herriman  
Approvals*

Founded 1851



13011 S. Pioneer St. • Herriman, UT 84065  
Office: (801) 446-5323  
Fax: (801) 446-5324

August 15, 2008

The Sorenson Group  
4393 Riverboat Road, #450  
Salt Lake City, UT 84123

Re: File Number 56C07

Dear Mike Bradshaw:

The Herriman Planning Commission at their regular meeting on August 14, 2008, granted preliminary approval to your Planned Unit Development of 4,719 units on property located at approximately 4400 W 14400 S. The approval is subject to the following conditions:

1. Technical guidelines are approved as submitted.
2. Receive and agree to the recommendations from other agencies.
3. Submit detailed plans on amenities and locations: parks, trails, etc.
4. Work with Parks Department (Chris Hales) on trail design, including materials and cross sections. Also provide detailed landscaping on creek and drainage/open space areas next to the trail system.
5. All of the open space along the trails shall have a combination of maintained landscape elements, which shall take into account erosion and flood control. Where possible, parks and other amenities should be included.
6. Overall density is to be no greater than 4.0 dwelling units per acre.
7. At least 20% of the planned unit development must be preserved as permanent open space and one half of the permanent open space required must be maintained in one contiguous parcel. Open space that is un-buildable, because of among other things, slope, wetlands, flood drainage, or contamination, may only be counted at 50% of the actual acreage to satisfy the applicable open space requirements. Before any final approvals are granted, those figures and locations must be shown.
8. Meet with UTA to discuss the location of the transit line. A 40 foot right-of-way for the transit corridor should be preserved through the project for future use.
9. Trails should provide connectivity throughout the development, to residential, schools, and commercial. Trails between lots should be at least a 20 foot wide easement with an 8 foot trail.
10. All development within the PUD shall comply with the City's Design Standards for Commercial, High Density, and Medium Density projects.

11. When each pod comes in for final approval, the applicant shall demonstrate how the proposal complies with the overall density of the project.
12. Submit a rezone application to match the approved PUD.
13. The Planning Commission will look at each phase and should attempt to incorporate the required open space in each phase. With each phase submitted, the applicant should submit an open space summary.

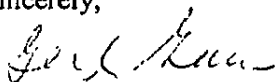
#### **Engineering Requirements**

1. Submit details on how the development will be phased.
2. Detailed landscaping on creek and drainage areas.
3. Detailed plan on transit line alignment to be reviewed and approved by UTA.
4. Coordinate with other utilities at the time of road improvements in order to minimize future road cuts.
5. Trails need to meet AASHTO standards.
6. Coordinate with Bluffdale City on road alignment and future utility lines.

A Planned Unit Development conditional use approval expires 24 months from the date the Planning Commission approval is given if the applicant does not obtain a building permit and commence construction.

If you have any questions please contact the Planning Department during regular business hours.

Sincerely,



Glenn R Graham

City Planner

planning@herriman.org





Overall - New Herriman  
Approvals

**RECEIVED**

**AUG 22 2008**

August 15, 2008

The Sorenson Group  
4393 Riverboat Road, #450  
Salt Lake City, UT 84123

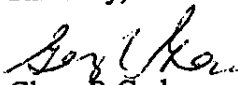
Re: File Number 09Z08

Dear Mike Bradshaw:

The Herriman Planning Commission at their regular meeting on August 14, 2008, recommended approval of your request to rezone property located at approximately 4400 W 14400 S from R-1-15, R-2-15 & A-1 to R-2-10. Your application will be forwarded to the City Council as soon as the item can be scheduled with the proper noticing. The staff will need legal descriptions for the zoning area. The City Council meetings are on the 1<sup>st</sup> and 3<sup>rd</sup> Thursdays at 7:00 pm

If you have any questions please contact the Planning Department during regular business hours.

Sincerely,

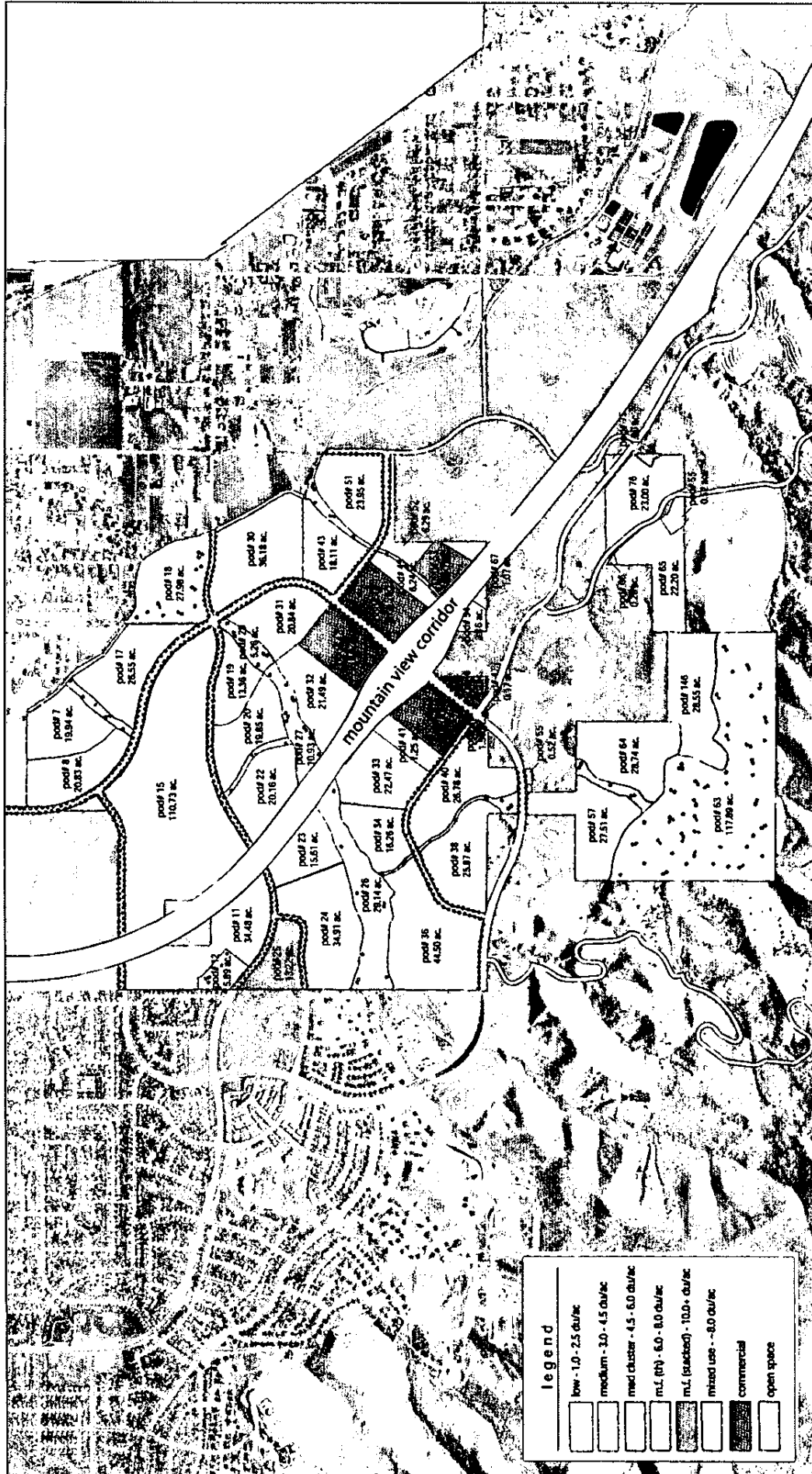


Glenn R Graham  
City Planner  
[planning@herriman.org](mailto:planning@herriman.org)

# LAND USE SUMMARY

Pod #	Land Use Type	Area in Acres	Max. DU/AC	Max. # Units
0	School	1.77	0.0	0
6	Open Space	2.05	0.0	0
7	MDR	19.94	5.0	100
8	MDR	20.83	5.0	104
11	MDR	34.48	5.0	172
12	Open Space	5.89	0.0	0
15	MDC	110.73	6.0	664
16	Open Space	3.40	0.0	0
17	MDC	26.55	6.0	159
18	Open Space	27.62	0.0	0
19	MDC	13.36	6.0	80
20	MDC	19.81	6.0	119
21	Open Space	2.19	0.0	0
22	M.F. (Townhome)	20.16	10.0	202
23	M.F. (Townhome)	15.61	10.0	156
24	MDR	34.91	5.0	175
25	M.F. (Stacked)	18.22	20.0	264
26	Open Space	29.14	0.0	0
27	Open Space	10.96	0.0	0
28	Open Space	5.30	0.0	0
29	Open Space	5.16	0.0	0
33	M.F. (Townhome)	22.47	10.0	225
34	MDR	16.26	5.0	81
35	Open Space	0.71	0.0	0
36	MDR	44.50	5.0	223
38	MDR	25.87	5.0	129
39	Open Space	3.40	0.0	0
40	MDR	26.76	5.0	134
50	Open Space	1.26	0.0	0
51	MDC	23.95	6.0	144
52	MDC	6.29	6.0	38
53	M.F. (Stacked)	8.50	20.0	170
55	MDR	0.52	5.0	3
56	Open Space	0.22	0.0	0
57	LDR	27.51	3.0	83
63	Open Space	117.89	0.0	0
64	LDR	28.74	3.0	86
65	LDR	22.20	3.0	67
66	MDR	0.26	5.0	1
68	MDC	2.46	6.0	15
75	MDC	1.30	6.0	8
76	MDR	23.00	5.0	115
96	Open Space	0.72	0.0	0
98	MDR	2.87	5.0	14
143	Open Space	4.12	0.0	0
146	LDR	28.55	3.0	86
<b>Total Dev. Acreage</b>		<b>1,034.96</b>	<b>Total # Units</b>	<b>4,719</b>
			<b>Gross Density</b>	<b>4.0</b>

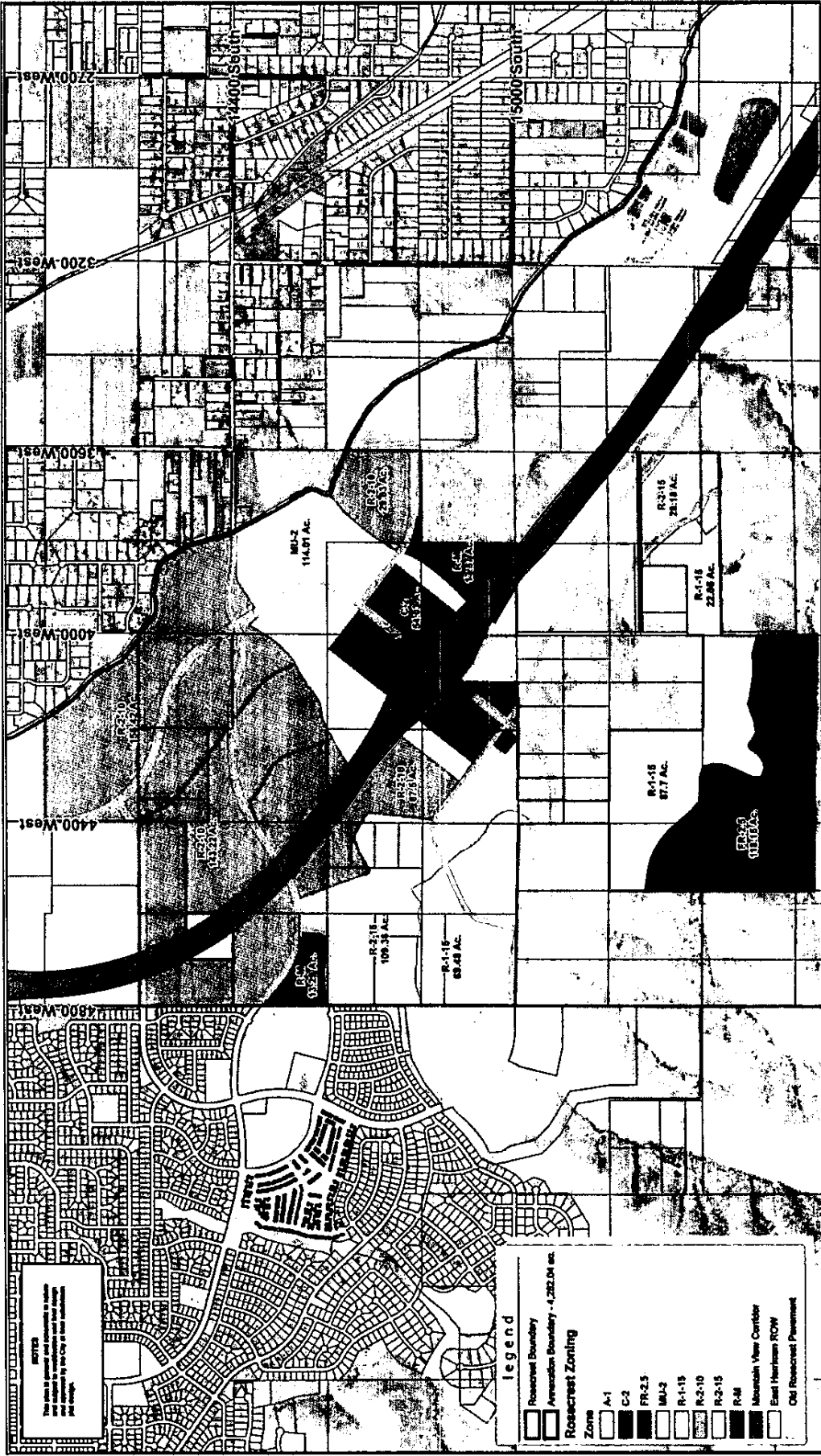
Low	107.00	9.1%
Medium	278.75	23.5%
Medium Cluster	177.90	15.1%
M.F. (TH)	58.24	4.9%
M.F. (Condo)	0.00	0.0%
M.F. (Stacked)	21.72	1.8%
Commercial	57.52	4.9%
Mixed Use (Res)	79.82	6.8%
Mixed Use (Com)	34.21	2.9%
Industrial/Office	0.00	0.0%
Open Space	220.03	21.0%
School District	1.77	0.2%
Mountain View	63.06	4.1%
Right-of-Ways	81.66	5.8%
<b>Total</b>	<b>1,034.96</b>	<b>47.1%</b>



CONCEPTUAL MASTERPLAN

"ROSECREST EAST HERRIMAN"



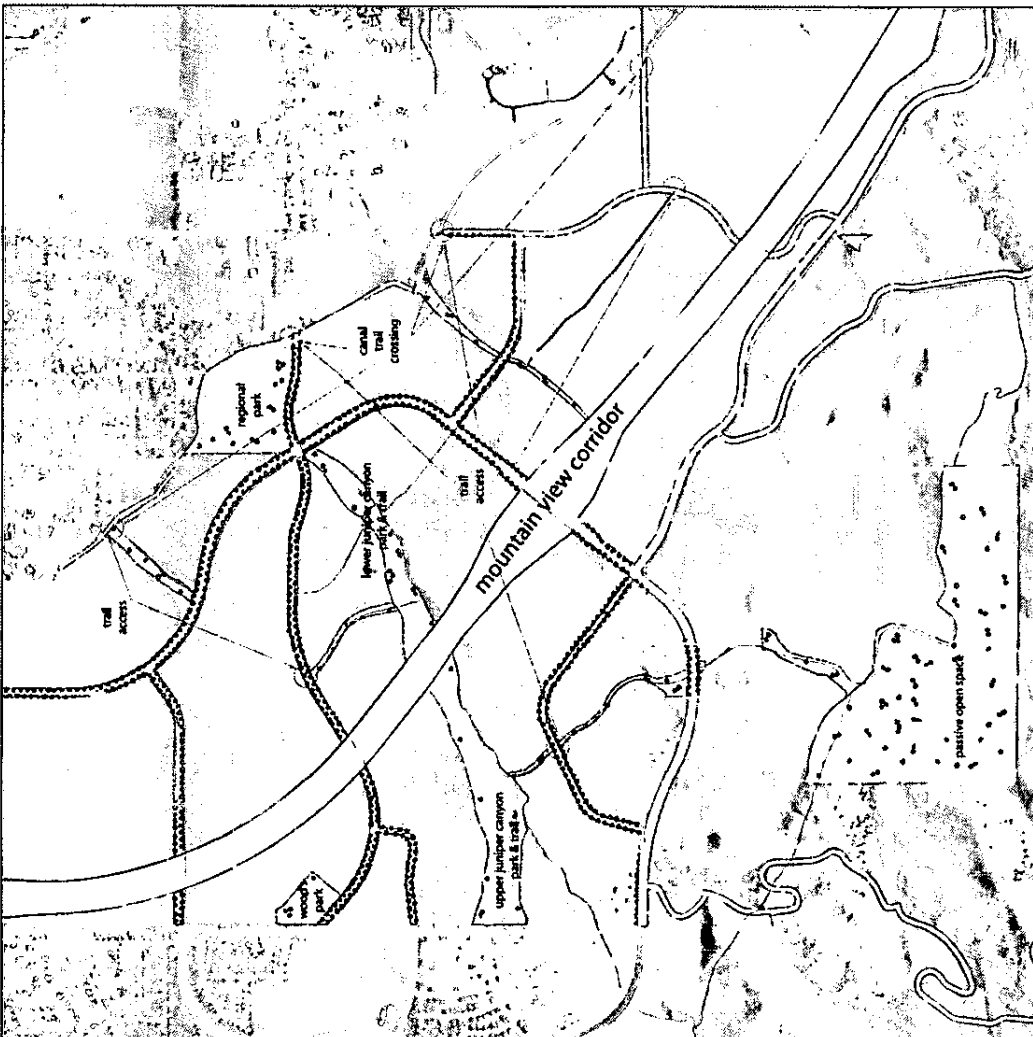


N

# ZONING MASTERPLAN

## "ROSECREST EAST HERRIMAN"





**OPEN SPACE LAND USE CALC'S**

Pod #	Area (acres)	Type
6	2.05	Passive
12	5.89	Active
16	4.38	Passive
18	28.54	Active
21	2.19	Passive
28	29.14	Active
27	10.66	Active
28	5.58	Active
28	6.72	Passive
35	0.71	Passive
39	3.40	Passive
50	1.26	Passive
56	0.22	Passive
63	117.89	Passive
96	0.72	Active
143	4.12	Passive
<b>Total</b>	<b>223.47</b>	

Total Site Area	1,179.68
Mountain View Corridor	63.06
Major Rights of Way	60.94
Net Site Area	1,055.68
Total Open Space	223.47
	21%

Total Landscaped Open Space	80.53
Total Natural Open Space	142.94

Total Multi-family	79.90
Required Open Space (20%)	15.98
Provided Open Space	15.98
	20%

Total Mixed Use	112.10
Required Open Space (15%)	16.82
Provided Open Space	16.82
	15%

**General Notes:**  
 \*The Active Open Space acreage indicated does not include any pocket parks.  
 \*\*Open Space for Multi-family was calculated at 20% and is not shown graphically.  
 \*\*\*Open Space for Mixed Use was calculated at 15% and is not shown graphically.  
 \*\*\*\*Acres of open space for mixed use and multi-family are not included in the numbers shown on the Open Space Plan

**Legend**

- urban trail
- trail
- equestrian/ pedestrian trail
- hiking trail
- property boundary



**PARKS & TRAILS MASTERPLAN**

**"ROSECREST EAST HERRIMAN"**



**Title 1**

**GENERAL PROVISIONS**

**Chapters:**

- 1.01 Code Adoption**
- 1.04 General Provisions**
- 1.08 Prisoners**
- 1.12 General Penalty**

**RECORDED AS RECEIVED  
CO. RECORDER**

## Chapter 1.01

## CODE ADOPTION

## Sections:

- 1.01.010 Adoption.
- 1.01.020 Title—Citation—Reference.
- 1.01.030 Repeal of ordinance enacted prior to January 1, 1986.
- 1.01.040 Ordinances enacted on or after January 1, 1986.
- 1.01.050 Effect of repealed ordinances.
- 1.01.060 Reference to specific ordinances.
- 1.01.070 Effective date of this code.

**1.01.010 Adoption.**

Pursuant to the provisions of Utah Code Annotated, Section 17-15-1, the board of county commissioners adopts the "Salt Lake County Code of Ordinances, 1986," as compiled, edited and published by Book Publishing Company, Seattle, Washington. (Ord. 992 § 1(part), 1987)

**1.01.020 Title—Citation—Reference.**

This code shall be known as the "Salt Lake County Code of Ordinances, 1986" and it shall be sufficient to refer to the code as the "Salt Lake County Code of Ordinances, 1986" in any prosecution for the violation of any provision therein or in any proceeding at law or equity. It shall be sufficient to designate any ordinance adding to, amending, correcting or repealing all or any portion thereof as an addition to, amendment to, correction or repeal of the "Salt Lake County Code of Ordinances, 1986." Whenever a reference is made to this code as the "Salt Lake County Code of Ordinances, 1986" or to any portion thereof, or to any ordinance of Salt Lake County, the reference shall apply to all amendments, corrections and additions made before, as of or after the effective date of the ordinance codified in this chapter. (Ord. 992 § 1(part), 1987)

**1.01.030 Repeal of ordinance enacted prior to January 1, 1986.**

So far as the provisions of this code are the same in effect as those of previously existing ordinances, they shall be construed as continuations thereof. Subject to the above limitations and the provisions of Section 1.01.050, all ordinances of Salt Lake County which are recodified in the "Revised Ordinances of Salt Lake County, 1966," including all amendments thereto enacted prior to January 1, 1986, are repealed. This repeal shall not affect ordinances of a private, local or temporary nature, including franchises, grants, street name changes, street and easement vacations, zoning maps, dedications, revenue and general obligation bonds and other debt issues and creation, dissolution or modification of special service districts of all kinds, and service areas. (Ord. 992 § 1(part), 1987)

**1.01.040 Ordinances enacted on or after January 1, 1986.**

All ordinances enacted on or after January 1, 1986, are hereby adopted and made part of this code with the exception of ordinances of a private, local or temporary nature. (Ord. 992 § 1(part), 1987)

**1.01.050 Effect of repealed ordinances.**

Neither the adoption of this code nor the repeal of the ordinances as provided in Section 1.01.030 shall affect any right which has accrued, any duty imposed, any penalty incurred, or any action or proceeding commenced under or by virtue of the ordinances repealed, nor shall the repeal of any ordinance thereby have the effect of reviving any ordinance theretofore repealed or superseded, nor be construed as a waiver of any license fee or penalty due and unpaid under such repealed ordinances, nor be construed as affecting any provisions of such ordinances relating to the collection of such license fee or penalty, or the penalty provisions applicable to any violation thereof, nor affect the validity of any bond or cash deposit in lieu thereof required to be

1.01.050

posted, filed or deposited pursuant to any ordinance and all rights, obligations thereunder appertaining shall continue in full force and effect. (Ord. 992 § 1(part), 1987)

**1.01.060 Reference to specific ordinances.**

The provisions of this code shall not in any manner affect matters of record which refer to, or are otherwise connected with the ordinances which are therein specifically designated by number or otherwise and which are included within this code but such references shall be construed to apply to the corresponding provisions contained in this code. (Ord. 992 § 1(part), 1987)



## Chapter 1.04

## GENERAL PROVISIONS

## Sections:

- 1.04.010 Definitions and rules of construction.
- 1.04.020 Interpretation of language.
- 1.04.030 Computation of time.
- 1.04.040 Liability of employers and agents to penalty for violation of ordinances.
- 1.04.050 Severability.

## 1.04.010 Definitions and rules of construction.

A. In the construction of the revised ordinances set out in this code, and all ordinances amendatory thereof, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the board of county commissioners, or repugnant to the context of the ordinance.

1. "Board of health" means the Salt Lake City-County board of health.

2. "Business" means any activity, operation, enterprise or calling referred to in this code for which a license is required.

3. "City" or "town" means an incorporated municipality, as listed in the latest federal census.

4. "Commission" or "board" means the board of county commissioners of Salt Lake County, Utah.

5. "County" means Salt Lake County and may also be construed to mean the portions of Salt Lake County, Utah, outside the limits of the incorporated cities or towns therein.

6. "County assessor" or "assessor" means the assessor of Salt Lake County, Utah.

7. "County attorney" or "attorney" means the attorney of Salt Lake County, Utah.

8. "County auditor" or "auditor" means the auditor of Salt Lake County, Utah.

9. "County clerk" or "clerk" means the clerk of Salt Lake County, Utah.

10. "County recorder" or "recorder" means the recorder of Salt Lake County, Utah.

11. "County sheriff" or "sheriff" means the sheriff of Salt Lake County, Utah.

12. "County surveyor" or "surveyor" means the surveyor of Salt Lake County, Utah.

13. "County treasurer" or "treasurer" means the treasurer of Salt Lake County, Utah.

14. "Fire department" means the Salt Lake County Fire Department.

15. "Highway" or "public highway" means any road, street, lane, court, place, viaduct, tunnel, culvert, bridge, alley or other public way situated within this county, laid out or erected as such by the public, or dedicated, abandoned or open to the public, or made such in any action for the partition of real property, or such other public property so designated by any ordinance or statute, and includes the entire area within the right-of-way.

16. "Knowingly" imports only a knowledge that facts exist that bring the act or omission within the provisions of this code. It does not require any knowledge of the unlawfulness of such act or omission.

17. "Law" means and denotes applicable federal law, the Constitution and statutes of the state of Utah, the ordinances of Salt Lake County and, when appropriate, any and all rules and regulations which may be promulgated thereunder.

18. "License official" means the director of the Salt Lake County development services division or his designee.

19. "Maliciously" or "malice" mean and import a wish to vex, annoy or injure another person, or an intent to do a wrongful act, established either by proof or by presumption of law.

20. "Owner," applied to a building or land, means and includes any part owner, joint owner, tenant in common, joint tenant or less of the whole or of any part of the building or land.

1.04.010

21. "Person" includes bodies politic and any individual, partnership, association, corporation or group of individuals, however styled or designated.

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

23. "Property" means and includes real and personal property.

24. "Real property" means and includes lands, tenements and hereditaments.

25. "State" means the state of Utah.

26. "Tenant" or "occupant," applied to a building or land, mean and include any person who occupies the whole or any part of such building, either alone or with others.

27. "Wilfully," when applied to the intent with which an act is done or omitted, means and implies simply a purpose or willingness to commit the act or make the omission referred to. It does not require any intent to violate law or to injure another or to acquire any advantage.

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

29. "Year" means a calendar year unless specified otherwise.

**B. Rules of Construction.**

1. Mere language changes are not intended to reflect changes in the substance or meaning of the ordinances.

2. The singular number includes the plural.

3. Words used in the present tense include the past and future tenses and vice versa, unless manifestly inapplicable.

4. Words used in the masculine gender comprehend the feminine and neuter.

5. The term "may" is permissive; the terms "must" and "shall" are each mandatory. (1986 Recodification: prior code § 1-1-4)

**1.04.020 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. (1986 Recodification: prior code § 1-1-5)

**1.04.030 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, if Saturday, Sunday or a holiday, in which case the last day shall be the next following business day. (1986 Recodification: prior code § 1-1-6)

**1.04.040 Liability of employers and agents to penalty for violation of ordinances.**

When the provisions of an ordinance prohibit the commission or omission of any act, the person doing the prohibited act or omitting the directed act and the employer, if the act or omission is done within the course and scope of employment, and all other persons aiding or abetting therein, shall be guilty of the offense described and subject to the penalty prescribed for the offense. (1986 Recodification: prior code § 1-1-7)

**1.04.050 Severability.**

The board of county commissioners of Salt Lake County, Utah, hereby declares that the board would have passed these revised ordinances and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional, void, or unlawful. (1986 Recodification: prior code § 1-1-9)

**Chapter 1.08****PRISONERS****Sections:**

- 1.08.010** Probation without conviction.
- 1.08.020** Work release and weekend jail.
- 1.08.030** Work by county prisoners.
- 1.08.040** Parole of prisoners.
- 1.08.050** Effect of chapter provisions on good time.

**1.08.010 Probation without conviction.**

After arrest, but before an adjudication of guilt, the court may, with the consent of the defendant and the prosecution, defer further proceedings upon such terms and conditions as it may require pursuant to Title 77, Chapter 2, Utah Code Annotated (1953). (Prior code § 16-15B-3)

**1.08.020 Work release and weekend jail.**

It is the policy of the county, when it is possible, and in the interest of justice and compatible with the public safety, that persons sentenced to jail may be required to maintain regular employment during the time they are in jail. The court may make orders for the release of employed individuals during working hours. Persons who are employed while they reside in the City-County Jail shall, upon direction from the court, pay the county all or part of the cost of their board, room and supervision while in jail. Any sums so collected shall be deposited with the county treasurer. Funds so collected shall be used for such purposes as directed by the board of county commissioners. Supervision over persons released from jail for employment during

the time they are released shall be accomplished as ordered by the committing court. (Prior code § 16-15B-5)

**1.08.030 Work by county prisoners.**

A. Pursuant to Section 17-5-31, Utah Code Annotated (1953), any prisoner confined in the Salt Lake County Jail under conviction of a misdemeanor, under which conviction or existing law the prisoner is liable to labor, may be put to labor for the county's benefit upon public roads or other public property.

B. The sheriff shall direct the working of inmates under subsection A of this section and shall ensure that some responsible person will supervise inmate labor.

C. Inmates of the jail who are not under conviction of a misdemeanor may volunteer for labor under the same conditions as convicted misdemeanants. (Ord. 845, 1983; prior code § 16-15B-6)

**1.08.040 Parole of prisoners.**

The court may retain jurisdiction over persons committed by them to jail or other confinement for purposes of paroling such persons for such reasons as the court may deem sufficient, and upon such terms and conditions as it shall specify. In such cases, the length of the total period in jail and on parole shall not exceed the length of the original length of the sentence imposed. (Prior code § 16-15B-1)

**1.08.050 Effect of chapter provisions on good time.**

Nothing in this chapter shall interfere with any other provisions of these ordinances for the granting of time off for work or good behavior to individuals sentenced to the jail who are not the subjects of parole. (Prior code § 16-15B-2)

1.12.010

**Chapter 1.12**

**GENERAL PENALTY**

**Sections:**

**1.12.010** Penalty for violation of code provisions.

**1.12.010** Penalty for violation of code provisions.

When no other penalty is prescribed, any person convicted of violating any provision or

provisions of an ordinance included in these revised ordinances, or in ordinances hereafter enacted, shall be deemed guilty of a misdemeanor, and punished by imprisonment in the county jail not exceeding six months, or by a fine in any sum less than one thousand dollars, or both, except that in all cases where a corporation is convicted of an offense for the commission of which a natural person would be punishable as for a misdemeanor, and there is no other punishment prescribed by ordinance, such corporation is punishable by a fine not exceeding five thousand dollars. (1986 Recodification: prior code § 1-1-8)

**Title 2**

**ADMINISTRATION AND PERSONNEL**

**Chapters:**

- 2.04 Board of County Commissioners**
- 2.08 Administrative Organization**
- 2.12 County Officers and Employees**
- 2.15 Department of Community and Support Services**
- 2.20 Department of Human Services**
- 2.24 Department of Public Works**
- 2.28 Fire Department**
- 2.30 County Justice Courts**
- 2.32 Executive Council**
- 2.36 Steering Council**
- 2.39 Volunteer Programs Council**
- 2.40 Information Systems Steering Committee**
- 2.44 Business-Government Alliance Committee**
- 2.50 County Constables**
- 2.52 Sheriff's Reserve Corps**
- 2.56 Community Districts and Community Councils**
- 2.60 Salt Palace Board**
- 2.72 Campaign Financing Disclosure**
- 2.74 Township Elections**
- 2.76 Counsel for Indigent Defendants**
- 2.80 Personnel Management**
- 2.82 Records Management**
- 2.84 Employees' Safety Program**
- 2.88 Historic Preservation Commission**

**RECORDED AS RECEIVED  
CO. RECORDER**

## Chapter 2.04

### BOARD OF COUNTY COMMISSIONERS

#### Sections:

- 2.04.010** Eligibility—Number of members.
- 2.04.020** Term of office.
- 2.04.030** Vacancy filling.
- 2.04.040** Powers and duties.
- 2.04.050** Chairman—Quorum—Administration of oaths.
- 2.04.060** Supervision of departments and boards.
- 2.04.070** Regular meetings.
- 2.04.080** Special meetings.
- 2.04.090** Appointment duties.
- 2.04.100** Contract authorization.
- 2.04.110** Allocation of percentage to visual arts in capital expenditure appropriations.
- 2.04.130** Continuity of government and succession of elected officials in emergencies.

#### **2.04.010** Eligibility—Number of members.

The Salt Lake county commission shall consist of three members, each of whom shall have been an elector of the county for at least one year immediately preceding the election, and elected by the qualified electors of the county at large. (Prior code § 1-2-1)

#### **2.04.020** Term of office.

County commissioners shall be elected at the general election next preceding the expiration of the term of office of incumbents, one for a term of four years and one for a term of two years, and each shall hold office for the term for which elected and until a successor is elected and has qualified. (Prior code § 1-2-2)

#### **2.04.030** Vacancy filling.

When a vacancy occurs in the board of county

commissioners, through ineligibility, resignation or death of an incumbent or of an officer-elect before qualifying, or refusal to act, or for any other reason, the vacancy shall be filled as follows:

A. If two years remain on the unexpired terms as of the first Monday in January next, and thirty days or more remain before the general election, or if such office shall be vacant by the first Monday of January next, due to a certified written resignation submitted when thirty days or more remain before the general election, then the vacancy for the unexpired term shall be filled under the provisions of Sections 20-4-9 and 20-4-11.5, Utah Code Annotated, except that the vacancy shall be filled in the interim period by appointment according to the provisions in subsection B of this section.

B. If such vacancy occurs when fewer than thirty days remain before the general election, then the vacancy shall be filled by the board by appointment from a list of at least six persons who have been endorsed in writing by the county central committee of the party to which the person belonged who occasioned the vacancy. Should the board fail to make the appointment within thirty days after the vacancy occurs, the clerk shall notify the Governor of the fact, and the Governor shall, within thirty days after the receipt of a notice, fill the vacancy by appointment from the aforementioned list. If at any time there shall not be a majority of the board remaining in office, the Governor shall appoint one or two commissioners, as the case may be, from the list or lists, until there shall be a majority, and the majority shall select the third commissioner as here-in provided. Appointees shall hold office for the unexpired term for which appointed, or until a successor is elected and has qualified. (Prior code § 1-2-3)

#### **2.04.040** Powers and duties.

The county commission shall be the legislative division of county government, and may supervise the official conduct of all county and department officers and officers of all precincts, districts and other subdivisions of the county (except municipal corporations), and shall see that they faithfully per-

RECORDED AS RECEIVED  
CO. RECORDER

2.04.040

form their duties; direct prosecutions for delinquencies; and, when necessary, require them to renew their official bond, make reports, and present their books and accounts for inspection. The commission shall have such other powers and duties as are prescribed by law. The commission's legislative authority includes the setting of a county budget and the levying of taxes, setting of fees and other raising of public revenues. (Ord. 1303 § 1, 1995; Ord. 1077 § 2, 1989; prior code § 1-2-4)

**2.04.050 Chairman—Quorum—  
Administration of oaths.**

County commissioners shall elect one of their members chairman to preside at all meetings of the board. In case of the chairman's absence or inability to act, the members present must, by an order entered in their minutes, select one of the members to act as chairman temporarily. Any member of the board may administer oaths to any person when necessary in the performance of his official duties. Not less than two members shall constitute a quorum for the transaction of business, and no act of the board shall be valid or binding unless two members concur therein. (Prior code § 1-2-8)

**2.04.060 Supervision of departments and  
boards.**

Each commissioner shall have the supervision of such departments and boards of county government as lend themselves to joint classification, and each department or board shall bear such title and designation as the board of county commissioners shall from time to time devise, provided that the title shall, as nearly as possible, represent the true nature of those functions performed by the officers and employees of such department or board. (Prior code § 1-2-5)

**2.04.070 Regular meetings.**

The board of county commissioners shall hold regular public meetings in the Commission Chambers in the Government Center Building, Salt Lake City, Utah, on Monday and Wednesday of each week at the hour of ten a.m., and on the first and

third Wednesday at eight-thirty a.m.. In case any of such days falls upon a holiday, such meeting shall be deemed adjourned until the next succeeding meeting date as aforesaid; provided, however, that the time of such meetings may be changed or altered to any other time on the same or another day or the board may determine to hold other regular monthly meetings by the vote of at least two members of the board, duly entered into the minutes of any preceding meeting thereof; and provided further, that any meeting of the board may be recessed, once convened, to any other time, place or day prior to the next succeeding regular meeting. Any regularly scheduled meeting may be cancelled in advance by a vote of any two members of the board taken at a duly convened regular meeting, in the event there will be no business to transact or when it is known in advance a quorum cannot be obtained. (Ord. 1303 § 2, 1995; Ord. 1292 § 1, 1995; Ord. 1173 § 2, 1992; Ord. 1155 § 1, 1991; Ord. 1077 § 3, 1989; Ord. 930 § 2, 1985; Ord. 732, 1980; prior code § 1-2-6)

**2.04.080 Special meetings.**

A. Special meetings may be called by any two commissioners or by the chairman upon a five-day notice to any absent commissioner, and upon entry into the minutes of the board of an order signed by the members or chairman calling such meeting; provided, that the requirement of a notice shall not be binding in any special meeting at which all of the members of the commission are present and effectively waive such requirement.

B. It shall be the duty of the county clerk, when given copies of such notices, to serve or cause the same to be served immediately.

C. The order must specify the business to be transacted at such special meeting, and none other than that specified shall be transacted thereat unless all members of the commission are present and consent thereto. (Prior code § 1-2-7)

**2.04.090 Appointment duties.**

Pursuant to and in accordance with all applicable

provisions of these ordinances and of the laws of the state, the appointment and reappointment of members of boards within the jurisdiction and under the appointment power of the board of county commissioners shall be as herein provided.

A. For boards whose members hold terms of three years or less, board members may be reappointed to a consecutive term on their respective boards with the consent of a majority of the board of county commissioners.

B. For boards whose members hold terms of longer than three years, no board member shall be reappointed to a consecutive term on the same board unless, for good cause shown and to prevent significant disruption of current board activities, the board of county commissioners unanimously approves such reappointment.

C. In no case shall any member of any board, regardless of the length of terms thereof, be reappointed to a consecutive term more than once.

D. The restrictions upon the reappointment of board members, as provided under this section, shall be limited to the extent that this section may be in direct conflict with federal or state law and where the appointment of board members is set out by or limited under the laws of the United States or the state of Utah. (Ord. 1009 § 1, 1987; Ord. 797, 1982: prior code § 1-2-10)

#### **2.04.100 Contract authorization.**

The commission shall make or authorize the making of all contracts to which the county may be a party, and no contract shall be entered into on behalf of or be binding on the county unless it is reduced to writing and approved by the commission, or expressly authorized by ordinance or resolution. (Prior code § 1-2-9)

#### **2.04.110 Allocation of percentage to visual arts in capital expenditure appropriations.**

The county commission shall have the power to direct that up to one percent of moneys appropriated for capital expenditures by county departments or agencies be used for the acquisition and installation

of works of visual art, including sculpture, painting, graphics, mosaics, photography, crafts, calligraphy, stained glass, mixed media or other art forms, whether permanent, temporary or portable. The commission may seek and act upon the recommendations of any extant or future advisory board created by the commission, or any citizen or citizen's group, in determining how best to expend said allocation. (Ord. 812, 1982: prior code § 1-2-11)

#### **2.04.130 Continuity of government and succession of elected officials in emergencies.**

A. The county shall provide for a continuity of government and a succession of elected offices in the event of a natural act or disaster and the unavailability of elected officials. Requirements for interim succession shall be consistent with the standards provided in Section 63-5B-401, Utah Code Annotated. By July 1st of each year, each elected office within the county shall designate three emergency interim successors in their order of succession. This list shall be provided to the board of county commissioners and the director of county emergency operations.

B. The governing body of the county, the board of county commissioners, may, upon the unavailability of two county commissioners, continue to perform and govern as provided by law with the remaining available county commissioner. Upon the unavailability of all three county commissioners, three designated interim successors, one designated by each county commissioner, shall continue to perform and govern as provided by law until one or more elected county commissioners becomes available. Executive functions of the governing body can be delegated in advance through departments and other elected offices.

C. The county shall provide, by formal policy and procedure, for implementation of this section and the further continuity of county government including an emergency operations plan and procedures.

D. All rules, orders, regulations, ordinances and resolutions promulgated subsequent to the declara-



**2.04.130**

tion of an emergency shall have the full force and effect of law during the emergency period and all actions of interim successors shall have the same effect under law as if performed by the officer.

E. The county governing body may provide for temporary emergency locations other than Salt Lake City for the seat of the government during a natural act of disaster. (Ord. 1195 § 1, 1992)

## Chapter 2.08

### ADMINISTRATIVE ORGANIZATION

#### Sections:

- 2.08.010** Purpose and applicability of provisions.
  - 2.08.020** Administrative classifications—  
Employment of administrative personnel.
  - 2.08.030** Ordinance required for certain changes.
  - 2.08.040** Policies and procedures defined.
  - 2.08.050** Commission-initiated, county-wide policies and procedures.
  - 2.08.060** Department-initiated policies and procedures.
  - 2.08.070** Departmental and divisional internal policies and procedures.
  - 2.08.080** Policies and procedures—  
Approval prior to adoption.
  - 2.08.090** Policies and procedures—  
Adoption.
  - 2.08.100** Policies and procedures—  
Recordkeeping and distribution.
  - 2.08.110** Conflict between county policies and state statutes.
  - 2.08.120** Discrimination prohibited.
- 2.08.010** Purpose and applicability of provisions.

It is the intent of the board of county commissioners to organize the executive department of county government in a manner designed to provide service delivery to the public in an efficient and coordinated manner. Certain of the divisions, boards and commissions described in this chapter have statutory duties and contractual prerogatives independent of authority delegated by the board of county commissioners, and it is not the intent of the board to preempt, abrogate or diminish such authori-

ty; neither are the functional descriptions meant to be exhaustive of the duties assigned and delegated to the respective organizational subdivisions. However, it is deemed necessary by the board of county commissioners to include all subdivisions of government within a single management structure for purposes of effective administration and coordination. Further, all county executive authority not expressly granted by law or interlocal agreement to other officers, boards or commissions is reserved to the board of county commissioners acting jointly, severally, or through its administrative designees, and the exercise of such authority is subject to the board's final approval and direction. (Prior code § 1-3-1)

- 2.08.020** Administrative classifications—  
Employment of administrative personnel.

Departments shall be major governmental units headed by directors, exempt from the merit system, who are appointed and discharged by a majority vote of the board of county commissioners. The offices and organizations of the county elected officials shall be denoted as "offices." Departments and offices shall be divided into functional service units denoted as "divisions." All subdivisions within a division shall be denoted as "sections." Division directors, office administrators and all other administrative personnel, unless otherwise provided by law and excepting those positions set out as merit-exempt in county personnel policies, shall be under the merit system. Directors of the major departments shall appoint division directors and administrators, subject to the approval of the board of county commissioners. (Ord. 1303 § 4, 1995; Ord. 1077 § 5, 1989; prior code § 1-3-2)

- 2.08.030** Ordinance required for certain changes.

A. Proposals for county ordinances may be submitted by the board of county commissioners, any elected officer, or any department director. A draft of the proposed ordinance should be prepared either by the entity making the proposal or by the county attorney's office. Draft ordinances should be in

2.08.030

standard legislative form, including a long title and enacting clause and setting out the matter to be deleted by brackets and interlineation and the matter to be added by underlining or by other appropriate designations.

B. A proposed ordinance which has been prepared in draft form may be forwarded to the county's steering council for initial review. After review, the proposed draft ordinance shall be forwarded, either with or without a favorable recommendation, to the county executive council.

C. The proposed draft ordinance shall be reviewed by the county executive council, after which that body shall forward the proposal, either with or without a favorable recommendation, to the board of county commissioners. Prior to submission to the board of county commissioners, any proposed draft ordinance must be reviewed and approved as to form and legality by the county attorney.

Referral to steering and executive councils is not mandatory for ordinance amendments to building, fire, highway and similar technical codes; zoning and subdivision ordinances; or street name changes and vacation.

D. Upon review, approval and adoption by the board of county commissioners, the proposed ordinance shall become legally effective upon being signed by the chairman, attested by the county clerk, and fifteen days after its adoption and upon at least one publication in a newspaper published and having general circulation in the county.

E. Ordinances which in the opinion of the board are necessary for the immediate preservation of the peace, health or safety of the county and the inhabitants thereof may, if so provided in the ordinance, take effective immediately upon publication in one issue of a newspaper published in and having general circulation in the county.

F. No department, division, office, board, commission, council or other subdivision of county government shall be established or realigned except by ordinance duly passed by the board of county commissioners. (Ord. 1195 § 2, 1992: prior code § 1-3-6)

**2.08.040 Policies and procedures defined.**

As used in this code, "policy and procedure" means a written statement formally adopted by the board of county commissioners providing for the internal governance and administration of county government. (Ord. 1077 § 6, 1989: prior code § 1-3-9(1))

**2.08.050 Commission-initiated, county-wide policies and procedures.**

A. Whenever a policy or procedure with county-wide impact or implications is suggested by a majority of the board of county commissioners in a regular commission meeting, the chairman shall verbally designate it a tentative policy decision and direct the clerk to record it as such.

B. The clerk will send a copy of the pertinent section of the meeting minutes to the county attorney's office or other appropriate county agency which will in turn adapt the suggested policy and procedure statement to the County Policies and Procedures Manual format.

C. Copies of the policy and procedures statement shall be sent to the steering council and then to the executive council for advisory comment.

D. Within thirty days of receipt, the executive council chairman shall place the policy and procedures statement, with the council's comments attached, on the agenda of a regular meeting of the board of county commissioners for formal consideration and adoption. (Ord. 1303 § 6, 1995: Ord. 1077 § 7, 1989: prior code § 1-3-9(2))

**2.08.060 Department-initiated policies and procedures.**

County-wide policies and procedures proposed by the board of county commissioners, elected officials or department or division directors will be sent to the steering council for advisory comment. Upon agreement and adaptation to the manual's format, the council chairman must refer them to the executive council for further discussion. When a majority of the board of county commissioners indicates its approval, the steering council chairman shall place the policy and procedure on the agenda of a regular

meeting of the board of county commissioners for formal consideration and adoption. (Ord. 1077 § 8, 1989: prior code § 1-3-9(3))

**2.08.070 Departmental and divisional internal policies and procedures.**

The operating departments, sections and divisions of county government shall prepare such written policies and procedures and standard operating manuals as may be useful for their internal administration, utilizing a standard format.

A. All matters which regard major operations and procedures, relations with other divisions or departments, employee rights and benefits, cash handling or significant contact with the public, shall be adopted in the form of policies and procedures which must be approved by the board of county commissioners and may not be in conflict with county-wide policy. Offices are encouraged to adopt written policies and procedures.

B. Departments, offices, divisions and sections of county government are encouraged to adopt a class of county policy or regulation, to be known as a standard operating manual, regarding activities and operations which are of a character which does not arise to the level of a formal policy and procedure. Such manuals shall refer to and provide guidance to county employees regarding day-to-day operations, safety concerns, the operation of equipment, vehicles and devices, approved methods for accomplishing tasks, operations and work assignments, and similar matters. Subjects regarding major operations and procedures, relations with other divisions or departments, employee rights or benefits, cash handling, or significant contact with the public, may not be encompassed in a standard operating manual, but must be covered by formally approved and adopted policies and procedures. Standard operating manuals shall be kept current and shall be made readily available to all employees and supervisors affected thereby. Standard operating manuals must conform to applicable laws, ordinances and policies, and the provisions of a law, ordinance or policy will prevail over a conflicting provision in a standard operating manual. Manuals need not be submitted to the steer-

ing council nor be approved by the board of county commissioners. County employees may be liable for disciplinary action for failure to follow or abide by the provisions of a standard operating manual. (Ord. 1109 § 2, 1990: Ord. 1077 § 9, 1989: prior code § 1-3-9(4))

**2.08.080 Policies and procedures— Approval prior to adoption.**

Prior to adoption by the board of county commissioners, all changes in policy and procedure must be approved as to form by the county attorney's office. (Prior code § 1-3-9(6))

**2.08.090 Policies and procedures— Adoption.**

All county-wide policies and procedures adopted by the board of county commissioners must bear the signatures of the commission chairman and clerk, and must be stamped by the office of the county attorney as having been approved for legal conformance. (Prior code § 1-3-9(7))

**2.08.100 Policies and procedures— Recordkeeping and distribution.**

It shall be the responsibility of the associate director of the department of community and support services to keep a current record of all commission-approved policies and procedures and to distribute newly adopted policies and procedures to all departments, divisions and offices. (Ord. 1303 § 7, 1995: Ord. 1077 § 10, 1989: prior code § 1-3-9(5))

**2.08.110 Conflict between county policies and state statutes.**

Whenever a policy and procedure is in conflict with a state statute or an ordinance of the county, the statute supersedes the ordinance and the policy and procedure. An ordinance supersedes a policy and procedure. (Prior code § 1-3-9(8))

**2.08.120 Discrimination prohibited.**

Discrimination in Salt Lake County government

2.08.120

services based on age, marital status, color, national origin, sex, sexual orientation, race or religion is prohibited. Individuals shall be assured of equal access, opportunity and protection in all areas of Salt Lake County government services. This section is not intended to expand the services of county government beyond those required by state or federal law. (Ord. 1315 § 1, 1995; Ord. 1212 § 2, 1992)



**Chapter 2.12**

**COUNTY OFFICERS AND EMPLOYEES**

**Sections:**

- 2.12.010 Applicability of chapter provisions.
- 2.12.020 Eligibility of appointees.
- 2.12.030 Elective officers—Term of office—Vacancies.
- 2.12.040 Oath of office.
- 2.12.050 Bonds.
- 2.12.060 Assignment of duties.
- 2.12.070 Power to appoint deputies and assistants.
- 2.12.080 Salaries.
- 2.12.090 Recordkeeping.
- 2.12.100 Inspections and enforcement.
- 2.12.110 Absences.
- 2.12.120 Disablement—Compensation restrictions—Appointment of successor.
- 2.12.130 Termination of office.
- 2.12.140 Interfering with officers or employees prohibited.
- 2.12.150 Impersonation of officers or employees prohibited.
- 2.12.160 Office of district attorney.

**2.12.010 Applicability of chapter provisions.**

The provisions of this chapter shall apply alike to all elected and appointed officers or employees of the county, regardless of the time of the creation of the office or of the time of the appointment of the officer. (Prior code § 1-4-1)

**2.12.020 Eligibility of appointees.**

No person is eligible for a county, district or precinct office who, at the time of his election or appointment to an elective office, is not an elector of that county, district or precinct; however, the provisions of the Utah Code shall apply to the appointment of the county attorney or the district attorney. (Ord. 1238 § 1, 1993; Ord. 1077 § 11, 1989; prior code § 1-4-2)

**2.12.030 Elective officers—Term of office—Vacancies.**

All elective county and precinct officers, except as otherwise provided, shall be elected at the general election held every four years, and shall hold office for the term for which elected, beginning at noon on the first Monday in January following their election and until their respective successors are elected or appointed and qualified. Every appointive officer or employee of the county shall hold office for a term of one year or until his successor is appointed and qualified unless it is otherwise provided by law. (Prior code § 1-4-3)

**2.12.040 Oath of office.**

Every officer of the county shall, before entering upon his duties, take the oath prescribed by law. (Prior code § 1-4-8)

**2.12.050 Bonds.**

A. Every county, precinct and district officer herein specifically mentioned shall, before entering upon the discharge of his respective office, execute, as required by law, official bonds running to the county. The bonds are to be in the following amounts and for the purpose of conditioning the faithful performance of all duties imposed by this code.

County assessor	.....	\$150,000.00
County attorney	.....	25,000.00
County auditor	.....	40,000.00
County clerk	.....	25,000.00
County commissioners	.....	40,000.00
County recorder	.....	40,000.00
County sheriff	.....	40,000.00
County surveyor	.....	25,000.00
County treasurer	.....	As prescribed by State Money Management Council
Constable	.....	3,000.00
District attorney	.....	25,000.00
Justice of the peace	.....	5,000.00

B. The amounts in the preceding subsection are for corporate surety bonds. If bonds with personal surety are furnished, the amount is fixed at fifty percent higher than the amounts in subsection A of this section.

2.12.050

C. If corporate surety bonds are furnished in the amounts and for the sums hereinbefore set forth and are approved by the risk manager and the board of county commissioners, the county shall pay the premiums of the bonds for elected officials. Appointed constables shall pay for their own bonds. The bonds of county commissioners shall be approved by a district judge of the county. After such approval, the premiums on the bonds of county commissioners shall also be paid by the county. (Ord. 1238 § 2, 1993; Ord. 1173 § 1, 1992; 1986 Recodification; prior code § 1-4-9)

**2.12.060 Assignment of duties.**

The board of county commissioners shall have the power to assign to any appointive officer any duty that is not assigned by ordinance or statute to some other specific officer, and shall determine disputes or questions relating to the respective powers or duties of such officers. (Prior code § 1-4-5)

**2.12.070 Power to appoint deputies and assistants.**

Every county, precinct or district officer, except a county commissioner or a judicial officer may, with the consent of the board of county commissioners, appoint as many deputies and assistants as may be necessary for the prompt and faithful discharge of the duties of his office. The appointment of a deputy must be made in writing and filed in the office of the county clerk. Until such appointment is so made and filed and until such deputy shall have taken the oath of office, no one shall be or act as deputy. Any officer appointing any deputy shall be liable for all official acts of that deputy. (Ord. 1077 § 12, 1989; prior code § 1-4-4)

**2.12.080 Salaries.**

All elected officers of the county herein designated shall receive such salaries as are fixed by the board of county commissioners as provided by Title 17, Chapter 16, Section 14 of the Utah Code Annotated (1953). (Ord. 1077 § 13, 1989; prior code § 1-4-12)

**2.12.090 Recordkeeping.**

All records kept by any officer of the county shall be open to inspection by any member of the board of county commissioners at all reasonable times, whether or not such records are required to be kept by statute or ordinance. (Prior code § 1-4-6)

**2.12.100 Inspections and enforcement.**

Any officer or employee of the county who is authorized to enforce ordinances may make such inspections as are necessary to ensure their enforcement. Whenever an officer or employee shall have reason to believe that there exists on any premises within the county's jurisdiction any health or fire hazard, or a structural or electrical defect likely to result in injury to person or property, he shall ask permission of the occupant, owner or custodian thereof to inspect the same. In the event that such permission is refused, the officer or employee must follow the procedure outlined in Sections 77-23-1 through 77-23-11 of the Utah Code Annotated (1953) (Supp. 1980), in order to make an inspection. (Prior code § 1-4-17)

**2.12.110 Absences.**

No officer of the county shall absent himself from the county for a period of more than thirty consecutive days without the consent of the board of county commissioners. (Prior code § 1-4-10)

**2.12.120 Disablement—Compensation restrictions—Appointment of successor.**

It is unlawful for any officer of the county, whether elected or appointed, to draw pay for periods of sickness or disablement in excess of that provided under the sick leave provisions of this code. When, in the opinion of the board of county commissioners, any officer of the county shall be so disabled as to be unable to properly perform the duties and functions of his office, the board shall appoint a successor for the remainder of the officer's term. (Prior code § 1-4-11)

**2.12.130 Termination of office.**

Every officer and employee of the county, upon the expiration of his term for any cause whatsoever, shall deliver to his successor all books and records that may be the property of the county; and if no successor has been appointed within one week after the termination of office, such property shall be delivered either to the county clerk or to the county treasurer. Every officer is charged with the responsibility of completing all business of his office prior to the expiration of the official term. Should unfinished work remain for which the outgoing officer has received compensation, he shall be liable to pay his successor the full value of any services performed by such successor. (Prior code § 1-4-14)

**2.12.140 Interfering with officers or employees prohibited.**

It is unlawful to interfere with or hinder any officer or employee of the county while the officer or employee is engaged in the duties of his office or employment. (Prior code § 1-4-16)

**2.12.150 Impersonation of officers or employees prohibited.**

It is unlawful for any person to impersonate any county officer or employee, without lawful authority to do so. (Prior code § 1-4-15)

**2.12.160 Office of district attorney.**

A. There is created a state prosecution district for the county of Salt Lake, third judicial district, state of Utah, and the office of district attorney of that prosecution district, as provided in Section 17-18-1.9, and Section 17-16-2.5, Utah Code Annotated (1993), county option prosecution districts, H.B. 49, 1993 Legislative General Session (hereinafter "The Act"). The creation of the prosecution district and office of district attorney shall be effective at twelve noon, Monday, January 2, 1995.

**B. The Office of District Attorney.**

1. The district attorney for Salt Lake County shall be considered an officer of the county, as provided in the Act.

2. The qualifications, election and term of office of the district attorney shall be as provided in the Act.

3. The district attorney shall act as full-time public prosecutor in the county and shall perform the functions, exercise the powers, and be subject to the duties and responsibilities set out in the Act.

**C. The Office of County Attorney.**

1. The Salt Lake County attorney shall be considered an officer of the county, as provided in law.

2. The qualifications, election, and term of office of the county attorney shall be as provided in law.

3. The county attorney shall act as a public prosecutor only for the prosecution of county ordinances and shall provide civil legal representation to the county. The county attorney shall perform the functions, exercise the powers, and be subject to the duties and responsibilities set out in law and in the Act. (Ord. 1238 § 3, 1993)



2.15.010

**Chapter 2.15**

**DEPARTMENT OF COMMUNITY AND  
SUPPORT SERVICES**

**Sections:**

- 2.15.010**     **Established—Duties.**
- 2.15.020**     **Associate director—  
Responsibilities.**
- 2.15.030**     **Divisions established—  
Authority and responsibilities.**

**2.15.010**     **Established—Duties.**

There is established within the county government a department of community and support services that shall be administered by a director having the following duties:

- A. Establishes policies and procedures for the operation of the department and divisions within the department, subject to the review and approval of the board of county commissioners; monitors and evaluates division performance; represents the department's divisions as necessary; sits as a member of the steering and chairman of executive councils;
- B. Coordinates personnel, planning, budgeting, contracting, fiscal management and service delivery for the divisions within the department, and makes recommendations to the board of county commissioners concerning these matters;
- C. Reports directly to the board of county commissioners as a whole through the chairman of the board, which board shall establish written performance standards regarding the performance of his or her job duties, which shall be evaluated annually or more frequently as directed by the board;
- D. Supervises the coordination of archives/records management, including compliance with the Governmental Records Access and Management Act (UCA 63-2-101 et seq.);
- E. Manages such contracts as is deemed appropriate by the board of county commissioners;
- F. Volunteer program coordination;

G. Other assignments as directed by the board of county commissioners. (Ord. 1303 § 9, 1995; Ord. 1195 § 4 (part), 1992)

**2.15.020**     **Associate director—  
Responsibilities.**

The department of community and support services shall include the position of associate director, who shall be responsible for overseeing the services performed by the central administrative office and internal service divisions of the county, shall serve as acting director of the community and support services department in the absence of the director, shall serve at the direction of the department director and county commission on various boards and committees, and shall perform other duties as assigned by the director and the board of county commissioners.

- A. Under the direction of the chairman of the board of county commissioners acts in the capacity of staff for the board of county commissioners, performing duties as assigned by the board of county commissioners. Attends county commission meetings to receive assignments, provide information, and to coordinate administrative functions.
- B. Acts as staff coordinator for commission staff meetings. Provides information to and advises the county commission on policy issues, budgetary matters and operations of county government.
- C. Assists the board of county commissioners in the development of county-wide policies and goals. Acts as chairman of the steering or executive committees as assigned.
- D. Under the direction of the board of county commissioners and in coordination with the county auditor's offices, acts as facilitator for the county budget meetings. Coordinates with and provides information to independent elected officials and their offices, where necessary or requested, regarding budgetary matters.
- E. Oversees, coordinates, maintains and distributes county-wide policies and procedures and county-wide manuals, records and other materials.
- F. Prepares and manages the budget of the office of the county commission including the components

of the statutory and general budget as assigned. (Ord. 1303 § 10, 1995; Ord. 1195 § 4 (part), 1992)

**2.15.030 Divisions established—Authority and responsibilities.**

The department of community and support services shall be comprised of the following divisions that shall perform the services set forth in this chapter; provided, however, that each division shall be responsible for planning, managing, budgeting and evaluating of service programs and delivery systems and for the contracts attendant thereto under the administrative direction of the department director. The degree of administrative direction exercised shall be in accord with any independent authority delegated to the respective divisions and their boards or commissions by statutory law, ordinance or contract.

**A. Contracts and Procurement.**

1. Unless otherwise provided by Chapters 3.16 through 3.36 of this code, as amended, or by state statute, this division is responsible for the acquisition of goods and services required by the county; for the negotiation of contracts, whether purchase orders or bilateral contracts, for the acquisition of such goods and services; for the storage and retention of such contracts and related documents; for the monitoring, in conjunction with contracting county departments, divisions and offices, of such contracts to ensure compliance and performance; and for the disposal of surplus county property.

2. The director of the division of contracts and procurement shall serve as the county purchasing agent, with such authority and responsibility as set forth in Sections 17-5-73, 17-5-74 and 17-5-75, Utah Code Annotated (1953, as amended) and as delegated by the board of county commissioners by ordinances heretofore adopted or as may be hereafter adopted. Additionally, the director shall be jointly responsible, with the departmental directors, for ensuring that contracts contain the most favorable terms reasonably possible for the county, are administratively practical and workable, and are monitored to ensure compliance and performance. The director shall forward all contracts requiring execution of the

board of county commissioners to the board together with any recommendations and concerns regarding the contracts.

3. The responsibilities of the division shall also include:

a. **Purchasing.** This section is responsible for purchasing goods and services for all departments and offices by means of competitive bidding or negotiation, as set forth in Chapters 3.16 through 3.36 of this code;

b. **Consultant Selection.** This section is responsible for the acquisition of consultive services for all departments and offices as set forth in Chapters 3.24 of this code;

c. **Contracts/Grants Management.** This section is responsible for acting as a repository and clearinghouse for all county contracts and agreements. It is responsible for contract negotiations, compliance and coordination, except as otherwise designated by the board of county commissioners;

d. **Printing.** This section is responsible for printing and preparing documents for the departments and divisions of the county;

e. **Real Estate.** This section is responsible for the sale, purchase or lease of real property;

f. **Disposal of Surplus Personal Property.** This section is responsible for disposal of surplus property according to Chapter 3.36 of this code and county-wide policy and procedures;

**B. Facilities Management.**

1. This division is responsible for security, maintenance, operations and repair of the Salt Lake County Government Center structures and grounds and all other facilities designated by the board of county commissioners. Also, this division is responsible for the development, coordination and implementation of the county telecommunications system.

2. The division shall develop and maintain a five-year capital improvements and maintenance plan for all county-owned and leased facilities, excluding flood-control and highway projects administered by the public works department. The division shall prepare and manage the annual capital improvement and capital maintenance budget for the general fund and municipal services fund.

3. The division shall provide architecture and construction support to capital improvements projects, capital maintenance projects, and any other construction involving county owned or leased properties. These functions include the architectural aspects of design, cost estimates, preparation of plans and specifications, supervision of private construction contractors, and the certification that all construction complies to building and safety codes as required by the local government having jurisdiction over the property. All construction managed by division personnel shall conform to the provisions of the county purchasing ordinance.

4. When architectural work is competitively placed by contract with licensed professionals or firms, the division is responsible for reviewing and approving the architectural aspects of project programming, cost estimates, plans and specifications, change orders, progress reports, payment requests, and for inspecting and approving architectural work in progress.

5. The director of the architectural section shall be a registered professional architect licensed in Utah. The division director shall serve as the chair of the capital construction committee.

C. Information Services. This division is responsible for providing data processing and computing services to all elected offices, departments, divisions, commissions and boards of the county. The division may provide similar services to non-county entities by contract.

D. Personnel. This division is responsible for recruitment, testing, classification and certification of personnel in conformance with applicable statutory merit systems. The division is also responsible for personnel record retention, employee benefits, equal employment opportunity, and coordination of the Americans with Disabilities Act for the county. The division of personnel shall be considered the office of personnel management for the county and its director shall be considered the director of the office of personnel management pursuant to the duties and authority granted in the County Personnel Management Act, Section 17-33-1, et seq., Utah Code Annotated (1953, as amended).

E. Salt Palace. This division is responsible for oversight and administration of the Salt Palace. Actual day-to-day management of the Salt Palace is pursuant to contract.

F. Fine Arts. This division is responsible for the administration, operation, maintenance and security of Capitol Theatre, Abravanel Hall, the Arts Center, and other fine arts facilities.

G. Planetarium. This division is responsible for the administration, operation, maintenance and security of Hansen Planetarium.

H. Parks and Recreation. This division is responsible for the administration, operation and maintenance of facilities and for the development and coordination of recreational, child care and other related social programs. (Ord. 1303 § 11, 1995; Ord. 1195 § 4 (part), 1992)

## Chapter 2.20

### DEPARTMENT OF HUMAN SERVICES

#### Sections:

- 2.20.010**      **Established—Director's powers and duties.**
- 2.20.020**      **Office of administration.**
- 2.20.030**      **Divisions designated.**

#### **2.20.010**      **Established—Director's powers and duties.**

There is hereby established within the county government a department of human services that shall be administered by a director having the following duties:

A. Establishes policies and procedures for the operation of the department and divisions within the department, subject to the review and approval of the board of county commissioners; monitors and evaluates division performance; represents the department's divisions as necessary; sits as a member of the steering and executive councils;

B. Coordinates personnel, planning, budgeting, contracting, fiscal management and service delivery for the divisions within the department and for other agencies providing human services in the county, and makes recommendations to the board of county commissioners concerning these matters;

C. Represents the local mental health authority in the selection, delivery and monitoring of public mental health services;

D. Management of such contracts as is deemed appropriate by the board of county commissioners. (Ord. 1195 § 9, 1992; Ord. 1149 § 2, 1991; Ord. 1077 § 18, 1989; prior code § 1-3-4(1))

#### **2.20.020**      **Office of administration.**

A. The department of human services shall include the position of associate director, who shall be responsible for overseeing the services performed by the central administrative office, shall serve as acting director of the human services department in the absence of the director, shall serve at the direction of the department director on various boards and

committees, and shall perform other duties as assigned by the director;

B. There is established within the department of human services an office of administration that will consist of the director's staff. The office is responsible for assisting the director in performing the duties delegated in Section 2.20.010 of this chapter. (Ord. 1195 § 10, 1992; prior code § 1-3-4(2))

#### **2.20.030**      **Divisions designated.**

The department of human services shall be comprised of the following divisions that shall perform the services herein set forth. However, each division shall be responsible for planning, managing, budgeting and evaluating its service programs and delivery systems, and for the contracts attendant thereto under the administrative direction of the director of human services. The degree of administrative direction exercised shall be in accord with any independent authority delegated to the respective divisions and their boards or commissions by statutory law, ordinance or contract.

A. Aging Services. This division is responsible for helping elderly Salt Lake County residents remain independent and in the home by providing transportation, nutrition, education, social, health, advocacy and volunteer services and opportunities.

B. Substance Abuse Services. This division is responsible for the administration of a full continuum of substance abuse prevention, intervention, treatment and aftercare services. Representing the local authority, the division provides comprehensive needs assessment and planning, coordination of services, information dissemination, and funding advocacy.

C. Animal Services. This division is responsible for the enforcement of animal ordinances; sheltering and placement of stray domestic pets and livestock; and dissemination of information on animals and animal care.

D. Criminal Justice Services. This division consists of pretrial services and the alcohol counseling and education center. Pretrial services provides an alternative to pretrial detention by supervising pretrial defendants and referring them to various counsel-

2.20.030

ing or treatment agencies. The alcohol counseling and education center offers substance abuse counseling and education services to the criminal justice client including presentence and probation services.

E. Health Services. This division is responsible for educational, treatment and enforcement programs designed to protect public health and preserve the environment.

F. Library Services. This division is responsible for the administration, operation and maintenance of the county's library system.

G. Youth Services. This division is responsible for the administration and operation of children and youth services including diversion, prevention services and crisis support facilities and programs.

H. Economic Development and Job Training. This division is responsible for administering federally funded capital improvement programs, serving as a planning and coordinating and fund allocation agency, as provided by the community development block grant agreements between the county and HUD. This division is further responsible for administering federally funded employment and training programs at the community level to enhance employment opportunities and economic self sufficiency. The division, pursuant to agreement, may also administer similar programs for other entities.

I. Extension Services. This division is a joint endeavor of the county and the Utah State University at Logan operating pursuant to statute and agreement. The division is responsible for agricultural development, home economics, 4-H clubs, community improvement and other related community services, educational and training programs. (Ord. 1303 § 13, 1995; Ord. 1195 § 11, 1992; Ord. 1149 § 3, 1991; prior code § 1-3-4(3))

## Chapter 2.24

## DEPARTMENT OF PUBLIC WORKS

## Sections:

- 2.24.010 Established—Director's duties.
- 2.24.020 Public works engineer.
- 2.24.030 Associate director—Responsibilities.
- 2.24.040 Divisions of the department designated.

**2.24.010 Established—Director's duties.**

There is hereby established within the county government a department of public works that shall be administered by a director having the following duties:

A. Establishes policies and procedures for the operation of the department and divisions within the department, subject to the review and approval of the board of county commissioners; monitors and evaluates division performance; represents the department's divisions as necessary; sits as a member of the steering and executive councils;

B. Coordinates personnel, planning, budgeting, contracting, fiscal management, and service delivery, including maintenance, repair and replacement of all vehicles, equipment and facilities assigned to the divisions within the department, and makes recommendations to the board of county commissioners concerning these matters;

C. Management of such contracts as is deemed appropriate by the board of county commissioners. (Ord. 1195 § 1, 1992: prior code § 1-3-5(1)(a) — (c))

**2.24.020 Public works engineer.**

The director of public works shall designate, subject to the approval of the board of county commissioners, a public works engineer. (Ord. 1026 § 2, 1988: prior code § 1-3-5(1)(d))

**2.24.030 Associate director—Responsibilities.**

The department of public works shall include the position of associate director, who shall serve as acting director of the public works department in the absence of the director. The associate director shall perform such duties as are assigned by the director. (Ord. 1077 § 19, 1989: Ord. 1026 § 3, 1988: Ord. 872 (part), 1983: prior code § 1-3-5(2))

**2.24.040 Divisions of the department designated.**

The department of public works shall be comprised of the following divisions that shall perform the services herein set forth; provided, however, each division shall be responsible for planning, managing, budgeting and evaluating its service programs and delivery systems and for the contracts attendant thereto under the administrative direction of the director of public works. The degree of administrative direction exercised shall be in accord with any independent authority delegated to the respective divisions and their boards or commissions by statutory law, ordinance, or contract.

A. Administration. This division constitutes the staff of the director and is responsible for assisting the director in performing the duties delegated in Sections 2.24.010 and 2.24.020. This division is also responsible for development and maintenance of department policy and procedures and provides accounting, budget development and analysis, personnel, purchasing and cash management support for all divisions in the department. The division is further responsible for the security of the department's facilities and vehicles through the investigation of complaints, accidents, and administration of the department's safety program and communications system.

B. Fire. This division is responsible for fire prevention, control and enforcement. It is also responsible for providing emergency paramedic services and emergency services to the public in both incorporated and unincorporated areas of the county, including emergency services relating to natural disasters and emergency preparedness, mitigation,

and response. It is also responsible for operating the 911 emergency system and for participating in the county risk management program.

C. **Flood Control.** This division is responsible for the planning, engineering, construction, maintenance, operations and regulation of flood-control facilities in both the incorporated and unincorporated areas of the county.

D. **Highways.**

1. This division is responsible for the construction, testing, maintenance, inspection and materials production of county roads and highways. The division implements control measures for noxious weeds and rodents.

2. This division is responsible for the design of county roads, bridges and related projects and systems, as defined by the Highway Division Transportation Plan. When engineering work is competitively placed by contract with licensed professionals or construction firms, the division is responsible for reviewing and approving the engineering aspects of project programming, cost estimates, plans and specifications, change orders, progress reports, and payment requests.

3. This division is also responsible for the development of the County Transportation Improvement Plan, and the identification, manufacture, installation, and maintenance of traffic-control devices. It is further responsible for the maintenance and repair of street lights, performing this service for the Salt Lake County Municipal-Type Services District.

E. **Planning.** This division is responsible for developing short and long range master plans to accommodate physical growth in the unincorporated area; preparing studies and reports on a broad range of problems and issues related to urban growth; administering the redevelopment agency; recommending, preparing and processing amendments to the zoning ordinance text; participating in the preparation of the economic development plan; and making recommendations to the planning commission and the county commission on zoning map amendments, conditional use applications, and subdivision applications as they relate to the master plan. The

division performs these services for the Salt Lake County Municipal-Type Services District.

F. **Sanitation.** This division is responsible for the collection of refuse in the unincorporated area of the county, and performs this function by contractual arrangement with the Salt Lake County Special Service District No. 1.

G. **Development Services.** This division shall be responsible for reviewing, recommending and processing zoning map, conditional use, subdivision and board of adjustment applications. It shall also be responsible for the various aspects of development, including the review and conformance of subdivision design and construction, administration of bonding and fee requirements, supervision of engineering surveys, and flood-control drainage plan review for new development; building inspection functions including the issuance of building permits, inspection of construction for compliance with building codes, and enforcement of building code requirements; providing land use information and inspection services to the public, relating to development process, property address assignment, field inspection for compliance with off-site improvement requirements and the zoning ordinance; and business license issuance and regulation.

H. **Solid Waste Disposal.** This division plans, operates and manages the county's solid waste disposal site, as provided for by interlocal agreement with Salt Lake City. The director of this division also serves as executive secretary to the Salt Lake City/County solid waste advisory committee.

I. **Fleet Management.** This division is responsible for the acquisition, maintenance and replacement of all county motor vehicles, and for the operation of the county motor pool function and related facilities. (Ord. 1210 § 2, 1992; Ord. 1167 § 2, 1991; Ord. 1026 §§ 4 — 6, 1988; Ord. 1007 § 3, 1987; Ord. 946 §§ 2 and 3, 1985; Ord. 927 § 2 (part), 1985; Ord. 872 (part), 1983; prior code § 1-3-5(3))

## Chapter 2.28

## FIRE DEPARTMENT

## Sections:

- 2.28.010 Organization.
- 2.28.020 Powers and duties.
- 2.28.030 Fire chief—Powers and duties.
- 2.28.040 Fire chief—Appointment and removal authority.
- 2.28.050 Qualifications for department membership.
- 2.28.060 Firefighters—Assignments.
- 2.28.070 Hours of work.
- 2.28.080 Firefighters—In-grade promotions.
- 2.28.090 Suspension conditions.
- 2.28.100 Fire chief—Removal conditions.
- 2.28.110 Firemen's Civil Service Commission.
- 2.28.120 Emergency medical care and transportation.

**2.28.010 Organization.**

The Salt Lake County fire department is a division of the public works department and shall be composed of one chief and of such other officers and firefighters as shall from time to time be designated and appointed in accordance with the statutes of the state, and at such compensation as shall be determined by the board of county commissioners. (Prior code § 6-1-1)

**2.28.020 Powers and duties.**

It shall be the function and duty of all officers of the fire department and of the sheriff and his deputies to see that the provisions of this chapter and Chapters 9.76, 9.80 and 9.84 are enforced, including those covering the prevention of fires, the storage and use of explosives and flammables, the regulation and use of pyrotechnics, the installation and maintenance of fire extinguishing equipment, the designation and maintenance of fire lanes, the maintenance of fire escapes, the maintenance of protection and the

elimination of hazards in buildings and structures (including those under construction) in case of fire, the means and adequacy of exit from and fire lanes to factories, schools, hotels, lodgings, hospitals, churches, halls, theaters, restaurants, shopping centers, malls, and all other places in which numbers of persons work, live, or congregate from time to time for any purpose. They shall have the powers to perform such other duties as are set forth in this chapter, Chapters 9.76, 9.80 and 9.84 and other titles and as may be conferred and imposed from time to time by ordinance. It shall be the duty of such officers to arrest on view any person found violating any of the provisions of this chapter and Chapters 9.76, 9.80 and 9.84, or who shall hinder, resist or refuse to obey such officers in the discharge of their duty. (Prior code § 6-1-2)

**2.28.030 Fire chief—Powers and duties.**

A. The fire chief shall have control, subject to the directions of the board of county commissioners, of the fire department and of all fire department apparatus belonging to the county; whenever any fire apparatus needs repairing, the chief shall cause the same to be done without delay.

B. In case of fire, the fire chief or his next in command shall have full powers of supervision over all members of the fire department attending the fire and the right to stop or divert all traffic on any highway or road and to keep persons at a safe distance from the premises that are on fire, and to do all things necessary for the safety of the public or property.

C. The fire department shall consist of so many members as may be decided upon by the board of county commissioners. The fire department may, under the direction of the chief, have any organization approved by the board, and may hold meetings and engage in social activities with the board's approval. No officer within the department shall be elected or appointed without the approval of the board of county commissioners.



D. It shall be the duty of the fire chief to inspect or cause to be inspected by members of the fire department, as often as may be necessary, all buildings and premises within his jurisdiction, except private dwellings, for the purpose of ascertaining and causing to be corrected any conditions likely to cause fire or unreasonably to delay access to the premises by the fire department in responding to a fire alarm, or any violation of the provisions or intent of any ordinance of the county affecting a fire hazard.

E. It shall be the duty of the fire chief to inspect or cause to be inspected as often as necessary, all especially hazardous manufacturing processes, storages or installations of gases, chemicals, oils, explosives, flammable materials, and such other hazards or appliances as the fire chief shall designate, and to issue such orders as may be necessary for the enforcement of the laws and ordinances governing the same and for the safeguarding of life and property from fire.

F. The fire chief shall inspect or cause to be inspected each business establishment, school, hotel, apartment house, boarding and rooming house, convalescent home, and place of public assembly, and shall designate suitable and reasonable fire prevention appliances in or near boilers, storage rooms containing considerable combustible material, rooms in which hazardous manufacturing processes are involved, garage sections, and other places of generally hazardous nature.

G. It shall be the duty of the fire chief to inspect or cause to be inspected each place of public assembly at such time, including time of occupancy and use, as to insure compliance with all laws, regulations and orders dealing with overcrowding, use of decorations, and maintenance of fire-extinguishing appliances. Where conditions are found to be unsatisfactory, orders for immediate correction shall be given.

H. Before a license may be issued, the fire chief or his assistants shall inspect and approve the receptacles, vehicles, buildings or storage

places to be used at the premises for which application has been made through the county license official.

I. It shall be the duty of the fire chief to promulgate written standards, rules and regulations relative to the installation and placement of fire hydrants and other firefighting facilities in subdivisions for which approval and acceptance is requested, and in connection with buildings and improvements for which building permits are or will be required. At least three copies of the standards, rules and regulations shall be maintained for the use of the public in the office of the planning director and in the building inspection department, and an additional three copies in the office of the fire chief.

J. Whenever necessary in his judgment for the safety of persons or property in the event of a fire, and with reasonable regard for requirements of transportation, traffic and commerce, it shall be the duty of the fire chief to designate fire lanes along which the personnel and equipment of the fire department shall have unimpaired and ready access to any premises, buildings or structures, public or private, in which numbers of persons work, live or congregate, including, but not limited to, factories, schools, hotels, hospitals, churches, theaters, restaurants, shopping centers and malls. Notice shall be given to persons in possession or control of such premises, buildings or structures, and shall include a requirement that reasonable signs, notices, warnings, markings or other means be established and maintained to mark the designated fire lanes for the information and guidance of persons using such premises, buildings or structures. After such signs or markings are in place, any person who stops, stands or parks a vehicle in a designated fire lane, except when necessary to avoid conflict with other traffic, or under the direction of a law enforcement or fire department officer or traffic-control device, is guilty of a misdemeanor and is punishable as set forth in Chapter 1.12 of this code. (1986 Recodification; prior code § 6-1-3)

**2.28.040 Fire chief—Appointment and removal authority.**

A. The chief of the fire department shall, by and with the consent of the board of county commissioners, and subject to the rules and regulations of the civil service commission, appoint from the classified civil service list furnished by the civil service commission all subordinate officers and employees in the fire department.

B. All subordinate officers and employees in the fire department shall be subject to removal from office or employment by the chief of the fire department for misconduct, incompetency, failure to perform their duties, or for failure to observe and obey county ordinances, the rules and regulations of the civil service commission, or the rules of the chief of the department, subject, however, to appeal by the aggrieved party to the civil service commission. Any person discharged may, within ten days of the order discharging him, appeal to the civil service commission, which commission shall hear and determine the matter. The discharged person shall be entitled to appear in person and have counsel and a public hearing. The findings and decisions of the civil service commission upon such hearing shall be certified to the chief of the fire department, and shall be enforced and followed by him. (Prior code § 6-1-4)

**2.28.050 Qualifications for department membership.**

Every person appointed a member of the fire department must possess such qualifications and pass such examination as may be required by the rules and regulations of the civil service commission. (Prior code § 6-1-5)

**2.28.060 Firefighters—Assignments.**

The chief of the fire department may make such assignments as in his judgment the good of the service requires and may change such assignments from time to time whenever in his judgment such changes are required. (Prior code § 6-1-7)

**2.28.070 Hours of work.**

Members of the county fire department regularly assigned to duty on the combat division shall not be required to work more than an average of fifty-six hours in any one week; provided, however, that members when off duty will be subject to call at any time in cases of emergency. The method of working such hours shall be designated by the chief of the department subject to approval by the board of county commissioners. (Prior code § 6-1-10)

**2.28.080 Firefighters—In-grade promotions.**

Appointees shall serve as probationers a minimum of six months. After meeting firefighter certification requirements, appointees may be appointed Firefighter I. Upon serving one year as Firefighter I and after meeting certification requirements, a firefighter may be appointed Firefighter II. Upon serving one year as Firefighter II and after meeting certification requirements, a firefighter may be appointed Firefighter III. All in-grade promotions shall be contingent upon full compliance with the rules and regulations of the fire civil service commission and fire department regulations. (Prior code § 6-1-6)

**2.28.090 Suspension conditions.**

The chief of the fire department may at any time suspend any subordinate officer, employee or agent employed therein when, in his judgment, the good of the service demands such suspension. The suspension shall be for a period not exceeding fifteen days. During the time of the suspension, the person or persons so suspended shall not be entitled to any salary or compensation whatsoever. Any suspension may be appealed through the pertinent civil service or merit system procedures. Whenever the chief of the fire department shall suspend any subordinate officer, firefighter or member of the department, he shall report the same immediately to the county recorder, the county auditor and to the board of county commissioners. (Prior code § 6-1-8)

2.28.100

**2.28.100 Fire chief—Removal conditions.**

The chief of the fire department may at any time be removed without cause, hearing or opportunity to be heard by the board of county commissioners when, in its opinion, the good of the service will be subserved thereby. The county recorder shall forthwith notify the removed chief in writing of his removal, and it shall not be necessary to state any cause for such removal; and from the time of notification the person so removed shall not in any case be entitled to any salary or compensation whatsoever. (Prior code § 6-1-9)

**2.28.110 Firemen's Civil Service Commission.**

Nothing in these ordinances shall in any way be construed to enlarge or take away any rights accrued under the provisions of the Firemen's

Civil Service Commission of Title 17, Chapter 28, of the Utah Code Annotated. (Prior code § 6-1-11)

**2.28.120 Emergency medical care and transportation.**

The county fire department is authorized to provide emergency medical treatment and emergency medical transportation within Salt Lake County.

A. Each person transported in an emergency medical vehicle by the county fire department shall be assessed a fee to defray the cost of providing the service.

B. The amount of the fee shall be set by the board of county commissioners and may be abated or changed from time to time as the board deems proper and just. (Prior code § 6-1-12)

## Chapter 2.30

## COUNTY JUSTICE COURTS

## Sections:

- 2.30.010 Establishment.
- 2.30.020 Administrative organization.
- 2.30.030 Single justice court precinct—The number of justices.
- 2.30.040 Nominating commission.
- 2.30.050 Filling vacancies and nominating process.
- 2.30.060 Appointment.
- 2.30.061 Interim appointments.
- 2.30.070 Reporting.
- 2.30.080 Removal.

**2.30.010 Establishment.**

The county network of justice courts shall function under the county commission as a whole and shall be composed of individually appointed or elected county justice court judges, a merit court administrator and merit clerical employees. (Ord. 1210 § 3, 1992; Ord. 1167 § 1 (part), 1991; Ord. 1038 § 1 (part), 1988)

**2.30.020 Administrative organization.**

County justice court judges shall annually elect one judge to serve a one-year term as presiding judge. Under the direction of the county justice court judges, through the presiding judge, the court administrator shall act in the capacity equivalent to a division director and shall act and be responsible for commission liaison as well as for supervising personnel, operations, budget and administrative matters all pursuant to written administrative policies and procedures approved by the board of county commissioners. Division judicial administrative policies and procedures shall be approved by the justice court judges. The court administrator shall also schedule and attend meetings, whether regular or special, at the request of the judges and conduct other matters pursuant to the policies and procedures

promulgated by the Utah Judicial Council. (Ord. 1210 § 4, 1992)

**2.30.030 Single justice court precinct—The number of justices.**

A. Pursuant to the provisions of Section 17-5-17, and Section 78-5-102, U.C.A., (1953, as amended), the board of county commissioners creates a single justice court precinct for the county of Salt Lake to encompass all geographical jurisdictions covered by individual justice court precincts or as approved by the board of county commissioners.

B. There shall be a minimum of four justice court judges provided justice court services to the Salt Lake County justice court, with the board of county commissioners reserving the right to modify the number of judges as required by the case load and efficient judicial administration.

C. The judges currently serving for the individual precincts shall now serve as judges for the single justice court precinct, with their individual terms of office expiring at the same time as they would have otherwise expired without this amendment. It being the clear intent of the board of county commissioners that this amendment not affect in any way the duration of any justices' terms of office.

D. Any citations, informations or complaints within the single justice court precinct shall be assigned to the judges at random, unless otherwise ordered by the presiding judge to serve the interests of justice and judicial efficiency. (Ord. 1246 § 1, 1993)

**2.30.040 Nominating commission.**

When a vacancy occurs in the office of a county justice court judge, the board of county commissioners shall establish a judicial nominating commission. The nominating commission shall consist of the following individuals or their representatives:

- A. A county commissioner or designee;
- B. A district court judge or designee;
- C. A circuit court judge or designee;
- D. The county attorney or designee;

2.30.040

E. A designee of the criminal law section of the Utah State Bar Association who is active in criminal defense matters in Salt Lake County;

F. Up to three residents of the precinct where the vacancy exists. (Ord. 1167 § 1 (part), 1991)

**2.30.050 Filling vacancies and nominating process.**

A. The nominating commission, upon being appointed, designated or informed of the request of the board of county commissioners that it is to be convened, the members so designated will meet within ten days' time and develop the criteria for the selection and ranking of applicants for the position.

B. When receiving notice of a vacancy, the board of county commissioners, with the assistance of the personnel division, shall advertise the vacancy by publishing a notice of the vacancy at least twice in a newspaper of general circulation in the county. The notice of vacancy shall include the address of the personnel division where applications for the vacancy can be obtained for completion and filing for consideration by the nominating commission. The time for which applications can be submitted for the vacancy shall be no less than fifteen days after the first day of publication of the vacancy.

C. Applicants who meet the criteria established by the nominating commission and the eligibility requirements of Section 78-5-137, Utah Code Annotated, 1953, for the position of county justice court judge, shall be considered by the nominating commission. After considering the applicants and evaluating the qualifications, the nominating commission shall rank the applicants in order of preference and submit up to three names for each vacancy to the board of county commissioners. Staff assistance shall be provided to the nominating commission by the personnel division. (Ord. 1167 § 1 (part), 1991)

**2.30.060 Appointment.**

The board of county commissioners, upon receipt of the list of successful applicants ranked in order of preference, together with its recommendations and within fifteen calendar days thereafter, shall:

A. Approve the nominating commission's recommendations and appoint the recommended applicant;

B. Reject the recommended applicant and select one of the remaining applicants on the list; or

C. Reject all the named applicants and refer the matter back to the nominating commission for a new list and recommendation. (Ord. 1167 § 1 (part), 1991)

**2.30.061 Interim appointments.**

The chairman of the board of county commissioners may appoint the best qualified person to fill a vacancy in the office of county justice court judge pursuant to the provisions of Section 78-5-134, Utah Code Annotated, 1953 (as amended in 1989), as an interim appointment pending completion of the foregoing nominating commission process and appointment of a permanent judge by the board of county commissioners to fulfill the balance of the term in office. (Ord. 1167 § 1 (part), 1991)

**2.30.070 Reporting.**

After a newly appointed justice court judge has been confirmed or appointed by the board of county commissioners, the judge's name shall be reported to the judicial council. (Ord. 1167 § 1 (part), 1991)

**2.30.080 Removal.**

County justice court judges shall be subject to removal as provided in Section 77-6-1, et seq., Utah Code Annotated, 1953, as amended. (Ord. 1167 § 1 (part), 1991)

## Chapter 2.32

### EXECUTIVE COUNCIL

#### Sections:

2.32.010	Membership—Chair.
2.32.015	Voting.
2.32.020	Meetings.
2.32.030	Powers and duties.
2.32.035	Working committees.
2.32.040	Supervision—Additional authority.

#### 2.32.010 Membership—Chair.

The executive council shall be comprised of the administrative assistants of each commissioner, the director of the departments of human services, community and support services, and public works, the assessor, auditor, attorney, district attorney, clerk, recorder, sheriff, surveyor and treasurer. The council shall elect a chair from the council members to serve a one-year term beginning on January 1st of each year. The associate director of the department of community and support services shall serve as administrative officer and staff for the council and other staff assistance shall be provided by the department of community and support services, unless the chair elects to use staff support from the chair's own department or office. (Ord. 1340 § 1, 1996; Ord. 1312 § 1 (part), 1995)

#### 2.32.015 Voting.

Voting shall be by members of the executive council. Designees may represent and vote on behalf of a member. The designee must be a chief deputy level or associate department director level to vote on behalf of the member. No proxy or absentee voting will be accepted. (Ord. 1312 § 1 (part), 1995)

#### 2.32.020 Meetings.

The executive council shall meet on the first and third Monday at the Government Center Building. The chairman may convene additional meetings as necessary. (Ord. 1312 § 1 (part), 1995)

#### 2.32.030 Powers and duties.

A. The executive council shall serve as the advisory arm of the board of county commissioners on county transactions relating to plans, projects, goals, grants, contracts, property, and other matters requiring the approval of one or more council members. Matters brought before the executive council for consideration will be forwarded to the commission with a recommendation.

B. The council or its chairman may refer any matter to steering council or another committee for its investigation, consideration or recommendation. (Ord. 1312 § 1 (part), 1995)

#### 2.32.035 Working committees.

The steering council, benefits committee, facilities management committee, information technology council, and property tax review committee are working committees of the executive council. The working committees will report to the executive council as needed. Working committee meetings may be scheduled as a normal part of the executive council agenda. (Ord. 1312 § 1 (part), 1995)

#### 2.32.040 Supervision—Additional authority.

All duties delegated in this chapter to the executive council shall be performed under the direction and supervision of the board of county commissioners. The board may also invite other persons to attend the executive council meetings, or call additional meetings. (Ord. 1312 § 1 (part), 1995)

2.36.010

**Chapter 2.36**

**STEERING COUNCIL**

**Sections:**

- 2.36.010**      **Membership—Chairman.**
- 2.36.020**      **Meetings.**
- 2.36.030**      **Powers and duties.**
- 2.36.040**      **Advisory committees.**

**2.36.010**      **Membership—Chairman.**

The steering council shall be comprised of one voting representative from each of the departments, each elected office, the personnel director, and such other ex officio members as the chairman deems necessary to conduct current business. The council shall be chaired by the associate director of the department of community and support services. The chairman shall prepare and distribute agendas for all council meetings and shall preside at such meetings. The chairman shall be a voting member of the steering council. The chairman is empowered to enlist staff support as required. (Ord. 1313 § 1 (part), 1995)

**2.36.020**      **Meetings.**

The steering council shall meet on the second and fourth Wednesday of each month at the Government Center Building. Special meetings may be requested by any member or convened or canceled by the chairman as necessary. (Ord. 1313 § 1 (part), 1995)

**2.36.030**      **Powers and duties.**

A. The steering council shall serve as the investigative and coordinating arm of the executive council on transactions relating to plans, goals, grants, contracts, property and other matters.

B. Matters involving such transactions which affect more than one department or elected office of county government shall be referred by the county commission, elected officials or department directors to steering council for its consideration and recommendation. Items referred for discussion will be forwarded to the executive council with a recommendation. (Ord. 1313 § 1 (part), 1995)

**2.36.040**      **Advisory committees.**

The following committees shall be considered working committees of the steering council and shall be convened as needed: Information services steering and its subcommittees, personnel advisory committee, government record access management policy administration committee, electronic communications coordination board and fund management committee. The steering council may assign specific subjects or special projects to the working committees. Additional special-purpose or special project committees may be established and dissolved as necessary. (Ord. 1313 § 1 (part), 1995)

## Chapter 2.39

### VOLUNTEER PROGRAMS COUNCIL

#### Sections:

<b>2.39.010</b>	<b>Purpose.</b>
<b>2.39.020</b>	<b>Volunteer programs council.</b>
<b>2.39.030</b>	<b>Policies and procedures.</b>
<b>2.39.040</b>	<b>Volunteer benefits.</b>
<b>2.39.050</b>	<b>Advisory boards.</b>

#### **2.39.010 Purpose.**

In enacting this chapter, it is the purpose of the board of county commissioners to provide for the systematic management and encouragement of volunteer services and programs within Salt Lake County. The county recognizes that volunteers are essential to the productivity, efficiency and cost effectiveness of Salt Lake County government. The effective management of volunteer programs is, therefore, a matter of significant importance. (Ord. 1181 § 1 (part), 1992)

#### **2.39.020 Volunteer programs council.**

There is hereby established the Salt Lake County volunteer programs council, which shall be responsible for oversight and management of the county-wide volunteer programs. The council shall consist of no less than seven members and shall report to the board of county commissioners. Council members shall be county employees and persons in the community who are experienced in and advocates of volunteer services and programs and shall be appointed for staggered two-year terms, by the board of county commissioners.

B. Staff assistance shall be provided by the department of community services and economic development.

C. It shall be the duty and responsibility of the volunteer programs council to advocate and recognize volunteerism in the county; coordinate and participate in the recruitment of volunteers; develop uniform policies and procedures, subject to the approval of the board of county commissioners, regarding operation of volunteer programs; identify

special projects for use of volunteer programs; provide technical assistance to county volunteer programs; encourage compliance with county standards, policies and procedures; request and receive statistical and program reports from county volunteer programs quarterly and compile those reports into a semiannual county-wide volunteer services report; evaluate volunteer programs; assist agencies in identifying volunteer resources; organize and provide assistance to a coordinating council of volunteer directors, consisting of county representatives and employees involved in volunteer programs; and provide such other services regarding volunteer programs as may be directed by the board of county commissioners. (Ord. 1195 § 15, 1992; Ord. 1181 § 1 (part), 1992)

#### **2.39.030 Policies and procedures.**

It shall be the responsibility of the volunteer programs council to draft and develop county-wide policies and procedures dealing with volunteer programs and services. Such policies shall be subject to review and approval as-to-form of the county attorney's office and review and approval by the board of county commissioners. The volunteer programs council, with staff assistance from the department of community services and economic development, shall be responsible for the maintenance, upkeep and promulgation of volunteer policies and procedures. (Ord. 1195 § 16, 1992; Ord. 1181 § 1 (part), 1992)

#### **2.39.040 Volunteer benefits.**

A. Volunteers participating in approved volunteer programs shall be entitled to the following Salt Lake County benefits and shall be deemed an employee of Salt Lake County only for the purposes of:

1. Medical reimbursement under workers' compensation for any injuries sustained by the volunteer while engaged in the performance of any authorized volunteer service for the county;
2. Operation of county vehicles or equipment if pursuant to volunteer services and properly authorized and licensed;



2.39.040

3. Liability protection normally afforded county employees, as provided in the Governmental Immunity Act (63-30b-1, et seq., U.C.A., 1953);

4. Such other benefits as may be authorized by law, the board of county commissioners or policy and procedure.

B. A volunteer shall be considered entitled to the benefits set out above only when that volunteer is serving in an approved volunteer services program as provided by policies and procedures adopted by the volunteer programs council. (Ord. 1181 § 1 (part), 1992)

**2.39.050 Advisory boards.**

The functions of the volunteer programs council shall include coordination and oversight of service assistance, if needed, to advisory and other policy-making or policy recommending boards. Policies regarding such advisory boards shall take into account applicable statutory provisions, if any, regarding the composition, selection, duties, terms or other particulars relating to the advisory or policymaking board and its membership. (Ord. 1181 § 1 (part), 1992)

## Chapter 2.40

### INFORMATION SYSTEMS STEERING COMMITTEE

#### Sections:

- 2.40.010 Membership—Chairman.  
2.40.020 Meetings.  
2.40.030 Powers and duties.  
2.40.040 Advisory committees.

#### 2.40.010 Membership—Chairman.

The information systems steering committee shall be comprised of one voting representative from each of the following elected offices and departments: Assessor, attorney, auditor, clerk, recorder, sheriff, surveyor, treasurer, and the directors of community services and economic development, administrative support services, human services and public works, and such other ex officio members as the chairman deems necessary to conduct current business. The committee shall be chaired by such person as the committee shall elect from among its voting members on an annual basis. The chairperson is empowered to enlist such staff support as may be necessary. The manager of the county management information systems section shall serve as an ex officio member of and as staff to the committee, and provide such technical advice, assistance and input as the committee may request. (Ord. 1195 § 18, 1992; Ord. 881 (part), 1984: prior code § 1-3-10(1))

#### 2.40.020 Meetings.

The information systems steering committee shall meet at least monthly and more often at the request of any member or if convened by the chairman as necessary. (Ord. 881 (part), 1984: prior code § 1-3-10(3))

#### 2.40.030 Powers and duties.

A. The information systems steering committee shall advise and consult with the manager of management information systems and monitor information systems development with the county by making recommendations to the board of county com-

missioners, through the executive council, on information systems policies and procedures that affect more than one county department or agency, and on directions and priorities for information systems, such as, but not limited to, the following:

1. Prioritization of existing and future systems development projects;

2. Equipment and software acquisitions and standards for such acquisitions throughout the county;

3. Policies and procedures for the management of the county's data and information and the systems relating thereto; and

4. The maintenance and development of an equipment and program inventory to include the addition of new equipment and programs as well as the deletion of existing equipment and programs.

B. The information systems steering committee shall serve as the investigative and coordinating arm of the board of county commissioners on all information systems matters. In such capacity, the committee, through its standing subcommittees, shall conduct such background research and obtain and analyze such relevant data as may be necessary to provide recommendations to the board of county commissioners through the executive council. While it shall be the responsibility of the manager of the management information systems section to prepare the information systems budget for the section, he/she shall do so only after consulting with users and the information systems steering committee.

C. All other matters which affect more than one county department or agency shall be referred to the steering council for its consideration and actions. (Ord. 881 (part), 1984: prior code § 1-3-10(2))

#### 2.40.040 Advisory committees.

A. The following standing subcommittees shall be convened by the information systems steering committee: Taxation and revenue; public safety; and financial, operations and personnel. The subcommittees shall serve in an advisory capacity.

1. The tax subcommittee shall be composed of, at least, the following members: The assessor, the

2.40.040

attorney, the auditor, the recorder, the treasurer, and the director of the public works department.

2. The public safety subcommittee shall be composed of, at least, the following members: The attorney, the auditor, the sheriff, the clerk, the Third District court administrator, public works director, and human services director.

3. The financial, operations and personnel subcommittee shall be composed of, at least, the following members: The attorney, the auditor, the treasurer, and the director of the administrative services, human services and public works departments. The information systems steering committee may appoint such other members to the subcommittee as it deems appropriate.

B. Additional subcommittees may be established and dissolved as necessary. (Ord. 881 (part), 1984: prior code § 1-3-10(4))

**Chapter 2.44**

**BUSINESS-GOVERNMENT ALLIANCE**

**Sections:**

- 2.44.010**      **Creation—Membership and  
                         chairman—Meetings.**
- 2.44.020**      **Powers and duties.**

**2.44.010**      **Creation—Membership and  
                         chairman—Meetings.**

Pursuant to the powers granted by Section 17-5-79, Utah Code Annotated (1953), there is created a committee called the Business-Government Alliance consisting of thirteen members. Three such members shall be county commissioners, and three shall be selected from among the other elected county officials by mutual agreement of the three county commissioners and the three department directors shall likewise sit as ex officio, nonvoting members. Seven members shall be drawn from the business community, nominated by the Salt Lake Area Chamber of Commerce, and ratified by the board of county commissioners. The alliance shall be chaired by a member from the business community. The alliance shall meet at the pleasure of the chairperson, but at least quarterly, and have available to it staff provided by the county. The members shall serve three-year staggered terms. (Ord. 1147 § 2, 1991; Ord. 850 (part), 1983; prior code § 1-10-1)

**2.44.020**      **Powers and duties.**

This business-government alliance is undertaken to assist county government in identifying areas of operation and service delivery where the expertise of the private sector may be put to beneficial use on a volunteer basis to achieve greater efficiency and cost saving. The alliance is empowered to utilize county staff in concert with experts provided through the Chamber of Commerce to carry out its functions and implement its recommendations. The Chamber shall identify a pool of volunteer experts drawn from a broad spectrum of the business community to be available as their business interests permit and to be invited by the board of county commissioners to serve. The authority of the alliance shall extend but not be limited to identifying and analyzing problems and needs in county operations, data processing, engineering, public safety, accounting and health and human services. Private sector members are encouraged to recommend measures through which government could act appropriately in matters which affect business, such as regulation and taxation, and which might become the subject of remedial legislation at the county or state level. County employees are directed to supply all appropriate assistance in accomplishing the purposes of the alliance. (Ord. 1147 § 2, 1991; Ord. 850 (part), 1983; prior code § 1-10-2)

2.50.010

## Chapter 2.50

### COUNTY CONSTABLES

#### Sections:

- 2.50.010 Establishment—Number of constables.
- 2.50.020 Administrative policies and procedures.
- 2.50.030 Jurisdiction.
- 2.50.040 Independent contractors.
- 2.50.050 Notice of constable position.
- 2.50.060 Nominating commission.
- 2.50.070 Nominating process.
- 2.50.080 Appointment—Term of office.
- 2.50.090 Appointment of deputy constables.
- 2.50.100 Reporting.
- 2.50.110 Access to criminal history information.
- 2.50.115 Annual fee.
- 2.50.120 Removal.

#### 2.50.010 Establishment—Number of constables.

A. The Salt Lake County Constables' Association is established and shall be comprised of all appointed county constables. It shall regulate and control the general operation of the county's various constables' offices pursuant to written administrative policies and procedures approved as to form by the county attorney and ratified by the board of county commissioners which must be submitted to the board on or before March 31, 1992.

B. The board of county commissioners shall appoint as many qualified persons to act as county constables as convenience requires, subject to the provisions of Section 17-25a-1, et seq., Utah Code Annotated, 1953, as amended. (Ord. 1178 § 1, 1992; Ord. 1133 § 1 (part), 1990)

#### 2.50.020 Administrative policies and procedures.

A. The Salt Lake County Constables' Association, under the direction of its elected president,

shall act pursuant to written administrative policies and procedures approved by the board of county commissioners. The policies and procedures shall also cover, in part, the manner in which citizen complaints are investigated and resolved, discipline is imposed on its members and deputies, civil process is served, various writs are executed, and personal property is seized and sold pursuant to the Utah Rules of Civil Procedure.

B. Each county constable shall be responsible for supervising such constable's own deputies, office personnel and administrative matters, and for ensuring compliance with the association's administrative policies and procedures and ensuring that each constable and deputy constable who uses an automobile in the discharge of the duties of his or her office shall possess a current Utah driver's license and will maintain automobile liability insurance as required by law and will file copies of such policies with county risk management.

C. Each county constable individually or as an association will furnish a policy of general liability insurance written by a carrier on a form acceptable to the risk manager and in an amount set by the board of county commissioners covering each constable and deputy constable and naming Salt Lake County as an additional insured and shall furnish a copy of the certificate of insurance to the risk manager. No person shall exercise any of the powers of a constable or discharge any of the duties of a constable in the absence of such insurance. Anyone violating this requirement is guilty of a misdemeanor and in addition to any other penalty imposed by law is subject to removal from office. (Ord. 1178 §§ 2 and 3, 1992; Ord. 1133 § 1 (part), 1990)

#### 2.50.030 Jurisdiction.

County constables shall be appointed on a county-wide basis and may serve civil and criminal process pursuant to Section 17-25a-1, et seq., Utah

Code Annotated, 1953 (amended in 1990). (Ord. 1133 § 1 (part), 1990)

**2.50.040 Independent contractors.**

County constables are independent contractors and are responsible for their own actions and for the actions of their deputies, agents and employees, and any liability resulting therefrom. When executing civil process, constables are acting as agents of the litigant or litigant's attorney who employs their services. Constables, as officers of the Court, are also acting in their official capacity as special function officers empowered by law to enforce the lawful orders of any court of competent jurisdiction. (Ord. 1133 § 1 (part), 1990)

**2.50.050 Notice of constable position.**

When the board of county commissioners determines that one or more constables should be appointed, they shall advertise the position(s) by publishing a notice thereof at least twice in a newspaper of general circulation in the county. The notice of an open constable position shall include the address of the Personnel Division where applications for the vacancy can be obtained for completion and filing for consideration by the nominating commission. The time for which applications can be submitted for the vacancy shall be no less than fifteen days after the first day of publication of the vacancy. Personnel policies and procedures regarding recruitment of applicants will apply to filling this position. (Ord. 1133 § 1 (part), 1990)

**2.50.060 Nominating commission.**

When a county constable position is to be opened, the board of county commissioners shall establish a constable nominating commission. The nominating commission shall consist of the following individuals or their designees:

1. A county commissioner;
2. The sheriff;
3. A judge of the justice, circuit or district court;
4. The county attorney; and

5. An impartial resident appointed by the board of county commissioners. (Ord. 1133 § 1 (part), 1990)

**2.50.070 Nominating process.**

A. Upon being appointed, designated or informed of the request of the board of county commissioners that the nominating commission is to be convened, the members so designated will meet within ten days' time and develop the criteria for the selection and ranking of applicants for the position. Applicants who meet the eligibility criteria established by Section 17-25a-2, Utah Code Annotated, 1953, as amended, for the position of county constable and the following additional criteria shall be interviewed by the nominating commission:

1. A resident of the county for at least six months immediately preceding the appointment;
2. A minimum of two years of experience as a peace officer or special function officer;
3. A minimum of two years of administrative experience in operating a business enterprise, or equivalent experience or education.

B. After interviewing the applicants and evaluating their qualifications, the nominating commission shall rank the applicants in order of preference and submit up to three names for each vacancy together with other recommendations to the board of county commissioners. (Ord. 1133 § 1 (part), 1990)

**2.50.080 Appointment—Term of office.**

A. The board of county commissioners, upon receipt of the nominating commission's list of successful applicants ranked in order of preference, together with its recommendations and within fifteen calendar days thereafter, shall:

1. Approve the nominating commission's recommendations and appoint the recommended applicant(s);
2. Reject the recommended applicant(s) and select one or more of the remaining applicants on the list; or
3. Reject all the named applicants and refer the matter back to the nominating commission for a new list and recommendation.

2.50.080

B. A constable's term of office is six years. A constable may serve more than one term if reappointed by the board of county commissioners. (Ord. 1133 § 1 (part), 1990)

**2.50.090 Appointment of deputy constables.**

Deputy constables shall be appointed in accordance with the provisions of Section 2.12.070 of this code of ordinances. Each nominee must be certified by the Division of Peace Officer Standards and Training as qualified to undertake the duties of a special function officer. The board of county commissioners will not act upon any nomination until it has received a background report made by the sheriff for which there shall be a fee of one hundred dollars paid by the applicant with the application and deposited to the county general fund to an account upon which the sheriff may draw to cover the expenses of such background examinations. (Ord. 1178 §4, 1992; Ord. 1133 § 1 (part), 1990)

**2.50.100 Reporting.**

After a newly appointed county constable has been appointed by the board of county commissioners, the constable's name shall be reported to the Division of Peace Officer Standards and Training by the commission clerk. (Ord. 1133 § 1 (part), 1990)

**2.50.110 Access to criminal history information.**

A. The sheriff is authorized to enter into user agreements with any constable who is required to serve criminal process for access to sheriff's office criminal history information the sheriff deems appropriate. Upon entering into user's agreement, the constable shall be responsible for ensuring the confidentiality requirements of the agreement are complied with.

B. Constables may enter into user agreements with the Utah State Department of Public Safety for access to state and national criminal history information systems. (Ord. 1133 § 1 (part), 1990)

All persons acting as a county constable or deputy county constable shall pay an annual fee of one hundred dollars to the county treasurer to be deposited to the county general fund to an account upon which the county attorney may draw to cover the expense of monitoring constable activities and insurance coverages. The fee is due on January 1 of each year and delinquent on January 31. Any person who acts as a county constable or deputy county constable without first having paid the fee is guilty of a misdemeanor and in addition to any other penalty imposed by law is subject to removal from office. (Ord. 1178 §5, 1992)

**2.50.120 Removal.**

A. County constables shall be subject to removal for cause after a determination for removal has been made by an administrative tribunal convened by the board of county commissioners to adjudicate the matter.

B. Removal proceedings may be initiated by the constables' association, the county attorney, the attorney general, or the board of county commissioners, and shall be structured as to afford the constable due process.

C. Detailed procedures for initiating and conducting removal proceedings shall be set forth in the administrative policies and procedures.

D. Loss of certification by the Division of Peace Officer Standards and Training, the conviction of any felony, or conviction of an offense involving dishonesty, unlawful sexual conduct, physical violence, or the unlawful use, sale, or possession for sale of a controlled substance (as defined by Division of Peace Officer Standards and Training administrative rule) shall constitute an automatic disqualification from office.

E. A county constable may be removed from office if it is established that the constable has willfully failed to comply with the written administrative policies and procedures approved by the board of county commissioners or the Utah Public Officers' and Employees' Ethics Act, Section 67-16-1, et seq., Utah Code Annotated, 1953.

F. The foregoing is not to be construed as a limitation on the enforcement powers of the sheriff and county attorney and the county attorney may bring proceedings to remove any constable or deputy constable without the necessity of an administrative tribunal as provided in Section 2.50.120(A). (Ord. 1178 §6, 1992; Ord. 1133 § 1 (part), 1990)



## Chapter 2.52

SHERIFF'S RESERVE  
CORPS

## Sections:

- 2.52.010 Establishment—Membership.
- 2.52.020 Sheriff's control and authority.
- 2.52.030 Rules and regulations.
- 2.52.040 Members to have peace officer status.
- 2.52.050 Training requirements for certification.
- 2.52.060 Identification card and badge.
- 2.52.070 Uniforms and equipment.
- 2.52.080 Uniform allowance.
- 2.52.090 Worker's compensation benefits.
- 2.52.100 Termination of membership.
- 2.52.110 Political activities prohibited.

## 2.52.010 Establishment—Membership.

A sheriff's reserve corps is established as a voluntary organization composed of persons appointed by the sheriff, upon approval of the board of county commissioners, to supplement regular sworn personnel in the day-to-day delivery of law enforcement services. Members of the sheriff's reserve corps, when ordered by the sheriff or authorized members, may aid regular sworn personnel in order to assist in the provision of law enforcement protection to the citizens of the county. Membership is open to applicants who meet the sheriff's requirements, without regard for race, religion, sex or national origin. (Ord. 823 (part), 1983: prior code § 16-2-10)

## 2.52.020 Sheriff's control and authority.

Subject to the provisions of this chapter, the control of the reserve corps shall be vested in the sheriff. The sheriff may reject any application for membership and terminate any appointment at his discretion. The sheriff shall provide for the training of members in law enforcement duties, and assign members to perform such duties as he determines

are necessary. (Ord. 823 (part), 1983: prior code § 16-2-11)

## 2.52.030 Rules and regulations.

In order to effectuate the purpose of the reserve corps, the sheriff may establish rules and regulations for its governance and operation. (Ord. 823 (part), 1983: prior code § 16-2-13)

## 2.52.040 Members to have peace officer status.

As reserve deputy sheriffs, corps members are reserve officers as defined by Title 77, Chapter 1a, Section 3, Utah Code Annotated (1953), as amended. (Ord. 1028 § 4, 1988: Ord. 823 (part), 1983: prior code § 16-2-18)

## 2.52.050 Training requirements for certification.

Prior to being certified as a reserve officer, and to maintain such status, corps members must successfully complete the requirements prescribed by the peace officers standards and training council for their employment, as designated by the sheriff (Level I, Level II or Level III). (Ord. 1028 § 5, 1988: Ord. 823 (part), 1983: prior code § 16-2-19)

## 2.52.060 Identification card and badge.

An identification card and badge and/or such other insignia or evidence of identification as the sheriff may prescribe shall be issued to each member, who shall carry such identification at all times prescribed by the sheriff. (Ord. 823 (part), 1983: prior code § 16-2-14)

## 2.52.070 Uniforms and equipment.

The necessary uniforms and equipment for corps members and the proper use of such uniforms and equipment shall be prescribed by the sheriff. (Ord. 823 (part), 1983: prior code § 16-2-16)

## 2.52.080 Uniform allowance.

Reserve corps members shall be entitled to receive a uniform allowance established by the board

2.52.080

of county commissioners. (Ord. 823 (part), 1983: prior code § 16-2-12)

**2.52.090 Worker's compensation benefits.**

Reserve corps members and search and rescue members shall be entitled to worker's compensation benefits at the pay rate of a first grade deputy sheriff with ten years' service for injuries or deaths arising out of, or in the course of training, duties or assignment. (Ord. 1028 § 3, 1988)

**2.52.100 Termination of membership.**

The membership of any person in the corps may be terminated at any time by the sheriff for cause satisfactory to himself, and any member may resign from the corps at any time upon notifying the sheriff of such resignation. Each member must surrender all county-owned property issued to him upon the termination of his membership. (Ord. 823 (part), 1983: prior code § 16-2-15)

**2.52.110 Political activities prohibited.**

The sheriff's reserve corps shall not participate in any form of political activity, nor shall it be employed directly or indirectly for political purposes. (Ord. 823 (part), 1983: prior code § 16-2-20)

## Chapter 2.56

COMMUNITY DISTRICTS AND  
COMMUNITY COUNCILS

## Sections:

2.56.010	Purpose.
2.56.020	Establishment.
2.56.030	District boundaries.
2.56.040	Amendment of districts.
2.56.045	Boundary disputes.
2.56.050	Community councils— Representation.
2.56.060	Community councils— Participation.
2.56.070	Community councils—Election of members.
2.56.080	United association of community councils.
2.56.090	Community councils— Municipal services recommendations.
2.56.100	Community councils—Planning and zoning recommendations.
2.56.110	Budget.
2.56.120	Commission participation.
2.56.130	Volunteer status— Indemnification.

**2.56.010 Purpose.**

The purpose of establishing community districts and community councils in the unincorporated area of the county is to provide legally recognized mechanisms by which a geographical area may be identified as a community for purposes of formulating and presenting recommendations on actions within the authority of the county which affect that geographical area by force of law or practice. (Ord. 919 § 1 (part), 1985: prior code § 25-1-1)

**2.56.020 Establishment.**

For purposes of this chapter, the unincorporated territory of the county shall be divided into community districts, as described in Section 2.56.030. (Ord. 919 § 1 (part), 1985: prior code § 25-1-2)

**2.56.030 District boundaries.**

Community district boundaries shall be defined as those boundaries shown on maps filed with the county planning division, together with appropriate written descriptions. Such maps and descriptions are made by reference a part of this chapter as if fully described herein. The boundaries shall conform as closely as possible to natural boundaries, while maintaining where possible the integrity of political entities such as voting districts, school districts and service districts. (Ord. 919 § 1 (part), 1985: prior code § 25-1-3)

**2.56.040 Amendment of districts.**

A. Community districts may from time to time have their number, area and/or boundaries amended as provided herein. Amendments may be initiated by an affected community district or the board of county commissioners by giving written notification of the proposed amendment to the affected community districts and the board of county commissioners. The board of county commissioners shall hold a public hearing on the amendment request not less than sixty and no more than seventy-five days after written notice is given to all community districts and shall report its findings to the affected community districts not more than fourteen days following such hearing. Amendments shall be effective only upon the concurrence of all community districts affected by the change and by the board of county commissioners.

B. Subsection A of this section notwithstanding, the board of county commissioners may amend the boundaries of community districts for purposes of community council participation under this ordinance whenever it determines that a boundary change is in the public interest. In determining whether an amendment should be made to community district boundaries, the board of county commissioners may request the UACC or the county planning commission hold a preference election in the area that would be affected by the proposed community district boundary change. The election shall be held pursuant to the notice and time requirements set forth in Section 2.56.045(A). (Ord.

2.56.040

1151 § 2, 1991: 919 § 1 (part), 1985: prior code § 25-1-4)

**2.56.045 Boundary disputes.**

The provisions of Section 2.56.040 notwithstanding, where community districts shown on the community district map have overlapping boundaries, such district boundaries may be amended by the board of county commissioners to eliminate the overlapping boundaries by either of the following methods:

A. The board of county commissioners may request that the united association of community councils or the county planning commission hold an election in the overlapping area to determine in which community district the residents and property owners within such area desire to belong. In holding such an election the united association of community councils or the county planning commission shall create geographic voting districts within the overlapping area. Such election shall be held within ninety days of the request by the board of county commissioners. Notice of the time and place of the election shall be published at least fifteen days prior to the election date in a newspaper having general circulation in the county. The electorate shall be comprised of any resident or property owner within the overlapping boundary area who is eighteen years or older.

Within ten days after the election, the united association of community councils or the county planning commission shall submit the results of the election to the board of county commissioners. Thereafter the board shall amend the boundary of the community districts to eliminate the overlapping boundaries in accordance with the results of the election within the geographic voting districts. When elimination of the overlapping boundaries in accordance with the election results would create non-contiguous community district boundaries, the board of county commissioners may adjust the community district boundaries to prevent such a result.

B. The board of county commissioners may amend the community district boundaries to eliminate the overlapping boundaries in a manner that it

determines to be fair and equitable. Prior to making any such community district boundary change on the map, the board of county commissioners shall hold a public hearing thereon. Written notice of the time and place of the hearing shall be given to the affected community councils at least fifteen days prior to the date of the hearing. (Ord. 1129 § 2, 1990)

**2.56.050 Community councils—  
Representation.**

A. Each community district shall have the opportunity to be represented by a community council consisting of members elected pursuant to the requirements of Section 2.56.070 and its bylaws. (Model community council bylaws shall

be available from the United Association of Community Councils.) All members of community councils shall serve without compensation. Any member of the electorate in a community district may serve on such district's community council. No individual shall serve concurrently on more than one community council. Vacancies on a community council shall be filled in accordance with the community council's bylaws. All community council meetings shall be open to the public.

B. Citizens in a community district not presently represented by a community council but desiring such representation shall draw up and submit a set of bylaws to the county attorney for review. Subsequent to approval of the bylaws by the county attorney, an election shall be held for the purpose of electing a community council, pursuant to the requirements of Section 2.56.070. (Ord. 919 § 1 (part), 1985: prior code § 25-1-5)

**2.56.060 Community councils—Participation.**

The citizens of any community district may by choice forgo representation by a community council under the terms of this chapter. (Ord. 919 § 1 (part), 1985: prior code § 25-1-6)

**2.56.070 Community councils—Election of members.**

Members of community councils shall be elected by nonpartisan secret ballot. Nomination and election procedures, notice requirements and terms of office shall be specified in the bylaws of each council. The electorate shall be comprised of any resident or property owner within the district who is eighteen years or older. (Ord. 1171 § 2, 1991: Ord. 919 § 1 (part), 1985: prior code § 25-1-7)

**2.56.080 United association of community councils.**

There is hereby established a united association of community councils, hereinafter referred to as "UACC." Each community council shall elect one or more individuals, as determined by the bylaws of UACC, to represent such community council in the

membership of UACC. The UACC shall communicate and support the joint concerns of community councils to the board of county commissioners as requested by UACC membership. (Ord. 919 § 1 (part), 1985: prior code § 25-1-8)

**2.56.090 Community councils—Municipal services recommendations.**

A. Each community council shall be encouraged to develop priorities regarding municipal services and facilities for its community district. These recommendations should be communicated in writing to the board of county commissioners on an annual basis for use in policy development and in the budget process. Community councils are encouraged to arrive at such recommendations pursuant to duly held and well-publicized public hearings in each community district.

B. The board of county commissioners shall direct all department and division directors, and encourage elected officials and appointed board members to provide key personnel on a regular and continuing basis as staff and resource persons to community councils. (Ord. 919 § 1 (part), 1985: prior code § 25-2-1)

**2.56.100 Community councils—Planning and zoning recommendations.**

A. The planning division shall submit to the chairman and the designated planning and zoning member of each community council copies of the planning commission public meeting agendas, applications for text changes to the zoning ordinance, and zoning or conditional use applications pertaining to territory located within such community district. Community councils are encouraged to make recommendations concerning such applications to the planning commission. On request of the chairman or designated planning and zoning representative of a community council in writing, by telephone or in person at a meeting during which an application is being considered, the planning commission shall continue the application for a period not to exceed four weeks from the first meeting such application is heard by the planning commission, to allow the

## 2.56.100

community council to consider the application at its own meeting. The above procedure may be amended by mutual agreement between the planning commission and the community councils individually to eliminate frivolous or unnecessary delays.

B. The staff of the planning division shall act as the staff to each community council on planning and zoning matters, and shall also arrange meetings between the applicants and community councils when so requested. The public works department shall institute policies to aid in this process and to assure that undue delay shall not result to an applicant by virtue of such procedures.

C. Each community council shall have on file with the planning division a current schedule of its meeting times, places and dates, and the names, addresses and phone numbers of the current community council chairman and the designated planning and zoning representative. (Ord. 919 § 1 (part), 1985: prior code § 25-2-2)

### 2.56.110 Budget.

The board of county commissioners shall budget annually a reasonable amount of money for community councils through the united association of community councils for administrative costs, including but not limited to legal notices, postage, stationery and duplication costs. (Ord. 919 § 1 (part), 1985: prior code § 25-2-3)

### 2.56.120 Commission participation.

The board of county commissioners shall schedule at least one meeting annually during the month of September with the united association of community councils for the purposes of receiving recommendations on policy, budget, and other priorities established in each community district by the representative community council. (Ord. 919 § 1 (part), 1985: prior code § 25-2-4)

### 2.56.130 Volunteer status— Indemnification.

Community council members shall be considered volunteers to the board of county commissioners and not employees, officials or officers of the coun-

ty. Community council members shall be defended and indemnified by the county pursuant to the provisions of the Utah Governmental Immunity Act in any civil action which may arise within the course and scope of performance of their duties under this chapter. (Ord. 919 § 1 (part), 1985: prior code § 25-2-5)

**Chapter 2.60**

**SALT PALACE BOARD**

**Sections:**

- 2.60.010**      **Membership—Chairman.**
- 2.60.020**      **Meetings.**
- 2.60.030**      **Powers and duties.**
- 2.60.040**      **Subcommittees and bylaws.**
- 2.60.050**      **Members—Compensation.**

**2.60.010**      **Membership—Chairman.**

The Salt Palace board shall consist of citizens drawn from a broad spectrum of occupations and interests, including but not limited to government, business, finance, and the hotel-motel industry. The number of board members shall be set by resolution of the county commission and may be changed, from time to time, by further resolution. Members shall be appointed for three years on a staggered-term basis by the board of county commissioners, which may designate one of its own members to sit ex officio. The chairman shall be selected yearly by the county commission. The board will have staff provided by the community and support services department. (Ord. 1303 § 14, 1995; Ord. 1195 § 18, 1992; Ord. 1162 § 2 (part), 1991)

**2.60.020**      **Meetings.**

The board shall meet monthly on such day as it shall determine. The chairman may convene additional meetings as necessary, or change a meeting day for good cause. (Ord. 1162 § 2 (part), 1991)

**2.60.030**      **Powers and duties.**

The Salt Palace and fine arts advisory board shall advise the county commission on the utilization and maintenance of the Salt Palace and fine arts facilities. It shall advocate for and promote the usage of the facilities. The board, in advising the commission, shall evaluate usage of the facilities, recommend procedures for improved services to users and the public, review costs and fees and make recommendations on expansion and capital improvements. (Ord. 1162 § 2 (part), 1991)

**2.60.040**      **Subcommittees and bylaws.**

The board may, in furtherance of its duties, create such subcommittees as it deems appropriate. With the approval of the county commission, the board may also adopt such bylaws and policies, for the governing of its business and regarding the conduct of its members, as it may find appropriate. (Ord. 1162 § 2 (part), 1991)

**2.60.050**      **Members—Compensation.**

Board members shall serve without compensation, but may be reimbursed, at rates established by the county commission, for travel and other expenses related to board duties. (Ord. 1162 § 2 (part), 1991)

**Chapter 2.72**

**CAMPAIGN FINANCING DISCLOSURE**

**Sections:**

- 2.72.010** Definitions.
- 2.72.020** Personal campaign committee—Statement of organization.
- 2.72.025** Political action committee—Statement of organization.
- 2.72.030** Political issue committee—Statement of organization.
- 2.72.040** Revenues and expenditures.
- 2.72.050** Campaign financing disclosure—Filing procedures.
- 2.72.060** Campaign financing disclosure—Contents.
- 2.72.070** Campaign financing disclosure—Public inspection.
- 2.72.090** Limitations on contributions.
- 2.72.100** Small contributors.
- 2.72.110** Campaign statements—Inspection and complaints.
- 2.72.120** Campaign statements—Failure to file.
- 2.72.130** Enforcement powers.
- 2.72.140** Violation—Penalty.

**2.72.010** Definitions.

As used in this chapter:

“Campaign committee” means an association or combination of persons organized for the purpose of raising, collecting or disbursing money for political purposes, and shall include: “Personal campaign committees,” “political action committees” and “political issue committees.”

“Campaign contributions” means:

1. Any gift, subscription, loan, advance or deposit of money and in-kind contributions with a value exceeding fifty dollars given to a campaign committee for political purposes, except a loan of money from a national or state lending institution made to a candidate in accordance with the applica-

ble lending institution’s laws and regulations and in the ordinary course of business;

2. A contract, promise or agreement, express or implied, whether or not legally enforceable, to make a contribution to a campaign committee for political purposes; and

3. A transfer of funds from a political party or organization, political action committee, another candidate or campaign, or any other political organization to a campaign committee for political purposes.

“Campaign contributions,” “expenditures” or “disbursements” shall not include, nor shall a candidate or a campaign committee be required to impute a monetary value to, the following activities:

1. Endorsement or publicity regarding a candidate or issue extended by the press or other news media;

2. Endorsement or publicity regarding a candidate or issue extended by an association, fraternal organization, political group, or other entity within its own membership; and

3. Uncompensated labor and personal service by individuals volunteering their time, talents and assets not exceeding fifty dollars in value on behalf of a candidate or a campaign committee.

“Candidate” means and includes every person who seeks nomination or election to any of the following county government offices: County commissioner, county treasurer, county sheriff, county clerk, county auditor, county recorder, county attorney, county district attorney, county surveyor or county assessor.

“Election” means any general, special or primary election held pursuant to and as defined and provided by Titles 11, 20 or 20A, Utah Code Annotated or other applicable provision of state law or county ordinance, and conducted by the county.

“Expenditure” or “disbursement” means:

1. A purchase, payment, distribution, loan, advance, deposit, or gift of money or anything of value, made for political purposes from campaign committee funds;

2. A transfer of campaign committee funds, or an agreement to transfer such funds, to another



campaign committee, to a political party committee or organization, or another candidate for an elected office other than a county office, for political purposes;

3. A repayment of any money loaned to a campaign committee; and

4. Any other payment from campaign committee funds.

"Independent expenditure" means any expenditure of one's own funds in excess of two hundred fifty dollars made by any individual or entity with the intent of influencing, directly or indirectly, the nomination or election of a candidate without prearrangement or coordination with the candidate, or any person associated with the candidate's campaign; provided, that any such expenditure that is subsequently reported by the campaign committee shall not be deemed an independent expenditure.

"In-kind contribution" means any nonmonetary contribution made to a campaign committee, including services performed with paid labor.

"Issue" means any Salt Lake County electoral question, other than the election of a candidate, placed on an election ballot to be affirmed or defeated by popular vote and shall include but not be limited to, county initiatives, county referendum, bond issues, questions regarding the organization of county government, municipal incorporations, and annexations.

"Personal campaign committee" means a committee organized by a potential candidate in accordance with this ordinance to explore or secure the nomination or election of the individual or candidate to county office; and includes the potential candidate individually prior to the formal creation of the committee as required herein.

"Political action committee" means:

1. An entity, or any group of individuals or entities, that receives contributions in excess of two hundred fifty dollars from any other person, group, or entity, and makes expenditures in excess of two hundred fifty dollars, with intent to influence, directly or indirectly, the nomination or election of a candidate or candidates.

2. "Political action committee" does not mean:

a. Any political party, party auxiliary, or partisan social club, organized under the laws of the state of Utah;

b. Any entity that provides goods or services to a campaign committee in the regular course of business;

c. An individual person or entity using its own funds for political purposes;

d. A corporation using its own funds, except a corporation whose intended purpose is to act as a political action committee;

e. A personal campaign committee as defined in this section; or

f. A political issue committee as defined in this section.

"Political issue committee" means an individual or entity, or any group of individuals or entities, that receives contributions in excess of two hundred fifty dollars from any other person, group, or entity, or makes expenditures in excess of two hundred fifty dollars, with the intent to influence, directly or indirectly, the resolution of an issue.

"Political purpose" means any act done with intent to influence, directly or indirectly, the nomination or election of a candidate or the resolution of an issue. (Ord. 1325 § 1, 1995; Ord. 820 § 2, 1982; prior code § 1-10-1)

#### **2.72.020 Personal campaign committee— Statement of organization.**

A. Every candidate shall select a personal campaign committee to consist of one or more persons, or the candidate shall constitute himself or herself as the committee.

B. Before any personal campaign committee shall receive campaign contributions in excess of two hundred fifty dollars or make any disbursement in excess of two hundred fifty dollars in behalf of any candidate, or incur any obligation to make such a disbursement in the candidate's behalf, such candidate shall file with the county clerk a written statement of organization signed by the candidate stating that a personal campaign committee has been appointed.

C. The statement of organization shall include:

2.72.020

1. The name, address and telephone number of the candidate; and

2. The names and addresses of the secretary of the committee, and any other officers thereof. If a personal campaign committee consists of only one person, such person shall be deemed the secretary thereof. If the candidate acts as his or her own personal campaign committee, the candidate shall be deemed the secretary thereof.

D. Changes in the composition of the officers of the personal campaign committee shall be filed in writing with the county clerk within five business days of any such change.

E. A statement of organization shall remain in effect for any elected official which may be seeking reelection, without refiling; provided, that any changes in organization be filed as required above. (Ord. 1325 § 2, 1995; Ord. 820 § 3 (part), 1982; prior code § 1-10-2(1))

**2.72.025 Political action committee—  
Statement of organization.**

A. Before any political action committee shall receive contributions in excess of two hundred fifty dollars or make any disbursement in excess of two hundred fifty dollars, including an obligation to make such a disbursement, such political action committee shall file with the county clerk a written statement of organization stating that such political action committee has been created.

B. The statement of organization shall include:

1. The complete name (without abbreviations) and address of the political action committee;

2. The name, address, occupation, and title of each officer;

3. The name and address of the organization, individual, corporation, association, unit of government, or union that the political action committee represents, if any;

4. The names, addresses, telephone numbers, business addresses and occupations of the committee's treasurer or chief financial officer and committee secretary; if a political action committee consists of only one person or entity, such person

or entity shall be deemed the treasurer and secretary thereof; and

5. The name, address and occupation of each member of the committee's governing board, if any.

C. Changes in the composition of the officers of the political action committee shall be filed in writing with the county clerk within five business days of any such change.

D. Political action committees will not be required to comply with Section 2.72.025 if a disclosure of the committee's organization is filed with the state of Utah in accordance with the election laws of the state of Utah because the political action committee also donated to state or legislative candidates; provided, that such filing includes all of the information required in Section 2.72.025. (Ord. 1325 § 3, 1995)

**2.72.030 Political issue committee—  
Statement of organization.**

A. Before any political issue committee shall receive contributions in excess of two hundred fifty dollars or make any disbursement in excess of two hundred fifty dollars regarding any issue, including any obligation to make such a disbursement, such political issue committee shall file with the county clerk a written statement of organization stating that such political issue committee has been created.

B. The statement of organization shall include:

1. The complete name (without abbreviations) and address of the political issue committee;

2. The name, address, occupation, and title of each officer;

3. The name and address of the organization, individual, corporation, association, unit of government, or union that the political issue committee represents, if any;

4. The names, addresses, telephone numbers, business addresses and occupations of the committee's treasurer or chief financial officer and secretary; if a political issue committee consists of only one person, such person shall be deemed the treasurer and secretary thereof; and

5. The name, address, and occupation of each member of the committee's governing board, if any.

C. Changes in the composition of the officers of the political issue committee shall be filed in writing with the county clerk within five business days of any such change.

D. Political issue committees will not be required to comply with Section 2.72.030 if a disclosure of the committee's organization is filed with the state of Utah in accordance with the election laws of the state of Utah; provided, that such filing includes the information required in Section 2.72.030. (Ord. 1325 § 4, 1995; Ord. 820 § 3 (part), 1982; prior code § 1-10-2(2))

#### **2.72.040 Revenues and expenditures.**

A. Campaign contributions may not be accepted by any candidate as an individual, but must be deposited into the campaign committee's dedicated account. Campaign contributions shall only be received by the secretary of a duly constituted campaign committee, by the candidate, or by some person duly authorized by the candidate.

B. All monetary campaign contributions and disbursements of funds by a campaign committee must be deposited into, and disbursed from, a separate and dedicated campaign account established solely for the use of the campaign committee. (Ord. 1325 § 5, 1995; Ord. 820 § 4, 1982; prior code § 1-10-3)

#### **2.72.050 Campaign financing disclosure— Filing procedures.**

A. Deadlines. Every campaign committee secretary shall file with the county clerk, on forms furnished by the clerk, full, correct and itemized statements of all campaign contributions received and all disbursements expended by the committee, in accordance with the schedule set forth in this section.

1. Personal campaign committees, political action committees, and individuals or entities making independent expenditures shall file preliminary statements before five p.m. on Tuesday, seven days before the primary and general elections.

a. The preliminary statements shall include all campaign contributions and disbursements, or independent expenditures, made prior to three days

before the date of filing as set forth in Section 2.72.060.

2. Persons who hold any county-elected office and who collect campaign contributions or make expenditures or disbursements, but who choose not to seek reelection to that or another county elected office shall also make and file disclosure statements as provided in this section.

3. Political issue committees shall file a preliminary statement before five p.m. on Tuesday, seven days before the election to decide the issue.

4. Personal campaign committees of candidates eliminated by the primary election, and individuals or entities which have made independent expenditures on behalf of an eliminated candidate, shall file final statements before five p.m. on Tuesday, twenty-eight days following the primary election.

5. All other campaign committees and individuals or entities making independent expenditures shall file a final statement before five p.m. on Tuesday, twenty-eight days following the general or special election.

6. A supplemental statement must be filed by any campaign committee in the event any obligation or debt outstanding at the time of the final statement is filed is subsequently paid in full or otherwise discharged.

7. Interim Reporting. If, at any time following the reporting periods described above, a personal campaign committee donates to the campaign committee of another candidate seeking office in an election cycle other than the cycle of the personal campaign committee's candidate, the personal campaign committee must file and bring current an additional disclosure statement as set forth in this section for the reporting period when the donation was made.

B. The reporting period for each statement shall end three calendar days prior to the required date of filing.

C. Successive statements shall not contain information supplied in prior statements, except cumulative totals shall be carried forward to the final statement for both contributions and disbursements.

2.72.050

D. All personal campaign committee statements shall be dated and signed by the candidate. All other campaign committee statements shall be signed by a duly authorized representative of the committee. All statements by individuals or entities disclosing independent expenditures shall be signed by the individual or a duly authorized officer of the entity.

E. Political action and political issue committees will not be required to comply with this section if a complete financial disclosure of expenditures and contributions required by Section 2.72.050 is included in financial disclosures filed with the state of Utah in accordance with the election laws of the state of Utah because the political action or issue committee also donated to state or legislative candidates, provided such filing includes all of the information required in Section 2.72.050.

F. All statements and other documents to be filed under this chapter must be filed in the county clerk's office before five p.m. on the filing day. If the filing day falls on a legal holiday, filing may be delayed until five p.m. on the next regular working day. (Ord. 1325 § 6, 1995; Ord. 1057 § 1, 1989; Ord. 820 § 5, 1982; prior code § 1-10-4)

**2.72.060 Campaign financing disclosure—  
Contents.**

A. Each statement required by Section 2.72.050 to be filed by a campaign committee shall contain:

1. The name and address of every person, corporation, political action committee or other entity making a monetary campaign contribution to the campaign committee in the total amount of more than fifty dollars during the reporting period, and the amount of the contribution;

2. A subtotal sum of the amount of monetary campaign contributions exceeding fifty dollars during the reporting period and a corresponding cumulative subtotal;

3. The aggregate amount of all monetary campaign contributions of fifty dollars or less, and the number of contributors;

4. The name and address of every person, corporation, campaign committee or other entity loaning or advancing to the candidate or campaign com-

mittee money during the reporting period, and the amount loaned or advanced by each;

5. A subtotal sum of all loans during the reporting period and a corresponding cumulative subtotal;

6. The name and address of every person, corporation, campaign committee, or other entity to whom, or to which, money is owed as an account payable by the campaign committee which has been incurred during the reporting period, but has not been paid during the reporting period, and the amount of the accounts payable;

7. A subtotal of all accounts payable debt incurred and not repaid during the reporting period and a corresponding cumulative subtotal;

8. The grand total sum of all monetary campaign contributions, loans and accounts payable during the reporting period and a corresponding cumulative grand total;

9. The name and address of every person, corporation or other entity to whom, or to which, the campaign committee has disbursed money or made an in-kind contribution if the total amount is more than fifty dollars, stating the amount of the disbursement, and the nature of the disbursement;

10. A subtotal sum of all monetary disbursements during the reporting period and a corresponding cumulative subtotal;

11. The grand total sum of the amount and value of all disbursements made during the reporting period and a corresponding cumulative grand total;

12. The name and address of every person, corporation, campaign committee or other entity making total in-kind contributions exceeding fifty dollars during the reporting period, and the value of each;

13. A subtotal of all in-kind contributions exceeding fifty dollars during the reporting period and a corresponding cumulative subtotal;

14. The name and address of every person, corporation or other entity to whom, or to which, money is owed at the time of filing for the repayment of loans received or credit extended which has not been repaid, including loans by candidates to their personal campaign committee, and the total amount of the outstanding indebtedness;

15. The grand total sum of the total disbursements, in-kind contributions and debt, during the reporting period and a corresponding cumulative total reflecting the total cost of the campaign; and

16. If no campaign contribution is received or expenditure made by a campaign committee during a reporting period, a statement to that effect shall be filed.

B. Individuals and entities making independent expenditures exceeding two hundred fifty dollars shall file a statement containing the following:

1. The individual's or entity's name, address, telephone number, occupation and place of employment;

2. For each independent expenditure made during the reporting period:

a. The name of the candidate or candidates who was the subject of the independent expenditure(s),

b. Whether the independent expenditure was made in favor of or in opposition to the candidate or candidates,

c. The date on which the independent expenditure was made,

d. The amount of each independent expenditure, and

e. The nature and/or form of each independent expenditure;

3. A subtotal by candidate of all independent expenditures made in favor of or in opposition to that candidate during the reporting period with corresponding cumulative subtotals;

4. A grand total of all independent expenditures during the reporting period and a corresponding cumulative grand total. (Ord. 1325 § 7, 1995; Ord. 1057 § 2, 1989; Ord. 820 § 6, 1982; prior code § 1-10-5)

#### **2.72.070 Campaign financing disclosure— Public inspection.**

A. Forms for all statements required by this chapter shall be prepared by the county clerk and approved by the board of county commissioners, and copies thereof, together with a copy of this chapter, shall be furnished by the clerk to the secre-

tary of every campaign committee, and to any others who make a request.

B. All statements required by this chapter shall be open to public inspection and may be copied for a reasonable fee at the office of the county clerk during normal business hours, and all such statements shall be preserved by the clerk for a period of four years from January 1st of the year following the election for which they are filed. (Ord. 1325 § 8, 1995; Ord. 820 § 9, 1982; prior code § 1-10-8)

#### **2.72.090 Limitations on contributions.**

A. No person shall make total cash contributions exceeding one hundred dollars during any calendar year to any campaign committee. However, there shall be no limit as to the amount contributed by a person to a campaign committee or a candidate if that contribution is made in the form of a personal or certified check, bank draft or money order identifying the donor.

B. The acceptance of anonymous contributions is prohibited. Any anonymous contributions received by a candidate or campaign committee shall be transmitted to the county treasurer for deposit in the general fund.

C. No person shall make a contribution in the name of another person, or make a contribution with another person's funds in his own name, and no candidate or campaign committee shall knowingly accept such contributions. Contributions by political parties, auxiliaries and social clubs, or political action committees may be made and received so long as the name of the party, auxiliary, social club or entity sponsoring the political action committee is imprinted on any check or other means of contribution and is listed in campaign statements made under Section 2.72.050 above. (Ord. 1325 § 9, 1995; Ord. 820 § 8, 1982; prior code § 1-10-7)

#### **2.72.100 Small contributors.**

A list of contribution circumstances and amount contributed by persons, corporations or other entities contributing fifty dollars or less shall be prepared and retained by the candidate or the campaign committee secretary for a period of at least one year

**2.72.100**

following the date of filing the final campaign statement. (Ord. 1325 § 10, 1995: Ord. 820 § 7, 1982: prior code § 1-10-6)

**2.72.110 Campaign statements—Inspection and complaints.**

The county clerk shall inspect all financial statements within four days after the same are filed, and if it appears that any campaign committee or person has failed to file a statement as required by law, or if it appears that the statement does not conform to law, or upon a written and verified complaint by a candidate or by a voter setting forth with specificity that a statement filed does not conform to law, the clerk shall notify the delinquent campaign committee or person, in writing, requesting compliance with this chapter within five business days of receipt of the notice. The county attorney shall perform each and every duty of the county clerk under this section with respect to the financial statements filed by the county clerk. (Ord. 1325 § 11, 1995: Ord. 820 § 10 (part), 1982: prior code § 1-10-9(1))

**2.72.120 Campaign statements—Failure to file.**

Upon the failure of any campaign committee or person to file or correct a statement within five business days after receiving notice under Section 2.72.110, or, if in the exercise of reasonable discretion the clerk questions the accuracy or completeness of such statement, the clerk shall request an examination of all books and records of such committee or person. Such books and records shall be produced for inspection within two business days after the request for examination is received. If the county clerk deems necessary, such books and records may be audited by an independent auditor. The county attorney shall perform each and every duty of the county clerk under this section with respect to the financial statements filed by the county clerk. (Ord. 1325 § 12, 1995: Ord. 820 § 10 (part), 1982: prior code § 1-10-9(2))

**2.72.130 Enforcement powers.**

If a campaign committee or person fails to file or

correct a statement within five business days after receiving notice under Section 2.72.110; fails to comply with the request for records provided under Section 2.72.120; or if any statement filed discloses a possible violation of this chapter, or if a verified complaint is filed by a candidate or voter with the county clerk alleging a violation of law, the clerk shall immediately notify the county attorney and shall furnish him copies of all papers in the clerk's possession relating thereto, including any complaint, and the county attorney, on such complaint or the complaint of any other person, shall enter forthwith the same in a docket kept for that purpose in his office, and within ten business days thereafter shall examine every case. If the evidence is deemed sufficient by the county attorney, he shall institute such criminal or civil proceedings as he may deem appropriate. The county district attorney shall perform each and every prosecutorial duty of the county attorney with respect to any necessary prosecution of the county attorney. (Ord. 1325 § 13, 1995: Ord. 820 § 10 (part), 1982: prior code § 1-10-9(3))

**2.72.140 Violation—Penalty.**

A. Any violation of this chapter shall be punishable as a Class B misdemeanor.

B. Any person convicted under subsection A of this section shall be subject to removal from office by judicial proceedings, as provided in Section 77-6-1, et seq., Utah Code Annotated (1980).

C. Any action under either Sections 2.72.140(A) or 2.72.140(B) must be initiated by the county attorney within one year from the county attorney's receipt of a verified complaint or discovery of the violation by the county clerk, whichever is latest. (Ord. 1325 § 14, 1995: Ord. 820 § 12, 1982: prior code § 1-10-11)

## Chapter 2.74

### TOWNSHIP ELECTIONS

#### Sections:

- 2.74.010 Township elections.
- 2.74.020 Setting an election.
- 2.74.030 Overlapping township proposals.
- 2.74.040 Election of planning and zoning board members.
- 2.74.050 County appointees.
- 2.74.060 Voting and election procedures.
- 2.74.070 Voter information and notice.
- 2.74.080 Election results.

#### 2.74.010 Township elections.

Pursuant to the provisions and requirements of the Utah Township Act, 17-27a-101, et seq., Utah Code Annotated (1996—H.B. 120), hereinafter "the Act," the following procedures regarding the time and manner of conducting township elections are established. Elections concerning the organization of townships and the election of township planning and zoning board members shall be conducted in accordance with the requirements of the Act, the Utah Election Code and this chapter. (Ord. 1341 § 1 (part), 1996)

#### 2.74.020 Setting an election.

Upon the receipt of a valid petition to create a township, which contains original signatures and which has been reviewed and certified as adequate by the county clerk and county attorney in accordance with the requirements of the Act and of state law generally, the county commission shall commence a waiting period of at least ninety days following filing of the petition before further action is taken. A petition shall be considered filed at that time and day the clerk's office receives a legally sufficient petition, with adequate signatures to satisfy the requirements of the Act. At the end of the waiting period, the county commission shall, by resolution, set an election day to be held on that special election day established by the Utah Election

Code (Section 20A-1-204, Utah Code Annotated, 1996) which is next after ninety days following the commission resolution. (Ord. 1341 § 1 (part), 1996)

#### 2.74.030 Overlapping township proposals.

Under circumstances in which two or more township proposals are filed with overlapping boundaries during the same waiting period, that proposal shall proceed first to election which has the largest population; provided, however, that the Board of County Commissioners may determine to give preference regarding which proposal shall first proceed to a township proposal which follows Community Council boundaries and may also give consideration regarding priority based on the topography, natural boundaries, and drainage basin of the proposed townships. An area's population shall be determined based on the most recent information received from the Utah State Office of Planning and Budget. Township proposals with later priorities shall be scheduled for election in accordance with the provisions of section 2.74.020 above, following the election of the earlier township priorities. If the election results in the creation of the earlier proposed township, the boundaries of the later proposals shall be modified to reflect the removal of overlapping areas. (Ord. 1346 § 2, 1996; Ord. 1343 § 2, 1996; Ord. 1341 § 1 (part), 1996)

#### 2.74.040 Election of planning and zoning board members.

A. Three township planning and zoning board members shall be elected from among residents of the township area in accordance with the provisions of the Act. Election of planning and zoning board members shall be conducted on the same ballot on which the voters determine whether to create the township.

B. Candidates for elected township planning and zoning board members shall be registered voters and residents of the township area. Candidates shall file a declaration of candidacy with the county clerk on forms prepared by the clerk and shall pay a ten dollar filing fee. The candidate filing period when

2.74.040

a new township is initially created shall close forty-five days before the election.

C. Elected planning and zoning board members shall serve for terms of four years, provided that the terms of board members shall be staggered in accordance with the terms of subsection D of this section.

D. When a new township is first created, the terms of board members shall be less than four years and shall be staggered and modified in such a way that members shall stand for re-election in even-numbered years. That board member who receives the highest number of votes shall serve an initial term until the first Monday in January following two even-numbered years after initial creation of the township. Those two members who receive the second and third greatest number of votes shall serve initial terms until the first Monday in January following one even-numbered year after initial creation of the township.

E. The terms of office of board members shall commence on the first Monday in January next following their election; provided, however, that the terms of office of board members elected when a new township is first created shall commence immediately after the canvass of election results.

F. The procedures for electing board members after the initial creation of the township shall be in accordance with procedures established by the Utah Election Code governing municipal elections. (Ord. 1346 § 3, 1996; Ord. 1341 § 1 (part), 1996)

**2.74.050 County appointees.**

In accordance with the provisions of the Act, the board of county commissioners shall appoint three township planning and zoning board members who are registered voters and residents of the township. Board members appointed by the county shall serve for staggered four-year terms, commencing on the first Monday in January. The county appointments shall be made during the time between the day of the election to determine township status and the day of the official canvass of that election. The three county appointees and three elected board members shall thereafter select a seventh board

member within seven days after the canvass. (Ord. 1341 § 1 (part), 1996)

**2.74.060 Voting and election procedures.**

All aspects of township elections not specifically addressed in this ordinance shall be conducted in accordance with standard election procedures as established by the Utah Election Code, including but not limited to, voter registration and qualifications, election judges, ballots and polling procedures, canvass, and all other aspects and procedures of the electoral process. The county clerk shall determine the necessity and manner of consolidation of voting precincts and appointment of election judges, in accordance with state statute. Elections regarding both the creation of a township and selection of board members shall be subject to the requirements of the campaign finance disclosure ordinance (Section 2.72.010, et seq., Salt Lake County Code of Ordinances). (Ord. 1341 § 1 (part), 1996)

**2.74.070 Voter information and notice.**

A. The county may provide, as determined appropriate by the board of county commissioners, voter education materials including, but not limited to voter information pamphlets, public hearings, and similar means reasonably calculated to provide impartial information to voters regarding the township proposal. No public funds may be used to advocate either for or against a township proposal and only neutral information may be provided in voter information pamphlets, provided that the board of county commissioners may invite proponents and opponents of the township proposal to provide brief written statements for inclusion in an information pamphlet.

B. Before a township election is held, the county commission shall publish notice of the election in a newspaper having general circulation within the area proposed for township status at least once a week for three successive weeks. The last publication of notice shall be at least one day before the election. The notice shall contain a description of the area proposed for township status, a statement that planning and zoning board candidates will also



be elected, and a statement of the time of the election and the location of polling places. (Ord. 1341 § 1 (part), 1996)

**2.74.080 Election results.**

If a majority of the registered voters voting within the area proposed for township status vote in favor of the proposal, the area shall immediately acquire township status as provided in the Act. Those three persons who are candidates for township planning and zoning board who receive the greatest number of votes shall be deemed elected to that board. (Ord. 1346 § 4, 1996; Ord. 1341 § 1 (part), 1996)

## Chapter 2.76

COUNSEL FOR INDIGENT  
DEFENDANTS

## Sections:

- 2.76.010 General policy.
- 2.76.020 Conflicts of interest—  
Resolution procedure.
- 2.76.030 Conflicts of interest—  
Appointment of other counsel.
- 2.76.040 Election of payment method and  
fees.
- 2.76.050 Additional compensation—  
Conditions.

**2.76.010 General policy.**

Salt Lake County shall discharge its obligation to provide counsel to indigent defendants by contracting yearly with the Salt Lake Legal Defender Association and/or such other non-profit organizations as may be deemed qualified and appropriate by the board of county commissioners. (Prior code § 1-11-1)

**2.76.020 Conflicts of interest—Resolution procedure.**

When a conflict of interest is believed to exist between contracted counsel and one or more defendants, contracted counsel shall follow the procedure hereinafter set forth:

A. Application to withdraw as counsel shall be made to the presiding judge of the district court and a copy thereof mailed to the county attorney;

B. The court shall conduct an ex parte hearing at which counsel shall inform the court in camera of the nature and grounds of the conflict of interest;

C. Counsel making the application to withdraw shall notify the county attorney in writing of the court's ruling. (Prior code § 1-11-2)

**2.76.030 Conflicts of interest—Appointment of other counsel.**

Upon a ruling by the court that a conflict of interest exists and appointment by the court of other counsel for the indigent defendant, the counsel so appointed shall mail copies of the order of appointment to both the county attorney and the county auditor. When the appointment entails the defense of a felony charge, counsel shall also provide notification of the method of payment desired. The method of payment selected shall thereafter be binding. (Prior code § 1-11-3)

**2.76.040 Election of payment method and fees.**

A. Counsel representing a defendant accused of a felony may elect lump sum payment as follows:

1. The sum of two hundred fifty dollars for a noncapital felony, or seven hundred fifty dollars for a capital felony, payable as a retainer upon making the election. The retainer fee shall constitute the total amount to be paid through the preliminary hearing. In the event the defendant is bound over to district court, an additional one hundred dollars shall be paid for arraignment and sentencing if no trial is held.

2. Upon completion of trial and all post-trial proceedings before the district court on a felony case, a trial fee of one thousand two hundred fifty dollars shall be paid unless the case involves a capital offense, in which event a trial fee of five thousand dollars shall be paid.

B. Counsel representing a defendant accused of any felony may elect to receive payment for services at the rate of thirty-five dollars per hour in lieu of lump sum payments. The defense of any lesser charge shall be compensated at the rate of thirty dollars per hour. Billings for services performed shall include an hourly accounting which must specify the type of service rendered, such as client interviews, research, investigation and court appearances on motions, trials, and

2.76.040

post-trial proceedings. The billing so prepared shall be submitted to the county auditor and a copy mailed to the county attorney.

C. Counsel appointed for appeals and other post-conviction remedies shall be paid at an hourly rate of thirty dollars, plus expenses related to the printing and mailing of briefs. Except upon a showing of good cause, concurred in by the appropriate court, counsel representing a defendant at trial shall continue such representation on appeal. (Prior code § 1-11-4)

**2.76.050 Additional compensation—  
Conditions.**

The fees set forth herein for compensating counsel defending indigent defendants are deemed reasonable by the board of county commissioners. However, when by reason of a trial of extraordinary length or other extraordinary circumstance, appointed counsel believes the fees inadequate, an additional sum may be paid upon a finding by the district judge hearing the case that the amount requested is reasonable, after a hearing, with notice thereof, to the county attorney. (Prior code § 1-11-5)

## Chapter 2.80

## PERSONNEL MANAGEMENT

## Sections:

- 2.80.010 Purpose of provisions.
- 2.80.020 Career service council—  
Created—Membership.
- 2.80.030 Career service council—Powers  
and duties.
- 2.80.040 Office of personnel  
management—Created—  
Director.
- 2.80.050 Office of personnel  
management—Powers and  
duties.
- 2.80.060 Rules and regulations.
- 2.80.080 Deputy sheriff's merit system  
and firemen's civil service  
commission.
- 2.80.085 Fire civil service system—  
Created—Administration—  
Membership.
- 2.80.090 Right to strike.
- 2.80.100 Ethics and disclosure.
- 2.80.110 Report of wrongdoing—  
Protection from retaliation.
- 2.80.120 Personnel advisory/benefits  
advisory committee.
- 2.80.130 Management of employee  
benefits.
- 2.80.140 Discrimination prohibited.

## 2.80.010 Purpose of provisions.

In enacting the ordinance codified in this chapter, it is the purpose of the board of county commissioners to provide, in accordance with the County Personnel Management Act (hereinafter referred to as "the Act"), Chapter 33 of Title 17, Utah Code Annotated (1953), (as amended), for creation of a county personnel division and career service council as set forth in the Act. (Ord. 1195 § 19, 1992: Ord. 750 (part), 1981: prior code § 1-5-1)

2.80.020 Career service council—  
Created—Membership.

There is created the county career service council, under the direction and supervision of the board of county commissioners. The council shall be a bipartisan body, consisting of three members who shall be appointed by the board for staggered three-year terms. Members shall have qualifications as provided in the Act. (Ord. 750 (part), 1981: prior code § 1-5-2)

2.80.030 Career service council—Powers  
and duties.

The career service council is empowered to hear grievances and appeals from county employees arising out of conditions of their employment or out of discriminatory activities. Specific duties and procedures of the council shall be as provided in the Act and in policies and procedures adopted pursuant to the Act. (Ord. 1195 § 20, 1992: Ord. 750 (part), 1981: prior code § 1-5-3)

2.80.040 Office of personnel  
management—Created—Director.

There is created the county personnel division within the department of administrative support services. The division shall be administered by a director of personnel management, who shall be appointed in the manner and subject to the conditions provided for by law. (Ord. 1195 § 21, 1992: Ord. 750 (part), 1981: prior code § 1-5-4)

2.80.050 Office of personnel  
management—Powers and duties.

The personnel division, in conjunction with county agencies and departments, shall be responsible for administering the merit system and personnel functions of the county under the supervision of the director. The division and the director shall have such powers, duties and functions as are provided in the Act and shall be responsible for the development, implementation and administration of an employee benefits program for the county. (Ord. 1195 § 22, 1992: 1039 § 2, 1988: Ord. 750 (part), 1981: prior code § 1-5-5)

2.80.060

**2.80.060 Rules and regulations.**

The administration of merit system and personnel functions within the county shall be governed by such specific rules, regulations, policies and procedures as are, from time to time, prepared by the personnel division and the various county agencies and departments and adopted by resolution of the board of county commissioners. Such regulations shall provide for recruitment, hiring, training, advancement and compensation of employees, grievance and appeal procedures, political activities, personnel recordkeeping, and such other matters as are necessary to address the proper functioning of the county's merit system and personnel functions, and as are in accordance with the provisions and intent of the Act. (Ord. 1195 § 23, 1992: Ord. 750 (part), 1981: prior code § 1-5-6)

**2.80.080 Deputy sheriff's merit system and firemen's civil service commission.**

Nothing contained in these provisions shall be deemed to change any obligation relative to deputy sheriffs under the Deputy Sheriffs' Merit System as found in Title 17, Chapter 30 of the Utah Code Annotated (1953), or to firemen under the Firemen's Civil Service as found in Title 17, Chapter 28 of the Utah Code Annotated (1953). Said merit system and civil service system are retained as provided in the Act, Section 17-33-1(3), Utah Code Annotated (1953), and shall be governed by such rules, regulations, policies and procedures as may from time to time be established. (Ord. 1195 § 25, 1992: Ord. 750 (part), 1981: prior code § 1-5-16)

**2.80.085 Fire civil service system—  
Created—Administration—  
Membership.**

A. In enacting this section, it is the purpose of the board of county commissioners to provide, in accordance with the Fire Civil Service Amendments Act, Chapter 28 of Title 17, Utah Code Annotated (1953) (as amended), for the creation of the fire civil service system and fire civil services council, as set forth in that statute.

B. There is created the fire civil service council, under the direction and supervision of the board of county commissioners. The council shall be a bipartisan body, consisting of three members who shall be appointed by the board for staggered three-year terms. Members shall have qualifications as provided by the statute.

C. The fire civil service system shall be administered by an executive director who shall be appointed in the manner and subject to the conditions provided for by law.

D. The administration of the fire civil service system within the county shall be governed by such specific rules, regulations, policies and procedures as are from time to time prepared by the fire civil service executive director upon the advice of the fire civil service personnel advisory committee. Such regulations shall address such matters as are necessary for the proper functioning of the county's fire civil service system and as are in accordance with the fire civil service act. Such rules, regulations, policies and procedures shall be effective only upon the adoption and approval of the board of county commissioners.

E. The fire civil service personnel advisory committee shall consist of five voting members and five ex officio members. The five voting members shall include two representatives of employee associations, one person selected by fire fighter officers, one person selected by fire command staff, and a fifth member selected by the other four voting members. The five ex officio members shall include the deputy fire chief, two persons representing the management of employee associations, a designee of the county attorney's office, and the county's EEO manager. The personnel advisory committee shall be chaired by the fire civil service executive director. Matters governing the qualifications, selection, term and removal of personnel advisory committee members shall be set out by policies and procedures, adopted by the board of county commissioners. (Ord. 1195 § 26, 1992)

**2.80.090 Right to strike.**

Because the public health, safety and welfare may be adversely affected thereby, no employee shall have the right to engage in or encourage any form of sit-down, slowdown, or in fact any form of work stoppage or strike, for any reason, against the county. A refusal by an employee to perform an assignment injurious to his health or physical safety shall not be considered a violation of this section. (Ord. 750 (part), 1981: prior code § 1-5-8)

**2.80.100 Ethics and disclosure.**

County employees, elected and appointed officials, and volunteer board members are required to comply with the Public Officers and Employees Ethics Act (67-16-1, et seq., Utah Code Annotated, 1953, as amended) and the County Employees Disclosure Act (§ 17-16-a-1, et seq., Utah Code Annotated, 1953, as amended). Written disclosure statements made under the provisions of those statutes shall be submitted annually to the board of county commissioners and filed with the county commission clerk. (Ord. 1195 § 27, 1992)

**2.80.110 Report of wrongdoing—  
Protection from retaliation.**

A. It is unlawful for any person to coerce any employee into undertaking an illegal, unethical or improper act, or to take any retaliatory action against any employee because of that employee's disclosure of information relating to county government mismanagement, corruption, misuse or waste of funds, abuse of authority, substantial and specific danger to public health or safety, or other wrongdoing in violation of the law.

B. Any employee who refuses to obey an illegal instruction or who discloses information concerning county government mismanagement, corruption, misuse or waste of funds, abuse of authority, substantial and specific danger to public health or safety, or other wrongdoing in violation of the law with a reasonable, good-faith belief that such refusal is justified or that such disclosures are true and accurate shall be protected from any retaliatory or coercive personnel action. This provision does not ex-

tend to any protection for employees from otherwise proper and justified personnel actions taken for disciplinary or budgetary reasons and not for retaliatory purposes. A "personnel action" means any administrative act or omission which adversely affects an employee's grade, personnel evaluation, salary or working conditions, or changes the employee's duties or responsibilities inconsistent with the employee's grade and salary.

C. Employees are encouraged and directed to report to appropriate agencies or officials instances of possible county government mismanagement, corruption, misuse or waste of funds, abuse of authority, substantial and specific danger to public health or safety, or other wrongdoings in violation of the law. If such a report is filed with a county department, official or agency, the identity of the employee filing the report shall be kept confidential unless this right is waived in writing by the employee.

D. Any person may file a complaint charging a violation of this section. The board of county commissioners shall also have authority, with or without a complaint, to initiate an inquiry of any county official or employee suspected of taking retaliatory or coercive personnel action against an employee as prohibited by this section.

E. Any person violating subsections A and B of this section shall be guilty of a Class B misdemeanor and upon conviction shall be punished as set forth in Chapter 1.12 of this code. In addition, the board of county commissioners, in accordance with policies and procedures and under the provisions of Title 17, Chapter 33, Utah Code Annotated (1953) may:

1. Revoke or modify any personnel action found to be taken in violation of this section;
2. Direct the appointing authority to reduce in grad, suspend or remove any county merit system employee found in violation of this section;
3. Recommend to the appointing authority appropriate sanctions concerning any appointed county official or employee who is not a merit system employee and who is found in violation of this section;

2.80.110

4. Report, in the case of an elected official, its findings to the appropriate state or local agency having jurisdiction over the conduct involved;
5. Release the report to the public; or
6. Temporarily suspend any personnel action pending a full inquiry by the board into charges of violation of this section. (1986 Recodification; Ord. 848 § 1, 1983; prior code § 1-5-11)

**2.80.120 Personnel advisory/benefits advisory committee.**

A. There is established the personnel advisory/benefits advisory committee to be comprised of one voting representative from each of the following:

1. Representing the following elected officials: one member from the county attorney's office, one member from the auditor's office, one from the sheriff's office, and one member to represent the offices of clerk, assessor, treasurer, recorder and surveyor;

2. Representing the following departments: One member from the department of human services, one member from the department of community services and economic development, one member from the department of administrative support services, and one member from the department of public works;

3. Representing employees at large: One employee who is not a member of any employee organization, selected by the director of the personnel division; one employee selected by the UPEA; one employee selected by AFSCME; and one employee jointly selected by all other employee organizations;

4. The committee shall be chaired by that person designated by the director of the personnel division to serve as chairman. The chairman shall prepare and distribute agendas for all committee meetings, and preside at such meetings, but shall not vote on any matter before the committee except as necessary to break a tie vote, and prepare and distribute minutes of all meetings;

5. Ex officio members of the committee shall include a representative of the county commission and the county's director of equal employment opportunity/affirmative action.

B. The committee shall meet as frequently as a majority of its members shall determine. A quorum of the committee shall be necessary before it may undertake any action and shall consist of four members, not including the chair and ex officio members.

C. In its capacity as personnel advisory committee, the committee shall serve as an advisory body to the personnel division and to the director thereof. As such, the committee shall hear and consider issues regarding the administration and activities of the merit system and personnel functions within the county pursuant to this chapter and to the Act. The committee may serve, as requested by the director, as the initial screening and review body for the consideration, enactment, amendment or repeal of county-wide personnel policies and procedures. The committee shall further provide such other services regarding personnel matters as may be requested by the director of the personnel division.

D. The committee may, by majority vote, convene such subcommittees as may, in the committee's discretion, be necessary from time to time. Such subcommittees shall be established and dissolved as necessary and shall report their findings and activities to the full committee. (Ord. 1195 § 28, 1992; Ord. 1039 § 3, 1988)

**2.80.130 Management of employee benefits.**

A. The responsibility for the management of employee benefits shall be assumed by the personnel division of the administrative support services department and by the auditor's office as provided in this section:

1. Employee benefits for which the personnel division and its director are responsible include but are not necessarily limited to: leave, training and tuition reimbursement, long-term disability, insurance for active and retired employees and their dependents (COBRA), leave without pay, employee awards and incentives, holidays, voluntary payroll deductions, relationships with employee associations and credit unions, the costs of funding county medical assessment, and administrative costs associated

with the management of employee benefits, such as publications, memberships, and travel and training. The administration and management of employee benefits under this subdivision shall be undertaken by the director with the assistance of the benefits advisory committee, as set out in Section 2.80.120.

2. Employment benefits which are provided to employees pursuant to federal or state law mandates, such as but not limited to social security, unemployment, worker's compensation, retirement contributions, and similar programs, shall be the primary responsibility of the county auditor.

B. The management of the "Employee Service Reserve Fund" (hereinafter "ESR Fund") shall be the ultimate responsibility of the county auditor; provided, however, that the preparation of the ESR Fund budget will be the responsibility of the director of the personnel division for employee benefits set out in subsection (A)(1) of this section and shall be under the auditor for the components set out in subsection (A)(2), and will be established pursuant to the following process:

1. After initial revenue projections have been set by the auditor, the budget for benefit components set out in subsection (A)(1) of this section will be developed by the director in cooperation with the benefits advisory committee. That budget will be provided to the board of county commissioners for its final approval, pursuant to the Utah Fiscal Procedures Act for Counties, along with the budget prepared by the auditor for those employee benefit components set out in subsection (A)(2) of this section. After the adoption of the budget, the fund will be managed by the auditor. Such management shall include the establishment of the two employee benefit categories described at subsections (A)(1) and (A)(2) of this section in the various county agencies and organizations within the fund and providing a standard county monthly financial report to the director of the personnel division which details the results of recorded revenues and expenditures in the fund.

2. All expenditures relating to the employee benefits components which fall under the responsibility of the personnel division, as specified in

Subsection (A)(1) of this section, will be authorized first by the personnel division and second by the auditor's office. The expenditures for which the auditor has sole responsibility will be authorized by the auditor's office only.

3. The county auditor will act as the budget manager for all portions of the ESR Fund and shall be responsible for insuring that the fund is actuarially sound and conforms to all applicable accounting and financial reporting standards. The auditor will further provide accounting and financial advice and assistance to the director of the personnel division and to the personnel advisory/benefits advisory committee as needed. (Ord. 1195 § 29, 1992; Ord. 1039 § 4, 1988)

#### **2.80.140 Discrimination prohibited.**

Discrimination in Salt Lake County government employment based on age, marital status, color, national origin, sex, sexual orientation, race or religion is prohibited. Individuals shall be assured of equal access, opportunity and protection in all areas of Salt Lake County government employment opportunities. Nothing in this section is intended to require additional employee benefits, including benefits related to family, marital, cohabitant or dependent status unless provided for by state or federal law or contract. (Ord. 1315 § 2, 1995; Ord. 1212 § 3, 1992)

RECORDED AS RECEIVED  
CO. RECORDER



## Chapter 2.82

## RECORDS MANAGEMENT

## Sections:

- 2.82.010 Findings—Recognition of public policy.
- 2.82.020 Purpose and intent.
- 2.82.030 Definitions.
- 2.82.040 Public access.
- 2.82.050 Availability—Restrictions.
- 2.82.060 Right of privacy.
- 2.82.070 Designation, classification and retention scheduling.
- 2.82.080 Requisition—Response time—Denial.
- 2.82.090 Fee determination.
- 2.82.100 Appeals.
- 2.82.110 Access for persons with disabilities.
- 2.82.120 Amendments and corrections.
- 2.82.130 Release.
- 2.82.140 Access management and archiving.
- 2.82.150 Custody and control.
- 2.82.160 Receipt, storage and preservation.
- 2.82.170 Computerized and non-written format records.
- 2.82.180 County justice court system.
- 2.82.190 Violation—Penalty.
- 2.82.010 Findings—Recognition of public policy.

The board of county commissioners of Salt Lake County finds the following:

A. It is in the best interests of Salt Lake County and the citizens thereof, and essential for the administration of county government, to maintain and preserve accurate governmental records; to provide ready access to records which are defined by law as open to the public; to maintain the security of records which are defined by law as nonpublic; and to ensure the preservation of vital and historically valuable records.

B. As the records of Salt Lake County government agencies are a resource containing information which (1) allows government programs to function; (2) provides officials with a basis for making decisions and ensuring continuity with past operations; and (3) permits citizens to research and document matters of personal and community importance; this resource must be systematically and efficiently managed.

C. It is the policy of the county that all governmental records, which are defined by applicable Utah statutory and case law as public records, shall be made available to citizens as set forth in this chapter.

D. The county recognizes a public policy interest in allowing the government to restrict access to certain records, as specified in the Act and this chapter, for the public good. (Ord. 1190 §1 (part), 1992)

## 2.82.020 Purpose and intent.

In enacting this chapter, it is the purpose and intent of the board of county commissioners to provide, in accordance with the Government Records Access and Management Act (hereinafter referred to as "the Act"), Chapter 2 of Title 63 of the Utah Code Annotated (1953), an ordinance acknowledging and complying with the Act and providing for its application in the county. County agencies shall comply with the provisions of this chapter and with the Act and shall also comply with other federal and state statutory and regulatory recordkeeping requirements. (Ord. 1190 §1 (part), 1992)

## 2.82.030 Definitions.

As used in this chapter, the following definitions shall be applicable.

A. "Act" means the Government Records Access and Management Act, §63-2-1, et seq., Utah Code Annotated, 1953, as amended.

B. "Agency" means any office, department, division, section, staff office, board, committee or other division of Salt Lake County Government, any public or private entity or person which contracts with the county to provide goods or services directly

to the county, or any private nonprofit entity that receives funds from the county.

C. "Computer software program" means the series of instructions or statements that permit the functioning of a computer system in a manner designed to provide storage, retrieval, and manipulation of data from the computer system, and any associated documentation, manuals or other source material explaining how to operate the software program. "Software" does not include the original data or record which is manipulated by the software.

D. "Controlled records" means those defined as controlled under the provisions of this chapter and in accordance with the provisions of the Act.

E. "Data" means individual entries (for example, birth date, address) in records.

F. "Designate" or "designation" means to give an initial or primary classification to a record or record series indicating the likely classification that a majority of such records or record series would likely be given if classified.

G. "Dispose" means to destroy, or render irretrievable or illegible, a record or the information contained in it by any physical, electronic or other means, including unauthorized deletion or erasure of electronically recorded audio, visual, nonwritten formats, data processing or other records.

H. "Nonpublic records" means those records defined as private, controlled or protected under the provisions of this chapter and of the Act.

I. "Private" records shall refer to those records classified as private under the provisions of this chapter and of the Act.

J. "Protected" records shall refer to those records classified as protected under the provisions of this chapter and the Act.

K. "Public" records shall refer to those records which have not been classified as nonpublic in accordance with the provisions of this chapter and the Act.

L. 1. "Record" means all books, letters, documents, papers, maps, plans, photographs, films, cards, tapes, recordings, or other documentary materials, and electronic data regardless of physical form or characteristics, prepared, owned, used, received or retained by the county where all the information

in the original is reproducible by some mechanical, electronic, photographic or other means.

2. "Record" does not mean:

a. Temporary drafts or similar materials prepared for the originator's personal use or prepared by the originator for the personal use of a person for whom he is working;

b. Materials that are legally owned by an individual in his private capacity;

c. Materials to which access is limited by the laws of copyright or patent, unless owned by the county;

d. Junk mail or commercial publications received by the county or by an officer or employee of the county;

e. Books and other materials that are catalogued, indexed, or inventoried and contained in the collections of county libraries open to the public, regardless of physical form or characteristics of the material;

f. Personal notes or daily calendars prepared by any county employee for personal use or the personal use of a supervisor or such notes, calendars or internal memoranda prepared for the use of an officer or agency acting in a quasi-judicial or deliberative process or pursuant to matters discussed in a meeting closed pursuant to Utah Open Meetings Act; or

g. Proprietary computer software programs as defined in Subsection C of this section that are developed or purchased by or for the county for its own use. (Ord. 1190 §1 (part), 1992)

#### 2.82.040 Public access.

A. Members of the public shall have the right to see, review, examine and take copies, in any format maintained by the county and subject to Section 2.82.170 hereof, of all county governmental records designated as "public" under the provisions of this chapter, and of the Act and policies and procedures developed hereunder.

B. The county has no obligation to create a record or record series in response to a request from a member of the public, if the record requested is not otherwise regularly maintained or kept.

C. When a record is temporarily held by a custodial county agency, pursuant to that custodial agency's statutory and ordinance functions, such as records storage, investigation, litigation or audit, the record shall not be considered a record of the custodial agency for the purpose of this chapter. The record shall be considered a record of the agency or agencies which usually keeps or maintains that record and any requests for access to such records shall be directed to that agency or agencies, rather than the custodial agency, pursuant to procedures established by the county. Only when records have been formally filed for permanent archival retention shall county archives be responsible for responding to requests for another agency's records. (Ord. 1190 §1 (part), 1992)

#### 2.82.050 Availability—Restrictions.

A. Public records shall be those county records as defined in the Act, §63-2-301 (U.C.A., 1953, as amended), as public. Public records shall be made available to any person. All county records are considered public unless they are expressly classified otherwise in accordance with policies and procedures established under this chapter and the Act or are made nonpublic by the Act or other applicable law.

B. Private records shall be those county records classified as "private," as defined in the Act, §63-2-302 (U.C.A., 1953, as amended), and as classified and defined in procedures established pursuant to this chapter and in accordance with the Act. Private records shall be made available to the following persons: The subject of the record, the parent or legal guardian of an unemancipated minor who is the subject of a record, the legal guardian of an incapacitated individual who is the subject of a record, any person who has a power of attorney or a notarized release dated not more than ninety days prior to the request from the subject of the record or his legal representative, or any person possessed of and serving a legislative subpoena or a court order issued by a court of competent jurisdiction.

C. Controlled records shall be those county records classified as "controlled," as defined in the Act, §63-2-303 (U.C.A., 1953, as amended), and as

classified and defined in procedures established in this chapter and in accordance with the Act. Controlled records shall be made available to a physician, psychologist or licensed social worker who submits a notarized release dated not more than ninety days prior to the request from the subject of the record or any person presenting a legislative subpoena or a court order signed by a judge of competent jurisdiction.

D. Protected records shall be those county records classified as "controlled," as defined in the Act, §63-2-304 (U.C.A., 1953, as amended), and as classified and defined in procedures established in this chapter and in accordance with the Act. Protected records shall be made available to the person who submitted the record, to a person who has power of attorney or notarized release dated not more than ninety days prior to the request from any persons or governmental entities whose interests are protected by the classification of the record, or to any person presenting a legislative subpoena or a court order regarding the release of the information and signed by a judge of competent jurisdiction.

E. Under circumstances set out by the Act, it may be appropriate to disclose nonpublic county records to persons other than those set out in this section. The determination to so release records shall be at the discretion of the department director or elected official or designee, consistent with the Act, and upon the advice of the attorney. (Ord. 1190 §1 (part), 1992)

#### 2.82.060 Right of privacy.

A. The county recognizes and upholds the personal right of privacy retained by persons who may be the subject of governmental records. The county also recognizes that the Act and Utah case law establish a presumption that governmental records will generally be considered open and public, with certain specific exceptions. In circumstances where a record's public or nonpublic status is not specifically established by the Act or another statute, by this chapter, or by policies established or designations made under this chapter, the public's right to access and the record subject's right of privacy must be compared. The county shall not release any re-

2.82.060

records when to do so would constitute a clearly unwarranted invasion of personal privacy, in accordance with the Act and procedures established in this chapter. Under circumstances and procedures established by this chapter, certain items of data may be rendered nonpublic, although other items of data in the record, or the record itself, may be classified public.

B. The county may, as determined appropriate by the agency director of the agency responding to a request for records, notify the subject of a record that a request for access to the subject's record has been made. (Ord. 1190 §1 (part), 1992)

**2.82.070 Designation, classification and retention scheduling.**

All county records and record series, of any format, shall be evaluated, designated, classified and scheduled for retention according to the provisions of the Act and this chapter. The county may designate or redesignate or classify or reclassify records or data at any time and is not required to classify a particular record or item of data until access thereto is requested. Any records or record series generated in the future shall also be so designated, classified and scheduled for retention. Records designation, classification and scheduling for retention shall be conducted under the supervision of and proposed schedules submitted to the county records officer who shall be assisted by a records classification and retention review committee consisting of the records officer or designee and the agency director of the agency in charge of the record in question, or designee. Assistance may be requested from the county attorney as needed. Designation, classification and retention scheduling forms and guidelines shall be prepared and promulgated by the records officer and the records policy administration. (Ord. 1190 §1 (part), 1992)

**2.82.080 Requisition—Response time—Denial.**

A. Under circumstances in which an agency is not able to immediately respond to a records request, the requester shall fill out and present to the agency a written request on forms provided by the

county. The date and time of the request shall be noted on the written request form and all times provided under this chapter shall commence from that time and date. Requesters of nonpublic records shall adequately identify themselves and, if applicable, their status when requesting access to nonpublic records.

B. An agency may respond to a request for a record by approving the request and providing the records, denying the request, or such other appropriate response as may be established by policies and procedures. If a written request is denied in whole or in part, the agency shall provide a notice of denial to the requester. The denial notice shall include the reasons for denial and information regarding the appeals process and such other information as may be required by this chapter and the Act.

C. 1. An agency shall respond to a written request for a record as soon as reasonably possible, but no later than ten business days after receiving the request or five business days after receiving a request if the requester satisfactorily demonstrates that an expedited response time primarily benefits the public at large, rather than the requester individually. A requester seeking records for publication or broadcast purposes is presumed to be acting primarily for the benefit of the public at large.

2. The following extraordinary circumstances shall justify an agency's failure to timely respond to a written request for a record and shall extend the time for response thereto to that time reasonably necessary to respond to the request, as determined by the agency director. Extraordinary circumstances include:

a. The agency, another agency, or some other governmental entity is currently and actively using the record requested;

b. The record requested is for either a voluminous quantity of records or requires the agency to review a large number of records or perform extensive research to locate the materials requested;

c. The agency is currently processing either a large number of records requests or is subject to extraordinary seasonal work loads in the processing of other work;

d. The release of a record involves legal issues that require an agency to seek legal counsel for analysis of applicable laws;

e. The request involves extensive editing to separate public data in a record from that which is not public; or

f. Providing the information request requires computer programming or other format manipulation.

3. When a timely response cannot be made to a record request, the agency shall notify the requester that it cannot immediately approve or deny the request because of one of the extraordinary circumstances listed in Subsection C2 of this section, and provide an explanation of the circumstances and an estimate of the time required to respond to the request. If the agency fails to provide the requested record within the estimated time, that failure shall be considered a denial of the request.

D. The failure or inability of an agency to respond to a request for a record within the time frames set out herein, or the agency's denial of such a request, shall give the requester the right to appeal as provided in Section 2.82.100.

E. Any county record which is subject to litigation, criminal investigation or audit or has been requested in accordance with this chapter and the Act, that is disposable by approved retention schedule, may not be disposed of until the litigation or audit has been resolved or the request is granted and fulfilled, or sixty days after the request is denied if no appeals are filed, or sixty days after all appeals are completed, pursuant to Section 2.82.100.

F. In response to a request for access, an agency may designate or reclassify the record or segregate data in the requested record in accordance with this chapter and the Act. (Ord. 1190 §1, (part), 1992)

#### 2.82.090 Fee determination.

A. An agency may charge a reasonable fee to cover its actual cost of duplicating a record or compiling a record in a form other than that maintained by the agency.

B. An agency may fulfill a record request without charge and is encouraged to do so when it determines that:

1. Releasing the record primarily benefits the public rather than a person;

2. The individual requesting the record is the subject of the record; or

3. The requester's rights are directly implicated by the information in the record, and the requester is impecunious.

C. Fee policies adopted under this chapter shall be consistent with this section. (Ord. 1190 §1 (part), 1992)

#### 2.82.100 Appeals.

A. 1. Persons aggrieved by the county's classification of a record or by an agency's response to a record request may request and be granted an initial administrative appeal of that grievance, in accordance with policies adopted by the records policy administration. An initial administrative appeal may be made, at the requester's option, to a hearing board convened pursuant to policies adopted by the records policy administration.

2. A written notice of appeal shall be filed with the director of the involved agency, who shall immediately notify the county records officer. The records officer shall institute the initial convening of the hearing board within ten business days after the date the written notice of appeal is received.

3. The records officer shall send a written notice by certified mail of the date and location of the hearing to the requester, and notice to members of the hearing board and the director of the involved agency. The hearing shall be conducted in accordance with policies adopted by the county commission and with the Utah Open Meetings Act.

4. Failure of the hearing board to issue a written decision and forward it to the appellant within five days after conclusion of the hearing grants to the requester the right to carry the appeal to the board of county commissioners.

B. 1. A requester who is aggrieved by the hearing board decision or who prefers to proceed directly to a hearing before the county commission may file an appeal with the chair of the board of county commissioners.

2. A county commission review of the appeal shall be initially convened within twenty-one days

## 2.82.100

following the decision of the hearing board or other appeal request.

3. Notices and staff assistance regarding the county commission hearing shall be provided by the county records officer and shall be provided as set out in subsection A of this section and in policies and procedures.

4. Failure of the board of county commissioners to issue a written decision within five days after conclusion of the hearing grants to the requester the right to carry the appeal to the district court.

5. The appeal of a decision of the board of county commissioners may be made to the district court, in accordance with the Act and the Utah Rules of Civil Procedure.

C. The appellant shall set forth in writing the nature and date of the request, attaching a copy of the request form, if available, and setting out the basis and legal authority for the request.

D. The decisions of any hearing board or the board of county commissioners regarding access to or classification of records shall be forwarded to the county records policy administration for corrective action including any reclassification or designation of data or records which may be necessitated by the appellate decision. (Ord. 1190 §1 (part), 1992)

### 2.82.110 Access for persons with disabilities.

Reasonable accommodations regarding access to governmental records shall be provided to persons with disabilities in accordance with policies developed under this chapter. (Ord. 1190 §1 (part), 1992)

### 2.82.120 Amendments and corrections.

Records held by the county may be amended or corrected as needed. Requests for amendments, corrections or other changes shall be made in writing to the agency having custody of the records and setting forth, with specificity, the amendment or correction requested and the reason for the change. When an amendment or correction of a government record is made, generally both the original record and the amended or corrected record shall be retained, unless the nature of the record indicates otherwise or as may be provided by policies and

procedures adopted under the provisions of this chapter. (Ord. 1190 §1 (part), 1992)

### 2.82.130 Release.

A. A county employee or other person having lawful custody of county records who knowingly refuses to permit access to records in accordance with the Act and this chapter, or who permits access to nonpublic records knowing that such access is prohibited, or who knowingly, without authorization or legal authority, disposes of, alters, or removes records or allows other persons to do so in violation of the provisions of the Act, this chapter, or other law or regulation may be subject to criminal prosecution and disciplinary action, including termination.

B. In accordance with the Act, neither the county nor any of its agencies, officers or employees shall be liable for damages resulting from the release of a record where the requester presented evidence of authority to obtain the record, even if it may be subsequently determined that the requester had no such authority. (Ord. 1190 §1 (part), 1992)

### 2.82.140 Access management and archiving.

A. There shall be appointed a county records officer to oversee and coordinate records access and management and county archives activities. The records officer shall make annual reports of records services activities to the board of county commissioners.

B. There is hereby created the government records access and management policy administration ("records policy administration"), to be chaired by the county records officer. Members of the records policy administration shall include representatives from the commission staff, the county departments and from the elected offices. The records policy administration shall meet periodically as needed, as determined by the county records officer. The minutes and other records of the records policy administration shall be maintained and staff provided by the archives office.

C. Each agency of county government shall appoint a records representative to assist with and be directly responsible for the implementation of

this chapter. Regular training shall be provided under the direction of the records policy administration to agency records representatives.

D. The records policy administration shall develop and provide records management, maintenance and access standards, policies and procedures, as approved by the board of county commissioners to govern and implement the provisions of the Act and this chapter. Approval and promulgation of records policies and procedures shall be in accordance with the provisions of this code of ordinances and the Act. Copies of any rule or policy promulgated under this chapter shall be forwarded by the county record officer to the Utah State Division of Archives within thirty days after its effective date. Any agency's internal policies regarding records management and access shall be consistent with this chapter and state law. (Ord. 1190 §1 (part), 1992)

#### **2.82.150 Custody and control.**

A. Records maintenance procedures shall be developed to ensure that due care is taken to maintain and preserve county records safely and accurately over the long term. The records officer shall be responsible for monitoring the application and use of technical processes in the creation, duplication, and disposal of county records and shall monitor compliance with required standards of quality, permanence, and admissibility pertaining to the creation, use and maintenance of records. Policies and regulations regarding types and formats of papers, inks, electronic media, and other records and information storage media, materials, equipment, procedures and techniques shall be developed and promulgated, subject to the approval of the board of county commissioners.

B. All county records which constitute an intellectual property right shall remain the property of the county unless federal or state legal authority provides otherwise. All other records shall be the property of the state. Property rights to county records may not be permanently transferred from the county to any private individual or entity, including those legally disposable obsolete county records of county archives or other agencies. This prohibition does not include the providing of record copies for

release or distribution under this chapter. All records disposals shall be conducted in accordance with policies and procedures.

C. Custodians of any county records shall, at the expiration of their terms of office, appointment or employment, deliver custody and control of all records kept or received by them to their successors, supervisors, or to the county records officer.

D. All records which are in the possession of any county agency shall, upon termination of activities of such agency, be transferred to any successor agency or to the county archives, provided that such transfer is consistent with the formal provisions of such termination. (Ord. 1190 §1 (part), 1992)

#### **2.82.160 Receipt, storage and preservation.**

There is created the county archives and records services section, to be managed by the county records officer. It is the responsibility of the section to receive, store, and preserve county agency records and other materials and to store and to provide reasonable access thereto as may be calculated to accurately and safely maintain county records over a long term in compliance with this chapter and the Act. Policies and guidelines regarding the nature of records and record series which are to be received and stored by county archives shall be developed and promulgated by the records policy administration. County archives shall be considered the formal, official repository of county records; the central depository for the reports, publications, productions in other media, rules, policies and regulations of the county, where not otherwise determined by law; and, where appropriate, historical artifacts. Each agency shall be responsible for assisting the county archives in the collection of such records, depository materials, and artifacts through methods promulgated by the records policy administration. (Ord. 1190 §1 (part), 1992)

#### **2.82.170 Computerized and non-written format records.**

A. The county retains and reserves to itself the right to use any type of nonverbal or non-written formats for the storage, retention and retrieval of government records, including, but not limited to,

**2.82.170**

audio tapes, video tapes, micro-forms, and any type of computer, data processing, imaging, or electronic information storage or processing equipment or systems, which are not prohibited by state statute and do not compromise legal requirements for record storage, retrieval, security and maintenance, to store and maintain county records. All computerized and non-written format records and data which are designated and classified in accordance with the act and this chapter, shall be made available to a requester in accordance with this chapter and the Act.

B. The methods of access to records in non-written formats or data processing systems shall be as determined appropriate by the agency director of the agency maintaining the records, considering all circumstances. Access may include, but not be limited to, the following:

1. By using a county computer terminal or other viewing or listening device to retrieve data directly from the terminal screen or device; provided, however, that due regard shall be exercised to ensure that any nonpublic records will not be accessed, retrieved or displayed on the device and that records are not erased or damaged;

2. By providing paper or "hard" copies of record printouts or by providing magnetic tapes, disks or other means of electronic storage containing the non-written format or data processing system records; or

3. By the use, where appropriate, of remote terminals which have access to county computer, data processing or electronic information systems pursuant to a formal two-party contract permitting such remote terminal access and provided that due regard shall be exercised to ensure that nonpublic records will not be available by remote terminal access.

C. Computer software programs are not considered a record. Software programs shall not be subject to disclosure under this chapter or the Act, including copyrighted software and other copyrighted materials which have been purchased by or licensed to the county and software and other materials which have been copyrighted by the county. (Ord. 1190 §1 (part), 1992)

**2.82.180 County justice court system.**

Records activities of the county justice court system shall comply with and be governed by Section 63-2-702 of the Act. (Ord. 1190 §1 (part), 1992)

**2.82.190 Violation—Penalty.**

Knowing violation of this chapter is a misdemeanor, punishable as set forth in this code of ordinances. (Ord. 1190 §1 (part), 1992)



## Chapter 2.84

## EMPLOYEES' SAFETY PROGRAM

## Sections:

- 2.84.010 General policy.
- 2.84.020 Safety committee—Established.
- 2.84.030 Safety committee—Meetings.
- 2.84.040 Safety committee—Powers and duties.

**2.84.010 General policy.**

In order to provide a more effective and efficient county government, it is declared to be the policy of Salt Lake County to promote and encourage the conservation of human, material and financial resources of the county by means of a safety program to be conducted among employees of the county for the purpose of improving their understanding and application of sound safety practices in the conduct of county government. Safety, courtesy and respect for the rights and privileges of others are declared to be a part of every employee's duty. (Prior code § 1-9-1)

**2.84.020 Safety committee—Established.**

A. There is established a county safety committee consisting of nine members, as follows:

1. Risk manager;
2. One member to be appointed by each major department;
3. Representative of the health department;
4. Representative of the county sheriff;
5. Representative of the county fire department.
6. Personnel director.

B. The responsibility for the administration of the county safety program will rest with the personnel director acting with the risk manager. (Ord. 1244 § 1, 1993; Ord. 1195 § 30, 1992; prior code § 1-9-2)

**2.84.030 Safety committee—Meetings.**

The county safety committee shall meet as necessary to perform its assigned responsibilities. Meetings are to be held at times and places and after

such notice as shall be decided by the committee. (Ord. 1244 § 2, 1993; Ord. 1195 § 31, 1992; prior code § 1-9-3)

**2.84.040 Safety committee—Powers and duties.**

A. It shall be the responsibility of the safety committee to do the following:

1. Develop, implement and supervise an effective safety program for county government;
2. Plan, provide and supervise appropriate training in safety practices and procedures for county employees;
3. Provide for and furnish posters, notices, bulletins, training aids and other materials needed in the safety program; and
4. Recommend such rules and procedures as are required by sound safety practices and principles for an effective and uniform safety program throughout county government.

B. Individual departments of county government may also establish rules and procedures that are consistent with sound safety practices and are designed to meet special needs and circumstances of the department; however, such departmental safety rules and procedures shall be submitted in a manner consistent with other policies. (Ord. 1244 § 3, 1993; prior code § 1-9-5)

## Chapter 2.88

HISTORIC PRESERVATION  
COMMISSION

## Sections:

- 2.88.010 Purpose.  
2.88.020 Establishment.  
2.88.030 Duties.

**2.88.010 Purpose.**

Salt Lake County recognizes that the historical heritage of the county is among its most valued and important assets. It is therefore the intent of the county to identify, preserve, protect and enhance historic areas and sites lying within the unincorporated area of the county. (Ord. 1096 § 2 (part), 1990)

**2.88.020 Establishment.**

An historic preservation commission is established by the county with the following provisions:

A. The commission shall consist of seven members with a demonstrated interest, competence or knowledge in historic preservation. Except as specified below the commission members shall be appointed by the county commission for terms of three years.

Notwithstanding the foregoing, the terms of the initial members shall be staggered so that no more than three members' terms expire in any one year. The terms of the initial members shall be as follows:

Two members, three years;

Two members, two years;

Three members, one year.

The term of each member shall be designated by the county commission. Upon expiration of the initial term of any member, any subsequent appointment or reappointment shall be for a term of three years.

B. To the extent available in the community, two commission members shall be professionals,

as defined by National Park Service regulations, from the disciplines of history, archaeology, planning, architecture or architectural history.

C. The commission shall meet at least twice each year and conduct business in accordance with the Open Public Meeting laws of Utah. (Ord. 1096 § 2 (part), 1990)

**2.88.030 Duties.**

The historic preservation commission shall have the following duties:

A. Survey and inventory community historic resources. The historic preservation commission shall conduct or cause to be conducted a survey of the historic, architectural and archaeological resources within the unincorporated area of the county. The survey shall be compatible with the Utah Inventory of Historic and Archaeological Sites. Survey and inventory documents shall be maintained and shall be open to the public. The survey shall be updated at least every ten years.

B. Review proposed nominations to the National Register of Historic Places. The historic preservation commission shall review and comment to the State Historic Preservation Officer on all proposed National Register nominations for properties with the unincorporated area of the county. When the historic preservation commission considers a National Register nomination which is normally evaluated by professionals in a specific discipline and that discipline is not represented on the commission, the commission shall seek expertise in that area before rendering its decision.

C. Provide advice and information.

1. The historic preservation commission shall act in an advisory role to other officials and departments of government regarding the identification and protection of local historic and archaeological resources.

2. The historic preservation commission shall work toward the continuing education of citizens regarding historic preservation and community history.

2.88.030

**D. Enforcement of state historic preservation laws. The commission shall support the enforcement of all state laws relating to historic preservation. These include, but are not limited to, Utah Code Annotated, Section 11-18-2, "The Historic District Act"; Utah Code Annotated, Sections 63-18-25, 63-18-27 and 63-18-30, regarding the**

**protection of Utah antiquities; and Utah Code Annotated, Section 63-18-37, regarding notification of the State Historic Preservation Office of any known proposed action which will destroy or affect a site, building or object owned by the state and included on or eligible for the state or National Registers. (Ord. 1096 § 2 (part), 1990)**

**Title 11**

**VEHICLES AND TRAFFIC**

**Chapters:**

- 11.04 General Provisions**
- 11.08 Traffic Control Regulations**
- 11.12 Vehicle Control Restrictions**
- 11.16 Speed Limits**
- 11.20 Stopping, Standing and Parking**
- 11.24 Traffic and Parking on School Grounds**
- 11.28 Driving Under the Influence of Intoxicants**
- 11.32 Bicycles**
- 11.36 Pedestrians**
- 11.40 Abandoned and Impounded Vehicles**
- 11.44 Penalties, Parties, and Procedures on Arrest**

**RECORDED AS RECEIVED  
CO. RECORDER**

## Chapter 11.04

## GENERAL PROVISIONS

## Sections:

11.04.010	Definitions.
11.04.020	Applicability.
11.04.030	Traffic control devices.
11.04.040	Driver's license required.
11.04.050	Registration card.
11.04.060	Sheriff—Authority.
11.04.070	Sheriff—Obediance required.
11.04.080	Authority to direct traffic at scene of fire.

## 11.04.010 Definitions.

Whenever in this title the following terms are used, they shall have the meanings respectively ascribed to them in this section:

1. "Alley" means a public way, not designed for general travel, within a block primarily intended for service and access to abutting property by vehicles.

2. "Authorized emergency vehicles" means vehicles that are designated or authorized as such by the sheriff of this county, and such ambulances and emergency vehicles of the United States, state and municipal governments as may be operated on the streets of the county.

3. "Bicycle" means every device propelled by human power upon which any person may ride, having two tandem wheels, either of which is over twenty inches in diameter, and including any device generally recognized as a bicycle, though equipped with more than one front or rear wheel.

4. "Crosswalk" means that portion of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the street measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway; also, any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

5. "Crosswalk line" means a single white line, not less than six inches in width, painted on a street marking the outlying limits of a pedestrian crossing.

6. "Driver" means every person who drives or is in actual physical control of a vehicle.

7. "Fire department" means the fire department of Salt Lake County.

8. "Intersection" means:

a. The area embraced within the prolongation or connection of the lateral curblines, or, if none, then the lateral boundary lines or the roadway of two streets that join one another at, or approximately at, right angles, or the area within which vehicles, traveling upon different streets joining at any other angle, come in conflict.

b. Where a street includes two roadways thirty feet or more apart, then every crossing of each roadway of such divided street by an intersecting street shall be regarded as a separate intersection.

9. "Limited access street, highway or roadway" means every highway, street or roadway, with respect to which owners or occupants of abutting lands and other persons have no legal right of access except at such points and in such manner as may be determined by the public authority having jurisdiction over such highway, street or roadway.

10. "Motorcycle" means every motor vehicle, other than a tractor, having a seat or saddle for the use of the rider and designed to travel on not more than three wheels in contact with the ground and weighing less than one thousand two hundred fifty pounds.

11. "Motor-driven cycle" means every motor-cycle, including every motor scooter, with a motor that produces more than five horsepower, and every bicycle with a motor attached.

12. "Motor vehicle" means every vehicle that is self-propelled and every vehicle that is propelled by electric power obtained from overhead trolley wires, but not operated upon rails.

13. "Owner" means a person who holds the legal title to a vehicle or, in the event a vehicle is

subject to an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with immediate right of possession vested in the conditional vendee or lessee, or in the event a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagor shall be deemed the owner for the purpose of this title.

14. "Park" means the standing of a vehicle, whether occupied or not, otherwise than temporarily, for the purpose of and while actually engaged in loading or unloading.

15. "Pedestrian" means any person afoot.

16. "Person" means every natural person, firm, copartnership, association or corporation.

17. "Private road or driveway" means every way or place in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not used by other persons.

18. "Railroad" means a carrier of persons or property upon cars operated upon stationary rails.

19. "Railroad sign or signal" means any sign, signal or device erected by authority of a public body or official or by a railroad and intended to give notice of the presence of railroad tracks or the approach of a railroad train.

20. "Railroad train" means a steam engine, electric or other motor, with or without cars coupled thereto, operated upon rails.

21. "Right-of-way" means the right of one vehicle or pedestrian to proceed in a lawful manner in preference to another vehicle or pedestrian approaching under such circumstances of direction, speed and proximity as to give rise to danger of collision unless one grants precedence to the other.

22. "Safety zone" means that area within the crosswalk for the exclusive use of pedestrians, bounded on two sides by the crosswalk lines and on the other two sides by yellow lines or by physical barriers, or otherwise so protected, marked or indicated by adequate signs as to be plainly visible at all times while set apart as a safety zone.

23. "Sheriff's department" means the sheriff's department of Salt Lake County.

24. "Sidewalk area" means that portion of a street or highway between the curblines of the lateral lines of a roadway and the adjacent property lines.

25. "Stop" means complete cessation from movement.

26. "Stop or limit line" means a single white line not less than twelve inches in width behind which vehicles must stop when directed by a sheriff's officer or traffic control device.

27. "Stop, stopping or standing when prohibited" means any stopping or standing of a vehicle whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a sheriff's officer or traffic control device.

28. "Street or highway" means the entire width between the boundary lines of every way publicly maintained when any part thereof is open to the use of the public for purposes of vehicular travel.

29. "Traffic-control devices" means all signs, signals, traffic markings and devices of the state placed or erected by authority of a public body or official having jurisdiction, for the purposes of regulating, warning or guiding traffic.

30. "Traffic engineer" means the traffic engineer in the traffic engineering section of the engineering division of the Salt Lake County public works department.

31. "Transportation engineer" means the transportation engineer of Salt Lake County.

32. "Vehicle" means every device in, upon or by which a person or property is or may be transported or drawn upon a highway, except devices moved by human power or used exclusively upon stationary rails or tracks. (Prior code § 21-1-1)

#### 11.04.020 Applicability.

All vehicles using the roads and highways of the county shall be subject to the provisions of this title. Every person propelling any pushcart

or riding an animal upon a roadway, and every person driving an animal-drawn vehicle, shall be subject to such provisions as are applicable to the drivers of vehicles, except those that by their nature can have no application. (Prior code § 21-1-2)

**11.04.030 Traffic control devices.**

The public works department, under the direction of the traffic engineer, shall place and maintain such traffic control devices upon county roads and highways as are necessary to indicate and to carry out the provisions of this code or to regulate, warn or guide traffic. All signs, markings and other devices shall conform to the Utah Manual on Uniform Traffic Control Devices. (Prior code § 21-1-4)

**11.04.040 Driver's license required.**

No motor vehicle subject to the provisions of this title shall be driven upon any road, street, highway or thoroughfare of the county by any person not in possession of a valid operator's license issued by the Driver's License Division of the State Department of Public Safety or of some other state. (Prior code § 21-1-7)

**11.04.050 Registration card.**

The operator of a motor vehicle shall carry in his vehicle or upon his person a duly signed registration card. The operator shall display the registration card upon the demand of any officer of the sheriff's department. (Prior code § 21-1-8)

**11.04.060 Sheriff—Authority.**

The sheriff is authorized to enforce the provisions of this title and all laws regulating the operation of vehicles on the streets and highways of the county. (Prior code § 21-1-3)

**11.04.070 Sheriff—Obedience required.**

A. It is unlawful for any person to wilfully fail or refuse to comply with any lawful order or direction of any officer of the sheriff's department or other special officer assigned to traffic duty and vested by law with authority to direct, control or regulate traffic.

B. The sheriff shall direct all traffic in accordance with the provisions of this title, or in emergencies, as public safety or convenience may require. Except in case of an emergency, it is unlawful for any person not authorized by law to direct or attempt to direct traffic. (Prior code § 21-1-5)

**11.04.080 Authority to direct traffic at scene of fire.**

The fire department officer in command, or any fireman designated by him, may exercise the powers and authority of a sheriff's deputy in directing traffic at the scene of any fire or where the fire department has responded to an emergency call for so long as fire department equipment is on the scene in the absence of the sheriff or his deputy, or while assisting the sheriff in discharging his duties. (Prior code § 21-1-6)

11.08.010

Chapter 11.08

TRAFFIC CONTROL REGULATIONS

Sections:

- 11.08.010 Obedience to traffic control devices—Effect of improper sign.
- 11.08.020 Unauthorized traffic control devices prohibited—Removal.
- 11.08.030 Turning at intersections.
- 11.08.040 Authority to designate cross walks, safety zones and traffic lanes.
- 11.08.050 Authority to designate one-way highways.
- 11.08.060 Prohibiting use of limited-access highway.
- 11.08.070 Stop signs at dangerous railroad crossings.
- 11.08.080 Entering highway from alley or private roadway.
- 11.08.090 Following another vehicle.
- 11.08.100 Turning on crest of hill.
- 11.08.110 Backing vehicle onto roadway.
- 11.08.120 Recreational activities on county roads.
- 11.08.130 Emergency vehicles—Right-of-way—Signals and sirens.
- 11.08.140 Emergency vehicles—Following prohibited.
- 11.08.150 Funeral processions.
- 11.08.160 Restrictions upon use of highways.
- 11.08.170 Weight limits on county roads.
- 11.08.180 Vehicle size and weight restrictions.
- 11.08.190 Avoiding intersections prohibited.
- 11.08.200 Driving on sidewalks or safety zones prohibited.
- 11.08.210 Red lights prohibited when.
- 11.08.220 Damaging traffic signs prohibited.

- 11.08.230 Obstruction of view prohibited.
- 11.08.240 Gravel and foreign matter on highway.
- 11.08.250 Destructive or injurious materials on highway prohibited.

- 11.08.010 Obedience to traffic control devices—Effect of improper sign.
  - A. Subject to the exceptions granted drivers of authorized emergency vehicles, no person shall disobey the instructions of any applicable traffic control device placed in accordance with the provisions of this title unless otherwise directed by an appropriate law enforcement officer.
  - B. No provision of this title for which signs are required shall be enforced against an alleged violator if, at the time and place of the alleged violation, an official sign is not in proper position and sufficiently legible to be seen and read by an ordinarily observant person. (Prior code § 21-2-1)

- 11.08.020 Unauthorized traffic control devices prohibited—Removal.
  - A. No person shall place, maintain or display upon or in view of any highway any unauthorized sign, signal, light, marking or other device:
    1. That purports to be, imitates or resembles an official traffic-control device, railroad sign or signal, or authorized emergency flashing light;
    2. That attempts to direct the movement of traffic;
    3. That hides from view or interferes with the effectiveness of any official traffic device or any railroad sign or signal; or
    4. That is of such brilliant illumination and so positioned as to be in danger of blinding or dazzling a driver on any highway adjacent thereto.
  - B. Every such prohibited sign, signal, light or marking is declared to be a public nuisance which any officer of the sheriff's department is empowered to remove or cause to be removed without notice to the owner. (Prior code § 21-2-3)



**11.08.030 Turning at intersections.**

The traffic engineer may require and cause markers, buttons or signs to be placed within or adjacent to intersections and thereby require and direct that vehicles turning at such intersections shall turn in accordance therewith, or the turning of vehicles at certain designated intersections may be prohibited altogether. (Prior code § 21-2-6)

**11.08.040 Authority to designate crosswalks, safety zones and traffic lanes.**

The traffic engineer is authorized to:

A. Designate and maintain, by appropriate devices, marks or lines upon the surface of the roadway, crosswalks at intersections where, in his opinion, there is particular danger to pedestrians crossing the roadway, and at other places as he may deem necessary;

B. To establish safety zones of such kind and character and at such places as he may deem necessary for the protection of pedestrians;

C. To mark lanes for traffic on street pavements at places he may deem advisable, consistent with this title. (Prior code § 21-2-8)

**11.08.050 Authority to designate one-way highways.**

The traffic engineer shall have the authority to designate by appropriate markings certain county roads and highways as one-way, requiring that all vehicles thereon move in one specific direction. (Prior code § 21-2-16)

**11.08.060 Prohibiting use of limited-access highway.**

The traffic engineer may prohibit the use of any limited-access roadway by pedestrians, bicycles or other nonmotorized traffic or by any person operating a motor-driven cycle. No person shall disobey posted restrictions. (Prior code § 21-2-15)

**11.08.070 Stop signs at dangerous railroad crossings.**

The traffic engineer may designate certain highway grade crossings of railroads as being particularly dangerous and erect appropriate regulatory signs thereat. (Prior code § 21-2-4)

**11.08.080 Entering highway from alley or private roadway.**

It is unlawful to drive a vehicle from any alley, private driveway, or private road onto a public thoroughfare without first bringing such vehicle to a complete stop within fifteen feet of the highway, giving an audible signal, and yielding the right-of-way to all approaching vehicles and pedestrians. (Prior code § 21-2-17)

**11.08.090 Following another vehicle.**

The driver of a motor vehicle shall not follow another vehicle more closely than is reasonable and prudent under the circumstances. (Prior code § 21-2-11)

**11.08.100 Turning on crest of hill.**

No vehicle shall be turned so as to proceed in the opposite direction upon any curve, or upon the approach to, or near the crest of a grade, where such vehicle cannot be seen within five hundred feet by the driver of any other vehicle approaching from either direction. (Prior code § 21-2-7)

**11.08.110 Backing vehicle onto roadway.**

All person backing motor vehicles from any alley or private driveway must proceed in the direction of the lane of traffic immediately adjacent to same. No driver shall back any vehicle unless such movement can be made with reasonable safety and without interfering with other traffic. (Prior code § 21-2-18)

**11.08.120 Recreational activities on county roads.**

There shall be no sleighriding or other recreational activities conducted upon any roads or

11.08.120

highways of the county unless the sheriff's department allows such activity in restricted areas by designating same with appropriate signs and other controls. (Prior code § 21-2-22)

**11.08.130 Emergency vehicles—Right-of-way—Signals and sirens.**

A. All vehicles operated by the sheriff and fire departments, as well as ambulances, shall have the right-of-way over all other vehicular traffic on the highways during emergencies. Such vehicles shall be equipped with a siren, flashing lights, and other emergency equipment to make them recognizable visibly and audibly. Upon sounding or illuminating of same, the driver of every other vehicle then upon the highways along which the emergency vehicles are being operated shall immediately drive to a position parallel to, and as close as possible to, the right edge or curb of the highway, clear of any intersection, and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by an appropriate law enforcement officer.

B. This section shall not operate to relieve the driver of an authorized emergency vehicle from the duty to drive with due regard for the safety of all persons using the highway. (Prior code § 21-2-12)

**11.08.140 Emergency vehicles—Following prohibited.**

The driver of a vehicle, other than one officially authorized, shall not follow emergency vehicles traveling in response to any fire, accident, crime or other alarm, closer than five hundred feet, or park such vehicle within the block where an emergency vehicle has stopped or in any way block, obstruct or interfere with the free ingress or egress of emergency vehicles. (Prior code § 21-2-13)

**11.08.150 Funeral processions.**

A. It is unlawful for any person to drive or cause any vehicle to be driven so as to break the

consecutive line of travel of funeral processions upon any street or highway of the county. If the public safety requires, the sheriff's department may provide an escort for funeral processions, or it may require that the funeral director, mortuary or agency conducting the funeral so provide.

B. Every motorist participating in a funeral procession shall illuminate the headlamps of his vehicle or cause appropriate signs to be placed on the same, identifying it as a participating vehicle. (Prior code § 21-2-10)

**11.08.160 Restrictions upon use of highways.**

The director of the highway division or his authorized agent may prohibit the operation of all vehicles upon any highway or road of the county or impose restrictions as to the weight of vehicles thereon for a period up to ninety days in a calendar year, whenever a highway or road might otherwise be seriously damaged by deterioration or climatic conditions. All such restrictions shall be designated by appropriate signs and markings at each end of that portion of the highway affected by this chapter and shall not be effective until and unless such signs are erected and maintained. The director may prohibit the operation of trucks or other commercial vehicles, or impose limitations as to the weight thereof, on designated highways, which prohibitions and limitations shall be designated by appropriate signs or markings. (Prior code § 21-2-14)

**11.08.170 Weight limits on county roads.**

It is unlawful for any person to drive or move upon the roads or highways of the county any vehicle of a size or weight exceeding the limitations as provided for in this chapter. (Ord. 751 (part), 1981)

**11.08.180 Vehicle size and weight restrictions.**

A. The traffic engineer is authorized to establish size and weight limits for vehicles operated upon county roads and highways, or to alter or

change the size and weight limits within the county set by Title 27, Chapter 12, Sections 149 and 151, Utah Code Annotated (1953), as amended, whenever the traffic engineer finds that such limitations are necessary to facilitate the normal and safe movement of traffic, or to prevent damage or destruction to any highways or roads.

B. No setting of weight and/or size limitations shall become effective until the traffic engineer has made an investigation of engineering and traffic conditions at the areas to be affected by such limitations and until the traffic engineer has installed, or caused to be installed, appropriate signs designating size and/or weight limitations and the areas in which they are to be in effect. All signs or other control devices required by this section to be installed shall conform, so far as possible, to the system set forth in the most recent "Manual on Uniform Traffic Control Devices for Streets and Highways" adopted by the Utah Department of Transportation. (Ord. 751 (part), 1981)

#### **11.08.190 Avoiding intersections prohibited.**

It is unlawful for the driver of any motor vehicle to avoid designated roadways and intersections by cutting through any service station lot, parking lot, or any other private or public lot, unless such act is expressly permitted. (Prior code § 21-2-5)

#### **11.08.200 Driving on sidewalks or safety zones prohibited.**

No driver of a vehicle shall drive within any sidewalk area except at a permanent or temporary driveway nor into or upon any portion of a roadway marked as a safety zone. (Prior code § 21-2-9)

#### **11.08.210 Red lights prohibited when.**

It is unlawful for any person operating a motor vehicle to drive it upon any public highway in the county with any red light visible from directly in front thereof. This section shall not apply to police, sheriff, ambulance or fire department vehicles. (1986 Recodification: prior code § 21-5-1)

#### **11.08.220 Damaging traffic signs prohibited.**

It is unlawful for any person to drive into, alter, deface, injure, move, knock down, demolish, remove, or interfere with any traffic sign, standard, post, chain, rope, or other traffic control device installed for the purpose of directing or regulating traffic in the county. (Prior code § 21-2-2)

#### **11.08.230 Obstruction of view prohibited.**

A. It is unlawful for persons owning or occupying property adjacent to any road or highway in the county to permit any tree, plant, shrub, sign, vehicle, fence or other obstacle of any kind located on said property to block the view of traffic signs to the vision of oncoming motorists or to obscure the vision of oncoming traffic so as to constitute a traffic hazard.

B. When the department of public works determines upon the basis of an engineering and traffic investigation that a traffic hazard exists, it shall notify the owner or occupant and order that the hazard be removed within ten days.

C. The failure of the owner or occupant to remove the traffic hazard within ten days is a Class C misdemeanor. (Ord. 1150 § 2, 1991: prior code § 21-2-19)

#### **11.08.240 Gravel and foreign matter on highway.**

It shall be unlawful to operate or load, or cause to be operated or loaded, any type of conveyance upon any public road, highway or thoroughfare in the county from which sand, gravel, rocks or other materials fall or are discharged, unless such person immediately stops and removes all such materials from the road, highway or thoroughfare. It is unlawful to load or carry such materials so that any of the contact points of the material within the sides of the truck bed are less than six inches from the top of the truck bed. This section shall not apply to those situations where such materials are properly discharged or unloaded in connection with construction activities on the road, highway or thoroughfare by authorized persons. (Prior code § 21-2-20)

11.08.250

**11.08.250 Destructive or injurious materials on highway prohibited.**

A. It is unlawful for any person to throw, deposit or discard, or to permit to be dropped, deposited or discarded upon any public road, highway, park or recreation area, any paper, paper container, glass bottle, glass, nails, tacks, wire, cans, barbed wire, boards, trash, garbage, or any other substance that could injure any person, animal or vehicle, or that could impair the scenic aspect of such public road, highway, park or recreation area.

B. Any person who drops, throws, deposits, or discards, or permits to be dropped, thrown, deposited or discarded upon any public road, highway, park or recreation area any destructive, injurious or unsightly material shall immediately remove the same or cause it to be removed.

C. Any person removing a wrecked or damaged vehicle from a public road, highway, park or recreation area shall remove all glass or other injurious substance dropped upon the road or highway or in the park or recreation area from such vehicle.

D. It is unlawful to throw any lighted material from a moving vehicle. (Prior code § 21-2-21)

## Chapter 11.12

## VEHICLE CONTROL RESTRICTIONS

## Sections:

- 11.12.010 Interference with control of vehicle prohibited.**
- No driver shall engage in any activity that interferes with the safe control and operation of his vehicle while the same is in motion. (Prior code § 21-3-5)
- 11.12.020 Obstructing load on vehicle prohibited.**
- A. It is unlawful to drive a vehicle when it is so loaded with people or cargo as to obstruct the view of the driver to the front or sides of the vehicle or when the conditions interfere with the driver's control over the driving mechanism of the vehicle.
- B. No vehicle passenger shall ride in a position that interferes with the driver's view ahead or to the sides, or that interferes with the driver's control over the driving mechanism of the vehicle. (Prior code § 21-3-1)
- 11.12.030 Reasonable and proper lookout required.**
- It is unlawful for any person to drive a vehicle on the streets of the county without keeping a reasonable and proper lookout for other traffic, persons or objects. (Prior code § 21-3-6)
- 11.12.040 Passengers on improper portion of vehicle prohibited—Exception.**
- No person shall ride, and no person driving a motor vehicle shall knowingly permit any person to ride upon any portion of a vehicle not designated or intended for the use of passengers. This provision does not apply to any employee engaged in the necessary discharge of his duty, or to persons over fourteen years of age riding completely within or upon vehicle bodies in spaces intended for any load on the vehicle. (Prior code § 21-3-3)
- 11.12.050 Proper riding of motorcycle—Passengers.**
- A person operating a motorcycle or motor-driven cycle shall ride only upon the permanent and regular seat attached thereto, and such operator shall not carry any other person, nor shall any other person ride on a motorcycle or motor-driven cycle, unless such vehicle is designed to carry more than one person, in which event a passenger may ride upon the permanent and regular seat, if designed for two persons, or upon another seat firmly attached to the rear or side of the operator's seat. (Prior code § 21-3-7)
- 11.12.060 One-arm driving prohibited when.**
- It is unlawful for the driver of any motor vehicle to have either arm around another person or for another person to have either arm around the driver while the vehicle is in motion. (Prior code § 21-3-2)
- 11.12.070 Owner's responsibility for improper use of vehicle.**
- No owner or person in control of a vehicle shall knowingly permit the vehicle to be operated

11.12.070

by any person who is physically or mentally disabled to such an extent that such person's judgment or driving ability is impaired. (Prior code § 21-3-11)

**11.12.080 Driving when ill or fatigued.**

No driver shall operate a vehicle while his ability or alertness is so impaired through fatigue, illness, or any other cause as to make it unsafe for him to drive such vehicle. (Prior code § 21-3-10)

**11.12.090 Negligent collision.**

It is unlawful to operate a vehicle with such lack of due care as to cause the same to collide with any vehicle, person or object. (Prior code § 21-3-8)

**11.12.100 Reckless driving prohibited—  
Penalty.**

Any person who drives any vehicle in wilful or wanton disregard for the safety of persons or property is guilty of reckless driving. (Ord. 998 § 1(part), 1987; 1986 Recodification; prior code § 21-3-9)

**Chapter 11.16****SPEED LIMITS****Sections:**

- 11.16.010** Designation by transportation engineer.
- 11.16.020** Minimum speed regulations.
- 11.16.030** Speed limits near schools.
- 11.16.040** Speed limits in public parks.
- 11.16.050** Speed contests on highway prohibited.

**11.16.010 Designation by transportation engineer.**

A. The transportation engineer may alter or change the prima facie speed limits within the county set by Title 41, Chapter 6, Section 46 of the Utah Code Annotated (1953), as follows:

1. The prima facie speed therein declared may be found greater than is reasonable or safe under the conditions found to exist at any intersection, and upon the erection of appropriate signs giving notice thereof, the speed limit may be changed to one deemed reasonable and safe.

2. Higher speeds than those therein authorized may be substituted upon through highways or portions thereof where there are no intersections or between widely spaced intersections, provided appropriate signs are erected giving notice of the authorized speed. In no event, however, shall the transportation engineer authorize a speed in excess of fifty-five miles per hour during the daytime and fifty miles per hour during the nighttime.

3. Determine that the prima facie speed permitted upon any highway outside a business or residence district is greater than is reasonable or safe under conditions found to exist and upon posting of appropriate signs and notices, declare a reasonable and safe limit which shall, in no event, be less than thirty-five miles per hour. Wherever the drop is ten miles per hour, it must be preceded by a sign giving advance notice of such reduction.

B. No changes shall be effective until the transportation engineer has made a full investigation of

engineering and traffic conditions demanding such change. (Prior code § 21-6-5)

**11.16.020 Minimum speed regulations.**

No person shall drive a motor vehicle at such a slow speed as to impede or block the normal and reasonable movement of traffic, except when reduced speed is necessary for safe operation or because upon a grade or in compliance with law. The transportation engineer may determine on the basis of an engineering and traffic investigation that slow speeds on any part of a road or highway of the county impede the normal and reasonable movement of traffic and constitute a traffic hazard requiring the declaration of a minimum speed limit below which no person shall drive except when necessary for safe operation or in compliance with law. All such minimum speed limits shall be properly posted. (Prior code § 21-6-2)

**11.16.030 Speed limits near schools.**

It is unlawful for any person to drive or cause a motor vehicle to be driven past designated school crossing zones during school hours or while the children are going to or leaving school during opening or closing hours at a speed in excess of twenty miles per hour. (Prior code § 21-6-3)

**11.16.040 Speed limits in public parks.**

The transportation engineer shall have authority to regulate the speed of vehicles in all public parks in the county upon posting appropriate signs and markings. (Prior code § 21-6-4)

**11.16.050 Speed contests on highway prohibited.**

It is unlawful for any person to engage in any motor vehicle speed contest or exhibition of speed on a highway, and no person shall aid or abet in any such contest or exhibition on any highway. (Prior code § 21-6-1)

**Chapter 11.20**

**STOPPING, STANDING AND PARKING**

**Sections:**

- 11.20.010 **Erection of traffic control devices.**
- 11.20.020 **Curb markings.**
- 11.20.030 **Regulation of parking.**
- 11.20.050 **Parking prohibited in specified areas.**
- 11.20.060 **Parking of trucks and commercial vehicles.**
- 11.20.070 **Approach to parking space.**
- 11.20.080 **Vehicle left unattended.**
- 11.20.090 **Parallel parking—Required—Exception.**
- 11.20.100 **Angle parking—Restrictions.**
- 11.20.110 **Double parking, standing or stopping prohibited—Exception.**
- 11.20.120 **Obstructing traffic prohibited.**
- 11.20.130 **Parking prohibited when.**
- 11.20.135 **Long-term parking prohibited.**
- 11.20.140 **Parking for certain purposes prohibited.**
- 11.20.150 **Liability.**
- 11.20.160 **Removal of illegally parked vehicle.**

**11.20.010 Erection of traffic control devices.**

It shall be the duty of the traffic engineer to cause traffic signs and other traffic control devices to be erected and to regulate, warn and guide traffic and parking on the streets, highways and property of the county. No traffic control device shall be placed or maintained upon any highway under the jurisdiction of the Utah Department of Transportation. (1986 Recodification; prior code § 21-4-3)

**11.20.020 Curb markings.**

A. The traffic engineer is authorized to place and maintain appropriate signs or traffic markings to indicate standing or parking regulations, and the

traffic markings shall designate the zones and shall have the meanings set forth in this chapter:

1. "Red" means no stopping, standing or parking at any time.

2. "Yellow," with the words "Restricted Zone" stenciled thereon, means no stopping, standing or parking except as stated on the signs or markings giving notice thereof, except that this provision shall not apply on Sundays and legal holidays.

B. When appropriate signs or traffic curb markings have been erected or placed according to this section, no person shall stop, stand or park a vehicle in any zone in violation of the provisions of this section. (Prior code § 21-4-11)

**11.20.030 Regulation of parking.**

A. The traffic engineer may place signs on all county roads and highways prohibiting or restricting the parking of vehicles where, in his opinion, as evidenced by an order entered in his records, such parking is dangerous to those using the roads or where the parking of vehicles would unduly interfere with the free movement of traffic thereon.

B. The traffic engineer may prohibit, restrict or regulate the parking, stopping or standing of vehicles on any off-street parking facility or property that the county owns or operates.

C. No such regulations shall apply until signs giving notice thereof have been erected. (Prior code § 21-4-5)

**11.20.050 Parking prohibited in specified areas.**

No person shall stop, stand or park a vehicle, except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a law enforcement officer or traffic control device, in any one of the following places:

A. On a sidewalk area;

B. In front of or within five feet of a private driveway;

C. Within an intersection;

D. Within fifteen feet of a fire hydrant, whether on public or private property or within a fire lane as designated and marked in accordance with the provi-



sions of subsection J of Section 2.28.030 of this code, whether on public or private property;

E. On a crosswalk;

F. Within twenty feet of a crosswalk at an intersection;

G. Within thirty feet of any flashing beacon or traffic control device located at the side of a roadway;

H. In front of or within twenty feet on either side of the entrance or exit of any theater, fire station or place of public assemblage;

I. Within fifty feet of the nearest rail of a railroad crossing;

J. Alongside or opposite any street excavation or obstruction when stopping, standing or parking would obstruct or be hazardous to traffic;

K. Within any alley, except for the necessary and expeditious loading and unloading of merchandise; provided, that in no event shall the driveway or entrance to any abutting property be blocked or free movement of traffic through the alley be interfered with;

L. Upon any bridge or other elevated structure on a street or within a street tunnel or underpass;

M. Upon that side of any street contiguous to any school property during school hours;

N. At any place where official signs or traffic controls placed by the traffic engineer prohibit stopping, standing or parking. (1986 Recodification; prior code § 21-4-6)

#### **11.20.060 Parking of trucks and commercial vehicles.**

A. Definitions. As used in this section:

1. "Commercial vehicle" means a vehicle in excess of three-quarter-ton capacity of whatever make or type designed for or adapted to commercial or agricultural purposes, regardless of the use to which such vehicle is put at any particular time, provided such vehicle is of a type, kind or adaptation commonly known as a commercial or agricultural vehicle.

2. "Trailer" means any truck trailer or other trailer designed or adapted primarily for the transportation of property of whatever kind.

3. "Truck" means any truck-tractor, panel truck, pickup or other truck in excess of three-quarter-ton capacity.

B. Restriction. No person shall park any commercial vehicle, agricultural vehicle, occupied or empty trailer, truck-tractor or truck on any public street adjacent to a lot or parcel containing a residential dwelling(s) or on any public street within a residential subdivision for a period of time longer than three consecutive hours.

C. Exception. The prohibitions in this section shall not apply to vehicles being used in the servicing of adjacent properties or streets. (Ord. 928 § 1, 1985; prior code § 21-4-16)

#### **11.20.070 Approach to parking space.**

A. Every driver about to enter a parking space being vacated shall stop his vehicle and wait to the rear of the vehicle in the actual process of vacating the parking space and having so waited shall have prior right to the parking space over all other drivers.

B. No driver shall stop his vehicle ahead of a parking space being vacated and attempt to interfere with a driver who has waited properly to the rear of a parking space being vacated.

C. No driver shall stop and wait for a parking space unless the vehicle vacating the space is actually in motion. (Prior code § 21-4-8)

#### **11.20.080 Vehicle left unattended.**

A. It is unlawful for any person having control of a motor vehicle to permit such vehicle to stand unattended without first stopping the engine, locking the ignition, and removing the key.

B. Neither shall any person allow a vehicle to stand upon any perceptible grade without effectively setting the brakes thereon and turning the front wheels to the curb or side of the roadway. (Prior code § 21-4-1)

#### **11.20.090 Parallel parking—Required—Exception.**

No person shall stand or park a vehicle on a

11.20.090

roadway other than parallel with the edge of the roadway, headed in the direction of lawful traffic movement and with the right hand wheels of the vehicle within twelve inches of the curb or edge of the roadway, except as otherwise provided. (1986 Recodification; prior code § 21-4-2)

**11.20.100 Angle parking—Restrictions.**

The traffic engineer may, after placement of appropriate signs and markings, designate certain areas as suitable for angle parking, except that no angle parking shall be permitted or indicated at any place where passing traffic would thereby be caused or required to drive upon the left side of the street or where any vehicle would extend from the curb or edge of the roadway a distance greater than one-third of the width of the roadway. (Prior code § 21-4-4)

**11.20.110 Double parking, standing or stopping prohibited—Exception.**

No person shall park, stand or stop a vehicle upon the roadway side of another vehicle that is parked, standing or stopped, except while actually engaged in loading or unloading passengers, or in compliance with directions of any officer of the sheriff's department or traffic control device, or when necessary to avoid other traffic. (Prior code § 21-4-7)

**11.20.120 Obstructing traffic prohibited.**

No person shall park any vehicle upon a street in such a manner or under such conditions as to leave available less than ten feet of the width of the roadway for free movement of vehicular traffic. (Prior code § 21-4-13)

**11.20.130 Parking prohibited when.**

No person shall park a vehicle on any county street when it is snowing or snow is on the street during the months of November, December, January, February, March and April. (Ord. 1286 §§ 1, 2, 1994; Ord. 1099 § 3, 1990; prior code § 21-4-9)

**11.20.135 Long-term parking prohibited.**

No person owning, possessing, controlling or having custody of a vehicle shall permit it to remain standing upon any county street or alley for a consecutive period of more than twenty-four hours. (Ord. 1099 § 5, 1990)

**11.20.140 Parking for certain purposes prohibited.**

No person shall park or operate a vehicle upon any roadway for the principal purposes of:

- A. Displaying such vehicle for sale;
- B. Greasing or repairing such vehicle, except repairs necessitated by an emergency;
- C. Displaying advertising; or
- D. Selling foodstuffs or other merchandise in any business district. (Prior code § 21-4-10)

**11.20.150 Liability.**

The fact that an automobile is illegally parked shall be sufficient to constitute a rebuttable presumption that the registered owner was in control of the automobile at the time it was parked. (Prior code § 21-4-15)

**11.20.160 Removal of illegally parked vehicle.**

Whenever any officer of the sheriff's department finds a vehicle parked or standing upon a street in violation of this title, the officer is authorized to move the vehicle or require the driver or other person in charge of the vehicle to move it to a position not in violation of this title. (Prior code § 21-4-14)

11.24.010

## Chapter 11.24

### TRAFFIC AND PARKING ON SCHOOL GROUNDS

#### Sections:

- 11.24.010 Rules and regulations adopted.
- 11.24.020 Applicable regulations enforced.
- 11.24.030 Maximum speed limit.
- 11.24.040 Limitation of vehicular traffic.
- 11.24.050 Vehicles restricted to roadways.
- 11.24.060 Parking prohibited where.
- 11.24.070 Regulations applicable to students.
- 11.24.080 Signposting.
- 11.24.090 Enforcement—Liability.

#### 11.24.010 Rules and regulations adopted.

Pursuant to the authority granted by Section 53-6-20, Utah Code Annotated (1953), after conferring with local boards of education, the board of county commissioners enacts and adopts the rules and regulations provided in this chapter relating to control of traffic and parking on school grounds. (Prior code § 21-1-9 (part))

#### 11.24.020 Applicable regulations enforced.

The applicable state, county or municipal traffic and parking regulations shall be enforced upon school and school district property. (Prior code § 21-1-9(1))

#### 11.24.030 Maximum speed limit.

Maximum speed on school and district premises is ten miles per hour. (Prior code § 21-1-9(2))

#### 11.24.040 Limitation of vehicular traffic.

Vehicular traffic is limited to entering, exiting and parking. No cruising or loitering will be permitted. (Prior code § 21-1-9(3))

#### 11.24.050 Vehicles restricted to roadways.

All vehicles are restricted to designated roadways. Motorized vehicles will not be driven on lawns, paths or other prohibited areas. (Prior code § 21-1-9(4))

#### 11.24.060 Parking prohibited where.

A. No parking will be allowed in the areas where the curb is painted red, designated "NO PARKING," or where such parking would obstruct regular vehicular traffic.

B. Students, staff and faculty shall not park in areas designated "FOR VISITORS" or "RESERVED." (Prior code § 21-1-9(5) and (6))

#### 11.24.070 Regulations applicable to students.

The following rules and regulations relate to the registration, parking and control of vehicles by students:

A. All district traffic and parking regulations and individual school regulations (if any) will be distributed to every student and faculty member at or before the beginning of each school year.

B. Students must register with the school all motor vehicles that will be driven or parked on school property. A registration decal must be displayed on the vehicle as follows:

1. Cars - left side of rear window;
2. Trucks, rough terrain vehicles (Jeeps, etc.) - lower right side of front window;
3. Motor bikes and cycles - rear frame or rear fender.

C. Prior to vehicle registration at the local high school and issuance of the decal, the student must possess a valid operator's license issued by this or some other state.

D. Prior to vehicle registration at the local high school and issuance of the decal, the student must provide the following:

1. A parent's or guardian's written permission for the student to bring a motor vehicle to school;
2. A signed statement by the parent and student that they understand that when any car is on school property the car may be searched if the

school authorities have reasonable cause to suspect that materials that are in violation of the state, county, municipal or school code are stored therein and they further understand that any materials found may be seized and used as evidence in school disciplinary hearings and/or legal proceedings.

E. Students are to park in the designated student parking areas and within parking spaces as directed by painted lines and signs.

F. Faculty and staff parking shall be designated, and students are not to park in these areas. (Prior code § 21-1-9(7))

#### **11.24.080 Signposting.**

All regulatory signs utilized on district or school property shall be placed in conspicuous

and appropriate areas of the grounds. All regulatory signs must be approved by the district prior to posting. (Prior code § 21-1-9(8))

#### **11.24.090 Enforcement—Liability.**

The rules and regulations provided in this chapter shall be enforced by the appropriate area law enforcement agencies. Enforcement may include, but shall not be limited to the following: Citations, towing away at owner's expense, and/or revocation of the privileges to park and drive on school property. The board of education assumes no responsibility for damage to cars, lost articles, damage to property, or injury to persons by the automobile or its driver while on school district property. (Prior code § 21-1-9 (part))

**Chapter 11.28**

**DRIVING UNDER THE INFLUENCE OF  
INTOXICANTS\***

**Sections:**

- 11.28.010**    **Prohibited—Prosecution.**
- 11.28.020**    **Implied consent to chemical tests.**
- 11.28.030**    **Chemical breath analysis standards.**
- 11.28.040**    **Admissibility of chemical tests as evidence.**
- 11.28.050**    **Intention to drive prohibited.**
- 11.28.060**    **Permitting intoxicated person to drive prohibited.**

\*Prior Code History: Sections 21-7-1—21-7-3.

**11.28.010 Prohibited—Prosecution.**

A. It is unlawful and punishable as provided in this section for any person with a blood alcohol content of .08 percent or greater by weight, or who is under the influence of alcohol, or any drug or the combined influence of alcohol and any drug to a degree which renders the person incapable of safely driving a vehicle, to drive or be in actual physical control of a vehicle within this county. The fact that a person charged with violating this section is or has been legally entitled to use alcohol or a drug does not constitute a defense against any charge of violating this section.

B. Percent by weight of alcohol in the blood shall be based upon grams of alcohol per one hundred cubic centimeters of blood.

C. Every person who is convicted the first time of a violation of subsection A of this section shall be punished by imprisonment for not less than two days nor more than six months, or by a fine of two hundred ninety-nine dollars, or by both such fine and imprisonment.

D. In addition to the penalties provided for in subsection C of this section, the court shall, upon

a first conviction, impose a mandatory jail sentence of not less than forty-eight consecutive hours nor more than ten days with emphasis on serving in the drunk tank of the jail, or require the person to work in a community-service work program for not less than two nor more than ten days and, in addition to the jail sentence or the work in the community-service work program, order the person to participate in an assessment and educational series at a licensed alcohol rehabilitation facility.

E. Upon a second conviction within five years after a first conviction under this section, under other local ordinance or under state law, the court shall, in addition to the penalties provided for in subsection C, impose a mandatory jail sentence of not less than forty-eight consecutive hours nor more than ten days with emphasis on serving in the drunk tank of the jail, or require the person to work in a community-service work program for not less than ten nor more than thirty days and, in addition to the jail sentence or the work in the community-service work program, order the person to participate in an assessment and educational series at a licensed alcohol rehabilitation facility and the court may, in its discretion order the person to obtain treatment at an alcohol rehabilitation facility. Upon a subsequent conviction within five years after a second conviction under this section or under a local ordinance similar thereto adopted in compliance with subsection 41-6-43(1), Utah Code Annotated (1953), or under state law, as amended, the court shall, in addition to the penalties provided for in subsection C, impose a mandatory jail sentence of not less than thirty nor more than ninety days with emphasis on serving in the drunk tank of the jail, or require the person to work in a community-service work project for not less than thirty nor more than ninety days, and, in addition to the jail sentence or work in the community-service work program, order the person to obtain treatment at an alcohol rehabilitation facility. No portion of any sentence imposed under subsection C shall be

suspended and the convicted person shall not be eligible for parole or probation until such time as any sentence imposed under this section has been served. Probation or parole resulting from a conviction for a violation of this section shall not be terminated and the department shall not reinstate any license suspended or revoked as a result of such conviction, if it is a second or subsequent such conviction within five years, until and unless the convicted person has furnished evidence satisfactory to the department that all fines and fees, including fees for restitution, and rehabilitation costs, assessed against the person, have been paid.

F. The provisions in subsections D and E that require a sentencing court to order a convicted person to participate in an assessment and educational series at a licensed alcohol rehabilitation facility, or obtain, in the discretion of the court, treatment at an alcohol rehabilitation facility, or obtain, mandatorily, treatment at an alcohol rehabilitation facility, or do any combination of those things, apply to a conviction for a violation of Section 11.12.100 that qualifies as a prior offense under subsection G so as to require the court to render the same order regarding education or treatment at an alcohol rehabilitation facility, or both, in connection with a first, second or subsequent conviction under Section 11.12.100 that qualifies as a prior offense under subsection G of this section, as he would render in connection with applying respectively, the first, second or subsequent conviction requirements of Section 11.12.100. For purposes of determining whether a conviction under Section 11.12.100 which qualified as a prior conviction under subsection G, is a first, second or subsequent conviction under this section, a previous conviction under this section, or Sections 41-6-44 or 41-6-45, Utah Code Annotated, is deemed a prior conviction. Any alcohol rehabilitation program and any community-based or other education program provided for in this section must be approved by the Utah Department of Social Services.

G. 1. When the prosecution agrees to a plea of guilty or no contest to a charge of violation of Section 11.12.100 in satisfaction of, or as a substitute for, an original charge of violation of this section, the prosecution shall state for the record a factual basis for the plea, including whether or not there has been consumption of alcohol or drugs, or a combination of both, by the defendant in connection with the offense. The statement shall be an offer of proof of the facts which show whether or not there was consumption of alcohol or drugs, or a combination of both, by the defendant, in connection with the offense.

2. The court shall advise the defendant before accepting the plea offered under this subsection of the consequences of a violation of Section 11.12.100 as follows: If the court accepts the defendant's plea of guilty or no contest to a charge of violating Section 11.12.100, and the prosecutor states for the record that there was consumption of alcohol or drugs, or a combination of both, by the defendant in connection with the offense, the resulting conviction shall be a prior offense for the purposes of subsection E of this section.

3. The court shall notify the department of each conviction of Section 11.12.100 which shall be a prior offense for the purposes of subsection E of this section.

H. A peace officer may, without a warrant, arrest a person for a violation of this section, although the violation was not committed in his presence, if the officer has reasonable cause to believe that the violation was committed by the person.

I. The department of public safety shall suspend for a period of ninety days the operator's license of any person convicted for the first time under subsection A of this section, and shall revoke for one year the license of any person otherwise convicted under this section, except that the department may subtract from any suspension period the number of days for which a license was previously suspended under Section 41-2-19.6, Utah Code Annotated, if the previous

11.28.010

suspension was based on the same occurrence which the record of conviction is based upon. (1986 Recodification)

**11.28.020 Implied consent to chemical tests.**

The provisions in Section 41-6-44.10, Utah Code Annotated, are adopted by reference to these county ordinances and shall be applied to all actions arising under this chapter. (1986 Recodification)

**11.28.030 Chemical breath analysis standards.**

A. The commissioner of public safety shall establish standards for the administration and interpretation of chemical analysis of a person's breath, including standards of training.

B. In any action or proceeding in which it is material to prove that a person was driving or in actual physical control of a vehicle while under the influence of alcohol or driving with a blood alcohol content statutorily prohibited, documents offered as memoranda or records of acts, conditions or events to prove that the analysis was made and the instrument used was accurate, according to standards established in subsection A shall be admissible if:

1. The judge finds that they were made in the regular course of the investigation at or about the time of the act, condition or event; and

2. The source of information from which made and the method and circumstances of their preparation were such as to indicate their trustworthiness.

C. If the judge finds that the standards established under subsection A and the conditions of subsection B have been met, there is a presumption that the test results are valid and further foundation for introduction of the evidence is unnecessary. (1986 Recodification)

**11.28.040 Admissibility of chemical tests as evidence.**

A. In any action or proceeding in which it is material to prove that a person was driving or in

actual physical control of a vehicle while under the influence of alcohol or with a blood alcohol content statutorily prohibited, the results of a chemical test or tests as authorized in Section 41-6-44.10, Utah Code Annotated, shall be admissible as evidence.

B. If the chemical test was taken within two hours of the alleged driving or actual physical control, the blood alcohol level of the person at the time of the alleged driving or actual physical control shall be presumed to be not less than the level of the alcohol determined to be in the blood by the chemical test.

C. If the chemical test was taken more than two hours after the alleged driving or actual physical control, the test result shall be admissible as evidence of the person's blood alcohol level at the time of the alleged driving or actual physical control, but the trier of fact shall determine what weight shall be given to the result of the test.

D. The foregoing provisions of this section shall not prevent a court from receiving otherwise admissible evidence as to a defendant's blood alcohol level at the time of the alleged driving or actual physical control. (1986 Recodification)

**11.28.050 Intention to drive prohibited.**

It is unlawful for any person under the influence of intoxicating liquor or drugs to be in or about any vehicle with the intention of driving or operating such vehicle. (1986 Recodification)

**11.28.060 Permitting intoxicated person to drive prohibited.**

It is unlawful for the owner of any motor vehicle or any person having such in charge to permit same to be driven or operated on any street by any person who is under the influence of drugs or by any person who is under the influence of alcohol. (1986 Recodification)



## Chapter 11.32

## BICYCLES

## Sections:

- 11.32.010 Bicycle dealer defined.
- 11.32.020 License—Required—Fee.
- 11.32.030 Inspection and licensing regulations.
- 11.32.040 Dealer required to license and inspect bicycles.
- 11.32.050 Serial number required.
- 11.32.060 Unlawful to sell without title.
- 11.32.070 Dealing with minors restricted.
- 11.32.080 Bicycle rider subject to traffic regulations.
- 11.32.090 Equipment.
- 11.32.100 Prohibited acts.
- 11.32.110 License—Removal or alteration prohibited.
- 11.32.120 License—Revocation or suspension.
- 11.32.130 Parental responsibility for violation by minor.

**11.32.010 Bicycle dealer defined.**

Any person engaged in the business of buying, selling, bartering or exchanging bicycles, whether dealing exclusively in bicycles or in conjunction with other merchandise, is declared to be a bicycle dealer. (Prior code § 21-8-1)

**11.32.020 License—Required—Fee.**

It is unlawful for any person to ride a bicycle upon any of the streets, alleys, sidewalks or public ways of the county until the bicycle has been registered, licensed, and is displaying the proper license, as provided in this chapter, or after the license has been suspended or revoked. Before being so registered and licensed, every bicycle must be inspected with relation to its frame number, operating condition, brakes, warning device, reflector and handlebars. Any license issued under the provisions of this chapter shall be valid until the transfer of ownership of the

bicycle, or until the bicycle license so issued is destroyed, lost or mutilated, at which time such bicycle shall again be inspected, registered and licensed as provided in this chapter. The fee to be paid for each bicycle license or relicense shall be one dollar, payable in advance. (Prior code § 21-8-2)

**11.32.030 Inspection and licensing regulations.**

The sheriff is authorized and directed, subject to approval of the board of county commissioners, to prepare and issue regulations governing the inspection and licensing of bicycles. Any license so issued or heretofore issued by the sheriff's department shall be valid for the life of such bicycle or until the transfer of ownership thereof, or until the license issued to such bicycle becomes destroyed, lost or mutilated, at which time the bicycle shall again be inspected, registered and licensed or relicensed. (Prior code § 21-8-3)

**11.32.040 Dealer required to license and inspect bicycles.**

A. All bicycle dealers shall inspect and license any new or used bicycles sold, bartered or exchanged by the dealer when the bicycle is purchased by or for use by, any resident of the county, or any unlicensed bicycle brought to the dealer for repair prior to the time of redelivery. The dealer shall not license bicycles purchased for use outside of the county's geographical boundaries, but shall complete the license registration form and mail it to the appropriate police or sheriff's department as provided in this chapter. Any required license shall be issued, completed and the license decal affixed by the dealer at a cost charged to the customer not to exceed one dollar.

B. At the time of sale, the dealer shall complete a bicycle license registration form supplied by Salt Lake City Corporation and available to the dealer at approximately the cost of production from the Salt Lake treasurer's office. The

RECORDED AS RECEIVED  
CO. RECORDER

**Form for Section 11.32.040**

**CITY-COUNTY LICENSE  
BICYCLE REGISTRATION**

ORI. (N.C.I.C.) \_\_\_\_\_ Date \_\_\_\_\_  
 License No. \_\_\_\_\_ Telephone \_\_\_\_\_  
 Value \_\_\_\_\_

Name \_\_\_\_\_  
 (Owner-User) (Last Name First) (Address)

\_\_\_\_\_  
 Name of Purchaser (if different)

Make \_\_\_\_\_ Frame Size \_\_\_\_\_  
 Model No. \_\_\_\_\_ Wheel Size \_\_\_\_\_  
 Frame No. \_\_\_\_\_ Color \_\_\_\_\_  
 Speed \_\_\_\_\_ Boys \_\_\_\_\_ Girls \_\_\_\_\_ New \_\_\_\_\_ Used \_\_\_\_\_

Dealer \_\_\_\_\_  
 Firm Address By

Reported Lost or Stolen  
 Case Number \_\_\_\_\_ Signed \_\_\_\_\_  
 Dealer

RECORDED AS RECEIVED  
CO. RECORDER

license registration form shall be completed in triplicate and shall be produced in substantially the form provided for this section.

C. The dealer shall give the yellow copy of the license registration form to the owner or purchaser and affix any required county license decal to the bicycle on the seating post approximately at the midpoint between the saddle lugs and the crank facing the front of the bicycle. The green copy of the license registration form shall be retained by the dealer for a period of three years and the third copy of the form shall be mailed, not later than one week from the date of sale, to the police or sheriff's department of the jurisdiction where the user resides. All entries on the license registration form shall be made in ink

or typewritten and, if written in ink, shall be printed. License records of bicycle dealers shall be open for inspection by the sheriff or his deputies at any reasonable time. It is unlawful for a dealer to fail to inspect and license a bicycle as required in this section. (Prior code § 21-8-4)

**11.32.050 Serial number required.**

Prior to the sale of any bicycle that does not have a serial number on its frame, a dealer shall impress in the metal of the bicycle frame a serial number by using the dealer's initials and the license decal number issued to the bicycle or a serial number using the manufacturer's system of serial numbering. The serial number shall be placed on the underside of the bottom frame

11.32.050

sprocket of the bicycle. It shall be unlawful for a dealer to sell any bicycle without a serial number embedded in the frame, either by the manufacturer or as provided in this chapter. (Prior code § 21-8-5)

**11.32.060 Unlawful to sell without title.**

It is unlawful for any bicycle dealer to sell or otherwise dispose of any bicycle unless he can show a good title thereto, either by bill of sale from a seller, or from the former owner, or by registration. (Prior code § 21-8-7)

**11.32.070 Dealing with minors restricted.**

It is unlawful for any bicycle dealer, by himself, his agents, servants or employees, to purchase or receive from any minor any bicycle as a trade-in for another bicycle or as an outright purchase for cash, or as an exchange, or barter for another bicycle, without written consent of the parent or guardian of such minor. (Prior code § 21-8-6)

**11.32.080 Bicycle rider subject to traffic regulations.**

Every person riding a bicycle upon the streets, alleys, sidewalks or public ways of the county shall be subject to the provisions of this title applicable to the driver of a motor vehicle, except those provisions that by their nature can have no application. (Prior code § 21-8-9)

**11.32.090 Equipment.**

A. No bicycle shall be equipped with and no person shall use a siren or whistle as a warning device. Every bicycle shall be equipped with a brake that will enable the operator to control the movement of and to stop and hold such bicycle.

B. Any bicycle operated during the period of one-half hour after sunset and one-half hour before sunrise, shall also be equipped with a lighted lamp, visible under normal atmospheric conditions for at least five hundred feet to the front and a reflector or a lighted lamp attached to

the rear of the bicycle, visible under like conditions for at least five hundred feet. (1986 Recodification : prior code § 21-8-10)

**11.32.100 Prohibited acts.**

It is unlawful for operators of bicycles to do the following:

A. To fail to yield the right-of-way to pedestrians and to sound a warning device before overtaking or passing any pedestrian when riding upon a sidewalk;

B. To ride more than two abreast upon any street;

C. To proceed other than single file upon any sidewalk;

D. To carry extra passengers or carry any packages, bundles or articles that would require the removal of the hand or hands from the handlebars of the bicycle;

E. To permit the bicycle to be towed by another vehicle or bicycle;

F. To carry more persons at one time than the number that the bicycle is designed to carry on seats firmly attached thereto. (Prior code § 21-8-11)

**11.32.110 License—Removal or alteration prohibited.**

It is unlawful for a person to wilfully or maliciously destroy, mutilate or alter the number of any bicycle frame number or any bicycle license issued pursuant to this title, or to remove, destroy or mutilate any license decal while the same is valid. (Prior code § 21-8-8)

**11.32.120 License—Revocation or suspension.**

The juvenile court and such courts that hear traffic cases are empowered to revoke or suspend the license of any bicycle when it appears that the owner of any bicycle is not the licensee of record or that the owner of the bicycle or the licensee thereof has used or knowingly permitted the bicycle to be used in violation of this title. The sheriff's department is directed and authorized to

impound any bicycle used in violation of this code for a reasonable period of time pending investigation of the alleged violation. (Prior code § 21-8-12)

**11.32.130 Parental responsibility for violation by minor.**

It is unlawful for a parent or custodian of any child and the guardian of any ward to knowingly permit any such child or ward to violate any of the provisions of this chapter. (Prior code § 21-8-13)

11.36.010

## Chapter 11.36

### PEDESTRIANS

#### Sections:

- 11.36.010 Responsibility of driver to exercise caution.
- 11.36.020 Pedestrian with white cane.
- 11.36.030 Pedestrian right-of-way at crosswalk.
- 11.36.040 Use of right-hand side of crosswalks and sidewalks required.
- 11.36.050 Yield of right-of-way when.
- 11.36.060 Walking on or along roadways.
- 11.36.070 Standing in roadway prohibited when.

#### 11.36.010 Responsibility of driver to exercise caution.

Notwithstanding the provisions of this title, every driver of a vehicle shall exercise due care to avoid colliding with any pedestrian upon any roadway and shall give warning by sounding the horn when necessary and shall exercise proper precaution upon observing any child or any incapacitated person upon a roadway. (Prior code § 21-9-1 (part))

#### 11.36.020 Pedestrian with white cane.

A person wholly or partially blind, and no other person, may carry a cane or walking stick, white, or painted white in color, and seven-eighths of an inch or more in diameter, as a means of protection and identification and as an indication to all traffic to exercise extraordinary care to avoid accidents. (Prior code § 21-9-1 (part))

#### 11.36.030 Pedestrian right-of-way at crosswalk.

A. When traffic control signals are not in place or not in operation, the driver of a vehicle shall yield the right-of-way, slowing down or stopping if necessary, to a pedestrian crossing the

roadway within the crosswalk when the pedestrian is upon the half of the roadway upon which the vehicle is traveling, or when the pedestrian is approaching so closely from the opposite half of the roadway as to be in danger. Pedestrians shall not suddenly leave a curb or other place of safety and walk or run into the path of a vehicle that is so close that it is impossible for the driver to yield. This provision shall not apply where the pedestrian is crossing at a place other than a crosswalk.

B. Whenever any vehicle is stopped at a marked crosswalk or at any unmarked crosswalk at an intersection to permit a pedestrian to cross the roadway, the driver of any other vehicle approaching from the rear shall not overtake and pass the stopped vehicle on either side. (Prior code § 21-9-3)

#### 11.36.040 Use of right-hand side of crosswalks and sidewalks required.

Pedestrians shall move, whenever practicable, upon the right half of crosswalks and sidewalks. (Prior code § 21-9-4)

#### 11.36.050 Yield of right-of-way when.

A. Every pedestrian crossing a roadway at any point other than within a marked crosswalk or within an unmarked crosswalk at an intersection shall do so only if no crosswalk exists within three hundred fifty feet of the desired point of crossing.

B. When so crossing, the pedestrian shall yield the right-of-way to all vehicles upon the roadway.

C. Any pedestrian crossing a roadway at a point where a pedestrian tunnel or overhead pedestrian crossing has been provided shall yield the right-of-way to all vehicles upon the roadway.

D. Between adjacent intersections at which traffic control signals are in operation, pedestrians shall not cross at any place except in a marked crosswalk. (Prior code § 21-9-2)

**11.36.060 Walking on or along roadways.**

A. Where sidewalks, walkways or paths are provided, it is unlawful for any pedestrian to walk along and upon any adjacent roadway.

B. Where sidewalks are not provided, any pedestrian walking along and upon a highway shall, when practicable, walk only on the left side of the roadway or its shoulder facing traffic that may approach from the opposite direction. In no event shall more than two persons walk abreast alongside any county roadway. (Prior code § 21-9-5)

**11.36.070 Standing in roadway prohibited when.**

No person shall stand in a roadway for the purpose of soliciting a ride, employment, the parking, watching or guarding of a vehicle, or other business from the occupant of any vehicle. (Prior code § 21-9-6)

11.40.010

**Chapter 11.40**

**ABANDONED AND IMPOUNDED  
VEHICLES**

**Sections:**

- 11.40.010** Improperly registered and stolen vehicles—Notice.
- 11.40.020** Vehicles deemed nuisance.
- 11.40.030** Notice of impounding.
- 11.40.040** Redemption of vehicle by owner.
- 11.40.050** Sale of impounded vehicles.
- 11.40.060** Distribution of funds from sale.
- 11.40.070** Records.

**11.40.010** Improperly registered and stolen vehicles—Notice.

The sheriff's department shall immediately impound in a proper place of storage all vehicles found within the county that are improperly registered, stolen, or bear defaced motor numbers and shall, within ninety-six hours thereafter, notify in writing the Motor Vehicle Division of the Utah State Tax Commission of such impounding, setting forth the date found, the address where found, the make, registration number and date and place where stored. (Prior code § 21-10-7)

**11.40.020** Vehicles deemed nuisance.

A. In addition to vehicles parked in violation of any ordinance of the county or the laws of the state, the following are declared to be nuisances:

1. Any unattended vehicle stopped, standing or parked in violation of any of the provisions of this title;
2. Any vehicle found upon the streets or alleys of this county with faulty or defective equipment;
3. Any vehicle left unattended upon any bridge, viaduct, or at any subway where such vehicle constitutes an obstruction to traffic;
4. Any vehicle upon a street so disabled as to constitute an obstruction to traffic, when the

persons in charge of the vehicle are, by reason of physical injury, incapacitated to such an extent as to be unable to provide for its custody or removal;

5. Any vehicle left unattended upon a street or alley and parked illegally so as to constitute a definite hazard or obstruction to the normal movement of traffic;

6. Any vehicle left parked in the same place on any street or alley continuously for twenty-four hours;

7. Any vehicle wherein the driver has been taken into custody by the sheriff's department under circumstances so as to leave such vehicle unattended in a street, alley or restricted parking area;

8. Any vehicle being driven on the streets which is not in a proper condition to be driven; or

9. Any vehicle found so parked as to constitute a fire hazard or an obstruction to fire-fighting apparatus.

B. Such nuisances may be summarily abated by removal by, under the direction of, or at the request of an officer of the sheriff's office, to a place of storage within the county, by means of towing or otherwise. (Prior code § 21-10-1)

**11.40.030** Notice of impounding.

A. As soon as is reasonable under the circumstances, a written notice that the vehicle has been impounded shall be mailed to the owner and recorded lien holder, if there is one, of the vehicle, at the last known address as shown on the records of the Motor Vehicle Division of the Utah State Tax Commission. If the license plates on the vehicle are from another state, written notice shall be mailed to the department of motor vehicles in that state, requesting such department to notify the registered owner of the vehicle that it has been impounded by the sheriff's department and that the vehicle will be sold at public auction as provided by this title, if not claimed by the owner or his proper representative.

B. The impounding of a vehicle shall not prevent or preclude the institution and prosecution of criminal proceedings in the county courts or elsewhere against the owner or operator of the impounded vehicle. (Prior code § 21-10-2)

**11.40.040 Redemption of vehicle by owner.**

Before the owner or his agent shall be permitted to remove a vehicle that has been impounded, he shall:

A. Furnish satisfactory evidence to the sheriff's department of his identity and of his ownership of the vehicle;

B. Request and obtain from the sheriff's department a written order directed to the place of storage in which the vehicle is impounded, authorizing the release of the vehicle to the owner or his agent upon payment to the place of storage of towing and storage charges reasonably incurred in the towing and storage of the vehicle from the date of the impounding to the time of presenting the order of release from the sheriff's department therefor;

C. Sign a written receipt for the vehicle and deliver the same to the place of storage upon receiving the impounded vehicle. (Prior code § 21-10-3)

**11.40.050 Sale of impounded vehicles.**

If, at the expiration of thirty days after mailing the notice provided for in this chapter, an impounded vehicle is not redeemed by the owner or his proper representative, the sheriff or his authorized agent shall proceed to sell the same at public auction to the highest bidder, after first giving at least ten days' notice of such sale by publishing a notice at least once in a newspaper published in the county, stating the time and place of the sale. The notice shall also describe the vehicle to be sold with reasonable certainty and shall state to whom, if anyone, the records of the office of the Motor Vehicle Division of the State Tax Commission show that it belongs, and if the name of the owner is unknown, that shall

be stated. If the name of the owner or recorded lienholder is known, the sheriff's department shall send the owner or recorded lienholder a copy of the notice immediately after its publication, which notice shall be mailed to their last known address or their address as shown on the records of the Motor Vehicle Division of the State Tax Commission. A copy of this notice as published shall immediately, after publication, be mailed to the owner of the place of storage. The money received by the sheriff's department or his authorized agent from the sale of any impounded vehicle shall be applied first, to the actual cost of its towing and storage, then, to pay the cost of advertising the notice of sale of the vehicle, and the balance, if any, shall be tendered into the county treasury to be used as provided in this chapter. (1986 Recodification: prior code § 21-10-4)

**11.40.060 Distribution of funds from sale.**

At any time within one year from and after such sale the former owner of the vehicle sold, upon application to the board of county commissioners and upon presentation of satisfactory proof that he was the owner of the vehicle sold, shall be paid the proceeds of such sale less the necessary expense thereof and less the towing, impounding and storage charges provided for in Section 11.40.050 of this chapter. (Prior code § 21-10-5)

**11.40.070 Records.**

The sheriff's office shall keep a record of all vehicles impounded by the manufacturer's trade name or make, body type, motor and license numbers, the names and addresses of all persons claiming the same, any other description that may aid to identify such vehicles, the nature and circumstances of impounding, the violation for which such vehicles were impounded, the date of such impounding, and the name and address of any person to whom any such vehicle is released. (Prior code § 21-10-6)



11.44.010

**Chapter 11.44**

**PENALTIES, PARTIES AND PROCEDURE  
ON ARREST**

**Sections:**

- 11.44.010** Violation deemed misdemeanor—Penalty.
- 11.44.020** Parties guilty of criminal offense.
- 11.44.030** Appearance before magistrate.
- 11.44.040** Notice to appear.
- 11.44.050** Failure to appear deemed misdemeanor.

**11.44.010** Violation deemed misdemeanor—Penalty.

It is a misdemeanor for a person to violate any of the provisions of this title. Any person violating a provision shall, except where another penalty is provided, be punished as set out in Section 1.12.010 of this code. (1986 Recodification: prior code § 21-11-1)

**11.44.020** Parties guilty of criminal offense.

Every person who commits, attempts to commit, conspires to commit, or aids or abets in the commission of any act declared in this chapter to be unlawful, whether individually or in connection with one or more other persons or as a principal, agent or accessory, shall be guilty of the offense; and every person who falsely, fraudulently, forcibly or wilfully induces, causes, coerces, requires, permits or directs another to violate any provision of this title is likewise guilty of such offense. Every person who knowingly and wilfully gives false information concerning the identity of anyone who has committed any act to an officer of the sheriff's department investigating such act, known by the officer to have

been committed and believed by the officer to have been unlawful shall be guilty of a misdemeanor. (Prior code § 21-11-2)

**11.44.030** Appearance before magistrate.

Whenever any person is arrested for any violation of this title, the arrested person, for the purpose of setting bond, shall in the following cases, be taken without unnecessary delay before a magistrate within this county who has jurisdiction over the offense and who is nearest or most accessible with reference to the place where the arrest was made in any of the following cases:

- A. When a person arrested demands an immediate appearance before a magistrate; or
- B. When a person is arrested on the charge of driving while intoxicated as prescribed in Section 11.28.060; or
- C. When a person is arrested on the charge of failure to stop in the event of an accident causing death, personal injuries, or damage to property. (Ord. 814, 1982: prior code § 21-11-3)

**11.44.040** Notice to appear.

Upon any violation of this title, whenever a person is not immediately taken before a magistrate as provided in Section 11.44.030, the officer shall prepare a written notice to appear in court which shall be prepared and delivered in accordance with the provisions of Utah Code Annotated (1953), as amended, Sections 77-7-18, 77-7-20 and 77-7-21. (Prior code § 21-11-4)

**11.44.050** Failure to appear deemed misdemeanor.

Any person who wilfully fails to appear before a court pursuant to a citation issued under the provisions of this chapter is guilty of a misdemeanor regardless of the disposition of the charge upon which he was originally cited. (Prior code § 21-11-5)

**Title 12**  
**(RESERVED)**

**RECORDED AS RECEIVED**  
**CO. RECORDER**

**Title 13**

**PARKS AND RECREATION**

**Chapters:**

- 13.04 Parks and Recreational Facilities**
- 13.08 Beaches and Watercraft**
- 13.12 Skiing and Ski Resorts**
- 13.16 Jordan River Parkway Easement**
- 13.20 Park Impact Fees**

**RECORDED AS RECEIVED  
CO. RECORDER**

## Chapter 13.04

## 13.04.300 Violation—Penalty.

PARKS AND RECREATIONAL  
FACILITIES

## Sections:

- 13.04.010 Purpose.
- 13.04.020 Definitions.
- 13.04.030 Control of parks.
- 13.04.040 Hour of use.
- 13.04.050 Motor vehicle restrictions.
- 13.04.060 Business vehicles.
- 13.04.070 Bicycles permitted.
- 13.04.080 Snowmobiles permitted in certain areas.
- 13.04.090 Paths, trails or roads.
- 13.04.100 Animals prohibited—  
Exceptions.
- 13.04.110 Animal control.
- 13.04.120 Tethering animal to tree or structure prohibited.
- 13.04.130 Interference with animals or fowl prohibited.
- 13.04.140 Hunting and fishing.
- 13.04.150 Swimming or wading.
- 13.04.160 Restroom facilities.
- 13.04.170 Concession stands.
- 13.04.180 Distribution of advertising material.
- 13.04.190 Games restricted to designated areas.
- 13.04.200 Camping restricted to designated areas.
- 13.04.210 Littering prohibited.
- 13.04.220 Fires—Permit required—  
Designated area.
- 13.04.230 Firearms and explosives prohibited—Exception.
- 13.04.240 Disobeying signs.
- 13.04.250 Noise restrictions.
- 13.04.260 Boisterous conduct prohibited.
- 13.04.270 Unauthorized assembly.
- 13.04.280 Defacing or destruction of property.
- 13.04.290 Violation—Eviction.

## 13.04.010 Purpose.

This chapter shall be for the purpose of encouragement and development of activity and proficiency in music, arts, drama, handicraft, science, literature, nature study, nature contracting, aquatic sports, athletics, or other suitable recreational activities and permit informal play incorporating such activities therein. (Prior code § 17-1-1)

## 13.04.020 Definitions.

As used in this chapter:

A. "Multipurpose center" means those buildings and surrounding areas owned by the county where recreation activities, day care, health services and other beneficial services and activities are provided by the county, that are designated by the commission as multipurpose centers.

B. "Park" means an enclosed piece of ground, either within the county or that is under the control of the county, that is operated and maintained by the county and set apart for the use of the general public, whether developed or underdeveloped, and that is usually, or may be, planted with trees, lawns and other shrubbery. A park may include within its boundary facilities for sport, entertainment, dancing, recreation, swimming, or a park may be planned for such future use or any and all other facilities as set forth in Section 13.04.010. A park may consist solely of a single purpose facility, either actual or proposed, such as a golf course, an equestrian park, open air theater, etc.

C. "Recreation" means refreshment of strength and spirit through leisure activity for the purpose of physical and mental improvement through training and education creating a richer and fuller life through increased accomplishment in physical, esthetic and educational pursuits.

RECORDED AS RECEIVED  
CO. RECORDER

13.04.020

D. "Recreation facilities" means parks, recreation areas and multipurpose centers belonging to and/or under the control of the county. (Prior code §§ 17-1-2—17-1-5)

**13.04.030 Control of parks.**

The superintendent of recreation, parks, multipurpose centers, by and with the help of the county recreation board, shall establish rules and regulations, and, where necessary, shall recommend ordinances to the county commission for the control of the conduct of the patrons of recreational facilities. The superintendent shall do the acts named in this section in consultation with the sheriff's department, which has enforcement authority at recreational facilities. (Prior code § 17-2-1)

**13.04.040 Hour of use.**

The hours of use for the parks of the county shall be determined by the county commission, consistent with the maximum use of the park or parks. No person shall be permitted in parks, either on foot or in any type of vehicle or conveyance during the hours prohibited, unless it shall be for the express purpose of traveling directly through the park on a public street. (Prior code § 17-2-21)

**13.04.050 Motor vehicle restrictions.**

A. It is unlawful to operate or drive any motor vehicle within any park or recreation area at a speed in excess of that speed posted on the particular road, trail or pathway within the park.

B. No motor vehicles may be driven within a park, other than in those areas specifically designated and posted for that particular purpose. This shall not apply, however, to motorized or self-propelled equipment used within the park by park officers or employees for transportation or that is used for maintenance and service of the park facilities. Emergency vehicles are also exempted from this provision.

C. Motor vehicles shall include, but shall not be limited to, such vehicles as automobiles,

trucks, tote goats, motorcycles, motor bikes, snowmobiles, and any and all other self-propelled mechanical vehicles. No motor vehicle, even though operated within the speed permitted and in or on the places provided for such vehicles, shall be operated in a careless or reckless manner within the park area. (Prior code § 17-2-2)

**13.04.060 Business vehicles.**

No person shall drive or have any dray, truck, wagon, cart, perambulator, motor vehicle, or other traffic vehicle, carrying or being regularly used or employed in carrying goods, merchandise, lumber, machinery, oil, manure, dirt, sand, soil, any article of trade or commerce, or any offensive article or material whatsoever upon any road or drive in a park, except as may be specifically provided or designated for such use. (Prior code § 17-2-22)

**13.04.070 Bicycles permitted.**

Bicycles may be operated and used anywhere within park areas across grassy surfaces or any place where their use will not damage the facilities, plants or decoration of the park, except in areas where bicycles are prohibited. Bicycles shall not be operated in a careless or reckless manner. (Prior code § 17-2-3)

**13.04.080 Snowmobiles permitted in certain areas.**

Snowmobiles may be permitted to drive within park areas, but only at places which have been specifically designated for such use, when the weather conditions would permit their operation without damage to the plants, shrubbery or other facilities. (Prior code § 17-2-4)

**13.04.090 Paths, trails or roads.**

When a trail, path or road within a park is designated for any specific purpose or purposes, such as an equestrian trail, bicycle path, or other use, then such trail may only be used for the specific purposes designated or for incidental

uses in connection therewith that are necessary to accomplish the use permitted, and any person using it for other purposes shall be deemed to have committed a misdemeanor. (Prior code § 17-2-5)

**13.04.100 Animals prohibited—Exceptions.**

A. Except as provided in this chapter, no person shall lead or let loose any of the bovine species, any horse, mule, goat, sheep, swine, dog or cat, at any time within a park, except that horses may be led, driven or ridden on equestrian trails or in equestrian parks.

B. Obedience classes and animal shows may apply to the division of recreation, parks and multipurpose centers for a permit to use a park. A permit for an obedience class or animal show may be granted if:

1. A clean-up bond is posted to assure proper clean-up of the permitted park area; and

2. A written plan is provided with the permit application demonstrating the physical means for restraining and confining the permitted animals to the permitted area.

If organized animal shows and obedience classes obtain county permits to utilize the park, then animals officially registered may be permitted within the park.

C. Dogs licensed pursuant to the provisions of Section 8.16.090 of this code are exempt from the provisions of subsection A of this section. (Prior code § 17-2-6)

**13.04.110 Animal control.**

No person shall ride or drive any horse or animal not well-broken or under control of the driver or rider within the park area. (Prior code § 17-2-8)

**13.04.120 Tethering animal to tree or structure prohibited.**

No person within a park shall hitch or fasten any horse or other animal to any tree or any other place or structure not especially designated and provided for such purpose. (Prior code § 17-2-7)

**13.04.130 Interference with animals or fowl prohibited.**

No person shall annoy, injure, release from confinement, or in any manner interfere with any swan, duck, goose, bird or animal in a park. (Prior code § 17-2-20)

**13.04.140 Hunting and fishing.**

No person shall hunt or fish in any park or public grounds unless there are special facilities set aside for that purpose and then only in accordance with the rules set forth. (Prior code § 17-2-19)

**13.04.150 Swimming or wading.**

No person within a park shall swim, bathe or wade in the water of any fountain, pond, lake or stream not set aside for the purpose of swimming, bathing or wading; nor shall any person pollute the water of any fountain, pond, lake or stream. (Prior code § 17-2-10)

**13.04.160 Restroom facilities.**

No person over six years of age shall enter or use any water closet designed for members of the opposite sex at a recreation facility. (Prior code § 17-2-16)

**13.04.170 Concession stands.**

The division shall have control over all concession stands or dispensaries that sell any items to the public and before any concession shall be permitted in any park an approval from the division must be obtained and a license purchased from the county license department for the operation thereof. (Prior code § 17-2-25)

**13.04.180 Distribution of advertising material.**

No person shall distribute any handbills or circulars, or post, place or erect any bills, notice paper or advertising device or matter of any kind on a recreation facility, except such advertising as may be authorized in writing by the county. (Prior code § 17-2-18)

13.04.190

**13.04.190 Games restricted to designated areas.**

No person shall engage in any play or game within the park except in such place as shall be specifically set apart for that particular purpose. (Prior code § 17-2-9)

**13.04.200 Camping restricted to designated areas.**

No person shall camp or lodge in any park or playground except in places specifically designated and set apart for that purpose. (Prior code § 17-2-13)

**13.04.210 Littering prohibited.**

No person shall throw or deposit any bottles, tin, tin cans, broken glass, nails, tacks, crockery, wire, paper, clothes, scrap or sheet iron, boxes, boards, lumber, stone, grass clippings, rubbish or garbage on the property of a recreation facility, except in receptacles set out for that purpose. (Prior code § 17-2-15)

**13.04.220 Fires—Permit required—  
Designated area.**

No person shall make or kindle a fire within the park for any purpose unless such person received a prior permit or authorization to use a designated area that has a fireplace or other facility specifically designed and set apart for that purpose. (Prior code § 17-2-12)

**13.04.230 Firearms and explosives  
prohibited—Exception.**

No person within a park shall carry or discharge any firearms, firecrackers, rockets, torpedoes, powder, or any other fireworks or explosives except persons who have obtained a special permit from the county commission to put on a fireworks show, in which event the person conducting the display shall be trained in fireworks pyrotechnics. (For other events, see Section 13.04.270.) (Prior code § 17-2-11)

**13.04.240 Disobeying signs.**

Any person in the park facilities who violates the provisions and instructions on any sign or rule of the park is guilty of a misdemeanor and punishable according to law. (Prior code § 17-2-24)

**13.04.250 Noise restrictions.**

No person may play or cause to be played amplified sound or music in a park without prior written approval by the county commission or the superintendent and obtaining a permit issued for such purpose by the division. Such permission or permit may be denied where it is the reasonable belief of the commission or superintendent that such sound or music would have the propensity to disturb the peaceful enjoyment of the park facilities by other members of the public or annoy residents neighboring park facilities. It shall be the responsibility of any person obtaining such permit to insure that the permit is available for inspection by division or sheriff personnel at the park for which the permission is granted and during the time for which it was granted. The issuance of a permit does not exempt the holder thereof from county ordinances of the rules and regulations of the city-county health department regarding noise emissions. (Prior code § 17-2-26)

**13.04.260 Boisterous conduct prohibited.**

No person shall engage in fighting or indulge in riotous, boisterous, threatening or indecent conduct or use any abusive, threatening, profane or indecent language while on a recreation facility. (Prior code § 17-2-17)

**13.04.270 Unauthorized assembly.**

No person shall conduct or carry on any celebration, parade, service or speech-making in a park without first obtaining permission from the recreation, parks and multipurpose centers division (hereinafter "division") or the county commission. (Prior code § 17-2-23)

**13.04.280 Defacing or destruction of property.**

No person shall cut, break, remove, injure, deface, destroy or disturb any wood, turf, grass, soil, sand, gravel, tree, shrub, plant, rock, building, cage, pen, monument, fence, bench or other structure, apparatus or property, or pluck, pull up, cut, take or remove any shrub, bush, plant, flower, or mark or write upon any building, monument, fence, bench or other structure of a recreation facility. (Prior code § 17-2-14)

**13.04.290 Violation—Eviction.**

Any person violating any of the ordinances, instructions, signs, or rules established by the

superintendent or commission may be forthwith evicted from the park by any employee who has been given the authority to order such eviction, and any person who fails or refuses to leave upon the order of authorized personnel shall be guilty of a misdemeanor and punishable as provided in this chapter. (Prior code § 17-3-1)

**13.04.300 Violation—Penalty.**

Any person violating any of the restrictions, rules or prohibitions as set forth in this chapter shall be guilty of a misdemeanor and subject to a fine of two hundred ninety-nine dollars or six months in jail or both such fine and imprisonment. (Prior code § 17-3-2)



13.08.010

## Chapter 13.08

### BEACHES AND WATERCRAFT

#### Sections:

- 13.08.010 Lifeguard required during bathing season.
- 13.08.020 Bathing or swimming permitted where.
- 13.08.030 Emergency boat required.
- 13.08.040 Lights and warning signal.
- 13.08.050 Warning signs required.
- 13.08.060 Intoxicated persons prohibited.
- 13.08.070 Fire extinguishers required.
- 13.08.080 Watercraft—Operation requirements generally.
- 13.08.090 Watercraft—Required equipment.
- 13.08.100 Watercraft—Speed restriction in bathing area.
- 13.08.110 Right-of-way—Motorboat yield to sailboat.
- 13.08.120 Right-of-way—Approach from starboard.
- 13.08.130 Interference by bathers prohibited.
- 13.08.140 Trespass upon boats.
- 13.08.150 Enforcement authority.

#### 13.08.010 Lifeguard required during bathing season.

Any person operating a bathing beach under the county's supervision shall have at least one lifeguard in constant attendance at the beach during the bathing season from the hours of twelve noon to twelve midnight, and the lifeguard shall have an unobstructed view of the beach and of all those bathing thereon. (Prior code § 16-1-1)

#### 13.08.020 Bathing or swimming permitted where.

It is unlawful for any person to bathe or swim in any of the waters, reservoirs or streams within

the jurisdiction of the county, except in public or private swimming pools or bathhouses. (1986 Recodification: prior code § 16-1-2)

#### 13.08.030 Emergency boat required.

During the bathing season, the operators of any bathing beach shall keep one boat available at all times for emergency and/or lifesaving purposes. The boat shall be not less than thirteen feet in length and shall be equipped with life preservers, oars, ropes, fire extinguishers, bail buckets or pumps of sufficient size to bail or pump water from the boat in case of emergency. (Prior code § 16-1-3)

#### 13.08.040 Lights and warning signal.

During the hours and time set forth in Section 13.08.010, operators of any bathing beaches shall maintain sufficient lighting on the beaches as to be visible at least three miles offshore under normal weather conditions. Operators shall maintain a siren or other warning signal of sufficient volume to be heard offshore for a distance of at least five miles under normal weather conditions. Sirens or signals shall be operated only as a warning to bathers and patrons of beaches of approaching storms, winds or other danger. (Prior code § 16-1-4)

#### 13.08.050 Warning signs required.

For the period of the bathing season, all operators of bathing beaches shall maintain signs on those portions of beaches frequented by bathers, warning them of reefs, sudden drop-offs, or of other conditions that may be dangerous. (Prior code § 16-1-6)

#### 13.08.060 Intoxicated persons prohibited.

It is unlawful for the operators or employees of any bathing beach to permit any person under the influence of intoxicating liquor to be served by the operator, his agents or employees with any locker room or bathing suit. It is illegal for operators to permit any person under the influence of intoxicating liquor to remain on or about any

bathing beach or to assist in the operating of any boat or watercraft; nor shall any person permit the assistance or operation by one who is intoxicated. (Prior code § 16-1-5)

**13.08.070 Fire extinguishers required.**

Operators of bathing beaches shall continuously maintain fire extinguishers in a conspicuous and accessible place. The fire extinguishers shall be of such size, number and design as the county fire department shall designate as appropriate. (Prior code § 16-1-7)

**13.08.080 Watercraft—Operation requirements generally.**

It is unlawful for any person to operate or assist in the operation of any motorboat, sailboat, or other watercraft on any lake or stream in the county, except in accordance with the provisions of this chapter. (Prior code § 16-1-9)

**13.08.090 Watercraft—Required equipment.**

The operator of any boat or watercraft shall have and maintain the following equipment while the boat or watercraft is being operated on any lake or stream in the county:

A. At least one naval anchor of not less than one pound of weight for each foot of length, together with a line of sufficient length to grab bottom;

B. One light of sufficient illuminating power to light the water at least fifty-five feet ahead of the boat, and one combination running light of standard make to be fastened to the front portion of the boat, which shall be lit from dark to daylight when the boat is underway;

C. One life preserver for each passenger and either a bail bucket or pump sufficient to pump the water from the boat in case of emergency;

D. One pair of oars;

E. A sufficient number of flares for emergency purposes. (Prior code § 16-1-14)

**13.08.100 Watercraft—Speed restriction in bathing area.**

It is unlawful to operate watercraft at a speed in excess of three miles per hour in any boat harbor, breakwater, bathing area, beach, or bathing resort in the county. Upon entering a bathing area, bathers being present, the operator of any boat or watercraft shall proceed in a careful and prudent manner, shutting off the motor and steering at least fifteen feet clear of all bathers. (Prior code § 16-1-10)

**13.08.110 Right-of-way—Motorboat yield to sailboat.**

The operator of any motorboat approaching a sailboat or other unmotored watercraft shall yield the right-of-way and pass the watercraft on the leeward side. (Prior code § 16-1-11)

**13.08.120 Right-of-way—Approach from starboard.**

The operator of any motorboat approaching another motorboat from the starboard side shall have the right-of-way over any other boat or watercraft. (Prior code § 16-1-12)

**13.08.130 Interference by bathers prohibited.**

It is unlawful for any bather or other person to take hold of or in any manner interfere with any boat or watercraft or the operation of same while such boat is under way. (Prior code § 16-1-13)

**13.08.140 Trespass upon boats.**

It is unlawful for any person, without the owner's consent, to enter upon or into, to take hold of, or to in any way tamper with or trespass upon, any boat or mooring line of any boat so anchored or moored at a boat slip or pier, or upon any lake or stream of the county. (Prior code § 16-1-15)

**13.08.150 Enforcement authority.**

The sheriff is charged with the enforcement of the provisions of this chapter. (Prior code § 16-1-8)

13.12.010

**Chapter 13.12**

**SKIING AND SKI RESORTS**

**Sections:**

- 13.12.010** Closed or unsafe areas—  
Skiing prohibited.
- 13.12.020** Closed or unsafe areas—  
Designation—Signs.
- 13.12.030** Exemptions.
- 13.12.040** Skier duty in event of collision.
- 13.12.050** Violation—Penalty.

**13.12.010 Closed or unsafe areas—Skiing prohibited.**

It is unlawful for any person for the purpose of skiing or other reason to go upon any area designated as closed or unsafe. (Ord. 913 § 2 (part), 1984: prior code § 16-9-1(2))

**13.12.020 Closed or unsafe areas—  
Designation—Signs.**

The sheriff, forest service, national park service or ski patrol for the ski resort upon which the designated area is located shall be authorized to designate closed or unsafe areas through the use of regulatory signs or other devices. When regulatory signs and/or devices are in place, there shall be a presumption that their placement was authorized. (Ord. 913 § 2 (part), 1984: prior code § 16-9-1(1))

**13.12.030 Exemptions.**

The provisions of this chapter shall not be deemed to apply to ski patrol members, officers of the national park or forest service and other duly authorized personnel during the course of their duties. (Ord. 913 § 2 (part), 1984: prior code § 16-9-4)

**13.12.040 Skier duty in event of collision.**

Every skier involved in a collision with another skier must stop and render any reasonably necessary assistance. Such assistance may include warding off other skiers while waiting for aid or contacting resort personnel or ski patrolmen to inform them that aid is necessary. Any skier involved in a collision must, upon request, present identification or supply his name and address to resort personnel, ski patrolmen or the injured skier. (Ord. 913 § 2 (part), 1984: prior code § 16-9-2)

**13.12.050 Violation—Penalty.**

Any person who violates any provision of this chapter shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine not to exceed two hundred ninety-nine dollars or imprisoned in the county jail not to exceed six months, or by both such fine and imprisonment. (Ord. 913 § 2 (part), 1984: prior code § 16-9-3)

**Chapter 13.16**

**JORDAN RIVER PARKWAY EASEMENT**

**Sections:**

- 13.16.010 Purpose.**  
**13.16.020 Easement required.**  
**13.16.030 Restrictions upon owner—**  
**Rights of county and public.**  
**13.16.040 Limitations.**

**13.16.010 Purpose.**

In enacting this chapter, it is the purpose of the board of county commissioners to foster the development of recreational areas, water conservation, flood control, reclamation, and wildlife resources on and along the Jordan River by reserving to itself and to the general public the right to enter upon, cross over, use and make improvements upon an easement strip immediately adjoining the banks of the river. (Ord. 747 § 1 (part), 1981: prior code § 19-9-1)

**13.16.020 Easement required.**

In addition to all other requirements and conditions contained in Title 18, Subdivisions, it is a further condition, upon the approval and recording of any subdivision, that the subdivider of any property containing within its boundaries one or both banks of the Jordan River, convey to the county an easement within a strip or strips extending twenty-five feet from the bank or banks of the river. In no event shall the easement exceed ten percent of the total area of the subdivision without just compensation being paid therefor. (Ord. 747 § 1 (part), 1981: prior code § 19-9-2)

**13.16.030 Restrictions upon owner—Rights of county and public.**

A. Without prior written approval from the county, the owner of property affected by the easement described in Section 13.16.020 is prohibited from:

1. Diverting, filling in, lining or culverting the natural watercourse of the Jordan River;
2. Erecting any structures or improvements, including, but not limited to, buildings, fences, bridges and parking lots, within fifty feet of the banks of the Jordan River;

3. Dumping or permitting the dumping of any garbage or other refuse within fifty feet of the banks of the Jordan River; or

4. Cutting, grubbing or removing any trees or other natural vegetation, removing any stones or earth, or otherwise disturbing the natural environment of the area within twenty-five feet of the banks of the Jordan River.

B. The county reserves to itself and to the general public, the rights of:

1. Entry by agents, employees and contractors of the county or of the Provo-Jordan River Parkway Authority to survey, plan, construct and maintain such improvements as may be necessary to give effect to the water conservation, recreation, flood control, reclamation and wildlife preservation purposes of this chapter. No such improvement shall extend outside of the twenty-five-foot easement strip without just compensation being paid therefor; and

2. Entry by the general public for the purposes of recreation or for any other purpose contemplated under this chapter. (Ord. 747 § 1 (part), 1981: prior code § 19-9-3)

**13.16.040 Limitations.**

A. Rights acquired by the county subject to this chapter shall be held and exercised only for the advancement of the purposes contemplated in this chapter.

B. Ownership in fee simple absolute of the easement strip shall remain unaffected by the provisions of this chapter, and shall remain in the owner of the servient realty. The interest created is an appurtenant easement and shall remain unaffected by the sale or other alienation of the realty upon which it lies. Upon the dissolution, disincorporation, consolidation or other disability of the county the easement created shall, without further transferring act, vest in the succeeding governmental entity having territorial jurisdiction over the easement. (Ord. 747 § 1 (part), 1981: prior code § 19-9-4)

## Chapter 13.20

### PARK IMPACT FEES

#### Sections:

- 13.20.010 Purpose.
- 13.20.020 Definitions.
- 13.20.030 Requirements.
- 13.20.040 Land dedication.
- 13.20.050 Administration.
- 13.20.060 Waiver of modification of fees.

#### 13.20.010 Purpose.

The ordinance codified in this chapter is enacted to help fund the acquisition and development of needed neighborhood park land for residents of the unincorporated areas of Salt Lake County. The funds generated through implementation of this chapter will supplement the county's funding program for neighborhood parks but is not intended to meet the entire need. (Ord. 1243 § 1 (part), 1993)

#### 13.20.020 Definitions.

"Neighborhood park" means a park which is designated to serve primarily the residents of the neighborhood planning area in which it exists.

"Park" means a tract of public land set aside to provide space and facilities for active and passive recreation. For purposes of this chapter, "park land" shall be limited to neighborhood parks as defined in the parks and recreation master plan.

"Parks and recreation master plan" means the written document published by the Salt Lake County parks and recreation division which provides guidelines and general direction for all park development under the jurisdiction of Salt Lake County.

"Planning area" means one of the unincorporated geographic areas designated in the parks and recreation master plan to facilitate planning and development of parks and recreation services in the county.

"Residential unit" means all dwelling units including apartments, condominiums and manufactured housing. (Ord. 1243 § 1 (part), 1993)

#### 13.20.030 Requirements.

A. The owner or developer of any residential unit shall pay a fee to the county for the purpose of acquisition and development of park land. The fee shall be paid prior to the issuance of a building permit for the residential unit. In the case of mobile home parks the fees shall be paid prior to the issuance of the conditional use permit. Fees shall be collected by the development services division.

B. The amount of the fee shall be based upon the standard of 1.5 acres of neighborhood parks per one thousand population within each benefit area. The fee for each residential unit shall be a proportionate share of seventy-five percent of the estimated cost per acre of land and development costs of neighborhood parks based upon the average number of people within a residential unit located in the benefit area. Fees within each benefit area are set forth in a chart entitled "Park Impact Fees by Benefit Areas," on file in the development services division, which is adopted in this chapter by reference. Land and park development costs shall be reviewed every three years and the fees may be adjusted by the board of county commissioners to reflect changes in such costs. (Ord. 1243 § 1 (part), 1993)

#### 13.20.040 Land dedication.

The planning commission may at its discretion require an owner or developer to dedicate park land to the county in lieu of paying fees or a portion of the fees. Such dedication shall not exceed .0075 acres for each residential unit. The development services division shall obtain a recommendation from the parks and recreation division whenever development services determines that land dedication should be required. (Ord. 1243 § 1 (part), 1993)

#### 13.20.050 Administration.

A. All fees collected shall be deposited in a park trust fund for use by the parks and recreation division. Fees shall be committed for use in the neighborhood planning area from which the fees were generated and shall be used solely for the purpose of acquiring additional park land or developing parks within such area.

13.20.050

B. Up to five percent of all fees collected may be designated to an administration fund for administrative responsibilities such as master planning, budgeting and accounting.

C. Moneys in the park impact trust fund may be borrowed from one neighborhood planning area and spent in another. Borrowed funds shall be reimbursed (together with any interest allocated by the board of county commissioners) from future fees generated from the neighborhood planning area borrowing funds or from other available funds. Borrowed funds shall be repaid within ten years. (Ord. 1243 § 1 (part), 1993)

**13.20.060 Waiver of modification of fees.**

When an owner or developer believes the impact of the development does not reasonably relate to the need for the development of neighborhood parks, he/she may apply to the board of county commissioners for waiver or modification of the park fee or dedication requirement. The board of county commissioners may waive or modify the park fee or dedication requirement if it determines from the evidence presented there is no reasonable relationship between the impact of the development and the need for neighborhood parks. (Ord. 1243 § 1 (part), 1993)

**Title 14**

**HIGHWAYS, SIDEWALKS AND PUBLIC PLACES**

**Chapters:**

- 14.04 Definitions**
- 14.08 County Commission and Highway Division**
- 14.12 Standards for Roadway Development**
- 14.16 Excavations**
- 14.20 Encroachments and Obstructions**
- 14.24 Poles, Posts and Fences**
- 14.28 Canyon and Rural Road Maintenance and Classification**
- 14.32 Sidewalk Use and Maintenance**
- 14.36 Driveways**
- 14.40 Bridges, Ditches and Waterways**
- 14.44 Shade Trees**
- 14.48 Street Vacations**
- 14.52 Unlawful Activities and Liability for Damages**
- 14.56 Special Events**

**RECORDED AS RECEIVED  
CO. RECORDER**

## Chapter 14.04

## DEFINITIONS

## Sections:

14.04.010	Class B roads.
14.04.020	Construction.
14.04.030	County roads.
14.04.040	Curbline.
14.04.050	Fenceline.
14.04.060	Highway authorities.
14.04.070	Highway division.
14.04.080	Limited-access facility.
14.04.090	Maintenance.
14.04.100	Official map.
14.04.110	Public highway.
14.04.120	Right-of-way.
14.04.130	Section.
14.04.140	Sidewalk.

**14.04.010 Class B roads.**

"Class B roads" means the same as "county road," defined in this chapter. (1986 Recodification: prior code § 10-1-1(1))

**14.04.020 Construction.**

"Construction" means the construction, reconstruction, replacement and improvement of the public highways, including the acquisition of rights-of-way and material sites. (1986 Recodification: prior code § 10-1-1(2))

**14.04.030 County roads.**

"County roads" means and includes all public roads and streets within the county, not designated as state highways, that are situated outside of incorporated cities and towns, and the roads and streets situated within incorporated cities and towns within the county that have been designated as county roads. (1986 Recodification: prior code § 10-1-1(3))

**14.04.040 Curbline.**

"Curbline" means a line on either side of the center of a highway ten feet inside the right-of-

way line and running parallel to the right-of-way line. Any individual exceptions to this definition must be approved by the county commission. (1986 Recodification: prior code § 10-1-1(4))

**14.04.050 Fenceline.**

"Fenceline" means a line on either side of the center of a highway coterminus with the outside boundary or limits of the highway. (1986 Recodification: prior code § 10-1-1(5))

**14.04.060 Highway authorities.**

"Highway authorities" means the state road commission or the legislative and governing body of a county, city or town. (1986 Recodification: prior code § 10-1-1(6))

**14.04.070 Highway division.**

"Highway division" means the highway division of the county public works department. (1986 Recodification: prior code § 10-1-1(7))

**14.04.080 Limited-access facility.**

"Limited-access facility" means a highway, road or street especially designed for through traffic and over, from or to which neither owners nor occupants of abutting lands, nor other persons, have any right to easement, or have only a limited right or easement of access, light, air or view. (1986 Recodification: prior code § 10-1-1(8))

**14.04.090 Maintenance.**

"Maintenance" means the performance of all things necessary to keep a public highway in serviceable condition. (1986 Recodification: prior code § 10-1-1(9))

**14.04.100 Official map.**

"Official map" means the official map or official maps of the county as adopted by the commission in accordance with law showing the highways, freeways, parks, parkways and sites for public buildings or works, including subsurface

RECORDED AS RECEIVED  
CO. RECORDER



14.04.100

facilities, in acquisition, financing or construction of which the county has participated or may be called upon to participate. (1986 Recodification: prior code § 10-1-1(10))

**14.04.110 Public highway.**

“Public highway” or “highway” means any road, street, lane, court, place, viaduct, tunnel, culvert, bridge, alley, or other public way situated within this county laid out or erected as such by the public, or dedicated, abandoned or open to the public, or made such in any action for the partition of real property, or such other public property so designated by any ordinance or statute, and includes the entire area within the right-of-way. (1986 Recodification: prior code § 10-1-1(11))

**14.04.120 Right-of-way.**

“Right-of-way” means land, property or an interest therein, usually in a strip, acquired for or devoted to use as a public highway. (1986 Recodification: prior code § 10-1-1(12))

**14.04.130 Section.**

“Section” means a section of this chapter unless some other section is specifically mentioned. (1986 Recodification: prior code § 10-1-1(13))

**14.04.140 Sidewalk.**

“Sidewalk” means that area between the curblineline and the fenceline on either side of a highway. (1986 Recodification: prior code § 10-1-1(14))

## Chapter 14.08

COUNTY COMMISSION AND HIGHWAY  
DIVISION

## Sections:

- 14.08.010 Jurisdiction and control.
- 14.08.020 Gifts, bequests and donations to county.
- 14.08.030 Contribution of property by county.
- 14.08.040 Roads within national forests—Cooperation with federal government.
- 14.08.050 Determination of width of right-of-way.
- 14.08.060 Preparation and storage of plats and descriptions.
- 14.08.070 Agreements with political subdivisions and federal government.
- 14.08.080 Acquisition of property for limited-access facilities.
- 14.08.090 Authority to provide and maintain limited-access facilities.
- 14.08.100 Restriction of highway use.
- 14.08.110 Local service roads.

## 14.08.010 Jurisdiction and control.

A. All highways, roads, paths and ways within the county not designated as federal, state, city or special highways, roads, paths or ways shall be under the direction and authority of the board of county commissioners. Such roads shall be constructed and maintained by or under the authority of the county commissioners from funds made available for that purpose, and the county commissioners shall have the authority to expend or by contract cause to be expended funds allocated to the county from the state road fund under rules mutually adopted by the county commissioners and the State Road Commission. The amount used annually from the State Road Fund for this purpose, together with amounts

from other sources as may be made available shall constitute the funds to be spent in constructing and maintaining Class B roads within the county.

B. When, in the opinion of the county commissioners, the funds available for road purposes from sources other than the levy made against tangible property are adequate to properly construct and maintain the Class B roads, the county may cease making a levy for county road purposes, or, at its option, may use any portion of the Class B road funds provided by Title 27 of the Utah Code Annotated (1953)(1963 Supplement), for the construction and maintenance of Class A state roads by cooperative agreement with the State Road Commission. (Prior code § 10-2-1)

## 14.08.020 Gifts, bequests and donations to county.

Gifts, bequests and donations by individuals, corporations or societies to the county, unless designated for another purpose, shall become part of the county highway fund and shall be expended under the direction of the county commissioners. (Prior code § 10-2-2)

## 14.08.030 Contribution of property by county.

The county is authorized to contribute real or personal property to the State Road Commission for state highway purposes. (Prior code § 10-2-3)

14.08.040 Roads within national forests—  
Cooperation with federal  
government.

The county is authorized and empowered to enter into agreements with the appropriate federal agency for the use of federal funds to construct, improve or maintain roads, other than state highways, within or partly within national forests; provided, that the share of the county in the cost of such cooperative road project shall be paid from county road funds; provided further,

14.08.040

that donations may be accepted in lieu of appropriations from county road funds. (Prior code § 10-2-4)

**14.08.050 Determination of width of right-of-way.**

The public works department may, subject to approval by the commission, determine the permissible width of rights-of-way for public highways in the county. (Prior code § 10-2-6)

**14.08.060 Preparation and storage of plats and descriptions.**

It shall be the duty of the board of county commissioners to provide for the preparation and storage of current plats and descriptions of all county roads and of such other highways as the board may from time to time locate upon public lands within the county. The plats and descriptions shall be kept on file in the office of the county recorder. (Prior code § 10-2-5)

**14.08.070 Agreements with political subdivisions and federal government.**

The highway authorities of the county are authorized to enter into agreements with other highway authorities or with the federal government, respecting the financing, planning, establishment, improvement, maintenance, use, regulation or vacation of limited-access facilities or other public ways in their respective jurisdictions, to facilitate the purposes of this chapter. (Prior code § 10-2-11)

**14.08.080 Acquisition of property for limited-access facilities.**

The highway authorities of the county may acquire private or public property or property rights for limited-access facilities and service roads, including rights of access, air, view and light, by gift, devise, purchase or condemnation, in the same manner as such authorities are now or hereafter may be authorized by law to acquire such property or property rights in connection

with highways, roads and streets within their respective jurisdictions. All property rights so acquired may be in fee simple or in any lesser estate or interest. In connection with the acquisition of property or property rights for any limited-access facility or portion thereof, or service road in connection therewith, the county may, in its discretion, acquire an entire lot, block or tract of land, if by so doing the interests of the public will be best served, even though the entire lot, block or tract is not immediately needed for the right-of-way. (Prior code § 10-2-9)

**14.08.090 Authority to provide and maintain limited-access facilities.**

The highway authorities of the county are authorized to plan, designate, establish, regulate, vacate, alter, improve, maintain and provide limited-access facilities for public use whenever such authorities are of the opinion that traffic conditions, present or future, will justify such special facilities. The highway authorities of the county may also exercise, relative to limited-access facilities, any and all additional authority now or hereafter vested in them relative to highways, roads or streets within their respective jurisdictions. Such authorities may regulate, restrict or prohibit the use of such limited access facilities by pedestrians, animals or the various classes of vehicles or traffic. (Prior code § 10-2-8)

**14.08.100 Restriction of highway use.**

Whenever it is deemed necessary because of construction or maintenance work or because of emergency, the commission may, subject to the recommendation of the commissioner in charge of the public works department, restrict the use of, or close, any highway or portion thereof. Whenever such highway or portion thereof is restricted or closed to travel, the highway division shall erect or cause to be erected, suitable barriers and notices to be posted at the point where the detour road takes off from the closed

or restricted highway and the detour road shall be clearly indicated by signs and adequately maintained. (Prior code § 10-2-7)

**14.08.110 Local service roads.**

In connection with the development of any limited-access facility, the highway division may, subject to commission approval, plan, designate, establish, use, regulate, alter, improve, maintain and vacate local service roads and streets or designate as local service roads and streets any existing roads or streets. The highway division may exercise jurisdiction over service roads in the same manner as is authorized over limited-access facilities, if, in their opinion, such local service roads or streets shall be of appropriate design, and shall be separated from the limited-access facility proper by means of all devices designated as necessary or desirable by the proper authority. (Prior code § 10-2-10)

**Chapter 14.12**

**STANDARDS FOR ROADWAY  
DEVELOPMENT**

**Sections:**

- 14.12.010 Definitions.
- 14.12.020 Roadways to comply with standards.
- 14.12.025 Curb ramps, ramps and sidewalks to comply with standards.
- 14.12.030 Policies.
- 14.12.040 Clearview of intersecting streets.
- 14.12.050 Landscaping overhanging street pavement.
- 14.12.060 Sidewalks.
- 14.12.065 Curb ramps.
- 14.12.070 Horizontal clearance to obstructions.
- 14.12.080 Cul-de-sacs.
- 14.12.090 Roadway design.
- 14.12.100 Right-of-way and pavement design.
- 14.12.110 Driveways.
- 14.12.120 Intersection design.
- 14.12.130 Private roadways.
- 14.12.140 Street direction and grade.
- 14.12.150 Exceptions.

**14.12.010 Definitions.**

For the purposes of this chapter, the following definitions shall apply:

"AASHTO guidelines" means the engineering and development standards published by AASHTO in the current edition titled "A Policy on Geometric Design of Highways and Streets."

"ADA Accessibility Guidelines (ADAAG)" means the minimum standards set forth in the Federal Register, Volume 56, Number 144, July 26, 1991, regarding the accessibility to places of public accommodation and commercial facilities by persons with disabilities.

"Arterial" means generally signalized streets that serve primarily through-traffic and provide access to abutting properties as a secondary function.

"Clearview" means that portion of the corners at intersections where obstructions are limited to two feet in height in order to preserve a safe sight distance for motorists entering intersections.

"Collector street" means streets providing land access and traffic circulation service within residential, commercial and industrial areas. They enable moderate quantities of traffic to move efficiently between local streets and the major street network.

"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.

"Curb ramps" means a short ramp cutting through a curb or built up to a curb.

"Decision sight distance" means the distance required for a driver to detect an unexpected or otherwise difficult-to-perceive information source or hazard in a roadway environment that may be visually cluttered, recognize the hazard or its threat potential, select appropriate speed and path, and initiate and complete the required safety maneuver safely and efficiently.

"Developed parcel" means those land uses other than agricultural.

"Driveway" means an access constructed within and adjoining a roadway, connecting the roadway with adjacent property and intended to be used in such a way that the access into the adjacent property will be complete and will not cause the blocking of any sidewalk border area or roadway.

"Local streets" means streets primarily providing access to immediately adjacent properties. Through movement may be possible but is not encouraged.

"Multifamily driveway" means a driveway providing access to more than four dwelling units.

"Private roadway" means a roadway in private ownership which is controlled and maintained by the owners and not the county.

"Public roadway" means a roadway which has been dedicated, deeded or otherwise conveyed to public use.

"Roadway" means the entire width between the boundaries of any highway, street or road which is used for vehicular traffic. The terms "roadway," "highway," "street" and "road" are used interchangeably in this chapter.

"Ramp" means a walking surface which has a running slope greater than 1:20.

"Sight distance" means the same as stopping sight distance.

"Stopping sight distance" means the minimum sight distance required that will allow motorists traveling at or near the design speed to stop before reaching a stationary object in its path.

"Sidewalk" means a facility provided for pedestrian movement, usually segregated from vehicular traffic by a curb or provided on a separate right-of-way. (Ord. 1265 § 2, 1994; Ord. 1186 § 1 (part), 1992)

#### **14.12.020 Roadways to comply with standards.**

All public and private roadway development located within the unincorporated county subject to the jurisdiction of Salt Lake County shall meet the requirements of this chapter. Where specific elements of design and construction are not addressed in this chapter, roadway design and construction shall comply with the engineering guidelines for design set forth in the AASHTO publication, "A Policy on Geometric Design of Highways and Streets," 1990, and any successor editions. The public works engineer shall utilize the AASHTO manual in setting safe design requirements. (Ord. 1186 § 1 (part), 1992)

#### **14.12.025 Curb ramps, ramps and sidewalks to comply with standards.**

All public and private curb ramp, ramp and sidewalk development located within the unincorporated county subject to the jurisdiction of Salt Lake County shall meet the requirements of this chapter. Where specific elements of design and construction are not addressed in this chapter, curb ramp, ramp and sidewalk construction shall comply with the

minimum guidelines for design set forth in the ADAAG, July 26, 1991, and any successor editions. The public works engineer shall utilize the ADAAG in setting appropriate design requirements. (Ord. 1265 § 3, 1994)

#### **14.12.030 Policies.**

The public works department may adopt policies for use by developers and others in the overall layout and design of streets and adjacent developments. The public works engineer will keep and make available to the public copies of the policy. (Ord. 1186 § 1 (part), 1992)

#### **14.12.040 Clearview of intersecting streets.**

A. Corner sight distance for local streets as defined in the AASHTO guidelines shall be a minimum of three hundred feet. All other locations shall be provided with sight distance in accordance with AASHTO guidelines.

B. No constructed or planted obstruction to view, in excess of two feet in height above the level of the adjacent street pavement (measured at the edge of the pavement), shall be allowed within the clearview of intersecting streets. Exception to this are signs that conform to Section 19.82.110; a reasonable number of trees pruned to ten feet; and pumps at gasoline service stations. In the event the provisions of this subsection conflict with Section 19.76.160, the most restrictive shall apply.

C. Landscaping material which infringes the clearview of intersecting streets and creates a safety hazard, after due notice to property owner has been given, may be trimmed by county employees. (Ord. 1186 § 1 (part), 1992)

#### **14.12.050 Landscaping overhanging street pavement.**

Trees and landscaping which overhang the street pavement shall be trimmed to a minimum height of thirteen and one-half feet above the street pavement. (Ord. 1186 § 1 (part), 1992)

#### **14.12.060 Sidewalks.**

A. Sidewalks shall be located as far as practical

14.12.060

from travel lanes. As the minimum standard, concrete sidewalks shall be four feet in width with a five foot utility strip between the roadway edge of sidewalk and back of curb.

B. A five-foot sidewalk will be allowed integral with the back of curb where exceptional topographic conditions exist. Where integral sidewalk is permitted, the right-of-way may be reduced accordingly.

C. When properties are adjacent, but do not access or front on public right-of-way, a stamped brick pavement in the utility strip or other suitable approved finishing material shall be required to reduce maintenance in these areas unless a homeowners association or special service district is provided.

D. In areas zoned R-1-43 and other developments which have a minimum lot area of one acre, aesthetic alternatives may be approved in lieu of standard concrete, except areas along collectors and arterials. The county engineer shall review and approve all design and geometric standards for such requests.

E. Sidewalks shall remain unobstructed from vegetation and other obstructions to a minimum height of eight feet. (Ord. 1186 § 1 (part), 1992)

**14.12.065 Curb ramps.**

A. Curb ramps shall be provided wherever an accessible route crosses a curb.

B. The least possible slope shall be used for any curb ramp. Slope shall be measured by: Slope equals Y:X, where X is a level plane.

C. The maximum slope of a curb ramp in new construction shall be 1:12. Curb ramps to be constructed on existing sites or in existing buildings or facilities may have slopes and rises less than 1:12 as follows:

1. A slope between 1:10 and 1:12 is allowed for a maximum rise of six inches;
2. A slope between 1:8 and 1:10 is allowed for a maximum rise of three inches;
3. A slope steeper than 1:8 is not allowed.

D. The minimum width of a curb ramp shall be thirty-six inches, exclusive of flared sides.

E. Surfaces of curb ramps shall be stable, firm and slip-resistant.

F. If a curb ramp is located where pedestrians must walk across the ramp, or where it is not protected by handrails or guardrails, it shall have flared sides; the maximum slope of the flare shall be 1:10. Curb ramps with returned curbs may be used where pedestrians would not normally walk across the ramp.

G. Built-up curb ramps shall be located so that they do not project into vehicular traffic lanes.

H. Reserved.

I. Curb ramps shall be located or protected to prevent their obstruction by parked vehicles.

J. Curb ramps at marked crossings shall be wholly contained within the markings, excluding any flared sides.

K. If diagonal (or corner type) curb ramps have returned curbs or other well-defined edges, such edges shall be parallel to the direction of pedestrian flow. The bottom of diagonal curb ramps shall have forty-eight inches minimum clear space. If diagonal curb ramps are provided at marked crossings, the forty-eight-inch clear space shall be within the markings. If diagonal curb ramps have flared sides, they shall also have at least a twenty-four-inch long segment of straight curb located on each side of the curb ramp and within the marked crossing.

L. Any raised islands in crossings shall be cut through level with the street or have curb ramps at both sides and a level area at least forty inches long between the curb ramps in the part of the island intersected by the crossings. (Ord. 1280 § 2, 1994; Ord. 1265 § 4, 1994)

**14.12.070 Horizontal clearance to obstructions.**

On all streets a minimum clearance of twenty-four inches shall be provided between the curb face or shoulder edge and obstructions such as utility poles, fire hydrants, etc., except standard mailboxes

approved by the U.S. Postal Service. (Ord. 1186 § 1 (part), 1992)

**14.12.080 Cul-de-sacs.**

A. Cul-de-sacs and turnaround shall have a minimum right-of-way radius of fifty feet in residential areas and sixty feet in commercial and industrial areas. A circular left hand offset is desirable.

B. Hammerhead, "L," "Y" and "T" turnarounds shall only be allowed when approved by the planning commission upon written recommendation and design review of the county engineer.

C. A temporary turnaround for stub streets in excess of one hundred fifty feet long shall be provided where the extension of a street is planned and anticipated.

D. The length of cul-de-sacs shall vary inversely with density to accommodate a maximum of twenty-five lots and shall not be longer than one thousand feet. (Ord. 1186 § 1 (part), 1992)

**14.12.090 Roadway design.**

A. All vertical grades shall be a maximum of ten percent.

B. A minimum vertical grade of four-tenths of one percent and a minimum crown slope of two percent shall be provided for adequate drainage of runoff.

C. All approach legs of intersections shall provide vertical crest grades not to exceed two percent for a distance of at least fifty feet from right-of-way line of intersecting streets.

D. The length of crest and sag vertical curves shall be designed in accordance with AASHTO guidelines.

E. Vertical and horizontal curves shall be designed to provide a minimum stopping sight distance in accordance with AASHTO guidelines using the design speeds listed below. Decision sight distances, however, may be required as outlined in AASHTO's guidelines where more complex driver information error is likely to occur.

F. All roadways shall be designed in accordance with the following design speeds using AASHTO's guidelines, principles, and practices:

1. Local: Twenty-five mph;
2. Collector: Forty mph;
3. Arterial: Fifty mph.

G. Superelevation rates above 0.06 ft./ft. shall be prohibited to minimize slipping across a roadway when stopped or attempting to slowly gain momentum from a stopped position. Superelevation will not be allowed on local residential streets.

H. Where a centerline deflection angle of more than ten degrees occurs, a circular curve shall be introduced. There shall be a tangent of at least fifty feet on local streets and one hundred feet for collectors and arterials between reverse curves. (Ord. 1186 § 1 (part), 1992)

**14.12.100 Right-of-way and pavement design.**

A. Pavement width and pavement design standards shall be provided as follows:

	Right-of-Way Width	Pavement Width	Minimum Design Section
Local	42'	25'	8" base 3" asph.
Local	50'	25'	8" base 3" asph.
Collector	60'	35'	8" base 3" asph.
Collector	66'	41'	8" base 3" asph.
Collector	80'	55'	10" base 4" asph.
Arterial	106'	55'—81'	12" base 6" asph.

B. All roadway sections shall be designed with minimums specified. The county shall require analysis and additional design requirements when unusual site or traffic conditions exist.

C. All canyon roads, as classified in Chapter 14.28 of this code, shall be provided with the following minimum standards:

	Right-of-Way	Pavement or Travel Width	Design Section
Cat. 1	66'	15'—36'	10" base 4" asph.
Cat. 2	50'	25'	8" base 3" asph.
Cat. 3	50'	25'	8" base 3" asph.
Cat. 4	25'	20'	6" base only
Cat. 5	25'	20'	4" base only
Cat. 6	25'	20'	4" base only

(Ord. 1186 § 1 (part), 1992)



14.12.110

**14.12.110 Driveways.**

A. All property shall be limited to the following number of street driveway entrances:

1. For the first two hundred feet of property frontage along a street, a maximum of two driveways, except that single family dwellings shall be permitted only one access unless a circular driveway is utilized.

2. For each additional one hundred fifty feet of property frontage along a street, a maximum of one additional driveway, except for single-family dwellings, which shall have no additional driveways unless approved by the public works engineer. In no case shall more than fifty percent of the property frontage along the street be used for driveway purposes.

B. All driveway grades shall not exceed ten percent within twenty feet of the roadway boundary.

C. There shall be a minimum ten feet distance between all approved driveways.

D. Driveways shall be a minimum of five feet from a side property line at the front lot line.

E. Additional requirements for residential driveways (except multiple-family):

1. The minimum street driveway width at the property line for a driveway shall be ten feet and the maximum shall be thirty-five feet.

2. There shall be a minimum of thirty-five feet between the entrances of circular driveways.

3. A minimum five-foot radius or flared section shall be used.

4. No radius or flare portion of a driveway shall intersect the adjacent projected property line except where shared driveways are utilized.

5. On corner lots driveways shall be set back a minimum of twenty feet from the point of intersection of the right-of-way lines.

F. Additional requirements for commercial, industrial and multiple-family driveways:

1. On corner lots driveways shall be set back a minimum of sixty feet from the projected intersection right-of-way lines with a minimum of five foot flared section. Flared driveways are required for distinction from intersection corners.

2. The minimum width of a driveway shall be twelve feet and the maximum shall be fifty feet. (Ord. 1186 §1 (part), 1992)

#### 14.12.120 Intersection design.

A. The minimum radius of curb return on local streets in residential areas shall be twenty-five feet. A larger radius shall be used in industrial areas or higher functional classification streets as approved by the county engineer in accordance with AASHTO guidelines.

B. Streets shall intersect at an angle of ninety

degrees where possible, but in no case shall the angle of intersection be less than eighty degrees.

C. Offset intersections shall be avoided whenever possible and offsets shall be provided with minimum distances as follows:

1. Local streets: one hundred fifty feet
2. Collectors: five hundred feet
3. Arterials: eight hundred feet

D. Left turns shall be prohibited within two hundred feet of major intersections either by signs or concrete medians. (Ord. 1186 §1 (part), 1992)

#### 14.12.130 Private roadways.

A. The width of all private roadways shall consist of a minimum of twenty feet of unobstructed travel surface. Roadways shall be twenty-five feet wide where they form cul-de-sacs greater than five hundred feet in length. Short sections may be reduced to preserve trees or other features as approved by the fire department.

B. All surfaces shall consist of an approved design capable of carrying twenty-four ton vehicles.

C. Except as modified by subsections A and B of this section, all private roadways shall comply with the requirements of this chapter.

D. Each and every owner of any interest in a private roadway shall be jointly and severally responsible for the maintenance and repairs to the roadway. The county shall have no responsibility or liability for the maintenance of or repair to any private roadway. Each private roadway shall be maintained in a manner which allows easy access and passage of emergency vehicles throughout the entire length of the roadway. (Ord. 1186 §1 (part), 1992)

#### 14.12.140 Street direction and grade.

No street shall vary from the direction and grade of other county streets unless an exception in the direction and grade is obtained from the board of county commissioners. (Ord. 1186 §1 (part), 1992)

#### 14.12.150 Exceptions.

In cases where unusual topographical, aesthetic,

**14.12.150**

or other exceptional conditions or circumstances exist, variations or exceptions to the requirements of this chapter may be approved by the county commission after receiving recommendations from the planning commission and the public works engineer; provided, that the variations or exceptions are not detrimental to the public safety or welfare. (Ord. 1186 §1 (part), 1992)

## Chapter 14.16

## EXCAVATIONS

## Sections:

- 14.16.010 Right-of-way—Excavation and structures prohibited when.
- 14.16.020 Permit—Required.
- 14.16.030 Permit—Application.
- 14.16.035 Work without permit—Penalty.
- 14.16.040 Fees.
- 14.16.050 Insurance requirements.
- 14.16.060 Completion bond.
- 14.16.070 Application requirements for conservancy districts.
- 14.16.080 Manner of excavating.
- 14.16.090 Sidewalks and curb ramps.
- 14.16.100 Inspection of excavation.
- 14.16.110 Backfill requirements.
- 14.16.120 Restoration of surface—Required.
- 14.16.130 Restoration of surface—By county.
- 14.16.140 Failure to comply.
- 14.16.150 Collection of expenses by lawsuit.

**14.16.010 Right-of-way—Excavation and structures prohibited when.**

A. No right-of-way of any county road shall be dug up or excavated and no approach, road, driveway, pole, pipeline, conduit, sewer, ditch, culvert, billboard, advertising sign, or other structure or object of any kind or character shall be placed, constructed or maintained within any such right-of-way except as permitted by and in accordance with the regulations of the county highway authorities.

B. Any person who violates the provisions of this section is guilty of a misdemeanor. (Ord. 792 § 1 (part), 1981: prior code § 10-3-15)

**14.16.020 Permit—Required.**

It is unlawful for any person to tunnel under or

to make any excavation in any street, alley or other public place (which shall include all area between the fence line on one side of the street or alley and the fence line on the opposite side) in the county without complying with the provisions of this chapter and obtaining a permit therefor and paying the fee as required in this chapter. An emergency excavation may be made without prior permit if the reason for the excavation is to prevent loss of life or damage to property that appears to be imminent if the excavation is delayed by waiting to contact the highway division. In such emergency situations the excavating parties shall contact the highway division on the first working day following the excavation and complete and secure a formal permit. None of the provisions of these specifications are waived for emergency situations except for prior permit requirement. (Ord. 1193 § 4, 1992: Ord. 792 § 1 (part), 1981: prior code § 10-3-1)

**14.16.030 Permit—Application.**

Applications for such permits shall be made to the highway division and shall describe the location of the intended excavation or tunnel, the size thereof, the purpose therefor, the person, firm or corporation doing the actual excavating work and the name of the person, firm or corporation for whom or by which the work is being done, and shall contain an agreement that the applicant will comply with all ordinances and laws of the county and the state relating to the work to be done. Such application may be made by telephone if there is already on file with the engineering division the following: (1) a signed agreement that the applicant will comply with all ordinances and laws of the county and the state relating to the work to be done, and (2) the required certificate of insurance and completion bond. (Ord. 1193 § 5, 1992: Ord. 792 § 1 (part), 1981: prior code § 10-3-2)

**14.16.035 Work without permit—Penalty.**

A person found doing work in the public way without having obtained a permit, as provided by 14.16.030 of this chapter, shall be required to pay

14.16.035

a penalty fee equal to two times the normal permit fee. (Ord. 1215 § 2, 1992; Ord. 1193 § 2, 3, 1992)

**14.16.040 Fees.**

A. For all easement cuts (longitudinal) for sewers, ten cents per square foot (fifty-dollar minimum charge);

B. For all easement cuts (longitudinal) for water, ten cents per square foot (fifty-dollar minimum charge);

C. For all lateral sewer cuts, ten cents per square foot (fifty-dollar minimum charge);

D. For all lateral water cuts, ten cents per square foot (fifty-dollar minimum charge);

E. For cuts made by all franchised utility companies, ten cents per square foot (fifty-dollar minimum charge);

F. For storm drains, ten cents per square foot (fifty-dollar minimum charge). (Ord. 792 § 1 (part), 1981; prior code § 10-3-3)

**14.16.050 Insurance requirements.**

A. No such permit shall be issued unless and until the applicant therefor has posted with the highway division a certificate of insurance in a company authorized to issue insurance by the state, evidencing that such applicant has comprehensive general liability and property damage policy that includes contractual liability coverage with minimum limits of two hundred fifty thousand dollars for injuries, including accidental death to any one person in any occurrence; in an amount not less than five hundred thousand dollars on account of injuries sustained by two or more persons in any one occurrence, and property damage insurance in an amount not less than one hundred thousand dollars for any one occurrence. The insurance policies shall further contain the following provisions:

1. To indemnify, save harmless and defend the county and its officers and employees against any claim or loss, damage or expense, sustained on account of damages to persons or property occurring by reason of an excavation made by the permittee, his subcontractor or agent, whether or not the excavation has been filled or resurfaced and whether or not the surface has been opened to public travel;

2. To indemnify, save harmless and defend the county from any and all liability for the county's own negligence occurring by reason of the opening or excavation. This indemnification agreement covering the county's liability for its own negligence shall not apply to injuries or damages sustained while county employees are present at the excavation pouring cement or asphalt therein;

3. To indemnify, hold harmless and defend the county, and its officers and employees against any claim or loss, damage or expense sustained on account of damages occurring by reason of failure to maintain proper barricades and/or lights as required from the time of the opening of the excavation until the excavation is surfaced and opened for travel;

4. Naming the county as an additional insured and providing that thirty days' notice shall be given to the county prior to termination of the policy, for any reason. Prior to cancellation of insurance, the permittee shall forthwith close the excavation and complete all worksite restoration work.

B. A public utility company or property owner performing work adjacent to his residence may be relieved of the obligation of submitting certificates of insurance if such person or company shall submit satisfactory evidence in advance that it is insured, or has adequate assets and provisions for self-insurance. Public utilities may submit annually evidence of insurance coverage in lieu of individual submissions for each permit (Ord. 792 § 1 (part), 1981; prior code § 10-3-4)

**14.16.060 Completion bond.**  
No such permit shall be issued unless and until the applicant therefor has posted with the highway division a completion bond, the amount of which is to be determined by the highway division. The amount of the bond shall be sufficient to reasonably insure the proper restoration of the ground and the laying of pavement, if any. Should the applicant fail to perform, the expense to the county of restoring the surface of the ground and pavement shall be deducted from the bond and the balance shall be

returned to the applicant without interest after the tunnel or excavation is restored. A separate completion bond shall not be required, however, where the restoration of the ground and the laying of the pavement is specifically granted under the provisions of another bond. The bond shall further guarantee the restoration of the worksite for a period of three year from the completion date of the restoration, reasonable wear and tear excepted. (Ord. 792 § 1 (part), 1981: prior code § 10-3-5)

**14.16.070 Application requirements for conservancy districts.**

Water conservancy districts, sewage districts or other entities that under certain circumstances are or may be exempt from bonding provisions, shall make application, as required in this chapter, before proceeding to make excavations in any street, alley or other public place in the county. Such districts or other entities shall comply with all requirements of this chapter pertaining to the restoration of a cut surface to its original condition and shall indemnify the county for any loss, liability or other damage resulting from the making of any excavation, and shall also pay all fees required by Section 14.16.040 of this chapter. Where lateral cuts are made by any such district or entity for customer connections to the works of the district or other entity, a fee shall be paid in accordance with Section 14.16.040 of this chapter, either by such district or entity (if it makes the excavation and/or connection), or by the customer for whom the excavation or cut is made. (Ord. 792 § 1 (part), 1981: prior code § 10-3-6)

**14.16.080 Manner of excavating.**

A. It is unlawful to make any excavation or tunnel in any way contrary to or at variance with the terms of the permit therefor. Proper bracing shall be maintained to prevent the collapse of adjoining ground. No portion of an excavation below the surface shall extend beyond the opening at the surface.

B. No injury shall be done to any pipes, cables or conduits in the making of such excavations or tunnels. Notice shall be given to the persons main-

taining such pipes, cables or conduits that are or may be endangered or affected by the making of any excavation or tunnel before such pipes, cables or conduits shall be disturbed, or to the highway division.

C. No unnecessary damage or injury shall be done to any tree or shrub or the roots thereof. (Ord. 792 § 1 (part), 1981: prior code § 10-3-7)

**14.16.090 Sidewalks and curb ramps.**

If any sidewalk or curb ramp is blocked by excavation work, a temporary sidewalk or curb ramp shall be constructed or provided that shall be safe for travel and convenient for users. (Ord. 1265 § 5, 1994: Ord. 792 § 1 (part), 1981: prior code § 10-3-9)

**14.16.100 Inspection of excavation.**

A representative of the highway division shall from time to time inspect or cause to be inspected all excavations and tunnels being made in or under any public street, alley or other public place in the county, to insure the enforcement of the provisions of this title. (Ord. 792 § 1 (part), 1981: prior code § 10-3-11)

**14.16.110 Backfill requirements.**

Material for backfill under paved areas shall be of a select nature. All large broken concrete, peat, decomposed vegetable matter and similar materials obtained from the excavation shall be removed from the site prior to the beginning of backfilling. All backfill shall be placed in layers or lifts consistent with the nature of the soil involved. Compaction shall be obtained by mechanical rollers, tampers or other improved means. Material used for backfilling shall be properly moistened or watered to the correct moisture content to insure proper compaction. Jetting, internal vibrating methods of compacting sand fill, or similar methods of compacting sand or similar granular, free-draining materials will be permitted. No frozen material shall be used for backfill under paved surfaces. The intent of this provision is to insure that the density dry of the backfill under pavements, sidewalks, curbs or other structures shall

14.16.110

be not be less than that of the surrounding unmolested soil. (Ord. 792 § 1 (part), 1981: prior code § 10-3-8)

**14.16.120 Restoration of surface—Required.**

A. Any person making any excavation or tunnel in or under any public street, alley or other public place in the county shall, at his own expense, restore the surface to its same type and depth of pavement as that which is adjoining, including the gravel base material. Refills shall be properly tamped down, and any bracing in such tunnel or excavation shall be left in the ground. All restoration shall conform to the standards and regulations promulgated by the public works department, and all restorations shall be accomplished within seventy-two hours from the time of the excavation, unless additional time is granted in writing by the director of the highway division. If, within the preceding three years, the county has resurfaced the pavement with either asphalt, chip seal, or slurry seal, the permittee shall be responsible for resurfacing the entire width of the excavated pavement, from curb to curb, to a length of twenty-five feet from each side of the excavation or cut. Such resurfacing shall be made with either asphalt, chip seal, or slurry seal, as determined by the division director and shall conform to county standards and specifications.

B. The director of the highway division has authority to suspend operations under excavation permits where, in his judgment, climatic changes would prevent proper restoration of pavement surfaces. (Ord. 1193 § 6, 1992: Ord. 792 § 1 (part), 1981: prior code § 10-3-10)

**14.16.130 Restoration of surface—By county.**

The person doing the actual excavating work may, at its option, request that the highway division restore the surface to its original condition. The fee for such resurfacing shall be determined by the highway division in accordance with its reasonable costs for such work and shall be charged to the person, firm or corporation making the excavation. A minimum fee of fifteen hundred dollars will be

charged in all cases; except for chip seal or slurry seal, for which the minimum fee will be one hundred dollars. (Ord. 1193 § 7, 1992: Ord. 792 § 1 (part), 1981: prior code § 10-3-12)

**14.16.140 Failure to comply.**

If the person doing the actual excavating work or the person for whom the work is being done shall fail to restore the surface to its original condition in accordance with the standards required in this chapter, or to request that the highway division do so within forty-eight hours after the receipt of written notice from the highway division, the director of the highway division, or his assistant, may authorize and employ the necessary assistance to restore the surface to its original condition. The highway division shall prepare an itemized statement of all expenses incurred in such restoration and shall mail or hand deliver a copy thereof to the excavator and to the person for whom the work was done and to the bond holder, demanding payment within twenty days of the date of mailing. The notice shall be deemed delivered when hand delivered or mailed by certified mail, addressed to the last known address of the property owner. (Ord. 1193 § 8, 1992: Ord. 792 § 1 (part), 1981: prior code § 10-3-13)

**14.16.150 Collection of expenses by lawsuit.**

In the event collection of the county's expenses must be made in court, the county shall sue and receive judgment for all expenses incurred in the restoration of the property, together with reasonable attorney's fees, interest and court costs. The county shall execute upon such judgment in the manner provided by law. (Ord. 792 § 1 (part), 1981: prior code § 10-3-14)

## Chapter 14.20

## ENCROACHMENTS AND OBSTRUCTIONS

## Sections:

- 14.20.010 Encroachments prohibited.
- 14.20.020 Conformance to grade required.
- 14.20.030 Improvements on or near sidewalk or curb ramp.
- 14.20.040 Obstructing traffic on sidewalk, curb ramp or highway prohibited.
- 14.20.050 Unattended animals on highway prohibited.
- 14.20.060 Impoundment of animals.
- 14.20.070 Removal of unlawful installations.
- 14.20.080 Advertising—Permit required.
- 14.20.090 Confining and securing loads on vehicles required.
- 14.20.100 Water upon highway prohibited.
- 14.20.105 Placing snow upon highway prohibited.
- 14.20.110 Encroachments deemed obstructions.

**14.20.010 Encroachments prohibited.**

It is unlawful to extend or construct any sidewalks or curb ramps so as to encroach upon any highway, nearer to the center thereof than the curblines as designated in this title, or to encroach upon any sidewalk or curb ramp with any building, fence, walk, post or other obstruction nearer than the fenceline, so as to make the sidewalk narrower than the widths as designated in this title or to alter or eliminate any existing curb ramp. (Ord. 1265 § 6, 1994; prior code § 10-5-1)

**14.20.020 Conformance to grade required.**

It is unlawful to lay, build or construct any sidewalk upon any highway in the county where the grade has been fixed by order of the commission, except in accordance with such grade, or to lay,

build or construct any permanent pavement or sidewalk, except upon specifications furnished by the county engineer in accordance with such fixed grade; and it is the duty of the county engineer to keep as records in his office plats or maps showing the grades as fixed, for reference, and for furnishing specifications therefrom, the fee provided by law to be charged for such specifications and to be paid into the county treasury. (Ord. 874 (part), 1983; prior code § 10-5-2)

**14.20.030 Improvements on or near sidewalk or curb ramp.**

It is unlawful for any person to construct, place, keep or maintain upon or across any sidewalk or curb ramp in the county any porch, platform or other structure, except at the grade thereof, or any flume, pipe or structure, except at or below the grade thereof. Where any platform, porch, flume, pipe or structure is below the grade, it shall be covered to grade; and such platform, porch, flume, pipe, or structure shall be kept in good repair by the party in whose interest it is constructed or used, so as not to be dangerous to pedestrians or an obstruction to the safe and ordinary use of the sidewalk or curb ramp. (Ord. 1265 § 7, 1994; prior code § 10-5-3)

**14.20.040 Obstructing traffic on sidewalk, curb ramp or highway prohibited.**

A. It is unlawful to construct, place, keep or maintain upon or across any sidewalk, curb ramp or highway in the county any open ditch, flume, conduit, waterway, headgate, log, building material, vehicle, railway, or other obstruction; provided, building materials, vehicles or objects may be placed temporarily in such manner on public highways as not to impede, endanger or obstruct ordinary traffic, but no such building material, vehicles or other objects shall be permitted to remain on such highway contrary to instructions from the board of county commissioners. It is unlawful to pile any dirt or other material, or make any other defacement on any sidewalk, curb ramp or highway so as to interfere with the ordinary use thereof.



14.20.040

B. It is unlawful to drive or place any vehicle, animal or other object upon or along any sidewalk, curb ramp or highway or to permit the same to remain thereon in a manner likely to impede or obstruct the ordinary use thereof. (Ord. 1265 § 8, 1994; Ord. 1180 §2, 1992; prior code § 10-5-4)

**14.20.050 Unattended animals on highway prohibited.**

Every person staking, tethering, herding, grazing, pasturing, allowing to run at large, or causing to be staked, tethered, herded, grazed, pastured or allowed to run at large, any horse, cow, mule, sheep, goat, swine or other animal upon any of the public highways of the county shall be guilty of a misdemeanor. (Prior code § 10-10-3)

**14.20.060 Impoundment of animals.**

It is the duty of animal control to take into his custody any horse, cow, mule, sheep, goat, swine or other animal found by him staked, tethered, herded, pastured or running at large upon any of the public highways of the county, and to deliver such animal to the poundkeeper of the precinct wherein it is found. The poundkeeper shall retain possession of the animal until the costs of taking and bringing it to the poundkeeper and of its maintenance while at the pound are paid. (Prior code § 10-10-4)

**14.20.070 Removal of unlawful installations.**

It is unlawful for any person to place, construct or maintain any approach road, driveway, pole, pipeline, conduit, sewer, ditch, culvert, billboard, advertising sign or any other structure or object of any kind or character within the right-of-way of any county road without complying with the regulations of the highway division, which division may:

A. Remove such installation from the right-of-way or require such person to remove the same; or

B. Give written notice to such person to remove the installation from the right-of-way. The notice may be served either by personal service or by mailing the notice to the person by registered mail and posting a copy thereof on the installation for a

period of ten days. If the installation is not removed within ten days after the notice is complete, the public works department may remove the same and recover costs and expenses, and also the sum of ten dollars for each day the same remained within the right-of-way after notice was complete, in an action for that purpose; or

C. If such person disputes or denies the existence of such installation, or refuses to remove or permit its removal, the highway division may bring an action to abate the same as a nuisance. If judgment is recovered, there shall also be recovered, in addition to having the same abated, the costs of action and the sum of ten dollars for every day such nuisance remained within the right-of-way after notice was given for its removal in the manner provided in subsection B of this section. (Prior code § 10-5-8)

**14.20.080 Advertising—Permit required.**

It is unlawful for any person to place any form of advertising upon any part of the public domain in the county, or along any county highway within three hundred feet of such highway, except within the corporate limits of a city or town, and except upon land in private ownership situated along such highway, without first receiving a permit so to do from the highway division, subject to the approval of the board of county commissioners. (Prior code § 10-5-7)

**14.20.090 Confining and securing loads on vehicles required.**

A. No vehicle shall be driven or moved on any county highway unless so constructed or loaded as to prevent its contents from dropping, sifting, leaking or otherwise escaping therefrom, except that sand or other abrasives may be dropped for the purpose of securing traction, or water or other substance may be sprinkled on a roadway for cleaning or maintaining such roadway.

B. No person shall operate on a public highway any vehicle with a load unless the load and any covering thereon is suitably fastened, secured and confined according to the nature of the load so as

to prevent the covering or load from becoming loose, detached or in any manner a hazard to other users of the highway. (Prior code § 10-5-9)

**14.20.100 Water upon highway prohibited.**

It is unlawful for any users of water from any ditch, stream or well to wilfully or carelessly permit the same to run upon any county highway in such a manner as to damage or interfere with the proper use of same, or to cause pools of water to stand thereon, or to cause anything to be placed or left upon such highway in such a way as to obstruct travel or to endanger property or persons upon same. (Prior code 10-5-6)

**14.20.105 Placing snow upon highway prohibited.**

It is unlawful for any person removing snow, ice or other material from a sidewalk or driveway to place or deposit said snow, ice or other material upon any county road or highway in such a manner as to interfere with the proper use of the same or in such a way as to obstruct travel or to endanger property or persons upon same. (Ord. 1097 § 1, 1990)

**14.20.110 Encroachments deemed obstructions.**

It is the duty of supervisors of road districts to treat as obstructions to public highways all encroachments declared by the terms of this chapter to be unlawful. (Prior code § 10-5-5)

14.24.010

## Chapter 14.24

### POLES, POSTS AND FENCES

#### Sections:

- 14.24.010 Prohibited generally.
- 14.24.020 Telephone and telegraph poles.
- 14.24.030 Electric light poles.
- 14.24.040 Commission's permission required when.
- 14.24.050 Mailboxes.
- 14.24.060 Fences.
- 14.24.070 Posts on property abutting public highway.
- 14.24.080 Reservation of poles for county use.
- 14.24.090 Violation deemed obstruction.

#### 14.24.010 Prohibited generally.

It is unlawful for any person to set, place, keep or maintain any pole, post, fence or like obstruction upon or along any public highway, road, tree, avenue, lane, alley, trail, curb ramp or sidewalk in the county, except as designated in this chapter. (Ord. 1265 § 9, 1994: prior code § 10-9-1)

#### 14.24.020 Telephone and telegraph poles.

Telephone and telegraph poles shall be set along the pole line, with the face of the pole nearest the center of the street, one foot toward the property line from a line known as the curblin or in that area designated for utilities. (Prior code § 10-9-2)

#### 14.24.030 Electric light poles.

Electric light or other poles for carrying electric current for commercial purposes shall be set in the same manner as telephone and telegraph poles, one foot from the curblin or in that area designated for utilities. (Prior code § 10-9-3)

#### 14.24.040 Commission's permission required when.

No telephone, telegraph, electric light or other pole used for support of wires carrying electric current shall be set on any public highway in the

county without permission or a grant of right-of-way therefor being first obtained from the commission. (Prior code § 10-9-4)

#### 14.24.050 Mailboxes.

Posts for carrying or holding mailboxes shall be set either along the tree or pole line hereinbefore defined or a sufficient distance back of the curblin so as not to obstruct the street, highway, sidewalk or curb ramp traffic. (Ord. 1265 § 10, 1994: prior code § 10-9-5)

#### 14.24.060 Fences.

Fence posts may be set along a fenceline, which is designated as the distance from the center of any highway not less than half the surveyed and platted width of the highway; no public highway in the county being regarded as surveyed and platted less than three rods, or forty-nine and one-half feet in width. It is unlawful to place or maintain any fence or building the face of which is nearer the center of any highway than the line designated as the fenceline. (Prior code § 10-9-6)

#### 14.24.070 Posts on property abutting public highway.

It is unlawful to set, place or maintain any telephone, telegraph, electric light or current poles, trees, mail, sign or other posts, except as provided in this chapter, upon property abutting on any public highway in the county, at a point nearer to the fenceline than a line centering one foot therefrom on the side farthest from the center of the highway; and it is unlawful to set or maintain any sign or other post at a point nearer the centerline than one-half foot from the outside of the outer limit of any alley or lane. (Prior code § 10-9-7)

#### 14.24.080 Reservation of poles for county use.

It is provided that any grant or permission hereafter given to set telephone, telegraph or electric light poles upon any of the public highways in the county, shall be made subject to the

reservation, whether or not the reservation is specifically set forth in the grant or permission, that whenever the commission shall deem it necessary for the public good or service, the county shall have the right to place crossarms on the poles, and to string one set of wires thereon, for furnishing electric light and current to the county, and to use and operate the same during the period of such grant or permission, with reasonable regard for the rights of the grantee. (Prior code § 10-9-8)

**14.24.090 Violation deemed obstruction.**

It is the duty of supervisors of road districts to treat as obstructions to public highways, all poles, posts, fences or other obstructions set or placed in violation of the terms of this chapter. (Prior code § 10-9-9)

**Chapter 14.28**

**CANYON AND RURAL ROAD  
MAINTENANCE AND CLASSIFICATION**

**Sections:**

- 14.28.010 Purpose.**
- 14.28.020 Definitions.**
- 14.28.030 Classifications.**
- 14.28.040 Classification map.**
- 14.28.050 Amendments to map.**

**14.28.010 Purpose.**

The purpose of this chapter is to identify the canyon and designated rural roads for which the county has maintenance responsibility and to classify the roads for the level of maintenance to be performed. (Ord. 1000 § 1(part), 1987)

**14.28.020 Definitions.**

For the purposes of this chapter:

A. "Canyon roads" means canyon roads for which the county has maintenance responsibility in the following canyons:

- 1. Emigration Canyon;
- 2. Pine Crest;
- 3. Killian Canyon;
- 4. Lambs Canyon;
- 5. Parley's Canyon;
- 6. Millcreek Canyon;
- 7. Big Cottonwood Canyon;
- 8. Little Cottonwood Canyon;
- 9. Butterfield Canyon;
- 10. Rose Canyon.

B. "Dry road surface" means road surfaces that can be maintained only during periods of dry or fair weather.

C. "Rural" means an area which has developed primarily with agricultural or estate residential uses, and the lot size is a minimum of one acre.

D. "Rural roads" means only those roads designated on the map described in Section 14.28.040.

E. "Summer maintenance" means routine

maintenance that can be performed after April 1st when the road is snow free until the weather in the fall necessitates snow plowing. Summer maintenance shall not include any snow plowing.

F. "Wet and dry road surface" means road surfaces that can be maintained year round under any climatic conditions. (Ord. 1000 § 1(part), 1987)

**14.28.030 Classifications.**

Canyon and rural roads shall be classified according to the following categories:

A. Category 1 Road. A Category 1 road consists of asphalt or concrete pavement with the following characteristics:

- 1. Lane striping;
- 2. Regulatory and street identification signing;
- 3. Speed limits between five to thirty-five miles per hour;
- 4. Year-around maintenance with wet and dry road surface conditions.

B. Category 2 Road. A Category 2 road consists of asphalt or concrete pavement with the following characteristics:

- 1. No lane striping;
- 2. Regulatory and street identification signing;
- 3. Speed limits between five to twenty-five miles per hour;
- 4. Summer maintenance only with dry road surface condition.

C. Category 3 Road. A Category 3 road consists of asphalt or concrete pavement with the following characteristics:

- 1. No lane striping;
- 2. Regulatory and street identification signing;
- 3. Speed limits between five to twenty-five miles per hour;
- 4. Year-around maintenance with wet and dry road surface conditions.

D. **Category 4 Road.** A Category 4 road consists of gravel surface with the following characteristics:

1. No lane striping;
2. Regulatory and street identification signing;
3. Speed limits between five to twenty-five miles per hour;
4. Summer maintenance only with dry road surface condition.

E. **Category 5 Road.** A Category 5 road consists of gravel surface with the following characteristics:

1. No lane striping;
2. No regulatory and street identification signing;
3. Speed limits between five to twenty-five miles per hour;
4. Summer maintenance only with dry road surface condition.

F. **Category 6 Road.** A Category 6 road consists of dirt surface with the following characteristics:

1. No lane striping;
2. No regulatory and street identification signing;
3. Speed limits between five to twenty-five miles per hour;
4. Summer maintenance only with dry road surface condition. (Ord. 1000 § 1 (part), 1987)

#### 14.28.040 Classification map.

The identification, location and categorization of canyon and designated rural roads for which the county has a maintenance responsibility shall be placed on a map entitled the "canyon and rural road classification map" which shall be on file in the county highway division. Such map, before becoming effective, shall be approved by the board of county commissioners. (Ord. 1000 § 1 (part), 1987)

#### 14.28.050 Amendments to map.

Amendments to the canyon road classification map may be made by the director of the public works department upon the approval of the board of county commissioners. Amendments to the categorization of canyon roads shall be considered on the basis of safety, cost benefit ratio and serviceability factors. (Ord. 1000 § 1 (part), 1987)

14.32.010

**Chapter 14.32**

**SIDEWALK USE AND MAINTENANCE**

**Sections:**

- 14.32.010 Duty of abutting property owners.**
  - 14.32.020 Inspections.**
  - 14.32.030 Notice to repair.**
  - 14.32.040 Permits for repairs required when.**
  - 14.32.050 Repair by county—Lien.**
  - 14.32.060 Right of review—Request—Hearing.**
  - 14.32.070 Stay of notice to repair.**
  - 14.32.080 Obstruction of sidewalks or curb ramps prohibited.**
  - 14.32.090 Sweeping sidewalks and curb ramps in front of businesses required.**
  - 14.32.100 Snow removal—Required.**
  - 14.32.110 Snow removal—Clogging gutter prohibited.**
  - 14.32.120 Obstructing sidewalk or curb ramp while receiving goods.**
  - 14.32.130 Cellar doors.**
  - 14.32.140 Driving or riding on sidewalks prohibited.**
  - 14.32.150 Games on sidewalks, curb ramps or streets.**
  - 14.32.160 Loitering prohibited.**
- 14.32.010 Duty of abutting property owners.**  
It shall be the duty of each owner of real property abutting or fronting upon any street, highway or alley within the unincorporated area of the county, to repair and maintain in good condition all public curbs, curb ramps, gutters and sidewalks across or immediately abutting their property. (Ord. 1265 § 11, 1994: Prior code § 10-12-11)
- 14.32.020 Inspections.**  
The county, through the department of public works, may inspect the condition of the public curbs, gutters and sidewalks to determine any de-

fects or needed repairs. (Ord. 1265 § 12, 1994: prior code § 10-12-12)

**14.32.030 Notice to repair.**

Notice of needed repairs or defects in the public curbs, curb ramps, gutters and sidewalks shall be sent to the owner of the abutting property as shown on the records of the county recorder. Such notice shall specify the repairs needed or the defect and shall state a deadline for completing the repairs. A review of such deadline shall be not earlier than thirty nor later than sixty days from the date of the notice. The notice shall specifically instruct the property owner of his obligation under this chapter and of his opportunity for review. (Ord. 1265 § 13, 1994: prior code § 10-12-13)

**14.32.040 Permits for repairs required when.**

No permits shall be necessary for such repairs unless it is necessary to alter the grade, location or dimensions of the curbs, curb ramps, gutters or sidewalks. In such event, there shall be no charge for the permit. (Ord. 1265 § 14, 1994: prior code § 10-12-18)

**14.32.050 Repair by county—Lien.**

In the event that the property owner fails to complete the repairs or to seek review within the time specified in the notice, the county may make the repairs with the implied consent of the owner. The cost of such repairs shall constitute a lien against the real property. If such lien is not satisfied within sixty days after being filed, for record, the county may seek to foreclose the lien in the manner provided in Title 38 of the Utah Code Annotated (1953) for the enforcement of mechanic's liens. ((Ord. 1265 § 15, 1994: prior code § 10-12-14)

**14.32.060 Right of review—Request—Hearing.**

A. The owner shall have the right to seek review of the notice of repairs through the department of public works and to appeal any decision rendered by the department of public works to the board of

county commissioners as provided in subsections B and C of this section.

B. The owner may seek review of the notice of repairs by filing a request with the office of the director of public works. The request must be on file within ten business days from the date of the notice of repairs. Upon receipt of the petition requesting a hearing, the director shall schedule a hearing within ten business days, before himself or his designee, and cause notice to be sent to the petitioner.

C. After the hearing, the director or his designee, shall cause written notice of his decision to be sent to petitioner, which notice shall also inform petitioner of his right to appeal to the board of county commissioners. Petitioner may appeal to the board of county commissioners by filing written request with the clerk of the board within ten business days from the date of the director's decision. Petitioner shall be entitled to a hearing within sixty days from the date the appeal is filed. (Prior code §§ 10-12-15 and 10-12-16)

#### 14.32.070 Stay of notice to repair.

The timely filing of a request for hearing with the director of the department of public works, or upon appeal therefrom, a request for hearing before the board of county commissioners, shall stay the terms of the notice of repair during review proceedings, and all deadlines shall be redetermined by the hearing authority. (Prior code § 10-12-17)

#### 14.32.080 Obstruction of sidewalks or curb ramps prohibited.

It is unlawful for any person owning, occupying or having control of any premises, to place or permit upon the sidewalk, curb ramp or the half of the street next to such premises:

A. Any broken ware, glass, filth, rubbish, refuse matter, ice, water, mud, garbage, ashes, tin cans or other substances;

B. Any vehicle, lumber, wood, boxes, fencing, building material, dead trees, tree stumps, merchandise, or other thing that obstructs the public street, curb ramp or sidewalk or any part thereof, or the

free use and enjoyment thereof, or the free passage over and upon the same, or any part thereof, without the permission of the board of county commissioners. ((Ord. 1265 § 16, 1994: prior code § 10-12-1)

#### 14.32.090 Sweeping sidewalks and curb ramps in front of businesses required.

It is unlawful for the owners or occupants of places of business within the county to fail to cause the sidewalk abutting thereon and any existing curb ramp to be swept or cleaned each morning before the hour of eight a.m. (Ord. 1265 § 17, 1994: prior code § 10-12-10)

#### 14.32.100 Snow removal—Required.

It is unlawful for the owner, occupant, lessor or agent of property abutting on a paved sidewalk to fail to remove or cause to be removed from such paved sidewalk and any existing curb ramp all hail, snow or sleet falling thereon, within one hour after the hail, snow or sleet has ceased falling, provided that in case of a storm between the hours of five p.m. in the afternoon and six a.m. in the morning, the sidewalk and any existing curb ramp shall be cleaned before eight a.m. the morning following the storm. (Ord. 1265 § 18, 1994: prior code § 10-12-8)

#### 14.32.110 Snow removal—Clogging gutter prohibited.

It is unlawful for any person removing snow from a sidewalk or curb ramp to deposit snow, dirt or other material in a gutter so as to clog the same, or prevent the free flow of water therein. (Ord. 1265 § 19, 1994: prior code § 10-12-9)

#### 14.32.120 Obstructing sidewalk or curb ramp while receiving goods.

It is unlawful for any person to place or keep, or suffer to be placed or kept upon any sidewalk or curb ramp, any goods, wares or merchandise that he may be receiving or delivering without leaving a ten-foot passageway clear upon such sidewalk or curb ramp; and it is unlawful for any person receiving or delivering such goods, wares or merchandise



14.32.120

to suffer the same to be or remain on such sidewalk or curb ramp for a period longer than one hour. (Ord. 1265 § 20, 1994: prior code § 10-12-4)

**14.32.130 Cellar doors.**

It is unlawful for the owner or occupant of any building having a cellar which opens upon any street, curb ramp or sidewalk to fail to keep the door or other covering thereof in good repair and safe for the passage of the customary traffic on the street, curb ramp or sidewalk. (Ord. 1265 § 21, 1994: prior code § 10-12-2)

**14.32.140 Driving or riding on sidewalks prohibited.**

It is unlawful for any person to drive a self-propelled vehicle or team, or lead, drive or ride any animal upon any sidewalk except at established crossings. (Prior code § 10-12-5)

**14.32.150 Games on sidewalks, curb ramps or streets.**

It is unlawful for any person to obstruct any sidewalk, curb ramp or street by playing games thereon, such as ballgames, quoits, marbles, jumping, rolling of hoops, flying of kites, or coasting, or to annoy or obstruct the free travel of any pedestrian, team or vehicle. (Ord. 1265 § 22, 1994: prior code § 10-12-6)

**14.32.160 Loitering prohibited.**

It is unlawful for any person to remain standing, lying or sitting on any sidewalk or curb ramp for a longer period than two minutes, in such manner as to obstruct the free passage of pedestrians thereon, or to wilfully remain standing, lying or sitting thereon in the manner for more than one minute after being requested to move by any police officer, or to wilfully remain on any sidewalk or curb ramp in such manner as to obstruct the free passage of any person or vehicle into or out of any property abutting upon the sidewalk, curb ramp or any property having access to such sidewalk or curb ramp. (Ord. 1265 § 23, 1994: prior code § 10-12-7)

## Chapter 14.36

## DRIVEWAYS

## Sections:

- 14.36.010 Permit required.  
 14.36.020 Bond required.  
 14.36.030 Specifications and grades.  
 14.36.040 Deviation from permitted construction unlawful.  
 14.36.050 Inspection and approval.  
 14.36.060 Construction regulations.

**14.36.010 Permit required.**

It is unlawful for any person to construct, build, establish or maintain any sidewalk, curb ramp, curb and gutter, or driveway over, across or upon any public street, road, thoroughfare, or parkway, or to cut or change the construction of any public sidewalk, curb or gutter for any purpose, without having first obtained from the development services division a permit for such construction, cut or change. (Ord. 1265 § 24, 1994; Ord. 873 (part), 1983: prior code § 10-7-1)

**14.36.020 Bond required.**

A. Before issuance of any such permit, the contractor or person proposing the construction shall file with the bond office, on a form furnished by the county, a penal bond in the sum of ten thousand dollars with good and sufficient surety thereon, conditioned that the makers shall save harmless, defend and indemnify the county against or on account of accidents, damages or claims arising out of or during the construction by the contractor. All such bonds shall be continuing until terminated by notice in writing given thirty days in advance.

B. In addition a contractor making a business of such construction in the county shall maintain on file in the office of the development services division a performance and completion bond in the penal sum of one thousand dollars to guarantee for one year from date of acceptance by the county work done in the county. (Ord. 873 (part), 1983: prior code § 10-7-7)

**14.36.030 Specifications and grades.**

All construction authorized by the permit issued under Section 14.36.010 shall be in accordance with the specifications and grades furnished by the development services division and the acceptance of such permit shall be deemed an agreement by the permittee to perform such construction in accordance with such specifications and grades. (Ord. 873 (part), 1983: prior code § 10-7-2)

**14.36.040 Deviation from permitted construction unlawful.**

It is unlawful for any person to construct any sidewalk, curb and gutter, or driveway over, across or upon any public street, road, thoroughfare or parkway, or to cut or change the construction thereof except in accordance with the permit issued by the development services division. (Ord. 873 (part), 1983: prior code § 10-7-3)

**14.36.050 Inspection and approval.**

All sidewalks, curb ramps, curb and gutters, and driveways constructed in accordance with the permits authorized by this chapter shall be subject to the supervision, inspection and approval by the development services division. (Ord. 1265 § 25, 1994; Ord. 873 (part), 1983: prior code § 10-7-4)

**14.36.060 Construction regulations.**

No permit shall be granted by the development services division for any driveway exceeding thirty-five feet in width. No driveway, including sidewalk, shall be less than six inches thick. When more than one driveway is required for any one parcel of land, a sidewalk island of at least twelve feet shall be provided between driveways, and in no case shall a permit be granted for a driveway that will be within ten feet from the property line where it adjoins any street. It is unlawful for any person to drive any vehicles over or across any such street corner or within ten feet therefrom, as provided in this section. Where, in the opinion of the development services division it would be dangerous, or where a driveway conflicts with any permanent improvements or waterways, it may refuse to issue

14.36.060

the permit and the matter shall be referred to the board of commissioners for its decision, in which event a driveway may be permitted at such place if approved by the board of county commissioners. (Ord. 873 (part), 1983: prior code § 10-7-5)

## Chapter 14.40

## BRIDGES, DITCHES AND WATERWAYS

## Sections:

- 14.40.010 Generally.
- 14.40.020 Bridges.
- 14.40.030 Ditches and waterways.
- 14.40.040 Headgates.
- 14.40.050 Watermains.
- 14.40.060 Duty to repair bridges and flumes.
- 14.40.070 Violations deemed obstructions.

## 14.40.010 Generally.

It is unlawful for any person to construct, place, set, keep or maintain any bridge, sewer, well, spill, or like obstruction, upon, in, under or along any public highway, road, street, avenue, lane, alley, trail, sidewalk or curb ramp in the county, except as designated in this chapter. (Ord. 1265 § 26, 1994: prior code § 10-8-1)

## 14.40.020 Bridges.

Bridges over any ditch, waterway or opening across any sidewalk shall not be less than the full width of such sidewalk. Bridges over any ditch, waterway or opening across any roadway section of any highway, trail or sidewalk, except Jordan River bridges, shall not be narrower than the full width of the roadway section. In all cases, bridges shall be set square with the road or sidewalk, and their coverings shall be made to conform to the grade of the road or sidewalk as fixed by the commission. All bridges shall be of substantial material and construction, and the plans and specifications shall be approved by the development services division and shall be satisfactory to the commission. Bridges connecting the roadway with the sidewalk shall be made to conform with the established grade of the roadway and sidewalk. (Prior code § 10-8-2)

## 14.40.030 Ditches and waterways.

A. All ditches, canals or waterways constructed across or over any sidewalk or highway shall be

securely bridged or flumed; the bridges or flumes shall conform to the regulations provided in this chapter.

B. No ditch, canal or waterway shall be made or constructed across any sidewalk, curb ramp or highway except upon receiving permission from the commission and except after conforming with the established grade thereof. When a change in the grade of any sidewalk, curb ramp or highway becomes necessary for the convenience of any ditch, canal or waterway, the changed grade shall be done by or at the expense of the person, constructing the ditch, canal or waterway, and shall be constructed only after receiving permission to proceed from the county commission or its delegated agent and shall be completed to the satisfaction of the commission or its agent.

C. All ditches, canals or waterways running along any highway shall be confined to a space on either side of such highway outside of the right-of-way line unless otherwise approved by the county commission. It is unlawful to construct or place any ditch, canal or waterway along any sidewalk, or along any highway in the county, or within a public right-of-way, without the permission of the county commission. (Ord. 1265 § 27, 1994: prior code § 10-8-3)

## 14.40.040 Headgates.

Headgates for the control of irrigating or other water shall be placed either in the ditch space or outside of the right-of-way line, as may be necessary. (Prior code § 10-8-4)

## 14.40.050 Watermains.

Watermains for carrying water along or across any highway may be laid by permission or upon order of the commission, at a sufficient depth to keep the roadway secure, and when laid along any highway shall be located in the roadway centering on a line five feet nearer the center of the highway than the curbline as now fixed by ordinance. No excavation for laying watermains or pipes shall be made in any public highway without first obtaining

14.40.050

the consent of the commission. (Prior code § 10-8-5)

**14.40.060 Duty to repair bridges and flumes.**

It is unlawful for any person conveying water through or along any ditch, canal or waterway along or across any highway to permit any flume, bridge, etc., under the control of or owned by the person to become out of repair, and to remain so after attention has been called thereto, longer than is necessary to institute the work of repairs thereon, which work shall be diligently prosecuted to completion. (Prior code § 10-8-6)

**14.40.070 Violations deemed obstructions.**

It is the duty of the supervisors of road districts to treat as obstructions any bridges, flumes, pipes or ditches placed or constructed in violation of the terms of this chapter. (Prior code § 10-8-7)

**Chapter 14.44****SHADE TREES****Sections:**

- 14.44.010** Care of trees.
- 14.44.020** Planting line.
- 14.44.030** Condemnation and removal of trees.

**14.44.010 Care of trees.**

In all cases the abutting property owner who receives the beneficial use of and benefit from trees is to care for and water same. Failure to care for trees may constitute a nuisance. (Prior code § 10-6-7)

**14.44.020 Planting line.**

The line on which the trees are to be centered within a county highway right-of-way shall be determined by the highway division. (Prior code § 10-6-8)

**14.44.030 Condemnation and removal of trees.**

The highway division, upon giving proper notice to abutting property owner, shall have the authority to condemn and remove, or order the removal by the abutting property owner of any tree, tree stump, shrub or vine upon any county roads, avenues or ways where the tree, tree stump, shrub or vine is dead, diseased or for any other reason undesirable. The highway division shall have authority to trim or prune any road tree or remove any tree that is in violation of any county ordinance, without serving notice upon the abutting property owner. (Prior code § 10-6-5)

14.48.010

## Chapter 14.48

### STREET VACATIONS

#### Sections:

- 14.48.010 Purpose.
- 14.48.020 Street defined.
- 14.48.030 Conditions for vacation.
- 14.48.040 Fees and advertising costs.
- 14.48.050 Legal interest of county.
- 14.48.060 Evaluation of need for street.
- 14.48.070 Compensation.

#### 14.48.010 Purpose.

The purpose of this chapter is to provide a consistent standard regarding compensation to the county for the vacation and/or transfer of its interest in public streets. Vacation of the county's interest in streets should be viewed as a transfer of a substantial property right for which the public should be compensated. To prevent windfall enrichment to abutting property owners at public expense, such transfer should not be made without compensation being paid to the county. (Ord. 873 (part), 1983; prior code § 10-13-1)

#### 14.48.020 Street defined.

"Street(s)" means all major and minor streets, alleys, walkways and trails. (Ord. 873 (part), 1983; prior code § 10-13-2)

#### 14.48.030 Conditions for vacation.

Petitions for vacation of public streets shall be considered on the basis of the following:

A. **Alleys, Walkways and Trails.** Alleys, walkways and trails are not generally within the current planning and maintenance policies of the county. Vacation of an alley, walkway or trail relieves the county from present or future obligations to maintain such alley, walkway or trail. This benefit to the county is declared to be adequate compensation for the county's interest. Where appropriate, the county may require conditions precedent to the vacation of any alley,

walkway or trail such as installation of landscaping, fencing or other improvements which must be completed or bonded for prior to the enactment of the vacation ordinance.

B. **Major and Minor Streets.** Major and minor streets shall not be vacated or permanently closed unless adequate compensation has been paid for the transfer of the county's interest in the land. (Ord. 873 (part), 1983; prior code § 10-13-6)

#### 14.48.040 Fees and advertising costs.

No petition for vacation of a county street shall be considered unless accompanied by a fee of one hundred dollars to cover costs of review by county personnel. The petitioner shall pay all advertising costs for public notices required for vacation hearings. (Ord. 873 (part), 1983; prior code § 10-13-3)

#### 14.48.050 Legal interest of county.

No action shall be taken on any petition to vacate a street until the county real estate section identifies and verifies the specific manner in which the county acquired its interest in the street and the county attorney determines the legal interest of the county in the street. (Ord. 873 (part), 1983; prior code § 10-13-4)

#### 14.48.060 Evaluation of need for street.

Each petition shall be evaluated in terms of the current use of the street and the need in the foreseeable future for its use as a public street or for any other public purpose. If such need exists or may exist in the foreseeable future, the petition shall be denied. (Ord. 873 (part), 1983; prior code § 10-13-5)

#### 14.48.070 Compensation.

Any action providing vacation, sale or other transfer of the county's interest in any street where compensation is required shall be conditioned upon prior payment of such compensation and shall not be completed by an enactment of the ordinance until all required compensation

is paid to the county together with advertising costs for all public notices. Generally, such compensation shall be the fair market value of the land. In appropriate cases compensation may be provided for in part or in whole, through an exchange of land or relocation of streets within an existing subdivision. Where the county's interest in a street is transferred to another public entity for a public use which benefits the county, the board of county commissioners may determine that the benefit to the county from such use is adequate compensation for the land. Where appropriate, county may require conditions precedent such as the installation of landscaping, fencing or other improvements which must be completed or bonded for prior to the enactment of a vacation ordinance. (Ord. 873 (part), 1983: prior code § 10-13-7)



**Chapter 14.52**

**UNLAWFUL ACTIVITIES AND LIABILITY FOR DAMAGES**

**Sections:**

- 14.52.010** Disregard of warning or barricade.
- 14.52.020** Livestock highway use restrictions.
- 14.52.030** Injury to trees on highway—Penalty.
- 14.52.040** Violation of Class B road use regulations.
- 14.52.050** Liability for damage to highway or structure.
- 14.52.055** Liability for damage to sidewalk or curb ramp.
- 14.52.060** Liability for damages due to illegal operation.
- 14.52.070** Violation—Penalty.

**14.52.010** Disregard of warning or barricade.

No person shall wilfully fail to observe any barricade, warning light, sign or flagman, warning the public that a highway or portion thereof is restricted or closed to traffic. (Prior code § 10-10-2)

**14.52.020** Livestock highway use restrictions.

It is unlawful for any person to drive livestock upon the public highways when a livestock highway is available and can be used without undue inconvenience. (Prior code § 10-11-5)

**14.52.030** Injury to trees on highway—Penalty.

Whoever digs up, cuts down or otherwise injures or wilfully destroys any trees planted and standing on any county highway in conformity to law is guilty of a misdemeanor, and shall also be liable to the owner for treble the amount of damages sustained. (Prior code § 10-11-2)

**14.52.040** Violation of Class B road use regulations.

No person shall wilfully violate any of the rules and regulations of the county commission as to the use of Class B roads or traffic thereon, nor shall anyone unlawfully remove, deface or interfere with any road sign, notice, warning or barrier. (Prior code § 10-11-4)

**14.52.050** Liability for damage to highway or structure.

Any person who wilfully or negligently injures or damages any county highway, highway equipment or road sign shall be liable for such damage. The amount of such damage may be recovered in a civil action brought by the county attorney in the name of the county. (Prior code § 10-11-3)

**14.52.055** Liability for damage to sidewalk or curb ramp.

Any person who wilfully or negligently injures or damages any county sidewalk or curb ramp shall be liable for such damage. The amount of such damage may be removed in a civil action brought by the county attorney in the name of the county. (Ord. 1265 § 28, 1994)

**14.52.060** Liability for damages due to illegal operation.

Any person driving any vehicle, object or contrivance upon any county, highway, or highway structure shall be liable for all damage that the highway or structure may sustain as a result of the illegal operation, driving or moving of the vehicle, object or contrivance weighing in excess of the maximum weight specified by law. Whenever the driver is not the owner of such vehicle, object or contrivance, but is operating the same with the express or implied permission of the owner, then the owner and driver shall be jointly and severally liable for the damage. Such damage may be recovered in a civil action brought by the county attorney at the request of the highway division. (Prior code § 10-11-1)

**14.52.070 Violation—Penalty.**

Where the performance of an act is prohibited or declared unlawful by the provisions of this chapter but no penalty is prescribed for the violation of the provisions, the doing of such an act is declared to be a misdemeanor and punishable as such pursuant to the provisions of Section 1.12.010 of this code. (1986 Recodification: prior code § 10-11-6)

## Chapter 14.56

## SPECIAL EVENTS

## Sections:

14.56.010	Purpose.
14.56.020	Application of provisions.
14.56.030	Definitions.
14.56.040	Permit required.
14.56.050	Exemption from permit requirement.
14.56.060	Permit—Application procedures.
14.56.070	Permit—Application processing.
14.56.080	Permit—Fees.
14.56.090	Permit—Approval and issuance.
14.56.100	Permit—Liability insurance and indemnification.
14.56.110	Appeal procedures.
14.56.120	County liability.
14.56.130	Violation—Penalty.

**14.56.010 Purpose.**

The purpose and intent of this chapter is to establish reasonable and uniform regulations governing the time, place and manner of holding special events on county streets and on county property, in order to promote, protect and assure the safety and convenience of the people in their use of public streets and places. (Ord. 1219 § 1 (part), 1993)

**14.56.020 Application of provisions.**

This chapter imposes regulatory requirements on certain activities which are held on county streets and property and which are defined as "special events." The requirements imposed by this chapter do not alter, supersede or nullify any requirements contained in other statutes, ordinances or regulations which may also regulate these same activities. These requirements shall be applied in a content-neutral manner and without discrimination as to race, religion, sex, national origin, political affiliation or

other unlawful discriminatory classification. (Ord. 1219 § 1 (part), 1993)

**14.56.030 Definitions.**

For the purpose of this chapter, the following words shall have the following meanings:

A. "Athletic event" means an organized competitive or recreational event in which a group of people collectively engage in a sport or form of physical exercise, including but not limited to running, jogging, walking, bicycling or skating, on any county street in unincorporated Salt Lake County or upon property owned by Salt Lake County.

B. "Entertainment event" means an organized event having as its primary purpose the entertainment or amusement of a group of people, including but not limited to parades, carnivals, fairs, concerts, block parties or neighborhood gatherings, on any county street in unincorporated Salt Lake County or upon property owned by Salt Lake County.

C. "Political event" means an organized event, not including an athletic or entertainment event, having as its primary purpose the exercise of expressive activities of a political nature, including but not limited to speechmaking, picketing, protesting, marching, demonstrating or debating public issues, on any county street in unincorporated Salt Lake County or upon property owned by Salt Lake County.

D. "Special event" means any athletic event, entertainment event or political event, whether held for profit, nonprofit or charitable purposes. (Ord. 1219 § 1 (part), 1993)

**14.56.040 Permit Required.**

It is unlawful for any person, corporation, partnership, association or other entity, public or private, to promote, advertise or hold a special event without first obtaining a special event permit and paying the fees as required in this chapter. (Ord. 1219 § 1 (part), 1993)

**14.56.050 Exemption from permit requirement.**

The provisions of this chapter shall not be ap-

plied to regulate the use of traditional public forums as alternative channels of communication by the public, provided such use is for the free exercise of constitutionally protected activities and does not disrupt or interfere with traffic on public streets or the use of public places by other members of the public. (Ord. 1219 § 1 (part), 1993)

**14.56.060 Permit—Application procedures.**

A. All applications for special event permits shall be made on a special event permit application form and shall include the following information:

1. Type and description of event;
2. Name of the sponsoring entity, contact person, address and telephone number;
3. Name of the promoting entity, contact person, address and telephone number;
4. Proposed date, together with beginning and ending times;
5. Proposed location, including barricade plan and route map;
6. Estimated numbers of event staff, participants and spectators;
7. Admission fee, donation, or other consideration to be charged or requested;
8. Signature of applicant; and
9. If the event is a block party, applicant must collect and submit with the application form a list of signatures consenting to the street closure from all neighbors whose vehicular access to their property is affected by the street closure.

B. Special event permit application forms may be obtained from the county public works department, engineering division, permits section, at 2001 South State Street #N3300, Salt Lake City, Utah 84190-4600. The county parks and recreation division will be available to act as a consultant to assist applicants in completing application forms for special events to be held in county parks.

C. Completed application forms shall be submitted to the permits section at least thirty calendar days before the event is scheduled to take place, in order to allow sufficient time to process the application and to allow timely appeal to the board of county commissioners in the event the application

is denied. Applications submitted less than thirty calendar days prior to the scheduled event shall be denied unless the applicant demonstrates to a member of the board of county commissioners that compliance with the thirty-day deadline was impractical or impossible due to the nature of the event.

D. No advertising of a special event shall be permitted until county approval of the special event is granted and a special event permit is issued.

E. Special events which cross or involve multiple governmental jurisdictions shall be approved only if the applicant also obtains formal authorization from all respective governing bodies. (Ord. 1219 § 1 (part), 1993)

**14.56.070 Permit—Application processing.**

A. Upon receipt of a special event permit application, the permits section shall circulate copies of the application to the following agencies for the purpose of obtaining their approval or disapproval of the proposed special event:

1. Salt Lake City-County health department;
2. Salt Lake County sheriff's office;
3. Salt Lake County parks and recreation division if the special event is to be held at a county park;
4. Salt Lake County public works department, operations division, if the special event requires the closure of streets; and
5. Any other county agency which is to provide a service in connection with the special event.

B. In reviewing an application, the agencies involved shall consider the following:

1. The impact of the special event on the traffic, security, health and safety of the public;
2. A determination by the agency of appropriate and reasonable requirements for the mitigation of traffic, security, health and safety concerns, and an evaluation of the measures proposed by the applicant to satisfy those requirements;
3. The demonstrated ability of the applicant to comply with requirements necessary to protect the safety, health and welfare of the public;

4. The location and duration of the special event and the county's ability to accommodate the event with the necessary resources; and,

5. Other previously approved special events that could cause scheduling conflicts during the same period and cause overextension of the county's resources.

C. The agencies involved in reviewing an application may impose additional requirements or conditions necessary to protect the public interest by ensuring traffic management, security of property, or the health and safety of the public. (Ord. 1219 § 1 (part), 1993)

#### 14.56.080 Permit—Fees.

A. Each initial application for a special event permit shall be accompanied by a nonrefundable fee of fifty dollars to defray the administrative costs of processing the application.

B. In order to promote, protect and assure the safety and convenience of the people in their use of public streets and places, the sheriff's office shall coordinate the use of professional peace officers if the special event requires traffic control or police protection, and an additional fee shall be charged by the sheriff's office to cover the costs incurred. The sheriff's office shall specify the fee required upon its approval of the special event permit application, based upon the number of officers and amount of support equipment required by such factors as: the date and time of the event; the route location and length; the anticipated traffic and weather conditions; the estimated number of participants and spectators; the nature, composition, format and configuration of the event; and the estimated time for the event. The fee charged for traffic control or police protection shall be paid prior to the issuing of the special event permit.

C. Additional fees may be charged by the Salt Lake City-County health department, the Salt Lake County parks and recreation division or other county agencies for special services, equipment or facilities provided by these agencies. Such additional fees shall be specified at the time the agency approves the special event permit application and shall be

paid directly to the agency prior to the issuing of the special event permit.

D. The following special events shall be exempt from the fees set forth in this section:

1. Political events;
2. Parades of less than one mile in length;
3. School events in the immediate area of the school;
4. Events sponsored in whole by the county; and
5. Block parties. (Ord. 1219 § 1 (part), 1993)

#### 14.56.090 Permit—Approval and issuance.

A. A special event permit application shall be approved and a permit shall be issued to the applicant by the permits section upon approval by all affected agencies and compliance with the requirements of this chapter. The permits section shall notify the board of county commissioners and all affected agencies of all special events permits issued pursuant to this chapter.

B. If a special event permit application is denied by the permits section, the reason or reasons for denial shall be provided in writing to the applicant.

C. Salt Lake County reserves the right to deny permit applications for proposed special events which pose a significant danger or threat to the public health, welfare or safety, or which may result in unreasonable inconvenience or cost to the public. (Ord. 1219 § 1 (part), 1993)

#### 14.56.100 Permit—Liability insurance and indemnification.

A. No special event permit shall be issued unless and until the applicant has submitted to the permits section a certificate of insurance, listing Salt Lake County as an additional insured, on an occurrence policy issued by an insurance company authorized to do business in the state, showing comprehensive general liability and property damage coverage for the event with minimum limits of: Two hundred fifty thousand dollars for injury or death for one person in any one occurrence; five hundred thousand dollars for injury or death for two or more

14.56.100

persons in any one occurrence; and one hundred thousand dollars for property damage in any one occurrence.

B. The following special events shall be exempt from the insurance requirements set forth in this section:

1. Political events;
  2. Parades of less than one mile in length;
  3. School events in the immediate area of the school;
  4. Events sponsored in whole by the county;
- and,
5. Block parties.

C. In consideration for the issuing of a special event permit and the use of county streets or property, the applicant agrees to indemnify, save harmless and defend the county, its officers and employees, against any claim for loss, damage or expense sustained by any person on account of injury, death or property damage occurring by reason of or arising out of the special event. (Ord. 1219 § 1 (part), 1993)

**14.56.110 Appeal procedures.**

Any permit applicant desiring to appeal an administrative decision of the permits section concerning the denial of a special event permit may petition the board of county commissioners. All appeals shall be in writing, shall state the specific grounds for the appeal, and shall be filed in the commission office within seven calendar days after the date the applicant received notice of the administrative denial. An applicant aggrieved by the decision of the board of county commissioners may seek judicial review of such decision pursuant to Rule 65(b), Utah Rules of Civil Procedure, or any other applicable ordinance, statute or rule providing for such review. (Ord. 1219 § 1 (part), 1993)

**14.56.120 County liability.**

By issuing a special event permit, Salt Lake County makes no guarantees and assumes no liability for the safety of participants or spectators of special events. (Ord. 1219 § 1 (part), 1993)

**14.56.130 Violation—Penalty.**

A violation of Section 14.56.040 shall be Class B misdemeanor. Failure to obtain a permit as required by this chapter may also result in enforcement action by the county sheriff's office which, in its discretion, may stop an event which has been issued a permit and/or may issue citations where event staff or participants violate other state statutes or county ordinances, including but not limited to traffic rules and regulations, disturbing the peace, public nuisance, failure to disperse, trespass, or other health and safety regulations. (Ord. 1219 § 1 (part), 1993)

**Title 15**

**BUILDINGS AND CONSTRUCTION**

**Chapters:**

- 15.04 General Provisions**
- 15.08 Uniform Building Code**
- 15.14 Construction Standards in Overpressure Area**
- 15.16 Additional Technical Building Codes**
- 15.20 Moving Buildings**
- 15.24 Mobile Home Parks**
- 15.28 Highway Dedication**
- 15.32 Fit Premises**
- 15.36 Apartment House Tenant Application Fees**
- 15.40 Constitutional Taking Guidelines and Review  
Procedure**

**RECORDED AS RECEIVED  
CO. RECORDER**

**Chapter 15.04****GENERAL PROVISIONS****Sections:**

- 15.04.010** Copies of technical building codes on file.
- 15.04.020** Building official—Conflict of interest restrictions.

**15.04.010** Copies of technical building codes on file.

Three copies of each volume of every code contained in this title have been filed with the county clerk and are available for examination by any person desiring to use the same. (Ord. 958 (part), 1986; Ord. 899 § 2 (part), 1984; prior code § 2-1-31)

**15.04.020** Building official—Conflict of interest restrictions.

It is unlawful for the building official or any of his technical officers or inspectors to engage in the building, electrical, plumbing, heating and air-conditioning businesses, either directly or indirectly, within their jurisdiction, and they shall have no financial interest in any concern engaged in such business in Salt Lake County at any time while holding such a position. (Ord. 958 (part), 1986; Ord. 899 § 2 (part), 1984; prior code § 2-1-30)

RECORDED AS RECEIVED  
CO. RECORDER



15.08.010

**Chapter 15.08**

**UNIFORM  
BUILDING CODE**

**Sections:**

- 15.08.010** Uniform Building Code adopted—Amendment of Section 304, Fees.
- 15.08.020** Amendment of Table No. 3-A, building permit fees.
- 15.08.025** Appendix Chapter 7 adopted—Aviation control towers.
- 15.08.030** Amendment of Table Nos. 70-A and 70-B.

**15.08.010** Uniform Building code adopted—Amendment of Section 304, Fees.

A. The Uniform Building Code, as adopted by the state as the construction standard to be adhered to by political subdivisions of the state (§ 58-50-17 U.C.A.) is adopted by the county, together with the following chapters of the Appendix to the Uniform Building Code:

- Chapter 7. Aviation Control Towers;
- Chapter 11. Agricultural Buildings;
- Chapter 12. Division II. Requirements for Group R, Division 4 Occupancies;
- Chapter 23. Division III. Earthquake Regulations for Seismic-Isolated Structures;
- Chapter 49. Patio Covers;
- Chapter 55. Membrane Structures;
- Chapter 70. Excavation and Grading.

B. Section 304(c) of the Uniform Building Code is amended to read as follows:

(c) When a plan or other data are required to be submitted by subsection (b) of Section 302, a plan review fee shall be paid at the time of submitting plans and specifications for review. Said plan review shall be as follows:

1. 55 % of the building permit fee for R-3 and M occupancies located in the Hillside Protection Zone, or in FA- or FR- zones as defined in Title 19;

2. 40 percent of the building permit for other R-3 and M occupancies.

Exception: When, in the opinion of the building official, plans can be reviewed over the counter, the plan review fee for R-3 and M occupancies, including swimming pools and signs, shall not exceed \$30.00.

Where plans are incomplete or changed so as to require additional plan review, an additional plan review fee shall be charged at the rate shown in Table No. 3-A, as revised herein.

Plans which have been previously reviewed and placed in the county's plan card file in contemplation of future permit issuance shall be charged a plan review fee of \$30.00. Such plans may be used for issuing new permits until a new edition of the building code is adopted by the state. In such case the plans shall be resubmitted for review by the county to determine compliance with changes in the building code. The cost for such review shall be \$75.00. Card file plans shall comply with administrative procedures established by the building official.

C. Section 304(e) is amended to read as follows:

(e) Investigation Fees: Work Without a Permit.

1. Investigation. Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work.

2. Fee. An investigation fee, in addition to the permit fee, shall be collected whether or not

a permit is then or subsequently issued. The investigation fee shall be assessed in accordance with Table No. 3-A as amended by Section 15.08.020. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code, nor from any penalty prescribed by law.

(Ord. 1245 § 2, 1993; Ord. 1048 § 1, 1988)

**15.08.030 Amendment of Table No. 1-A—  
Building permit fees.**

Table No. 1-A is amended to read as follows:

**TABLE 1-A—BUILDING PERMIT FEES**

<b>TOTAL VALUATION</b>	<b>FEE</b>
Less than \$500.00	\$15.00
\$500.00 to \$2,000.00	\$15.00 for the first \$500.00 plus \$1.00 for each additional \$100.00 or fraction thereof
\$2,000.00 to \$25,000.00	\$30.00 for the first \$2,000.00 plus \$9.00 for each additional \$1,000.00 or fraction thereof
\$25,000.00 to \$50,000.00	\$237.00 for the first \$25,000.00 plus \$8.00 for each additional \$1,000.00 or fraction thereof
\$50,000.00 to \$100,000.00	\$437.00 for the first \$50,000.00 plus \$6.00 for each additional \$1,000.00 or fraction thereof
\$100,000.00 to \$500,000.00	\$737.00 for the first \$100,000.00 plus \$5.00 for each additional \$1,000.00 or fraction thereof
\$500,000.00 to \$1,000,000.00	\$2,737.00 for the first \$500,000.00 plus \$4.00 for each additional \$1,000.00 or fraction thereof
\$1,000,000 or more	\$4,737.00 for the first \$1,000,000.00 plus \$2.00 for each additional \$1,000.00 or fraction thereof
<b>Other Inspections and Fees:</b>	
1. Inspections outside of normal business hours	\$40.00 per hour (minimum charge - 2 hours)
2. Reinspection fees assessed under provisions of section 108.8	\$30.00
3. Inspections for which no fee is specifically indicated	\$40.00 per hour (minimum charge - 1 hour)
4. Additional plan review required by changes, additions, or revisions to plans	\$40.00 per hour (minimum charge - 1 hour)
5. Inspection of existing construction, including change of occupancy or moving to a new location	\$30.00 for building inspection, plus \$30.00 for each regulated trade for which an inspection is required or requested, not to exceed \$120.00 total
6. Demolition Permit	\$30.00 (no charge if demolition is done in conjunction with a permit for new construction)

(Ord. 1287 § 1 (part), 1994)

15.14.010

## Chapter 15.14

### CONSTRUCTION STANDARDS IN OVERPRESSURE AREA

#### Sections:

- 15.14.010 Definition.
- 15.14.020 Purpose.
- 15.14.030 Applicability of standards.
- 15.14.040 Standards.
- 15.14.050 Glass requirements.

#### 15.14.010 Definition.

The term "overpressure area" means the 0.2 and greater overpressure area surrounding the Hercules Bacchus Works Property located south of 4100 South and west of 6400 West, Salt Lake County as shown on the map entitled "Special Development Standards Areas," located in the development services division office at 2001 South State Street, which map is adopted as part of this chapter and incorporated herein by reference. The boundaries of the special development standards areas approximate the range of overpressure lines acknowledging existing property lines and physical features where possible. The overpressure areas referred to in this section are based on an explosion of twenty thousand pounds of TNT equivalent for areas number one, two and three, and sixty-five thousand pounds of TNT equivalent for area number four. The approximate centers of the overpressure areas are:

Area #1 — 2,500 feet west of 7200 West Street, and 1,700 feet south of 4100 South Street.

Area #2 — 2,000 feet west of 6400 West Street, and 2,400 feet north of 5400 South Street.

Area #3 — 1,800 feet east of Highway 111, and 2,800 feet north of 5400 South Street.

Area #4 — 7,000 feet west of Highway 111, and 1,400 feet north of 5400 South Street. (Ord. 1158 § 2, 1991; Ord. 1024 § 2 (part), 1988; Ord. 1012 § 1 (part), 1987)

#### 15.14.020 Purpose.

Property within the overpressure area may be

subject to significant overpressure waves and fragments in the event of an accidental explosion of energized materials which are manufactured, stored or handled. In order to provide for the health, safety and welfare of residents within the overpressure area, this chapter provides construction standards for all property located within such area. (Ord. 1024 § 2 (part), 1988; Ord. 1012 § 1(part), 1987)

#### 15.14.030 Applicability of standards.

The standards in this chapter shall be applicable to all new construction requiring a building permit within the overpressure area as shown on the special development standards areas map. Such construction shall include new buildings and/or modification or additions to existing buildings. (Ord. 1024 § 2(part), 1988; Ord. 1012 § 1 (part), 1987)

#### 15.14.040 Standards.

A. Commercial and industrial buildings, where permitted in the 0.2, 0.3 and 0.5 PSI overpressure areas, shall:

1. Be certified by a licensed structural engineer that the proposed structures are designed to withstand the wind loads of the overpressure area in which they are located on all exterior vertical and horizontal surfaces;

2. Conform to the glass standards contained in Section 15.14.050.

B. Residential buildings, where permitted in the 0.2, 0.3 and 0.5 PSI overpressure areas, shall:

1. Be designed, where feasible, with windowless walls or minimum glass surfaces facing towards the center of the overpressure area. Where possible, the garage or carport shall be placed on the side of the building facing the center of the overpressure area;

2. Conform to the glass standards contained in Section 15.14.050. (Ord. 1024 § 2 (part), 1988; Ord. 1012 § 1 (part), 1987)

#### 15.14.050 Glass requirements.

A. The window pane size requirements in the overpressure areas shall be as follows:

<b>Overpressure Area as Shown on Map (PSI)</b>	<b>Maximum Size of Window Pane (sq. ft.)</b>
0.50	9.0
0.30	12.0
0.20	15.0

**B. Additional requirements:**

1. All windows shall be double glazed.
2. Each layer of glass shall be a minimum thickness of one-eighth inch.
3. The size of pane is measured between mullions.
4. Each building located in the overpressure area shall be designed, where feasible, to minimize the amount of glass facing the center of the overpressure area.
5. Maximum width of any window pane shall be four feet.

C. Any deviations from the standards of subsections A and B of this section shall be in compliance with and governed by the standards in Chapter 54 of the Uniform Building Code as adopted by the State of Utah. (Ord. 1158 § 3, 1991; Ord. 1024 § 2 (part), 1988; Ord. 1012 § 1 (part), 1987)

15.16.010

**Chapter 15.16**

**ADDITIONAL TECHNICAL BUILDING CODES**

**Sections:**

- 15.16.010** Codes adopted by reference.
- 15.16.020** Fees for sub-permits.
- 15.16.030** Utility connections.

**15.16.010 Codes adopted by reference.**

The mechanical code, plumbing code, and electrical code, as adopted by the state of Utah as the construction standards to be adhered to by political subdivisions of the state (58-56-4, UCA), as well as the Uniform Sign Code, 1994 Edition, and the Uni-

form Code for the Abatement of Dangerous Buildings, 1994 Edition, both published by the International Conference of Building Officials, are adopted and incorporated by reference into this code. (Ord. 1287 § 2 (part), 1994)

**15.16.020 Fees for sub-permits.**

Plumbing, electrical and mechanical fees shall not be assessed when such permits are issued in conjunction with a building permit for which required fees have been paid. If two or more sub-permits are required, a building permit must be taken out. If only one sub-permit is required, and no other work is to be done, fees shall be assessed in accordance with the following schedule:

<b>PLUMBING, ELECTRICAL AND MECHANICAL PERMIT FEES</b>	
Minimum fee for any sub-permit	\$10.00
<b>ELECTRICAL FEES</b>	
For each new or modified circuit	\$2.50
Service change or power to panel (1 meter)	\$30.00
Each additional meter on the same inspection	\$5.00
Temporary power (each meter base)	\$30.00
<b>MECHANICAL FEES</b>	
For installation, relocation or modification of each appliance or piece of equipment regulated by the Mechanical Code:	
Less than 1 horsepower, or less than 160,000 Btu/h input	\$5.00
1 to 3 horsepower, or 160,000 to 500,000 Btu/h input	\$10.00
Over 3 horsepower, or over 500,000 btu/h input	\$20.00
For installation or modification of ductwork, boiler piping or gas piping	\$2.50
<b>PLUMBING FEES</b>	
For each plumbing fixture or trap or set of fixtures on one trap (including supply and drainage piping)	\$2.50
For installation or alteration of supply or drainage piping, water heater, or water treatment device	\$2.50
NOTE: In cases where this fee schedule cannot practically be applied the fees shall be determined by the Building Official.	

(Ord. 1287 § 2 (part), 1994)

15.16.030

**15.16.030 Utility connections.**

It is unlawful for any utility company to provide service to any structure or building, or to service equipment or wiring for which a permit is required, until approval is granted by the building official. The building official may order utility services terminated at any location where the use is not authorized or is in violation of the building, zoning or other ordinances of the county. (Ord. 1287 § 2 (part), 1994)

RECORDED AS RECEIVED  
CO. RECORDER

473/479

(Salt Lake County 2-95)

BK 9679 PG 752

**Chapter 15.20**

**MOVING BUILDINGS**

**Sections:**

- 15.20.010** Permit—Required.
- 15.20.020** Permit—Bond required.
- 15.20.030** Permit—Fee—Approval of route.
- 15.20.040** Lights and warning signs required.
- 15.20.050** Utility wires or cables.
- 15.20.060** Fire alarm wires.

**15.20.010 Permit—Required.**

It is unlawful for any person, firm or corporation to move any building on, through or over any street, alley, sidewalk or other public place in the county without having obtained a permit therefor from the board of county commissioners. Applications for such permits shall be made in writing to the license director and shall state thereon the proposed route and the number of days it is intended that the building shall occupy any portion of any street, alley, sidewalk or other place. (Prior code § 2-2-1)

**15.20.020 Permit—Bond required.**

Every person, firm or corporation applying for a permit under this chapter shall submit with his application a cash bond from a lawful corporate surety approved by the board of county commissioners, conditioning his compliance with all the provisions of this chapter and agreeing to pay, and holding the county harmless from any claim which may be made against it by reason of the occupation of any street, alley, sidewalk or other public place by the building or structure moved. (Prior code § 2-2-3)

**15.20.030 Permit—Fee—Approval of route.**

Upon approval of the intended route by the board of county commissioners, a fee of fifteen

dollars for each day or fraction thereof that it is intended that the building occupy any such portion of any public place shall be paid to the license director and the permit issued. An additional payment of fifteen dollars for each day or fraction thereof over and above the time stated on the permit during or on which any building shall occupy such public place shall be paid. (Prior code § 2-2-2)

**15.20.040 Lights and warning signs required.**

Whenever a street or alley is blocked by a house or structure which is being moved, warnings to that effect shall be placed by the sheriff's department so as to warn vehicles and persons from entering that portion of the street so blocked. The person, firm or corporation moving any building through the streets shall keep warning signs, and lanterns or lights at night, on the building so as to guard against any person or vehicle colliding with it. (Prior code § 2-2-4)

**15.20.050 Utility wires or cables.**

Whenever it shall be necessary to interfere with wires or cables of a public utility in moving a building, the terms of any special or franchise ordinance governing the same shall apply, and the bond therein specified shall be given. If no such terms apply, then the board of county commissioners shall estimate the expense of fixing the wires and the bond to be given to cover such expenses. (Prior code § 2-2-5)

**15.20.060 Fire alarm wires.**

When any moving building approaches any fire-alarm wire or pole which shall be endangered by the removal of such building or structure, it shall be the duty of the mover to notify the fire marshal at least six hours before reaching such wire or pole so that they may be removed or cared for by the county authorities. (Prior code § 2-2-6)

RECORDED AS RECEIVED  
CO. RECORDER



**Chapter 15.24**

**MOBILE HOME PARKS**

**Sections:**

- 15.24.010 Definitions.
- 15.24.020 License and permit—Required.
- 15.24.030 License and permit—Fees.
- 15.24.040 Permit—Application—  
Contents.
- 15.24.050 Plan review—  
Recommendations.
- 15.24.060 Permit—Application—  
Planning commission review.
- 15.24.070 Permit—Application—Report  
to applicant.
- 15.24.080 Permit—Expiration of  
approval.
- 15.24.090 Park—Minimum area.
- 15.24.100 Location and fencing.
- 15.24.110 Soils, drainage and ground  
cover.
- 15.24.120 Street system requirements.
- 15.24.130 Dedication of streets.
- 15.24.140 Access streets.
- 15.24.150 Park plan—Construction  
requirements.
- 15.24.160 Water supply.
- 15.24.170 Sewage and refuse disposal.
- 15.24.180 Service buildings—Structural  
requirements.
- 15.24.190 Service buildings—Sanitation  
facilities.
- 15.24.200 Sanitation facilities required.
- 15.24.210 Refuse storage and disposal.
- 15.24.220 Insect and rodent control.
- 15.24.230 Fuel supply and storage.
- 15.24.240 Fire protection.
- 15.24.250 Park management  
responsibilities.
- 15.24.260 Occupant responsibilities.
- 15.24.270 Enforcement—Officers  
designated.
- 15.24.280 Enforcement—Inspection for  
compliance.

- 15.24.290 Notice, hearing and order  
procedures.
- 15.24.300 Violation—License revocation.
- 15.24.310 Appeals procedure.
- 15.24.320 Violation—Penalty.

**15.24.010 Definitions.**

As used in this chapter:

1. "Building official" means the legally designated director of the development services division or any representative authorized to act for him.
2. "Conditional use" means a use of land for which a conditional use permit is required pursuant to Title 19 of this code.
3. "Dependent mobile home" means a mobile home which does not have a toilet and a bathtub or shower.
4. "Director of health" means the legally designated director of the city-county health department, or any representative authorized by such official to act in his or her behalf.
5. "Independent mobile home" means a mobile home that has a toilet and a bathtub or a shower.
6. "License" means a written license issued by the license official allowing a person to operate and maintain a mobile home park under the provisions and regulations of this chapter.
7. "Licensee" means any person licensed to operate or maintain a mobile home park, as set forth in this chapter.
8. "Mobile home" or "manufactured home" means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use as a dwelling with or without a permanent foundation when connected to the required utilities.
9. "Mobile home park" means any plot of ground upon which two or more mobile homes are located, regardless of whether or not a charge is made for such accommodation.

10. "Mobile home space" means a plot of ground within a mobile home park which is designed for the accommodation of one mobile home.

11. "Mobile home stand" means that part of a mobile home space which has been reserved for the placement of one mobile home with appurtenant structures or additions.

12. "Permit" means a conditional use permit issued by the planning commission, permitting the construction, alteration and/or extension of a mobile home park under the provisions of this chapter and regulations issued hereunder. Such permit, to be effective, must also be approved by the building official.

13. "Person" means any individual, firm, trust, partnership, public or private association, or corporation.

14. "Service building" means a building housing separate toilet and bathing facilities for men and women and which may also have laundry facilities and a slop-water closet, and such other facilities as may be required by this chapter and which are apart from the facilities within the individual mobile home.

15. "Sewer connection" means all pipes, fittings and appurtenances from the drain outlet of the mobile home to the inlet of the corresponding sewer riser pipe of the sewerage system serving the mobile home park.

16. "Sewer riser pipe" means that portion of the sewer lateral which extends vertically to the ground elevation and terminates at each mobile home space.

17. "Water connection" means all pipes, fittings and appurtenances from the water riser pipe to the water inlet pipe of the distribution system within the mobile home.

18. "Water riser pipe" means that portion of the water supply system serving the mobile home park which extends vertically to the ground elevation and terminates at a designated point at each mobile home space or stand. (Ord. 995 § 2, 1987; prior code § 2-3-1)

#### 15.24.020 License and permit—Required.

It is unlawful for any person to construct, maintain or operate a mobile home park within the county unless such person first obtains a license and permit therefor, except that:

A. Mobile home parks legally existing at the time of the effective date of the ordinance codified in this chapter may continue to operate on the same basis as under a nonconforming use, as set forth in the current county zoning ordinance, subject to the exceptions set forth hereafter.

B. Existing mobile home parks may be enlarged, provided the addition conforms to all provisions of this chapter, including ordinance provisions of the planning commission and other county departments which are applicable; except, that compliance with specific requirements may be waived by the county commission upon the recommendation of the planning commission and the city-county board of health if they find special circumstances or conditions that would make it unreasonable to require such compliance. (Prior code § 2-3-2)

#### 15.24.030 License and permit—Fees.

The license and permit fee for each mobile home are provided for in Section 5.108.030 of this code. In addition to the above fees, if any buildings or structures are built, a permit fee under the Uniform Building Code must be paid as well as the fee for mechanical installations, electrical and plumbing work, in accordance with the current ordinances in effect at the time. (Prior code § 2-3-3)

#### 15.24.040 Permit—Application—Contents.

A. Upon receipt of an application for a conditional use permit to establish or enlarge a mobile home park, the planning commission and the other agencies concerned therewith shall make the necessary investigation and review of the application, the plot plans, the site and the proposed facilities, to determine whether the establishment or the enlargement of the park will meet the requirements of this chapter.

B. Before a conditional use permit for a mobile home park can be issued, plans and specifications shall be submitted to the planning commission. Eight copies of the plans of the proposed park shall be filed with the application on paper not smaller than seventeen inches by twenty-two inches, and shall include the following:

1. The name, address and telephone number of the applicant;
2. The location and legal description of the mobile home park;
3. North point, scale and date of drawing;
4. The acreage of the proposed park;
5. Accurate finished contours of land at intervals of not more than two feet, and the approximate location of all areas subject to floodwater, overflow or inundation, and the location, width and direction of flow of all watercourses;
6. The location, names and number of all existing public streets within two hundred feet of the proposed park;
7. The number, size, location and type of all mobile home spaces, whether to be used for an independent mobile home which has its own sanitary facilities, or dependent mobile homes which do not have such facilities;
8. The location, size and specifications for construction of roadways;
9. Plans and specifications of all buildings, improvements and facilities to be constructed, including electrical layout;
10. The location and size of all public utility lines;
11. The location and method of enclosing rubbish and garbage disposal areas;
12. One typical mobile home space, showing the proposed location of the car slab, cabana, and other planned or required items;
13. The drainage plan of the park, showing the method to be utilized in the carrying of surface drainage to an adequate point of disposition, with the attached approval of the development services director or his authorized representative;
14. Details of water supply and waste disposal system;

15. Such further information as is required by this chapter or may be additionally required by the planning commission in order to enable it to determine if the proposed park will comply with the legal requirements.

C. The planning commission shall transmit a copy of the proposed mobile home park plan to the following agencies for their review and comment:

1. The city-county board of health;
2. The engineer's office;
3. The development services division;
4. The fire department;
5. Any other public agency or officers determined by the planning commission to have an interest in the proposed park. (Prior code § 2-3-4)

#### 15.24.050 Plan review—Recommendations.

Departments and agencies receiving plans for review shall transmit written comments or recommendations to the planning commission within fifteen working days after receiving the plans. Failure to so report without a reasonable explanation thereof shall be determined to constitute approval of the proposed design. (Prior code § 2-3-5)

#### 15.24.060 Permit—Application—Planning commission review.

The planning commission shall review the application, maps and plans of the proposed mobile home park, considering the reports of other departments and agencies together with the provisions of this code, and shall approve, conditionally approve, amend and approve, or may disapprove the application as submitted. (Prior code § 2-3-6)

#### 15.24.070 Permit—Application—Report to applicant.

After the consideration and action of the planning commission, the development services director shall give the applicant written notification of the decision. Copies of such notification shall be forwarded to the city-county health

department and the building official and, in the event of disapproval, shall set forth the reasons therefor. (Ord. 949 § 2, 1986: prior code § 2-3-7)

**15.24.080 Permit—Expiration of approval.**

The approval of the planning commission shall expire and become void one year after the date of approval if building permits have not been issued and if the construction of the park has not been commenced and pursued diligently. The planning commission may grant a maximum extension of six months under exceptional circumstances, provided that written application for such extension shall be made not less than thirty days prior to the expiration of the original approval. (Prior code § 2-3-8)

**15.24.090 Park—Minimum area.**

The minimum permissible area for the construction of any mobile home park shall be five acres. (Prior code § 2-3-12)

**15.24.100 Location and fencing.**

A. Location of mobile home parks shall be regulated by the zoning ordinance of the county. Where any boundary of a park directly abuts property which is improved with a permanent residential building, or directly abuts unimproved property which may, under existing laws and regulations, be used for permanent residential construction, or abuts any street, a six-foot-high solid visual barrier fence or wall properly related to surrounding topography and the character of the surrounding development shall be provided along such boundary; except, that at the point where a public street intersects with an access road, the height of the fence or wall shall be determined by Section 19.76.160 of this code.

B. Where any mobile home park boundary is adjacent to a public street, the fence or wall shall be set back from the street right-of-way a minimum of ten feet. This ground between the fence or wall and the street right-of-way line shall be landscaped and permanently maintained. (Prior code § 2-3-9)

**15.24.110 Soils, drainage and ground cover.**

A. Soil, Topography and Hazards. The condition of soil, groundwater level, drainage and topography shall not create hazards to the property or the health or safety of the occupants. The site shall not be exposed to objectionable smoke, noise, odors or other adverse influences, and no portion subject to unpredictable and/or sudden flooding, subsidence or erosion shall be used for any purpose which would expose persons or property to hazards.

B. Soil and Ground Cover. Exposed ground surfaces in all parts of every mobile home park shall be paved or covered with stone screenings or other solid material, or protected with a vegetative growth that is capable of preventing soil erosion and of eliminating objectionable dust.

C. Site Drainage. The ground surface in all parts of every mobile home park shall be graded and equipped to drain all surface water in a safe, efficient manner, subject to approval of the development services director. (Prior code § 2-3-19)

**15.24.120 Street system requirements.**

A. General Requirements. All mobile home parks shall be provided with safe and convenient vehicular access from abutting public streets or roads to each mobile home lot. Alignment and gradient shall be properly adapted to topography, subject to the approval of the development services division and engineer.

B. Access. Access to mobile home parks shall be designed to minimize congestion and hazards at the entrance or exits, and allow free movement of traffic on adjacent streets.

C. Internal Streets. Surfaced roadways shall be of adequate width to accommodate anticipated traffic.

D. Street Construction and Design Standards. All streets shall be provided with a smooth, hard and dense surface which shall be durable and well-drained under normal use and weather conditions. Pavement edges shall be protected to prevent raveling of the wearing surface

and shifting of the pavement base. Street surfaces shall be maintained free of cracks, holes and other hazards.

E. Grades. Grades of all streets shall be sufficient to insure adequate surface drainage. (Prior code § 2-3-20)

**15.24.130 Dedication of streets.**

The developer of the mobile home park shall be required to dedicate to the county, and shall improve to county standards, all streets within the proposed park determined by the planning commission to be necessary for adequate neighborhood circulation. (Prior code § 2-3-10)

**15.24.140 Access streets.**

The location and width of the access street shall be determined by the planning commission. (Prior code § 2-3-11)

**15.24.150 Park plan—Construction requirements.**

Mobile home parks shall conform to the plan, as submitted and approved by the respective governing agencies, and to the following requirements:

A. The park shall be located on a well-drained site, properly graded to ensure rapid drainage, and free from stagnant pools of water.

B. Each park shall provide mobile home spaces, clearly defined or delineated, which shall have a minimum average area of three thousand square feet, exclusive of streets and sidewalks, and a width of not less than forty feet.

C. Mobile homes shall be so located on each space as to permit a fifteen-foot clearance between the mobile homes.

1. Carport covers and patio covers may extend to within three feet of the side lot lines of the individual home spaces.

2. No mobile home shall be located closer than fifteen feet to any building within the park or to any property line of the park which does not abut upon a public street or highway.

3. No mobile home shall be located closer to any property line of the park abutting upon a public street or highway than twenty-five feet, or such other distance as may be established by ordinance or regulation as a front yard setback requirement with respect to conventional buildings in the zoning district in which the mobile home park is located.

D. The street system shall provide convenient circulation by means of streets properly located with respect to the access streets. Closed ends of dead-end streets shall be provided with adequate paved vehicular turning or backing space. A turning circle shall be at least eighty feet in diameter.

E. Walkways shall be provided from mobile home spaces to service buildings, and shall be constructed of concrete not less than two feet wide.

F. All streets and walkways shall be hard-surfaced and adequately lighted, subject to approval of the planning commission.

G. Each park shall provide service buildings to house such toilet, bathing and other sanitation facilities as are required by this chapter.

H. Electrical service shall comply with the provisions of the current adopted county electrical code.

I. The operator of the mobile home park is charged with the responsibility of making all connections from the mobile home to sewer, water, gas, electric or any other utility services governed by these regulations, and he shall do so in full conformity with the building code, the plumbing code, the electrical code and health codes. The operator shall, upon request, deliver to any inspector, health officer or other official such pertinent information required to prove compliance with the ordinances at any reasonable time.

J. Two parking spaces shall be provided on each mobile home space, and each mobile home park shall provide an automobile parking area for the use of guests. One such space shall be provided for every five lots or fraction of five lots within the park. Each space shall be nine feet by eighteen feet in size, and shall contain such additional area as is necessary to afford adequate ingress and egress.

K. Mobile home stands shall be no smaller than ten by fifty feet in size.

L. Not less than five percent of the gross site shall be devoted to recreational facilities. Individual recreation areas shall not be less than two thousand five hundred square feet in size.

M. The occupied area of each mobile home space shall not exceed seventy-five percent of the total area of the lot. Area shall be deemed occupied when covered or occupied by a trailer coach, cabana, vehicle, awning, closet, cupboard or other structure of any kind. Unoccupied area shall be adequately landscaped and maintained.

N. All utilities in the park shall be placed underground.

O. Each mobile home space shall provide the tenant storage area convenient to its entrance, which shall contain one hundred twenty cubic feet of area.

P. Each mobile home shall be provided with a patio area containing a minimum of one hundred square feet of space; such patio shall be constructed in accordance with the Uniform Building Code which is currently effective and in use by the county.

Q. Bulk storage area equivalent to eighty square feet per mobile home space shall be provided, and the area so designated shall be asphalted and fenced in such a manner as to screen the compound from surrounding mobile home spaces.

R. All mobile homes within the park shall be skirted, and each home shall be firmly anchored to prevent sway and/or give or play, and shall be adequately supported. (Ord. 900 § 1, 1984; prior code § 2-3-13)

#### 15.24.160 Water supply.

A. An adequate supply of hot water for bathing, washing and cleaning facilities shall be provided in the service buildings at all times. An adequate supply of such water shall be considered to be at least twenty pounds of water pressure per square inch on a one-half-inch line.

B. An accessible, adequate, safe, potable supply of water shall be provided in each mobile home park. Where a public supply of water of satisfactory quantity, quality and pressure is available, connection shall be made thereto and its supply used exclusively. When a satisfactory public water supply is not available, a private water-supply system may be developed and used, as approved by the director of health. (Prior code § 2-3-21)

#### 15.24.170 Sewage and refuse disposal.

A. An adequate and safe sewage system shall be provided in all mobile home parks for conveying and disposing of all sewage. Such system shall be designed, constructed and maintained in accordance with state and local laws.

B. All sewer lines shall be located in trenches of sufficient depth to be free of breakage from traffic or other movements, and shall be separated from the park water-supply system at a safe distance. Sewers shall be at a grade which will ensure a velocity of two feet per second when flowing full. All sewer lines shall be constructed of materials approved by the director of health, shall be adequately vented, and shall have watertight joints.

C. Waste from showers, bathtubs, flush toilets, urinals, lavatories and slop sinks in service and other buildings shall be discharged into a public sewer system or into a private sewer and disposal plan or septic tank system, provided that the method of disposal meets the approval of the city-county board of health.

D. Each mobile home space shall be equipped with a sewer connection having a minimum size of three inches, protected by a concrete collar at least three inches deep and extending twelve

15.24.170

inches from the connection in all directions. The sewer connection shall be provided with suitable fittings to permit a watertight junction to be made with the mobile home outlet. All sewer lines shall conform to the plumbing code.

E. Manholes shall be provided at every change in direction, at every major junction of two or more branch sewers, and at intervals of not more than four hundred feet. Cleanouts extending to grade may be used instead of manholes on four-inch and six-inch lines, and shall be provided wherever a manhole would otherwise be necessary and at intervals of not more than one hundred feet. All cleanouts shall be capped with cleanout plugs. (Prior code § 2-3-22)

**15.24.180 Service buildings—Structural requirements.**

A. General. The requirements of this section shall apply to service buildings, recreation buildings and other community-service facilities such as:

1. Management offices, repair shops and storage areas;
2. Sanitary facilities;
3. Laundry facilities;
4. Indoor recreation areas;
5. Commercial uses supplying essential goods or services for the exclusive use of park occupants.

**B. Structural Requirements for Buildings.**

1. All portions of the structure shall be properly protected from damage by ordinary uses and by decay, corrosion, termites and other destructive elements. Exterior portions shall be of materials and be so constructed and protected as to prevent entrance or penetration of moisture and weather.

2. All rooms containing sanitary or laundry facilities shall:

a. Have sound-resistant walls extending to the ceiling between male and female sanitary facilities. Walls and partitions around showers, bathtubs, lavatories and other plumbing fixtures

shall be constructed of dense, nonabsorbent, waterproof material, or covered with moisture-resistant material;

b. Have at least one window or skylight facing directly to the outdoors. The minimum aggregate gross area of windows for each required room shall be not less than ten percent of the floor area served by them;

c. Have at least one window which can be easily opened, or a mechanical device which will adequately ventilate the room.

3. Toilets shall be located in separate compartments equipped with self-closing doors. Shower stalls shall be of the individual type. The rooms shall be screened to prevent direct view of the interior when the exterior doors are open.

4. Illumination levels shall be maintained as follows:

- a. General seeing tasks, ten footcandles;
- b. Laundry room work area, forty footcandles;
- c. Toilet room, in front of mirrors, forty footcandles.

5. Hot and cold water shall be furnished to every lavatory, sink, bathtub, shower and laundry fixture, and cold water shall be furnished to every water closet and urinal.

C. Cooking shelters, barbecue pits, fireplaces and stoves shall be so located, constructed, maintained and used as to minimize fire hazards and smoke nuisance, both on the property on which they are used and on neighboring property. No open fire shall be permitted except in facilities provided. No open fire shall be left unattended. No fuel shall be used and no material burned which emits dense smoke or objectionable odors. (Prior code § 2-3-26)

**15.24.190 Service buildings—Sanitation facilities.**

Service buildings housing sanitation facilities shall be permanent structures complying with all applicable ordinances and statutes regulating building, electrical installations and plumbing and sanitation systems, and shall be located not

more than two hundred feet from any dependent mobile home. The buildings shall be well-lighted at all times, ventilated with screened openings, constructed of such moistureproof material, which may be painted woodwork, as shall permit repeated cleaning and washing, and shall be maintained at a temperature of at least sixty-eight degrees Fahrenheit during the period of October 1st to May 1st. Floors of service buildings shall be constructed of materials impervious to water. All service buildings and grounds of the park shall be maintained in a clean, sightly condition, and kept free from any condition menacing to the health of occupants or the public, or constituting a nuisance. (Prior code § 2-3-24)

#### **15.24.200 Sanitation facilities required.**

Sanitation shall be provided as follows:

A. Mobile home parks constructed and operated exclusively for dependent mobile homes shall require one toilet, one shower and one lavatory for males, and one toilet, one shower and one lavatory for females for each eight dependent mobile home lots.

B. In mobile home parks constructed and operated exclusively for independent mobile homes, the licensee, owner or lessee shall be required to install toilets, showers and lavatories for both sexes in sufficient number with each building, service center, recreation area or amusement facility to adequately care for the needs and requirements of those people whom it is contemplated will make use of the facility.

C. No toilet facility for a dependent mobile home shall be further than two hundred feet from the dependent mobile home lot.

D. Toilets shall be for the exclusive use of the occupants of the mobile home park.

E. No toilet compartment in any building shall be less than thirty inches wide.

F. Toilets and other sanitation facilities for males and females shall be in separate buildings

or separated, if in the same building, by a sound-proof wall. Facilities for males and females shall be distinctly marked to denote the sex for which they are intended. (Prior code § 2-3-23)

#### **15.24.210 Refuse storage and disposal.**

A. The storage, collection and disposal of refuse in the mobile home park shall be so conducted as to create no health hazards, rodent harborage, insect breeding areas, accident or fire hazards, or air pollution.

B. All refuse shall be stored in flytight, watertight, rodentproof containers, which shall be located not more than one hundred fifty feet from any mobile home lot. Containers shall be provided in sufficient number and capacity to properly store all refuse.

C. Refuse collection stands shall be provided for all refuse containers. Such container stands shall be so designed as to prevent containers from being tipped, to minimize spillage and container deterioration, and to facilitate cleaning around them.

D. All refuse containing garbage shall be collected at least twice weekly. Where suitable collection service is not available by private agencies, the mobile home park operator shall provide this service. All refuse shall be collected and transported in covered vehicles or covered containers.

E. Where municipal or private disposal service is not available, the mobile home park operator shall dispose of the refuse in a manner pursuant to the approval, in accordance with state and local laws. (Prior code § 2-3-25)

#### **15.24.220 Insect and rodent control.**

A. Grounds, buildings and structures shall be maintained free of insect and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall conform with the requirements of the director of health.



B. Parks shall be maintained free of accumulations of debris which may provide rodent harborage or breeding places for flies, mosquitoes and other pests.

C. Storage areas shall be so maintained as to prevent rodent harborage; lumber, pipe and other building material shall be stored at least one foot above the ground.

D. Where the potential for insect and rodent infestation exists, all exterior openings in or beneath any structure shall be appropriately screened with wire mesh or other suitable materials.

E. The growth of bush, weeds and grass shall be controlled to prevent harborage of ticks, chiggers and other noxious insects. Parks shall be so maintained as to prevent the growth of ragweed, poison ivy, poison oak, poison sumac and other noxious weeds considered detrimental to health. Open areas shall be maintained free of heavy undergrowth of any description. (Prior code § 2-3-27)

**15.24.230 Fuel supply and storage.**

**A. Natural Gas Systems.**

1. Natural gas piping systems shall be installed and maintained in accordance with applicable codes and regulations governing such systems.

2. Each mobile home lot provided with piped gas shall have an approved manual shutoff valve installed upstream of the gas outlet. The outlet shall be equipped with an approved cap to prevent accidental discharge of gas when the outlet is not in use.

**B. Liquefied Petroleum Gas Systems.**

1. Liquefied petroleum gas systems shall be installed and maintained in accordance with applicable codes and regulations governing such systems.

2. Systems shall be provided with safety devices to relieve excessive pressures, and shall be arranged so that the discharge terminates at a safe location;

3. Systems shall have at least one accessible means for shutting off gas. Such means shall be located outside the mobile home, and shall be maintained in effective operating condition.

4. All liquefied petroleum gas piping outside of the mobile homes shall be well-supported and protected against mechanical injury. Undiluted liquefied petroleum gas in liquid form shall not be conveyed through piping equipment and systems in mobile homes.

5. Liquefied petroleum gas containers installed on a mobile home lot shall be securely but not permanently fastened to prevent accidental overturning.

6. No liquefied petroleum gas vessel shall be stored or located inside or beneath any storage cabinet, carport, mobile home or any other structure unless such installations are approved by the director of health.

**C. Fuel Oil Supply Systems.**

1. All fuel oil supply systems shall be installed and maintained in accordance with applicable codes and regulations governing such systems;

2. All piping from outside fuel-storage tanks or cylinders to mobile homes shall be permanently installed and securely fastened in place.

3. All fuel oil storage tanks or cylinders shall be securely fastened in place and shall not be located inside or beneath any mobile home, or less than five feet from any mobile home exit.

4. Storage tanks located in areas subject to traffic shall be protected against physical damage. (Prior code § 2-3-28)

**15.24.240 Fire protection.**

A. The mobile home area shall be subject to the rules and regulations as set up by the fire prevention council and of the county fire chief.

B. Mobile home parks shall be kept free of litter and rubbish.

C. Portable fire-extinguishers of a type approved by the fire chief or his authorized representative shall be kept in service buildings and at

all other locations designated by the fire chief, and shall be maintained in good operating condition.

D. Fires shall be made only in stoves and other equipment intended for such purposes.

E. Fire hydrants shall be installed in accordance with the plans and in accordance with the requirements of the fire chief under county ordinances. (Prior code § 2-3-29)

#### **15.24.250 Park management responsibilities.**

Park management shall have the responsibilities set forth as follows:

A. The person to whom a license for a mobile home park is issued shall operate the park in compliance with the ordinance and regulations issued under this chapter, and shall provide adequate supervision to maintain the park, its facilities and equipment in good repair and in a clean and sanitary condition.

B. The park management shall notify park occupants of all applicable provisions of this chapter, and inform them of their duties and responsibilities under this chapter and regulations issued hereunder.

C. The park management shall supervise the placement of each mobile home on its mobile home space, which includes securing its stability and installing any utility connections.

D. The park management shall maintain a register containing the names of all park occupants. Such register shall be available to any authorized person inspecting the park.

E. The park management shall notify the director of health immediately of any suspected communicable or contagious disease within the park. (Prior code § 2-3-30)

#### **15.24.260 Occupant responsibilities.**

A. The park occupant shall comply with all applicable requirements of this chapter and regulations issued hereunder, and shall maintain his mobile home lot, its facilities and equipment in good repair and in a clean and sanitary condition.

B. The park occupant shall be responsible for proper placement of his mobile home on its mobile home space and proper installation of all utility connections in accordance with the instructions of the park management.

C. No owner or person in charge of a dog, cat or other pet animal shall permit it to run at large or to commit any nuisance within the limits of any mobile home lot. (Prior code § 2-3-31)

#### **15.24.270 Enforcement—Officers designated.**

The building official and the director of health are hereby designated and authorized as the officers charged with the enforcement of the provisions of this chapter. (Prior code § 2-3-15)

#### **15.24.280 Enforcement—Inspection for compliance.**

A. The director of health and/or the building official, or their representatives, are authorized and directed to make such inspections as are necessary to determine satisfactory compliance with this chapter and the regulations issued hereunder.

B. The director of health and building official, or their representatives, shall have the power and authority 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.

C. 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 director of health or building official free access to such premises at reasonable times for the purpose of inspection.

D. It shall be the duty of every occupant of a mobile home park to give the owner thereof, or his agent or employee, access to any part of the 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 hereunder, or with any lawful order issued pursuant to the provisions of this chapter. (Prior code § 2-3-14)

**15.24.290 Notice, hearing and order procedures.**

A. Whenever the director of health or the building official determines that there are reasonable grounds to believe that there has been a violation of any provision of this chapter or regulations issued hereunder, he shall give notice of such alleged violation to the person to whom the permit or license was issued, as hereinafter provided. Such notice shall:

1. Be in writing;
2. Include a statement of the reasons for its issuance;
3. Allow a reasonable time for the performance of any act it requires;
4. 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 laws of this state;
5. Contain an outline of remedial action which, if taken, will effect compliance with the provisions of this chapter and regulations issued hereunder.

B. If, at the end of the period set forth in the notice, the building official and/or the director of health shall reinspect such mobile home park and, if such conditions or practices have not been corrected, he 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 except as provided in this chapter.

C. Any person whose license has been suspended or is otherwise affected by any notice which has been issued in connection with the

enforcement of any provision of this chapter or any regulation issued hereunder, may request and shall be granted a hearing on the matter before the proper official charged with the enforcement of the provisions of this chapter which the operator is accused of violating, by filing a written petition requesting a hearing and setting forth a brief statement of the grounds therefor within ten days after the day the notice was served. The filing of the request for a hearing shall operate as a stay of the notice and of the suspension, except in the case of an order issued under subsection F of this section. Upon receipt of such petition, the director of health and/or the building official 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 be heard and 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 petitioner, the director of health and/or the building official may postpone the date of the hearing for a reasonable time beyond the ten-day period when, in his judgment, the petitioner has submitted good and sufficient reasons for such postponement.

D. After such hearing, the director of health and/or the building official shall make findings as to compliance with the provisions of this chapter and regulations issued hereunder, and shall issue an order in writing sustaining, modifying or withdrawing the notice which shall be served as provided in subsection A of this section. Upon failure to comply with any other sustaining or modifying notice, the license of the mobile home park affected by the order shall be revoked.

E. The proceedings at such a hearing, including the findings and decision of the director of health and/or the building official, 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 director of health and/or the building official, 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 director of health and/or the building official may seek relief therefrom in any court of competent jurisdiction, as provided by the laws of this state.

F. Whenever the director of health and/or the building official finds that an 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 permit or license. Notwithstanding any other provisions of this chapter, such an order shall be effective immediately. Any person to whom such an order is directed shall comply therewith immediately, but upon petition to the director of health and/or the building official shall be afforded a hearing as soon as possible. The provisions of subsections C and D shall be applicable to such hearing and the order issued thereafter. (Prior code § 2-3-18)

#### **15.24.300 Violation—License revocation.**

The building official or the director of health, or any other officer charged with the enforcement of this title, may revoke any license to maintain and operate a mobile home park when the licensee is found to have violated any provision of this code. After such violation, the license may, in the discretion of the revoking official, be reissued if the violation has been remedied and the park is in condition to be maintained and operated in full compliance with the law. (Prior code § 2-3-16)

#### **15.24.310 Appeals procedure.**

A. If for any reason application for a license has been denied, or the officials have revoked a permit granted under this chapter, the person to whom the revocation or license has been effectively withdrawn may, upon application, be granted a hearing before the building official and/or the director of health, as provided in this chapter.

B. Any person whose license has been suspended or revoked, or who has received from the director of health or the building official notice 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 proper official under the procedure provided by Section 15.24.290 of this chapter; provided, that when no petition for such hearing shall have been filed within ten days following the day on which notice of suspension was served, such license shall be deemed to have been automatically revoked at the expiration of such ten-day period. (Prior code § 2-3-17)

#### **15.24.320 Violation—Penalty.**

In the event that any occupant or person in the management of a mobile home park, as defined in this chapter, shall fail to do those things required of such person, the person shall violate the provisions of this chapter or the prohibitions as set forth, such person shall be guilty of a misdemeanor and punishable as set out in Chapter 1.12 of this code. (1986 Recodification; prior code § 2-3-32)

## Chapter 15.28

### HIGHWAY DEDICATION

#### Sections:

- 15.28.010 Dedication and improvement required.
- 15.28.020 Exceptions.
- 15.28.030 Dedication procedure.
- 15.28.040 Building permit issuance.
- 15.28.050 Lots affected by dedication.
- 15.28.060 Improvement standards and procedures.
- 15.28.070 Appeal.
- 15.28.080 Amendments to highway plan.

#### 15.28.010 Dedication and improvement required.

Except as otherwise provided in Section 15.28.020, no building or structure shall be erected, reconstructed, structurally altered or enlarged, and no building permit shall be issued therefor, on any lot or parcel of land which abuts a major or secondary highway, as shown on the map entitled, "Official Major and Secondary Highway Plan, Salt Lake County," on file with the development services division and made part of this chapter by reference, or other public street which does not conform to current county width standards, unless the portion of such lot or parcel within the right-of-way of the highway to be widened or additional required street width has been dedicated to the county and improved. The dedication and improvements shall meet the standards for such highway or street as provided in Section 15.28.060. (Ord. 961 § 1 (part), 1986: prior code § 2-6-1)

#### 15.28.020 Exceptions.

A. The maximum area required to be dedicated shall not exceed twenty-five percent of any lot or parcel which was of record on the effective date of the ordinance codified in this chapter in the county recorder's office. In determining the

amount of area required for dedication for purposes of this exception, any highway area which previously has been dedicated to the public through public use shall not be included.

B. Such required dedication shall not reduce the lot or parcel to less than five thousand square feet.

C. Dedication shall not be required on those portions of a lot occupied by a main building existing on the effective date of the ordinance codified in this chapter.

D. Additional improvements shall not be required on a lot where paved surface, curb, gutter and sidewalk improvements in good condition exist within the present right-of-way, unless use is changed from agricultural or single-family dwelling to a commercial, industrial, office or two-family dwelling or more.

E. Dedication shall not be required for remodelings, additions and accessory buildings incidental to a single-family dwelling, used as a residence, existing on the lot as of the effective date of the ordinance codified in this chapter, provided that no additional dwelling units are created.

F. Dedication shall not be required for additions or accessory buildings clearly incidental to a main building existing on the lot as of the effective date of the ordinance codified in this chapter, provided that the cumulative floor area of all such additions and accessory buildings does not exceed two hundred square feet or twenty percent of existing square footage, whichever is greater. (Ord. 961 § 1 (part), 1986: prior code § 2-6-2)

#### 15.28.030 Dedication procedure.

A. Any person or other entity required to dedicate land under the provisions of this chapter shall execute an offer to dedicate and a warranty deed or other deed form acceptable to the county properly executed by all parties of interest in such terms as to be binding on the owner, his/her heirs, assigns or successor in interest. The offer to dedicate, deed, and a title report shall be filed

15.28.030

with the development services director. No title report need be furnished in cases where the development services director determines the property in question is within a street being maintained by the county as dedicated to the public by use.

B. The development services director shall review the offer to dedicate and deed for completeness and compliance with county requirements which shall thereafter be promptly processed and submitted to the county commission for final acceptance. The dedication shall be complete when the deed is recorded in the office of the county recorder after its acceptance by the county commission.

C. For the purpose of this chapter, dedication shall be considered as satisfactorily assured when the offer to dedicate and deed have been approved by the development services director. When the county commission has accepted the deed and it has been recorded, a copy shall be submitted to the county real estate officer by the county recorder for use in inventory control of county real property. (Ord. 1104 § 2, 1990: Ord. 961 § 1 (part), 1986: prior code § 2-6-3)

**15.28.040 Building permit issuance.**

When all dedication and improvements required by this chapter have been completed or assured as provided in this chapter, a building permit may be issued. (Ord. 961 § 1 (part), 1986: prior code § 2-6-4)

**15.28.050 Lots affected by dedication.**

On a lot affected by the dedication required under the provisions of this chapter, all required yards, setbacks, parking area, loading space and building locations for new buildings or structures or additions to buildings or structures shall be measured and calculated from the new lot lines created by the dedication. However, in applying all other provisions of the zoning ordinances of the county, such lot shall be considered

in an area as that which existed immediately prior to dedication. (Ord. 961 § 1 (part), 1986: prior code § 2-6-5)

**15.28.060 Improvement standards and procedures.**

A. Major and secondary highways shall be dedicated to the width indicated on the "Official Major and Secondary Highway Plan, Salt Lake County" with a cross-section as shown in the county highway standards, except as provided elsewhere by appropriate authority.

B. "Improvements" means those improvements required under the county subdivision ordinance which shall be installed in accordance with the standards required under the subdivision ordinance.

C. Both the development services and highway directors must approve variations from the standards described in this section, as necessary, considering the conditions of terrain and existing improvements contiguous thereto.

D. Improvements required under the provisions of this chapter shall be assured when they are completed to the satisfaction of the development services director as required in this chapter or a bond has been filed guaranteeing their completion within one year.

E. If the board of county commissioners determines that the required improvements should be completed in a specified sequence and/or in less than a one-year period in order to protect the health, safety and welfare of the county or its residents from traffic, flood, drainage or other hazards it may require in approving the bond that the improvements be installed in a specified sequence and period which may be less than one year and shall incorporate such requirements in the bond. (Ord. 961 § 1 (part), 1986: prior code § 2-6-6)

**15.28.070 Appeal.**

Any person may appeal any determination in connection with the administration, enforcement and other provisions of this section, as set

forth in this section, to the board of county commissioners. The appeal must be submitted in triplicate and must also provide sufficient information to provide for a proper determination.

A. The board of county commissioners may make modifications in the requirements of this chapter as necessary to prevent undue hardship or an unreasonable burden under the facts of each individual case. However, no such modification shall be granted unless it is in conformity with the spirit and intent of this chapter.

B. The board of county commissioners may authorize the public works department to contribute toward the cost of the required improvements which the development services and

highway directors determine to be greatly in excess of the cost to other property owners in the immediate vicinity who are required to install improvements under the provisions of this chapter. (Ord. 961 § 1 (part), 1986: prior code § 2-6-8)

**15.28.080 Amendments to highway plan.**

Amendments to the "Official Major and Secondary Highway Plan, Salt Lake County" may be made by the board of county commissioners after receiving recommendations from the county planning division and the county highway division. (Ord. 961 § 1 (part), 1986: prior code § 2-6-9)

RECORDED AS RECEIVED  
CO. RECORDER

**Chapter 15.32****FIT PREMISES****Sections:**

- 15.32.010 Purpose.**
- 15.32.020 Exclusions from application of chapter.**
- 15.32.030 Identification of owner and agents.**
- 15.32.040 Duties of property owner at time of possession delivery.**
- 15.32.050 Property owner to maintain the premises and each dwelling unit.**
- 15.32.060 Tenant to maintain dwelling unit.**
- 15.32.070 Rules and regulations.**
- 15.32.080 Access.**
- 15.32.090 Owner and tenant remedies for abuse of access.**
- 15.32.100 Repair of specified failures.**
- 15.32.110 Tenant repair and deduct.**
- 15.32.120 Retaliatory conduct prohibited.**
- 15.32.130 Applicability of other ordinances.**

**15.32.010 Purpose.**

The board of county commissioners of Salt Lake County finds that a large number of dwelling units within unincorporated Salt Lake County are occupied on a rental tenancy basis, and that while a large majority of both owners and tenants maintain premises in a habitable condition, a significant number of both owners and tenants fail to abide by these standards, that some make unreasonable requests to enter premises, some tenants breach an obligation to maintain premises in reasonable condition and cause damages in excess of reasonable wear and tear, that rental agreements are in many cases breached by both owners and tenants, and that some tenants breach a duty to maintain peaceful enjoyment of the premises by other tenants. The board further finds that pursuant to recent decisions of the Utah Supreme Court, and the enactment of the Utah

Fit Premises Act, §57-22-1 et seq. U.C.A., which is not pre-empted by this chapter or other state regulation, that county has the necessary police and other regulatory powers to permit enactment of the ordinance codified in this chapter. (Ord. 1231 § 1 (part), 1993)

**15.32.020 Exclusions from application of chapter.**

The following are not governed by this chapter.

A. Residence at a detention, medical, geriatric, educational, counseling or religious institution;

B. Occupancy under a contract of sale of a dwelling unit if the occupant is the purchaser;

C. Occupancy by a member of a fraternal or social organization in a building operated for the benefit of the organization;

D. Transient occupancy in a hotel, or motel (or lodgings subject to Utah Code Section 59-12-301); except that single-room occupancy units ("SRO") shall be governed by this chapter. "SRO" means an existing housing unit with one combined sleeping and living room of at least seventy square feet, but of not more than two hundred twenty square feet, where the usual tenancy or occupancy of the same unit by the same person or persons is for a period of longer than one week. Such units may include a kitchen and private bath.

E. Occupancy by an owner of a condominium unit. (Ord. 1231 § 1 (part), 1993)

**15.32.030 Identification of owner and agents.**

A. A property owner, or any person authorized to enter into a rental agreement on the owner's behalf, shall disclose to the tenant in writing at or before the commencement of the tenancy the name, address and telephone number of:

1. The owner and person authorized to manage the premises; and

2. A local person authorized to act for and on behalf of the owner for the purpose of receiving notices and demands, and performing the owner's obligations under this chapter and the rental agree-

RECORDED AS RECEIVED  
CO. RECORDER



ment if the owner or manager reside outside of Salt Lake County.

B. A person who enters into a rental agreement and fails to comply with the requirements of this section becomes an agent of the owner for the purposes of:

1. Receipt of notices under this chapter; and
2. Performing the obligations of the owner under this chapter and under the rental agreement.

C. The information required to be furnished by this section shall be kept current. This section is enforceable against any successor owner or manager.

D. Every rental property with more than one unit rented without a written agreement shall have a notice posted in a conspicuous place with the name, address and telephone number of the owner or manager and local agent as required by subsection A above. (Ord. 1231 § 1 (part), 1993)

**15.32.040 Duties of property owner at time of possession delivery.**

A. At the commencement of any rental of a unit the landlord shall provide to the tenant:

1. A written summary of this chapter and an inventory of the condition of the premises and all appliances and furnishings. A copy of the lease or rental agreement and rules and regulations, if written, shall be provided to the tenant at the time the rental agreement is entered into.

2. Any current notice by any utility provider to the landlord to terminate water, gas, electrical or other utility service to the dwelling unit, the proposed date of termination, and any current uncorrected deficiency list or notice from any government entity,

B. By explicit written agreement, a property owner and a tenant may establish a procedure whereby the tenant notifies the property owner of needed repairs, makes those repairs and deducts the cost of the repairs from the rent due and owing.

C. A property owner may allocate any duties to the tenant by explicit written agreement. Such agreement must be clear and specific, boxed, in bold type or underlined.

D. If the property owner fails to deliver possession of the dwelling unit to the tenant as promised in the rental agreement, rent abates until possession is delivered and the tenant may terminate the rental agreement by written notice to the property owner and recover all prepaid rent and security deposits, as well as the greater of one hundred dollars or actual damages, and reasonable attorney's fees. (Ord. 1231 § 1 (part), 1993)

**15.32.050 Property owner to maintain the premises and each dwelling unit.**

A property owner shall:

A. Comply with the requirements of applicable building, housing and health codes and county ordinances, and not rent the premises unless they are safe, sanitary and fit for human occupancy;

B. Maintain the structural integrity of the building;

C. Maintain floors in compliance with safe load-bearing requirements;

D. Provide exits, emergency egress, and light and ventilation in compliance with applicable codes;

E. Maintain stairways, porches, walkways and fire escapes in sound condition;

F. Provide smoke detectors and fire extinguishers as required by code;

G. Provide operable sinks, toilets, tubs and/or showers;

H. Provide heating facilities as required by code;

I. Provide kitchen facilities as required;

J. Provide running water;

K. Provide adequate hall and stairway lighting;

L. Maintain floors, walls and ceilings in good condition;

M. Supply window screens where required by code;

N. Maintain foundation, masonry, chimneys, water heater and furnace in good working condition;

O. Prevent the accumulation of stagnant water;

P. Maintain in good and safe working order and condition all electrical, plumbing, sanitary, heating, ventilating, air conditioning, and other facilities and appliances supplied by the landlord as required by applicable codes;

Q. Provide and maintain appropriate garbage receptacles and arrange for timely garbage removal as required by code;

R. Supply electricity, hot water and heat at all times, except where the dwelling unit is so constructed that electricity, heat or hot water is within the exclusive control of the tenant and supplied by a direct public utility connection;

S. Assure that the premises are free of insects and rodents;

T. Not interrupt or disconnect utility service;

U. Provide adequate locks to exterior doors and furnish keys to tenants as required by applicable codes;

V. Maintain the dwelling unit in a reasonably insulated and weather tight condition as required by the building and housing and Utah State Energy Conservation codes; and

W. Not interfere with each tenant's peaceful enjoyment of the premises;

X. Insure that repairs, decorations, alterations, or improvements, or exhibiting the dwelling unit shall not unreasonably interfere with the tenants' right to quiet enjoyment of the premises.

Y. Provide a mailbox; and

Z. Provide accessible meters for each tenant for gas and electricity, or include charges for utility services in the rent. (Ord. 1231 § 1 (part), 1993)

#### 15.32.060 Tenant to maintain dwelling unit.

A tenant shall:

A. Comply with all appropriate requirements of the rental agreement and applicable provisions of building, housing and health codes;

B. Maintain the premises occupied in a clean and safe condition and not unreasonably burden any common area;

C. Dispose of all garbage in a clean and safe manner;

D. Maintain all plumbing fixtures in as sanitary a condition as the fixtures permit;

E. Use all electrical, plumbing, sanitary, heating, and other facilities and appliances in a reasonable manner;

F. Not destroy, deface, damage, impair or remove any part of the premises or knowingly permit any person to do so;

G. Promptly inform the property owner of any defective conditions or problems at the premises;

H. Not interfere with the peaceful enjoyment of the residential rental unit of another renter;

I. Upon vacation, restore the premises to their initial condition except for reasonable wear and tear or conditions caused by the property owner;

J. Be current on all payments required by the rental agreement;

K. Not increase the number of occupants above that specified in the rental agreement without written permission of the owners; and

L. Not modify or paint the premises without the express permission of the property owner/agent.

M. Dispose of oil, car batteries, and other hazardous waste materials away from the rental premises, and in a manner prescribed by federal and local laws; and

N. Not require the owner to correct or remedy any condition caused by the renter, the renter's family or the renter's guests or invitees by inappropriate use of the property during the rental term or any extension of it. (Ord. 1231 § 1 (part), 1993)

#### 15.32.070 Rules and regulations.

A property owner may adopt rules or regulations concerning the tenant's use and occupancy of the premises which become a part of the rental agreement if they apply to all tenants in the premises in a nondiscriminatory manner, do not conflict with the lease, state law or county ordinance, and are provided to the tenant before the tenant enters into the rental agreement. Rules, regulations or lease terms can, by agreement between the parties, be more favorable to the tenant than allowed by state law or county ordinance but cannot be more restrictive. Rules may be modified from time to time by the property owner. However, no rule adopted after the commencement of any rental agreement shall substantially modify the existing terms, conditions or rules without written consent of the tenant. (Ord. 1231 § 1 (part), 1993)

15.32.080

**15.32.080 Access.**

A. A tenant shall not unreasonably withhold consent to the property owner to enter into the dwelling unit in order to make necessary or agreed repairs, decorations, alterations, or improvements; or exhibit the dwelling unit to prospective purchasers, tenants or work people.

B. A property owner may enter the dwelling unit without consent of the tenant in case of emergency.

C. Except in case of emergency the property owner shall give the tenant at least twenty-four hours notice of plans to enter and may enter only between eight o'clock a.m. and eight o'clock p.m.

D. A property owner has no other right of access except:

1. Pursuant to court order;
2. As permitted by Sections 15.32.070 and 15.32.080; or
3. Unless the tenant has abandoned the premises as defined in Section 78-36-12(3), Utah Code Annotated, or any successor provision. (Ord. 1231 § 1 (part), 1993)

**15.32.090 Owner and tenant remedies for abuse of access.**

A. If the tenant refuses to allow lawful access, the property owner may obtain injunctive relief to compel access, or terminate the rental agreement and commence an eviction action. In either case, the property owner may recover actual damages and reasonable attorney's fees.

B. If the property owner makes an unlawful entry or makes repeated demands for entry which harass the tenant, the tenant may obtain injunctive relief to prevent the recurrence of the conduct or terminate the rental agreement and vacate the premises. In either case, the tenant may recover actual damages or damages equal to one month's rent and reasonable attorney's fees. (Ord. 1231 § 1 (part), 1993)

**15.32.100 Repair of specified failures.**

In the event of the failures specified below the property owner shall begin repairing the failures within the following specified time periods after

receipt of written notice of the failure delivered to the person identified in Section 15.32.030, and complete the repairs with reasonable diligence:

- |   |          |
|---|----------|
| A. Inoperable toilet  | 24 hours |
| B. Lavatory, tub, shower or kitchen sink with inoperable drain or no hot or cold water              | 48 hours |
| C. Inoperable refrigerator or cooking range or stove  | 48 hours |
| D. Nonfunctioning heating (during a period where heat is reasonably necessary) or electrical system | 24 hours |
| E. Inoperable electric fixture  | 72 hours |
| F. Broken exterior door or inoperable or missing exterior door lock                                 | 48 hours |
| G. Broken window with missing glass   | 96 hours |
| H. Inoperable exterior lighting   | 96 hours |
| I. Broken stair or balustrade   | 24 hours |
| J. Inoperable or missing smoke detector if required by code   | 24 hours |
| K. Inoperable required fire sprinkler system (if smoke detectors are not present or operating)      | 24 hours |
| L. Inoperable required fire sprinkler system (if smoke detectors are installed and operable)        | 96 hours |
| M. Broken or leaking water pipes causing an imminent threat to life, safety or health               | 24 hours |
| N. Other broken or leaking water pipes  | 72 hours |

The tenant shall grant the property owner reasonable access to perform the repairs required above (Ord. 1231 § 1 (part), 1993)

**15.32.110 Tenant repair and deduct.**

If the property owner fails to begin making the

repairs required by Section 15.32.100 above, within the specified times, the tenant may cause the repairs to be made subject to the following provisions:

**A. Critical Repairs.**

If the repairs involve an inoperable toilet, lack of heat during a period for which heat is required, broken or leaking water pipes posing an immediate threat to life, safety or health or a complete lack of running water the tenant may, upon the expiration of the notice period specified in Section 15.32.100, cause the necessary repairs to be made.

1. In making such repairs the tenant must use a licensed contractor if such a licensed contractor is required by applicable building or housing codes.

2. If a licensed contractor is required for the work, the tenant shall make reasonable efforts to obtain two bids for the work and, if bids are not obtained, shall contract for the work to be done by someone else at a reasonable cost.

**B. Noncritical Repairs.**

If the required repairs are not critical repairs subject to the provisions of subsection A above, the tenant, after the expiration of the notice time required by Section 15.32.080 above, shall give the property owner or agent identified in Section 15.32.030 above a second written notice of intent to repair and deduct. This second notice shall be either delivered and served personally upon the property owner or agent or sent by both certified and regular mail.

1. The second notice shall state the nature of the problem, the date the tenant sent the first notice required by 15.32.080, and the intention of the tenant to cause the repairs to be done and to deduct the cost from the rent if the property owner does not make the repairs.

2. The property owner shall start making the required repairs within forty-eight hours after the hand delivery of the second notice or by the end of the second calendar day after the date of mailing of the second notice.

3. If the required repairs have not begun within the time specified in subsection (B)(2) above, the tenant may cause the repairs to be made.

4. In making such repairs the tenant must use a licensed contractor if such a licensed contractor is required by applicable building or housing codes.

5. If a licensed contractor is required for the work, the tenant shall make reasonable efforts to obtain two bids for the work, and, if bids are obtained, shall contract for the work with the low bidder.

6. If a licensed contractor is not required for the work, the tenant may do the work on his or her own or contract for the work to be done at a reasonable cost.

**C. Deductible Amount.**

For any repairs made pursuant to this section, the tenant may deduct from future rent the actual and reasonable cost of the repairs performed up to a maximum deduction of four hundred dollars.

**D. Nontermination.**

The property owner may not terminate the tenant's tenancy for the tenant's deduction of rent for repairs made pursuant to this section nor may the property owner terminate the tenancy until the tenant's costs, not to exceed four hundred dollars, for repairs made under this section have been offset by deducted rent.

**E. Tenant Caused Damages.**

The repair and deduct provisions of this section shall not be applicable to any damages caused or repairs necessitated by actions of the tenant or the tenant's invited guests or other occupants of the dwelling unit. (Ord. 1231 § 1 (part), 1993)

**15.32.120 Retaliatory conduct prohibited.**

A. Except as provided in this section and Section 57-22-4, U.C.A., a property owner may not terminate a rental agreement or bring or threaten to bring an eviction action because the tenant has in good faith:

1. Complained of code violations at the premises to a governmental agency, elected representative or public official charged with responsibility for enforcement of a building, housing, health or similar code;

2. Complained of a building, housing, health or similar code violation or an illegal property owner

15.32.120

practice to a community organization or the news media;

3. Sought the assistance of a community organization or the news media to remedy a code violation or illegal property owner practice;

4. Requested the property owner to make repairs to the premises as required by this chapter, a building or health code, other regulation, or the residential rental agreement;

5. Become a member of a tenant's union or similar organization;

6. Testified in any court or administrative proceeding concerning the condition of the premises; or

7. Exercised any right or remedy provided by law.

B. If the property owner violates any provision of this section, the tenant may recover the greater of one month's rent or actual damages, and reasonable attorney's fees. (Ord. 1231 § 1 (part), 1993)

**15.32.130 Applicability of other ordinances.**

Notwithstanding any other provision of this chapter, acts or omissions of property owners and tenants may likewise be governed by other sections of the County Code of Ordinances governing health and public safety. (Ord. 1231 § 1 (part), 1993)

**Chapter 15.36****APARTMENT HOUSE TENANT  
APPLICATION FEES****Sections:**

- 15.36.010 Purpose.**  
**15.36.020 Tenant application fee defined.**  
**15.36.030 Requirement to pay tenant application fee unlawful.**  
**15.36.040 Violation.**

**15.36.010 Purpose.**

The board of county commissioners finds:

A. That there is at present a shortage of available rental housing within Salt Lake County, particularly for low- and middle-income persons;

B. Some apartment house landlords or managers have been charging potential tenants a nonrefundable application fee which creates an undue hardship upon those seeking rental housing;

C. It is necessary and proper that Salt Lake County prohibit such application fees in order to provide for the safety, preserve the health, promote the prosperity, and improve the morals, peace, good order, comfort and convenience of the county and its inhabitants. (Ord. 1261 (part) 1994)

**15.36.020 Tenant application fee defined.**

For purposes of this chapter, "tenant application fee" means the fee charged by any owner, operator or manager of an apartment house within Salt Lake County in connection with or as a condition of processing, handling or considering an application for tenancy at such premises. Tenant application fee shall not include refundable cleaning deposits, refundable security deposits, or other refundable deposits required as a condition of entering into a rental or lease agreement. (Ord. 1261 (part) 1994)

**15.36.030 Requirement to pay tenant application fee unlawful.**

It is unlawful for any owner, operator or manager of an apartment house within Salt Lake County to require any person or persons applying for tenancy

at such premises to pay any tenant application fee whatsoever in connection with such application, whether refundable or otherwise. (Ord. 1261 (part) 1994)

**15.36.040 Violation.**

A violation of this section shall constitute a Class B misdemeanor. (Ord. 1261 (part) 1994)

RECORDED AS RECEIVED  
CO. RECORDER

## Chapter 15.40

### CONSTITUTIONAL TAKING GUIDELINES AND REVIEW PROCEDURE

#### Sections:

- 15.40.010 Purpose.
- 15.40.020 Definitions.
- 15.40.030 Exclusion from chapter.
- 15.40.040 Guidelines advisory.
- 15.40.050 Review of decision.
- 15.40.060 Hearing examiners.

#### 15.40.010 Purpose.

The purpose of this chapter is to establish guidelines and a procedure for review of county actions that involve a physical taking or exaction of private real property that may have constitutional taking issues. This chapter is further intended and shall be construed to objectively and fairly review claims by property owners that any such county actions should require payment of just compensation, yet preserve the ability of the county to lawfully regulate real property and fulfill its other duties and obligations. (Ord. 1306 § 2 (part), 1995)

#### 15.40.020 Definitions.

"Constitutional taking" means actions by the county involving the physical taking or exaction of private real property that might require compensation to the property owner because of:

1. The Fifth or Fourteenth Amendment to the Constitution of the United States;
2. Article I, Section 22 of the Utah Constitution;
3. Any recent court ruling governing the physical taking or exaction of private real property by Salt Lake County.

An action by the county involving the physical taking or exaction of private real property is not a constitutional taking if the physical taking or exaction:

1. Bears an essential nexus to a;
2. Legitimate government interest; and
3. Is roughly proportionate and reasonably related, on an individual property basis, both in nature

and extent, to the impact of the proposed development on the legitimate government interest.

"County" means Salt Lake County, its officers, employees, boards, agencies and commissions. (Ord. 1306 § 2 (part), 1995)

#### 15.40.030 Exclusion from chapter.

This chapter shall not apply when the county formally exercises its powers of eminent domain or when it regulates real property or requires payment of fees where there is no physical taking or exaction of the property. (Ord. 1306 § 2 (part), 1995)

#### 15.40.040 Guidelines advisory.

The guidelines adopted and decisions rendered pursuant to the provisions of this chapter are advisory and shall not be construed to expand or limit the scope of the county's liability for a constitutional taking. The county commission shall not be required to make any determination under this chapter except pursuant to Section 15.40.050. (Ord. 1306 § 2 (part), 1995)

#### 15.40.050 Review of decision.

Any owner of private real property who claims there has been a constitutional taking by the county of the owner's property shall request review of the final decision constituting the alleged constitutional taking. The following are the specific requirements established for such a review:

A. The person requesting the review must have obtained a final decision from which the review is being requested.

B. Within thirty days from the date of the final decision, the person requesting the review shall file in writing in the office of the county commission, an application for review of that decision. A copy of the application shall also be filed with the county attorney's office.

C. In addition to the written request for review, the applicant must submit the following before the application shall be considered as submitted and complete:

1. Name of the applicant requesting review;

2. Name and business address of current owner of the property, form of ownership, whether sole proprietorship, for-profit or not-for-profit corporation, partnership, joint venture or other, and if owned by a privately held corporation, partnership, or joint venture, name and address of all principal shareholders or partners;

3. A detailed description of the grounds for the claim that there has been a constitutional taking including any legal authority which supports the claim;

4. A legal description of the property taken;

5. Evidence and documentation as to the value of the property taken, including the date and cost at the date the property was acquired. This should include any evidence of the value of that same property before and after the alleged constitutional taking, the name of the party from whom purchased, including the relationship, if any, between the person requesting a review and the party from whom the property was acquired;

6. Nature of the protectable interest claimed to be affected, such as, but not limited to, fee simple ownership, leasehold interest;

7. Terms (including sale price) of any previous purchase or sale of a full or partial interest in the property within the three years prior to the date of application;

8. All appraisals of the property prepared for any purpose, including financing, offering for sale, or ad valorem taxation, within the three years prior to the date of application;

9. The assessed value of and ad valorem taxes on the property for the previous three years;

10. All information concerning current mortgages or other loans secured by the property, including name of the mortgagee or lender, current interest rate, remaining loan balance and term of the loan and other significant provisions, including but not limited to, right of purchasers to assume the loan;

11. All listings of the property for sale or rent, price asked and offers received, if any, within the previous three years;

12. All studies commissioned by the petitioner or agents of the petitioner within the previous three

years concerning feasibility of development or utilization of the property;

13. For income-producing property, itemized income and expense statements from the property for the previous three years;

14. Information from a title policy or other source showing all recorded liens or encumbrances affecting the property; and

15. The county commission may request additional information reasonably necessary, in its opinion, to arrive at a conclusion concerning whether there has been a constitutional taking.

D. Upon written notice by the county commission that the application is complete, it shall be considered as submitted. The county commission shall then set a time to review the decision that gave rise to the constitutional takings claim. The county commission shall promptly notify an applicant when the application is incomplete.

E. The county commission shall hear all the evidence related to and submitted by the applicant, the county, or any other interested party.

F. A final decision on the application shall be rendered within fourteen days from the date the complete application for review has been received by the county commission. The decision of the county commission shall be given in writing to the applicant and the officer, employee, board, or commission that rendered the final decision that gave rise to the constitutional takings claim. (Ord. 1306 § 2 (part), 1995)

#### 15.40.060 Hearing examiners.

The board of county commissioners may appoint one or more hearing examiners to review and hear applications filed under this chapter and make recommendations to the county commission and to any other officer, employee, board or commission that made the decision that gave rise to the constitutional takings claim. (Ord. 1306 § 2 (part), 1995)



**Title 16**  
**(RESERVED)**

**RECORDED AS RECEIVED**  
**CO. RECORDER**

**Title 17**

**FLOOD CONTROL AND WATER QUALITY**

**Chapters:**

- 17.04 Administration**
- 17.06 Jordan River Sub-Basin Watershed  
Management Council**
- 17.08 Flood Control Facilities**
- 17.10 Jordan River Flood Channel Management**
- 17.12 Drainage of Subsurface Water**
- 17.20 Storm Drainage and Flood Control  
Development**
- 17.24 Budgeting and Funding**
- 17.28 Bonds and Sureties**
- 17.32 Violations and Penalties**

**RECORDED AS RECEIVED  
CO. RECORDER**

## Chapter 17.04

### ADMINISTRATION

#### Sections:

- 17.04.010** Flood control and water quality division—Created.
- 17.04.020** Flood control and water quality division—Director—Duties.
- 17.04.030** Flood control and water quality division—Staff.
- 17.04.040** Development services division—Responsibilities.

#### **17.04.010** Flood control and water quality division—Created.

There is created within the department of public works of the county a flood control and water quality division, referred to in this title as the "division." The division shall, through the director of public works, assist the board of county commissioners in the discharge of its responsibilities to gather, control and dispose of storm drainage and floodwater and to conserve such water for beneficial and useful purposes, and maintain a water quality management program. The division shall administer all county ordinances pertaining to drainage, flood control and water quality management planning. (Ord. 817 § 2 (part), 1982; prior code § 7-1-1)

#### **17.04.020** Flood control and water quality division—Director—Duties.

There is created the office of the director of the division of flood control and water quality. The director shall supervise and control, and be responsible for the satisfactory completion of all duties of the division and of the director, as set forth in this chapter. The division shall:

A. Maintain a twenty-year master plan outlining, in general, long-range requirements for planning, designing, constructing, managing,

operating and maintaining facilities in the county for the carrying away and safe disposal of stormwaters and floodwaters and for the preservation and enhancement of water quality;

B. Maintain a six-year capital improvements plan outlining financial needs, scheduling of construction and management programs which will implement the twenty-year master plan. The plan and the twenty-year master plan shall be submitted through the director of public works on or before August 15th of each year for review, correction and adoption by the board of county commissioners;

C. Prepare and submit to the director of public works on or before September 15th of each year an annual element of the capital improvement plan outlining, by proposed budget line items, work activities and expenditure of funds required to complete the current annual element of the approved capital improvement plan;

D. On or before January 1st of each year prepare a management plan, outlining by project and program, management agency responsibilities, schedules and proposed interlocal agreements and contracts necessary to carry out the budget for the current year and administer all county ordinances pertaining to flood control and water quality;

E. Provide to all municipal governments an annually updated map and list of flood control facilities maintained in each city and that portion of the annual management plan which relates to the activities of the division to be carried out in the respective city;

F. Provide for ongoing maintenance program and direct the cleaning and maintenance of natural channels, ditches, open drains and storm-drains which are included in the storm drainage and flood control system. Work in open channels and creeks where fisheries exist shall be limited to that necessary to remove immediate threats of flooding and existing rights shall be protected as specified in Section 17.08.050 in this title;

G. Pursue action before the Utah Legislature, in cooperation with other affected agencies,

RECORDED AS RECEIVED  
CO. RECORDER

required to achieve effective water quality management as directed by the water quality council under Chapter 17.16 of this title or for effective flood control management as directed by the board of county commissioners;

H. Attend, at the request of the board of county commissioners, meetings or conferences dealing with water quality management or with the gathering, control and disposal of stormwater and floodwater within the county;

I. Determine the type and amount of storm drainage and flood control works which are needed within the county, and establish comprehensive sets of plans and specifications for the works and have such plans and specifications readily available for public inspection;

J. Arrange for public hearings regarding the installation of pipelines or other storm drainage facilities and such hearings as are required for administration of the Water Quality Management Plan;

K. Coordinate policies and water quality management plan implementation with other area-wide water quality programs, air quality programs, solid waste disposal planning, etc., which are the responsibility of the Salt Lake city-county board of health;

L. Seek and obtain loans and grants for comprehensive water quality management planning by designated agencies and administer the same on behalf of the county in conjunction with designated management agencies;

M. Upon request, assist the board of county commissioners and all local agencies concerned with flood control, storm drainage, and water quality in communicating with state and federal government agencies;

N. Upon request, provide assistance to local entities in preparing and processing grant applications for flood control, storm drainage and water quality improvement projects;

O. Sponsor research and/or supervise contract research and development, in cooperation

with appropriate management agencies, to develop best management practices (BMP's) in nonpoint source pollution control;

P. Assist management agencies in evaluating and improving water quality monitoring, testing and permit compliance activities;

Q. Continually review new research in water quality which may be conducted by universities, industries or government/nonprofit agencies, and assure the availability of new information or developments to local agencies and organizations;

R. Conduct other activities and perform such other duties as directed by the board of county commissioners or the water quality council including attendance at water quality committee and council meetings;

S. Establish criteria, engineering and otherwise, whereby applicants for building permits may be aware of, and plan for, the drainage requirements which must be met as a condition to receiving the division's approval for such permit. (Ord. 817 § 2 (part), 1982; prior code § 7-1-2)

**17.04.030 Flood control and water quality division—Staff.**

The director of the division shall recommend the employees and staff necessary to discharge the duties of the division. The number of employees and their respective salaries and qualifications shall be established each year as part of the budget process in conformance with the merit system and personnel policies of the county. (Ord. 817 § 2 (part), 1982; prior code § 7-1-3)

**17.04.040 Development services division—Responsibilities.**

The development services division shall be responsible for the administration of flood control requirements for new development, including the collection and disposition of flood control fees and bonding. This section shall supersede any provisions in Sections 17.04.010 through 17.04.030 and Chapters 17.08 through 17.32 of this title placing such responsibilities with the flood control division. (Ord. 878 § 1, 1983; prior code § 7-9-1)

**Chapter 17.06**

**JORDAN RIVER SUB-BASIN WATERSHED  
MANAGEMENT COUNCIL**

**Sections:**

- 17.06.010 Findings.**
- 17.06.020 Purpose of provisions.**
- 17.06.030 Definitions.**
- 17.06.040 Creation of council.**
- 17.06.050 Duties of council.**
- 17.06.060 Composition and selection of council members.**

**17.06.010 Findings.**

A. Pursuant to the provisions of the Federal Clean Water Act, the Salt Lake County board of commissioners has been designated and approved as the area-wide water quality planning agency for Salt Lake County by the governor of the state and by the United States Environmental Protection Agency. Pursuant to state statutes, the board also has county-wide responsibility for flood control on all natural channels and flood plains, including the Jordan River and its tributaries.

B. The board recognizes that numerous federal, state and local government agencies have jurisdiction over and share responsibility for the management and regulation of the Jordan River and its tributaries which flow through Salt Lake Valley and which provide multiple uses, including flood control, wildlife and fishery habitat, recreation, and water supply for irrigation and other purposes.

C. A need exists for increased communication and cooperation among these government agencies in order to promote efficient planning, implementation and coordination of management and regulatory activities pertaining to the Jordan River watershed, and also to prevent or minimize the occurrence of conflicting or duplicative efforts. Increased communication and cooperation among these government agencies can be effectively assisted through the creation of an interjurisdictional advisory council specifically designed to promote such communication and cooperation and which will assist the board

of county commissioners in fulfilling its responsibilities for area-wide water quality planning and flood control activities. (Ord. 1231 § 1 (part), 1993)

**17.06.020 Purpose of provisions.**

The purpose and intent of this chapter is to (1) facilitate the performance of the responsibilities of the Salt Lake County board of commissioners with regard to its role as the area-wide water quality planning agency for Salt Lake County and with regard to its county-wide flood control authority, and (2) facilitate more effective communication and cooperation among the various government agencies which have jurisdiction over and share responsibility for the management and regulation of the Jordan River and its tributaries which flow through Salt Lake Valley. (Ord. 1231 § 1 (part), 1993)

**17.06.030 Definitions.**

For the purpose of this chapter, the following words shall have the following meanings:

A. "Jordan River sub-basin" means that portion of the Jordan River hydrologic unit extending from the Salt Lake County boundary with Utah County northward to the Davis County boundary, eastward including all Wasatch Canyon environs to the Wasatch and Summit County boundaries, and westward including all Oquirrh Canyon environs to the Tooele County boundary.

B. "Watershed" means all of the combined natural sub-basin drainage units within the Jordan River sub-basin, listed and on file in the office of the Salt Lake County board of commissioners. It includes designations for canyon and urban watersheds as single management units which contribute flow to the Jordan River and water storage to the Great Salt Lake. (Ord. 1231 § 1 (part), 1993)

**17.06.040 Creation of council.**

There is established as an advisory council to the Salt Lake County board of commissioners a "Jordan River sub-basin watershed management council," hereafter referred to in this chapter as the "council." (Ord. 1231 § 1 (part), 1993)

**17.06.050 Duties of council.**

The council may meet as often as deemed necessary, according to current planning and management needs, and shall:

A. Prepare an annual report, in coordination with all government agencies represented on the council, which addresses activities along the Jordan River and contributory watersheds relating to: Water quality and pollution control, flood control, parkway and other development, wildlife habitat and wetland conservation, and proposed plans to effectively manage and regulate these activities;

B. Review and evaluate development proposals within the flood channel, flood plain, meander corridor, wetlands, and other areas of important riparian resource value along the Jordan River, and evaluate potential impacts of such proposals;

C. Recommend and prioritize planning activities to address or mitigate impacts of development proposals, and coordinate among the parties to effectively review, monitor and evaluate the progress of plan implementation;

D. Coordinate and integrate the interests of parties which may be impacted by proposals for development or mitigation, and assist local, state and federal management agencies in the prioritization of proposals for potential funding and cost sharing;

E. Recommend priorities for acquisition of critical water-related resources, including wetlands, riparian corridors, meander corridors, wildlife reserves and park lands;

F. Provide legislative and public education support for present and future stream and river corridor projects and programs, and encourage continuing review of new developments and considerations of innovative practices in technological, legal and administrative aspects of watershed management. (Ord. 1231 § 1 (part), 1993)

**17.06.060 Composition and selection of council members.**

A. The council established in Section 17.06.040 above shall be comprised of one representative from each of the following government agencies:

A. Federal Agencies. U.S. Army Corps of Engineers Regulatory Section, Bountiful, Utah; and U.S. Fish and Wildlife Service, Salt Lake City, Utah;

B. Utah State Agencies. Division of Water Quality, Division of State Lands, Division of Water Resources, State Engineer (Stream Alteration Permit Program), Division of Wildlife Resources, Division of Parks and Recreation, and Department of Agriculture;

C. Local Agencies.

1. Salt Lake County: Commission staff office, development services division, public works engineering division, public works operations division, parks and recreation division, environmental health division, extension office, soil conservation district, and attorney's office;

2. Municipalities: Salt Lake City, South Salt Lake City, Murray City, Midvale City, Sandy City, West Valley City, West Jordan City, South Jordan City, Draper City, Riverton City, Bluffdale City, and the Town of Alta.

Appointment to the council shall be by the board of county commissioners after receiving nominations from each specific agency or municipality. Upon appointment, each representative shall serve as a member of the council but may designate a substitute representative for any particular meeting or other purpose. The board shall appoint a chairperson and a vice-chairperson from among the members of the council. The representative from the Salt Lake County commission staff office shall serve as executive secretary. (Ord. 1264 § 2, 1994; Ord. 1231 § 1 (part), 1993)

## Chapter 17.08

### FLOOD CONTROL FACILITIES

#### Sections:

- 17.08.010 Definitions.
- 17.08.020 Permit—Required.
- 17.08.030 Exemptions.
- 17.08.040 Specific facilities.
- 17.08.050 Existing use—Permit not required.
- 17.08.060 Performance bond required.
- 17.08.070 Control by board of commissioners.
- 17.08.080 Review of development plans.
- 17.08.090 Replacement and new bridges and culverts—Design criteria.
- 17.08.100 Obstruction of or damage to facilities prohibited.

#### 17.08.010 Definitions.

As used in this chapter:

“Governmental entity” means the state and its political subdivisions.

“Political subdivisions” means any county, city, town, school district, public transit district, redevelopment agency, special improvement or taxing district, or any other political subdivision or public corporation.

“State of Utah” means the state of Utah or any office, department, agency, authority, commission, board, institution, hospital, college, university or other instrumentality thereof. (Ord. 827 § 2, 1982; Ord. 817 § 2 (part), 1982; prior code § 7-2-1 (part))

#### 17.08.020 Permit—Required.

It is unlawful for any person, firm, corporation or governmental entity to interfere with, cause damage to, destroy or use for any purposes any flood control, storm drainage, water quality control, or water conservation structure, facility, appurtenance, or any other property owned, constructed, maintained or controlled by or on behalf of the county, as identified in Section 17.08.040 of this chapter, without having first received a written permit from the divi-

sion. The division may impose such terms and conditions as may be necessary to provide for the carrying away and the safe disposal of natural stormwaters and floodwaters, and to prevent the destruction or obstruction of any such structure, facility, appurtenance, etc., and to insure the proper maintenance and restoration of any such structure, facility, appurtenance or property. Application for use of such structures, facilities, appurtenances or property shall be made to the director of the division and shall set forth the particular use desired and the purpose and duration of use. Permits shall be revocable when, in the discretion of the director of the division, the public interest and welfare so requires. (Ord. 817 § 2 (part), 1982; prior code § 7-2-1 (part))

#### 17.08.030 Exemptions.

The provisions of the above section shall not apply to any entry or use in the course of duty by any peace or police officer or by a duly authorized employee of the county. (Ord. 817 § 2 (part), 1982; prior code § 7-2-2)

#### 17.08.040 Specific facilities.

A. The following facilities, wherever located in the county, including open channel sections and sections in conduit, are declared to be part of the storm drainage and flood control system and are subject to the provisions of this chapter relating to such facilities:

1. The Jordan River;
2. City Creek;
3. Red Butte Creek;
4. Emigration Creek;
5. Parley’s Canyon Creek;
6. Mountain Dell Canyon Creek;
7. Lamb’s Canyon Creek;
8. Mill Creek;
9. Neff’s Creek;
10. Big Cottonwood Creek;
11. Little Cottonwood Creek;
12. Dry Creek from Bell’s Canyon Reservoir to Jordan River;
13. Big Willow Creek;

14. Little Willow Creek;
15. Corner Creek;
16. Beef Hollow Creek Downstream from Camp Williams Boundary;
17. Wood Hollow Creek Downstream from Camp Williams Boundary;
18. Rose Creek;
19. Butterfield Creek;
20. Copper Creek;
21. Midas Creek;
22. Bingham Creek;
23. Barney's Creek;
24. Harker's Canyon Creek;
25. Coon Canyon Creek;
26. Provo Reservoir Canal;
27. Utah Lake Distributing Company Canal;
28. Utah and Salt Lake Canal;
29. South Jordan Canal;
30. North Jordan Canal;
31. Kennecott Canal;
32. Riter Canal;
33. Kersey Creek;
34. C-7 Ditch;
35. Lee Creek;
36. 8000 West Drain - Utah and Salt Lake Canal to C-7 Ditch;
37. Kearns-Chesterfield Drain - Utah and Salt Lake Canal to Jordan River including Decker Lake;
38. Lee Drain - Lee Drain Pump Station to Lee Creek;
39. Goggin Drain 1300 South to Great Salt Lake;
40. Surplus Canal;
41. 2700 West Drain - North Jordan Canal to I-215 Drain;
42. I-215 Drain - 4700 South to 4100 South and 2700 West Drain to Decker Lake;
43. 4100 South Drain - 3200 West to Jordan River;
44. 4700 South Drains - South Jordan Canal to I-215 Drain and North Jordan Canal to Jordan River;
45. 3200 West Drain - 4700 South to 4100 South;
46. 5400 South Drain - Utah and Salt Lake Canal to Jordan River;

47. City Drain, West Branch from CWA 2 Drain to Sewage Canal;
48. Sewage Canal from City Drain to Great Salt Lake;
49. CWA 2 Drain from CWA 1 Drain to West Branch City Drain;
50. CWA 3 Drain from Brighton Canal Extension to CWA 2 Drain;
51. CWA 1 Drain from Roper Yard to CWA 2 Drain;
52. 4th Avenue Drain - Virginia Street to City Creek;
53. 8th South Drain - East High School Detention Basin to Jordan River;
54. 7200 South Drain - East Jordan Canal to Jordan River;
55. 9000 South Drain - Sandy Irrigation Canal to Jordan River;
56. The Upper Canal;
57. Salt Lake City Canal to Red Butte Creek;
58. East Jordan Canal;
59. East Jordan Canal Extension;
60. Draper Irrigation Canal;
61. Sandy Irrigation Canal;
62. Union Jordan North and South Ditches from Little Cottonwood Creek to Jordan River;
63. Brown and Sanford Ditch;
64. 2700 South Storm Drain - Nibley Park Outfall to Mill Creek.

B. If not owned by the county, the rights of the county in and to canals and stormdrains specified above are limited to those included in specific agreements for their use with the owners of such facilities.

C. The provisions of this chapter shall also apply to the following classes of facilities:



1. All collection stormdrains and subsurface collection systems installed in dedicated easements and other easements in which the county has a legal interest, and located in the unincorporated county area:

2. All collection stormdrains and subsurface collection systems installed in dedicated easements and located in the incorporated areas of the county through contracts and agreements specifically outlining duties and responsibilities of the city and county on each facility. (Ord. 918 § 1, 1985; Ord. 817 § 2 (part), 1982: prior code § 7-2-5)

**17.08.050 Existing use—Permit not required.**

No permit shall be required for any existing use of natural channels within the county for such beneficial purposes as are approved by the Office of the State Engineer for the state; nor shall it affect any water rights established by the State Engineer or by any court of competent jurisdiction. No provision contained in this title shall be construed to interfere with or permit the regulation, allocation or reallocation of water rights or water right use or of any culinary water collection or distribution system or waters and facilities used in connection therewith. (Ord. 817 § 2 (part), 1982: prior code § 7-2-6)

**17.08.060 Performance bond required.**

The division may require a performance bond to assure proper and timely completion of work authorized under a permit issued pursuant to Section 17.08.020, or to assure timely completion of improvements required under Section 17.08.080. (Ord. 817 § 2 (part), 1982: prior code § 7-2-7)

**17.08.070 Control by board of commissioners.**

Any and all projects which involve the drainage of stormwaters and floodwaters or which affect the quality of water which flows through all natural channels to be performed on

any such projects, either existing or to be completed subsequent to the effective date of the ordinance codified in this title, shall be under the control and discretion of the board of county commissioners, and shall be subject to approval by the board during its annual review of the budget of the flood control and water quality management program as prepared by the division. (Ord. 817 § 2 (part), 1982: prior code § 7-2-8)

**17.08.080 Review of development plans.**

All plans for public and private development that will alter the natural flow of surfacewater upon the lands involved in the development shall be submitted to the division for review and approval prior to the commencement of work thereon. Plans for a development which will drain into a flood control or storm drainage facility maintained by a city shall be the responsibility of that city and submission of the plans to the division shall not be required. The city shall review such plans to assure compliance with those provisions of Section 17.08.020 applicable to city facilities which connect to those facilities identified in Section 17.08.040 of this chapter. The division may require the design of erosion and sediment control or other measures to protect the capacity of any flood control or storm drainage facilities or the quality of the water flowing through any part of the flood control and storm drainage system as defined in Section 17.08.040. "Water quality" or "quality of water," whenever used in this section, refers to and incorporates those definitions and standards which are set forth in the county's then-current water quality management plan, as established by the division. (Ord. 817 § 2 (part), 1982: prior code § 7-2-3)

**17.08.090 Replacement and new bridges and culverts—Design criteria.**

A. Replacement and new bridges or culverts on the natural tributaries and open man-made

channels, except irrigation canals, listed in Section 17.08.040, shall be sized for a frequency based on consideration of the benefits and costs derived from the improvements. As a minimum all such bridges and culverts shall be designed to pass the greater of the one-hundred-year snowmelt runoff or the twenty-five-year cloudburst storm unless the director of the division of flood control and water quality shall deem such level of protection unwarranted. In any case, replacement culverts or bridges with an equivalent opening of sixty inches in diameter, or greater, shall be sized for at least the one-hundred-year snowmelt or twenty-five year cloudburst standard. Bridges and culverts on Big and Little Cottonwood Creeks through the valley floor shall be designed for the greater of the one-hundred-year snowmelt or the one-hundred-year cloudburst storm for present development conditions. In addition to the design flow, consideration shall be given to the freeboard necessary to pass debris and accommodate bed load and bulking.

B. The phrase "one-hundred-year snowmelt" means that snowmelt runoff of the magnitude which is expected to occur on the average of a one-hundred-year frequency or has a one-percent chance of being equalled or exceeded during any one year.

C. The phrase "twenty-five-year cloudburst storm" means that cloudburst storm of the magnitude which is expected to occur on the average of a twenty-five-year frequency or has a four-percent chance of being equalled or exceeded during any one year. (Ord. 921 § 1, 1985; prior code § 7-2-9)

**17.08.100 Obstruction of or damage to facilities prohibited.**

It is unlawful for any person, firm or corporation, or governmental entity to place or cause to be placed in the channel or drain or within or upon any flood control channel, reservoir, detention basin, debris basin, spreading ground or other property over which the county has an interest, matter of any kind that may operate to impede, retard or change the normal direction of the flow of floodwaters, stormwaters, or other waters, or that may catch or collect debris carried by such waters, or that may be carried downstream by such waters to the damage and detriment of adjacent private or public property, or that may degrade the quality of the water, without first obtaining a written permit for such placement from the director of the division. (Ord. 827 § 3, 1982; Ord. 817 § 2 (part), 1982; prior code § 7-2-4)

## Chapter 17.10

**JORDAN RIVER FLOOD CHANNEL  
MANAGEMENT**

**Sections:**

- 17.10.010 Findings.
- 17.10.020 Purpose of provisions.
- 17.10.030 Definitions.
- 17.10.040 Applicability.
- 17.10.050 Disputes over boundaries or mapped hazards.
- 17.10.060 Scope and conflict of laws.
- 17.10.070 Construction or development—  
Special approval and permit required.
- 17.10.080 Studies and reports required.
- 17.10.090 Duties of director of engineering division—Review of permit application.
- 17.10.100 Duties of director of engineering division—Approval procedure.
- 17.10.110 Subdivisions in the Jordan River flood channel—County approval required prior to recording.
- 17.10.120 Disclosure required.
- 17.10.130 Warning and disclaimer.
- 17.10.140 Appeal procedure.

**17.10.010 Findings.**

A. The Jordan River in Salt Lake County is a dynamic landform continually undergoing the processes of bank erosion, long-term channel bed degradation, bridge scour, sediment deposition and meander migration. Potential flooding hazards along the river corridor are directly related to natural erosion and sedimentation processes that are part of the river's natural dynamics and also to human activities that include channel straightening, urbanization of the watershed, and changing land use within the river corridor.

B. The Jordan River has experienced both episodic and gradual channel movement throughout the

past one hundred thirty-six years. The most recent episode of severe bank erosion and channel movement occurred during the 1983—1987 floods. Recent studies indicate that channel instability hazards along the river will continue to occur and may increase in severity with changing flow regimes and hydrologic cycles, such that a completely stable slope and channel pattern will never occur.

C. In order to better provide for the protection and use of the Jordan River channel for storm drainage and flood control, it is necessary and desirable to adopt a county-wide management plan designed to promote greater channel stability within the flood channel corridor. (Ord. 1271 § 1 (part), 1994)

**17.10.020 Purpose of provisions.**

The purpose of this chapter is to protect the public health, safety and general welfare of the citizens of the county by adopting regulations designed to:

A. Establish the boundaries of the Jordan River flood channel under the statutory jurisdiction of the county for purposes of county-wide flood control;

B. Provide for the protection and use of the Jordan River flood channel located within both the unincorporated county and the incorporated municipalities within the county;

C. Provide for the most effective expenditures of public funds for flood control projects on the Jordan River;

D. Minimize damages due to flooding and the resulting need for expenditures of public funds for relief and rescue efforts which must be undertaken as a result of the encroachment of incompatible development and land uses within areas subject to erosion and flooding by the Jordan River;

E. Ensure that those who occupy the areas within the Jordan River flood channel assume responsibility for their actions which may increase flood or erosion hazards to their own property or to the property of others. (Ord. 1271 § 1 (part), 1994)

**17.10.030 Definitions.**

As used in this chapter:

“Channel instability hazard(s)” means any or all of a variety of problems affecting river channel

stability including, but not limited to, bank erosion, long-term channel bed degradation, bridge scour, sediment deposition and meander migration.

"Channel meander" means lateral movement of the river by various fluvial processes including erosion and deposition at bends, the shift of a channel to form chutes and islands, and the cutoff of a bend to form oxbow lakes.

"Construction" or "development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavating or bank stabilization activities.

"Long-term channel bed degradation" means a significant erosion problem affecting river channel stability, characterized by progressive channel scour which lowers the channel bottom, causing a variety of channel stability problems such as undercutting of channel banks, destabilizing of bank vegetation, and undermining bridge piers and utility crossings. (Ord. 1271 § 1 (part), 1994)

#### **17.10.040 Applicability.**

A. The regulations in this chapter are applicable to all lands within the Jordan River flood channel located within the unincorporated county and the incorporated municipalities in the county.

B. The boundaries of the Jordan River flood channel are established and designated to be those coinciding with the "meander corridor" as shown on the channel meander/bend migration corridor maps on file with the county engineering division. The location and dimensions of these boundaries are identified in a scientific and engineering report entitled "Jordan River Stability Study," December 18, 1992, submitted to Salt Lake County by CH2M Hill, with accompanying maps and appendix, and any revisions thereto. The "Jordan River Stability Study" is adopted by reference and declared to be part of this chapter as if fully described and set forth herein. (Ord. 1271 § 1 (part), 1994)

#### **17.10.050 Disputes over boundaries or mapped hazards.**

The boundary lines of the Jordan River flood

channel as shown on the channel meander/bend migration corridor maps shall be determined by use of the scale appearing on the maps and through photo identification. Where there is a conflict between the boundary lines illustrated on the maps and actual field conditions, or where detailed investigations show that channel instability hazards are not present within a particular area, the dispute shall be settled as follows:

A. The person or entity disputing the boundary or the hazard(s) present within a particular area shall submit technical and geologic evidence to support such claim to the county engineering division in the form of a site-specific channel stability report (see Section 17.10.080).

B. The engineering division may request various experts from federal, state or local agencies to review the evidence and make recommendations prior to making a decision concerning the dispute.

C. The engineering division may allow deviations from the mapped boundary line only if the evidence clearly and conclusively establishes that the channel meander/bend migration corridor map boundary location is incorrect, or that channel instability hazards are not present within a particular area.

D. Any decision of the engineering division relating to either the location of the channel meander/bend migration corridor boundary line or the hazard(s) present within a particular area may be appealed to the board of county commissioners pursuant to the procedures set forth in Section 17.10.140. (Ord. 1271 § 1 (part), 1994)

#### **17.10.060 Scope and conflict of laws.**

The regulations in this chapter shall be supplemental to, and not in lieu of, all other applicable federal, state and local laws and regulations. Property located within the Jordan River flood channel shall be developed and used only in conformance with the provisions set forth in this chapter. In case of conflict between the provisions of this chapter and any other law or regulation, the most restrictive provisions shall apply. (Ord. 1271 § 1 (part), 1994)

**17.10.070 Construction or development—  
Special approval and permit  
required.**

A. Before construction or development begins within any area of the Jordan River flood channel established in Section 17.10.030, approval must be obtained from, and a special permit issued by, the county engineering division. Application for such approval and permit shall be made on forms furnished by the engineering division and shall include, but not be limited to:

1. Plans drawn to scale (six copies) showing the nature, location, dimensions and elevations of the area in question, including existing and proposed structures, fill, storage of materials, and drainage facilities; and

2. A description of the extent, if any, to which the river, including its bed, banks and flood channel, are proposed to be altered or relocated as a result of the proposed construction or development.

B. It is unlawful, and punishable as a misdemeanor, for any person or entity to begin construction or development within any area in the Jordan River flood channel without first obtaining the approvals and permit required by this chapter. (Ord. 1271 § 1 (part), 1994)

**17.10.080 Studies and reports required.**

Any applicant requesting approval for construction or development within any area of the Jordan River flood channel shall submit to the county engineering division six copies of the following studies and reports:

A. A site-specific channel stability report prepared by a registered professional engineer experienced in open-channel flow, fluvial geomorphology, and river mechanics identifying all known or potential channel instability hazards, originating on-site or off-site, which may affect the particular property and any upstream or downstream properties. This report shall include:

1. A detailed site map (scale: One inch equals one hundred feet or larger), showing the location of the present river bed within the channel meander/bend migration corridor, the location of all known

or potential channel instability hazard areas, and the proposed location and setback distances for all proposed structures;

2. An analysis of the potential effects of any channel instability hazards on the proposed development and occupants thereof in terms of risk and potential damage;

3. Recommendations for avoidance or mitigation of the effects of any channel instability hazards, consistent with the purposes set forth in Section 17.10.020;

4. An analysis of the potential effects of the proposed development, including recommended avoidance or mitigation activities, on upstream or downstream properties, developments, and occupants thereof in terms of risk and potential damage; and

5. A clear statement of the evidence and studies on which the recommendations and conclusions in the report are based, including supporting information such as aerial photographs, references with citations, and other documentation.

B. Other studies, reports and plans shall be prepared and submitted by the applicant, at applicant's expense, as deemed necessary by the director of the engineering division where particular circumstances may require an analysis of more specific site-related problems involving such topics as geology, hydrology, soils, vegetation, drainage and grading. (Ord. 1271 § 1 (part), 1994)

**17.10.090 Duties of director of engineering  
division—Review of permit  
application.**

A. The director of the county engineering division shall be responsible to review all applications, including studies, reports and plans, and shall determine:

1. Whether the proposed construction or development is located within the Jordan River flood channel;

2. Whether the application, studies, reports and plans satisfy the requirements set forth in Sections 17.10.070 and 17.10.080 of this chapter;

3. Whether the proposed construction or development is compatible with the county's protection

and use of the Jordan River flood channel for purposes of storm drainage and flood control. In making this determination, the director shall specifically consider the following factors:

- a. The potential effects of any channel instability hazards on the proposed development and occupants thereof in terms of risk and potential damage,
- b. The potential effects of the proposed development, including recommended avoidance or mitigation activities, on upstream or downstream properties, developments and occupants thereof in terms of risk and potential damage,
- c. The feasibility and effectiveness of proposed measures for avoidance or mitigation of the effects of any channel instability hazards, consistent with the purposes set forth in Section 17.10.020,
- d. The public importance, benefit or necessity of the facilities and services provided by the proposed development,
- e. The compatibility and relationship of the proposed development with the comprehensive flood channel management program for the Jordan River and for that particular area,
- f. The safe and effective accessibility to the property and the flood channel by governmental employees and equipment for the construction, operation, and maintenance of erosion and flood control facilities and also for emergency operations,
- g. The costs of providing governmental services during and after erosion or flood events, including costs for construction, operation, maintenance, and repair of erosion and flood control facilities, and
- h. The compatibility of the proposed development with other applicable county ordinances relating to the Jordan River, including but not limited to the Jordan River Parkway Ordinance.

B. The director may, when deemed necessary or desirable, request and give consideration to recommendations from other federal, state, or local government agencies. (Ord. 1271, § 1 (part), 1994)

**17.10.100 Duties of director of engineering division—Approval procedure.**

- A. Upon completion of the review process, the

director of the engineering division shall either approve or deny the permit application. Approval of an application shall only be given upon a determination that, based on the required studies, reports, plans and other available data, the proposed construction or development plan is compatible with, and does not adversely affect, the county's right to protect, operate, maintain and use the Jordan River flood channel for flood control and storm drainage purposes. Whenever the director determines that an area is subject to flood or erosion hazards which present an unreasonable risk to the safety of persons or property, including public property, such area shall not be approved for construction or development unless the applicant can demonstrate that such risk can be reduced to a reasonable and acceptable level.

B. If the application is approved, the director shall issue a special permit, incorporating the application together with any additional requirements determined to be necessary to ensure that the purposes of this chapter are met. Such requirements may include, but are not limited to: Construction of specific erosion and flood control improvements, location of structures, phasing of development, time schedule for completion, and revegetation program.

C. If the application is denied, the decision of the director of the engineering division may be appealed to the board of county commissioners pursuant to the procedures set forth in Section 17.10.140.

D. The director of the engineering division shall maintain for public inspection all records pertaining to the provisions of this chapter. (Ord. 1271 § 1 (part), 1994)

**17.10.110 Subdivisions in the Jordan River flood channel—County approval required prior to recording.**

- A. All proposed subdivision plats in the unincorporated county and in the incorporated municipalities in the county which are located wholly or partly within the Jordan River flood channel, as shown on the Jordan River channel meander/bend migration corridor maps on file with the county engineering

division, shall be reviewed and approved by the county engineering division prior to their presentation to the office of the county recorder for recording.

B. In reviewing a proposed subdivision plat, the director of the engineering division shall follow the review and approval procedures set forth in Section 17.10.080.

C. It is unlawful, and punishable as a misdemeanor, for any person or entity to record a subdivision plat in the office of the county recorder without first obtaining the approvals required by this chapter.

D. Any plat of a subdivision filed or recorded without the approvals required by this chapter is void. (Ord. 1271 § 1 (part), 1994)

#### **17.10.120 Disclosure required.**

Whenever a channel stability report required under this chapter concludes that channel instability hazards are present, the owner of such parcel shall record a restrictive covenant running with the land in a form satisfactory to the county prior to the approval of any construction, development, or subdivision of such parcel, which includes the following:

A. Notice that the parcel is located within the Jordan River flood channel and that channel instability hazards are present;

B. Notice of the existence and availability of the channel stability report for public inspection in the county engineering division;

C. An agreement by the owner of the parcel and any successor in interest to comply with any conditions set by the director of the engineering division to minimize potential adverse effects of the channel instability hazards. (Ord. 1271 § 1 (part), 1994)

#### **17.10.130 Warning and disclaimer.**

A. Historically, large floods periodically occur in the Jordan River flood channel, resulting in bank erosion, long-term channel bed degradation, bridge scour, sediment deposition and meander migration. The provisions of this chapter relating to erosion and flood protection are considered reasonable for regulatory purposes and are based on scientific and

engineering considerations. It is anticipated that land within the Jordan River flood channel will continue to be subjected periodically to hazards and damages caused by erosion and flooding.

B. This chapter shall not create any liability on the part of the county, or any officer or employee thereof, for any erosion or flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder. (Ord. 1271 § 1 (part), 1994)

#### **17.10.140 Appeal procedure.**

A. Any applicant may appeal an adverse decision by the engineering division or its director by filing a notice of appeal with the board of county commissioners. The board shall hold a public hearing on the record and take such evidence as necessary to determine whether the decision by the engineering division was proper under the facts and the law.

B. The board may, in its discretion, designate a hearing officer to conduct the hearing and prepare recommended findings of fact, conclusions of law, and decision. Either party may object to the recommendations of the hearing officer by filing the party's objections and reasons, in writing, with the board within ten days following receipt of the recommendations. If no objections are received within the ten days, the board may immediately adopt the recommendations of the hearing officer and issue its decision. If objections are received, the board may, in its discretion, hear additional evidence or require written memoranda on issues of fact or law prior to issuing its final decision. (Ord. 1271 § 1 (part), 1994)

**Chapter 17.12**

**DRAINAGE OF SUBSURFACE WATER**

**Sections:**

- 17.12.010**    **Written permission required.**  
**17.12.020**    **Minimum standards.**

**17.12.010**    **Written permission required.**

It is unlawful for any person to make any improvements in the unincorporated area of the county where subsurface water exists within two feet of the foundation level of the improvements without obtaining the written permission of the director of the division. This requirement shall include, but not be limited to, subdividers; persons developing ground for industrial and/or commercial purposes; and homeowners constructing improvements upon their own property. (Ord. 817 § 2 (part), 1982: prior code § 7-3-1)

**17.12.020**    **Minimum standards.**

Before written permission is issued, the director shall insure that the following requirements are met:

A. Test holes shall be dug upon the properties to a depth sufficient to determine the extent of the subsurface water table in the proposed development to include the depth thereof and any other information regarding same which may be required by the division;

B. All applicants must supply data as to seasonal high water table elevations;

C. All footings shall be at least two feet above the highest water table elevations; and the type of

house construction or other development shall be governed by this standard, or by a satisfactory design approved by a licensed professional engineer which shall be submitted to the director for approval;

D. In areas where soil conservation maps indicate high water tables, as defined in Section 17.12.010, and in all other questionable areas that might be designated as high water tables by the director of the division, no building permits will be issued without water table inspection during high water table season by a representative of the division or a review of similar inspections of other properties in the same designated area;

E. The developer shall provide drainage easements to the county along all rear, side and front lot lines for drainage purposes whenever required to accommodate subsurface drainage facilities that are constructed in order to lower groundwater levels. The size of the easement shall be determined by the director of the division and shall in all events be a minimum of ten feet. The director shall recommend whether the drainage easements shall be separate from other utility easements or shall be used concurrently with the easements;

F. All grading of any kind shall be done so as to insure that the drainage is away from the proposed improvements and in such a manner as to prevent any conveying or trapping of water adjacent to the basement and foundation walls of the improvement. (Ord. 817 § 2 (part), 1982: prior code § 7-3-2)



17.20.010

**Chapter 17.20**

**STORM DRAINAGE AND FLOOD  
CONTROL DEVELOPMENT**

**Sections:**

**Article I. General Provisions**

- 17.20.010 Purpose.
- 17.20.020 Definitions.
- 17.20.030 Applicability.
- 17.20.040 Owner and county responsibility.
- 17.20.050 Delineation of drainage basins and areas.
- 17.20.060 Engineering studies of drainage areas.
- 17.20.070 Control of development excess waters.

**Article II. County Drainage System**

- 17.20.080 Generally.
- 17.20.090 Studies of needed drainage facilities.
- 17.20.100 Design criteria.
- 17.20.110 Map requirements.
- 17.20.120 Designation of benefited area.
- 17.20.130 Removal of property from benefited area.
- 17.20.140 Responsibility of owner or developer.
- 17.20.150 Plans and specifications required.
- 17.20.160 Fees and charges.
- 17.20.170 Classification of development.
- 17.20.180 Group A development.
- 17.20.190 Group B development.
- 17.20.200 Group C development.
- 17.20.210 Group D development.
- 17.20.220 Temporary facilities permitted when.
- 17.20.230 Deposit based on estimated costs of facility.
- 17.20.240 Connection to county facility required.
- 17.20.250 Lands subject to fee.

- 17.20.260 Storm drainage fund—Expenditures.
- 17.20.270 Facilities to become property of county.

**Article III. Private Construction**

- 17.20.280 Generally.
- 17.20.290 Designation of benefited area.
- 17.20.300 Removal of property from benefited area.
- 17.20.310 Studies of needed facilities.
- 17.20.320 Design criteria.
- 17.20.330 Map requirements.
- 17.20.340 Design of facilities.
- 17.20.350 Acquisition of easements and rights-of-way.
- 17.20.360 Construction of facilities.
- 17.20.370 Inspection by division.
- 17.20.380 Fees and charges.
- 17.20.390 Temporary facilities permitted when.
- 17.20.400 Connection to facility required.
- 17.20.410 Lands subject to fee.

**Article V. Retention Plans**

- 17.20.530 Generally.
- 17.20.540 Plans and specifications.
- 17.20.550 Rules and regulations adopted.
- 17.20.560 County review.
- 17.20.570 Building permit approval.
- 17.20.580 Temporary retention system.
- 17.20.590 Responsibility for property and facilities.
- 17.20.600 Lands subject to fee.

**Article VI. Administration**

- 17.20.610 Administrative responsibility.

**Article I. General Provisions**

- 17.20.010 Purpose.  
The purpose of this chapter is to establish and provide means, rules and regulations for the control and discharge of floodwaters or excess waters

caused by the construction of improvements upon real property located in the county. (Ord. 817 § 2 (part), 1982: prior code § 7-5-1)

#### **17.20.020 Definitions.**

For the purposes of this chapter, the definitions of the following terms shall apply:

1. "A" means acres, when used in the equation for the determination of drainage fees.

2. "Building permit" means all permits except those issued solely for grading or for the purpose of remodeling or repairing any preexisting building or structure, provided that no increase in impervious surface on the property results from such permit.

4. "Design capacity" or "capacity of drainage systems" means the maximum volume of water per unit of time which can be carried or accommodated by each component of a drainage system, based upon size of the line, slope, and any other factors which affect the carrying capacity of a line.

5. "Development site," "development" or "subdivision" means the total area of a subdivision or the total area of the parcel of land on which a building permit is to be issued or the total area of property being improved, including yard space in the case of development of a part of a land parcel.

6. "Division" or "flood control division" means the director and other authorized agents and employees of the flood control and water quality division of the department of public works of the county.

7. "Drainage area" means that portion of a drainage basin whose drainage or storm waters drain or gravitate toward a natural or artificial channel, conduit, retention or detention area; upon designation of a drainage area upon a map referred to in Section 17.20.050, "drainage area" means each area so designated.

8. "Drainage basin" means that portion of the unincorporated county whose drainage or stormwaters of the contributing area is made up of individual drainage areas; upon designation of

a drainage basin upon a map referred to in Section 17.20.050, "drainage basin" shall mean each area so designated.

9. "Drainage system" means all facilities used for conducting excess waters to, through and from a drainage area to the point of final retention or destination, including, but not limited to, any or all of the following: pipes, conduits, culverts, curbs, gutters, waterways, inlets, swales, ditches, gulches, channels, retention and detention areas, and appurtenant features, as well as easements and rights-of-way necessary to accommodate the same. In ascending order of size and capacity, components of the drainage system include the following: unit drainage system, intermediate drainage system, major drainage system, trunk line, natural tributary, final destination. A drainage system may, but need not, contain all of the foregoing components.

10. "Dwelling unit" means one or more rooms in a dwelling, apartment hotel or apartment motel, designed for or occupied by one family for living or sleeping purposes and having one but not more than one kitchen or set of fixed cooking facilities, other than hot plates or other portable cooking units.

11. "Excess waters" mean those waters flowing upon or across a lot, subdivision, development or other area of real property which are created because of alteration of or building upon the natural terrain or other increase in the impervious surface of the property, which waters are additional to the waters which would flow upon or across the unaltered natural terrain.

12. "F" means dollars, when used in the equation for the determination of drainage fees.

13. "Final destination" means a natural or artificial retention area which serves one or more drainage basins into which excess waters are discharged, without subsequent discharge into any other drainage system, facility or retention or detention area or facility.

14. "Intermediate drainage system facility" means that part of the drainage system which serves one or more single units, subdivision or

development drainage system facilities, which conveys excess waters from a unit or subdivision, and which is tributary to a major drainage system facility, a trunk line, natural tributary or final destination. Facilities within this system will be designed to fully accommodate a ten-year frequency flood.

15. "Major drainage system facility" means that part of the drainage system within a drainage area which is contributed to by one or more unit and intermediate drainage systems. A major drainage system facility is tributary to a trunk line, natural tributary or final destination.

16. "N" means the number of dwelling units the development shall contain when used in the equation for the determination of drainage fees.

17. "Natural tributary" means that part of the drainage system contributed to by one or more trunk lines, major, intermediate and unit drainage systems; is a natural channel, ditch or river, and which is tributary solely to a final destination.

18. "One-hundred-year frequency flood" means a flood flow of the magnitude which is expected to occur on the average of a one-hundred-year frequency or has a one-percent chance of being equalled or exceeded during any one year. Similarly, two, five, ten and other year frequency floods bear like definition.

19. "Retention" means temporary or permanent accumulation of excess waters and/or other stormwaters, and shall include the total or partial accumulation of such waters. In the case of partial retention, the retention facilities shall include carriage of the portion not retained to an intermediate or major drainage system facility, trunk line, natural tributary or final destination.

20. "Stormwaters" means a storm or flood flow of the magnitude which is expected to occur on the average of a ten-year frequency or has a ten-percent chance of being equalled or exceeded during any one year.

21. "Trunk line" means that part of the drainage system contributed to by one or more drainage areas and unit, intermediate and major

drainage system facilities within such drainage areas. A trunk line transports excess waters to a natural tributary or final destination.

22. "Unit or subdivision drainage facility" means that drainage system which drains a subdivision or other development area and which is tributary to an intermediate or major drainage system facility, trunk line, natural tributary or final destination. (Ord. 1055 § 2, 1988; Ord. 990 § 1, 1986; Ord. 817 § 2 (part), 1982: prior code § 7-5-2)

#### 17.20.030 Applicability.

This chapter shall apply to all development in the unincorporated area of the county and within the incorporated area of any city that shall by agreement request the county to administer this program within its boundaries. This chapter shall apply to all portions of the county drainage system constructed or completed from and after the effective date of the ordinance codified in this chapter. The county, with the approval of the developer, where applicable, may include the application of this chapter to facilities, and benefited areas served thereby, which were under construction after January 1, 1979. (Ord. 817 § 2 (part), 1982: prior code § 7-5-3)

#### 17.20.040 Owner and county responsibility.

A. It is the responsibility and obligation of the owner of real property to control and contain or to discharge into a drainage system facility excess waters from storm or flood caused by the construction of improvements upon real property in the county. Consistent with the terms and provisions of this chapter, an owner's responsibility includes construction, at such owner's expense, or in cooperation with other owners, or by payment to the county of drainage fees as provided in Sections 17.20.170 through 17.20.220, of (1) unit drainage system facilities, (2) intermediate drainage system facilities, and (3) major drainage system facilities, required to convey excess waters originating in the unit or subdivision to a trunk line, natural tributary or final destination.

B. The county's responsibility is to provide, at county expense, for trunk lines required to serve unit, intermediate and major drainage system facilities in the county, and to maintain unit, intermediate and major drainage system facilities dedicated to the county, trunk lines, natural tributaries and final destinations adequate to serve the various facilities and trunk lines which are tributary to them. Additionally, the county may, but is not obligated to, construct intermediate and/or major drainage system facilities pursuant to Section 17.20.160. The county commission, through its budget process, including review of amounts received under Sections 17.20.170 through 17.20.220, shall establish priority and determine each year which facilities will be constructed that year at county expense. (Ord. 817 § 2 (part), 1982: prior code § 7-5-4)

**17.20.050 Delineation of drainage basins and areas.**

As soon as practicable after the adoption of the ordinance codified in this chapter, the boundaries of the drainage basins and drainage areas of the county will be delineated upon a map or maps. The work shall be done by the development services division or by qualified consultants under its direction. (Ord. 1055 § 3, 1988: Ord. 817 § 2 (part), 1982: prior code § 7-5-5)

**17.20.060 Engineering studies.**

A. The division shall cause engineering studies to be made of all drainage areas within the county. These studies shall be made to determine the amount or volume, frequency, and course of excess and stormwaters, and any drainage system now provided or to be provided for the drainage and control of excess or storm waters within said areas, including location of outfall or disposal points. Previous studies made by the county or others shall be considered in whole or in part if applicable.

B. These studies shall from time to time be updated or amended as necessary to reflect changed conditions. Studies in individual

drainage areas, developments, proposed subdivisions, existing subdivisions or other property may be completed by professional engineers for private developers under the direction of the county if the county cannot complete the studies as soon as required for development due to staff or budget constraints.

C. In conducting the studies referred to in this section, the analysis of storm drainage flows and facilities shall be performed by professional engineers competent in hydrology and hydraulics and shall be in accordance with sound engineering practices. Location of existing storm drainage facilities will be coordinated with the division.

D. In all cases flows shall be based upon present conditions and potential for future development of the county, taking into consideration the current elements of the land use master plan of the county, current as of the date of the study, relating to the drainage basin and other relevant factors, including changes in zoning or development which are not reflected on the master plan. (Ord. 1055 § 4, 1988; Ord. 990 § 2, 1986: Ord. 817 § 2 (part), 1982: prior code § 7-5-6)

**17.20.070 Control of development excess waters.**

The owner or developer of land to be improved or developed shall provide, at his own expense, the unit or subdivision drainage system facilities within each development necessary for the control of excess waters within the development. He shall also provide:

1. The intermediate drainage system facilities required to convey such stormwaters:

a. To a major drainage system facility in existence on the effective date of the ordinance codified in this chapter, or

b. To a major drainage system constructed after the date of the ordinance codified in this chapter, in which case the provisions of Sections 17.20.160 or 17.20.380 shall apply, or

c. To a trunk line, natural tributary or final destination; or

17.20.070

2. The intermediate and major drainage system facilities required to convey such excess waters to a trunk line, natural tributary, or final destination as may be indicated on the drainage area map for the drainage area within which the development is located; or

3. The facilities to retain excess waters on designated portions of the land to be improved or developed or facilities upon other lands to which the stormwaters may be conveyed and upon which the owner or developer has legal right to retain such excess waters in accordance with Sections 17.20.530 through 17.20.600 of this chapter; or

4. A temporary area, not part of the proposed development, to allow runoff waters to absorb naturally until the intermediate or major drainage system is completed, in which case the provisions of Sections 17.20.160 or 17.20.380 shall apply. Said temporary area shall in no case be less than one-half of all the developed drainage area tributary to it; or

5. Shall meet all provisions set forth in Sections 17.20.170, 17.20.220 and one of the following sections: Sections 17.20.180 through 17.20.210. The owner or developer shall also be responsible for safely routing the one-hundred-year frequency flood through the development as provided for in the county flood hazard regulations. The county retains the regulatory and approval function specified in this chapter in connection with unit, intermediate and major facilities constructed by an owner or developer. (Ord. 817 § 2 (part), 1982: prior code § 7-5-7)

## Article II. County Drainage System

### 17.20.080 Generally.

The provisions of this article apply where the county installs, at its expense, intermediate or major drainage system facilities to which intermediate or unit drainage system facilities of a subdivision or development are connected. (Ord. 817 § 2 (part), 1982: prior code § 7-5-8)

### 17.20.090 Studies of needed drainage facilities.

A. In connection with the studies contemplated under Section 17.20.060, the division may designate areas where the studies shall determine the intermediate and major drainage system facilities to be provided for the drainage and control of excess waters within the areas and to convey such waters to acceptable trunk lines, natural tributaries or final destinations. Previous studies made by the county or others shall be considered in whole or in part if applicable.

B. These studies shall include a current estimate of the cost of providing the intermediate and major drainage system facilities, and the computation of such costs shall include the expense of the studies as well as anticipated engineering design services, construction engineering and inspection services, land acquisition and incidental costs required to install such facilities. (Ord. 1055 § 5, 1988; Ord. 817 § 2 (part), 1982: prior code § 7-5-8.1)

### 17.20.100 Design criteria.

A. In conducting the studies referred to in Section 17.20.090, the analysis and design of storm drainage flows and facilities shall be performed by professional engineers competent in hydrology and hydraulics and shall be in accordance with sound engineering practices.

B. In developing the studies every effort shall be made to promote economy in the proposed drainage design by selection of facilities for accommodating drainage flow and the use of materials and methods of construction that provide the most advantageous balance between the cost of the facilities and the benefits received therefrom. Innovative approaches that reduce the overall requirement or cost of capital construction shall be encouraged.

C. In all cases flows shall be based upon conditions of future development of the county, taking into consideration the current elements of the land use master plan of the county relating to the drainage area and other relevant factors,

including changes in zoning or development which are not reflected on the master plan. (Ord. 990 § 3, 1986; Ord. 817 § 2 (part), 1982; prior code § 7-5-8.2)

**17.20.110 Map requirements.**

As studies and maps for individual drainage areas are completed in accordance with Sections 17.20.050 and 17.20.060 in areas where the county may construct intermediate or major drainage system facilities, the necessary major drainage system facilities and intermediate drainage system facilities, together with the design capacities thereof, shall be shown on the map or maps. The map or maps shall be approved by the division and shall serve as designations of the respective drainage area boundaries and the drainage system requirements within the area. The map or maps will be subject to revision from time to time to conform with existing conditions, the results of additional studies, and such other information as may be obtained from time to time. (Ord. 817 § 2 (part), 1982; prior code § 7-5-8.3)

**17.20.120 Designation of benefited area.**

The division shall designate the area to be served by the intermediate or major drainage system facilities to be constructed by the county. The drainage area shall be designated in a manner consistent with the provisions of Section 17.20.050. The drainage basin or area so designated shall be referred to as the CDS (county drainage system) benefited area. (Ord. 990 § 4, 1986; Ord. 817 § 2 (part), 1982; prior code § 7-5-8.4)

**17.20.130 Removal of property from benefited area.**

Upon written request from the owner of any property in the CDS benefited area to have his land excluded from the CDS benefited area and (1) evidence that such land can be developed in a

manner consistent with the retention plan designated in Section 17.20.530, and (2) written election in recordable form that the owner shall not make alterations or improvements that will result in excess waters from storm or flood draining into the county drainage system, and that such election is binding on successors and assigns, the owner's property shall be excluded from the CDS benefited area. Requests for exclusion from the CDS benefited area shall be considered until final plans and specifications are approved prior to letting of bids for the construction of the intermediate and/or major drainage system facilities to be constructed by the county. Unless so excluded, all land within the CDS benefited area will be subject to payment of the fee designated in Section 17.20.170 as a condition precedent to issuance of a building permit or construction of improvements upon the land. Land not excluded may be entitled to a reduced unit area drainage fee by compliance with the provisions of Section 17.20.170, providing for reduction of size of future drainage area facilities, provided such reduction is achieved before the construction of the drainage area facilities that are to serve the unit. (Ord. 817 § 2 (part), 1982; prior code § 7-5-8.5)

**17.20.140 Responsibility of owner or developer.**

A. The owner or developer of land to be improved or developed shall provide, at his expense, the unit or subdivision drainage system facilities within each development necessary for the drainage and control of excess waters within the development.

B. The county may undertake the construction of the intermediate or major drainage system facilities required to convey drainage waters to an acceptable trunk line, natural tributary, or final destination within or at the boundary of the drainage area, as may be indicated on the drainage area or map for the drainage area within which the development is located.

C. The developer or owner shall be responsible for the payment of a unit area drainage fee, which fee shall be applied toward the payment of all or part of the cost of the intermediate or major drainage system facilities constructed or to be constructed by the county in the area in which the development is located. In those cases where the development in question is traversed by or adjacent to intermediate or major drainage system facilities, the unit area drainage fees may be applied toward the construction of such facilities as provided in this chapter. (Ord. 990 § 5, 1986; Ord. 817 § 2 (part), 1982; prior code § 7-5-8.6)

#### **17.20.150 Plans and specifications required.**

A. Prior to the final approval of a subdivision or development plan or building permit associated with a subdivision or development plan, or in the case of a single lot development, a single building permit, the owner or developer shall, at his expense, have prepared by a licensed professional engineer, as required by the division, detailed plans and specifications for the construction and installation of all unit or subdivision drainage facilities for the control and drainage of excess water within the development, or the part thereof for which a building permit has been requested, and the carriage of such water to an acceptable intermediate or major drainage system facility or to a trunk line, natural tributary, a final destination as agreed to by the division, all in conformance with the master plan of the drainage area or drainage basin as approved by the county, together with the estimated total costs of these facilities.

B. In lieu of completion of the drainage system prior to final approval of the subdivision or development plan by the county, the developer or owner shall provide a performance bond guaranteeing actual construction and installation of the facilities pursuant to a schedule approved by the division director.

C. Upon completion of review and approval by the division director, the subdivision or development plan or building permit may be given

final approval; provided, however, that building permits for individual homes, buildings or similar improvements (other than the subdivision and intermediate drainage system facilities) may be given final approval only if installation of the drainage facilities is complete, or if the owner or developer gives acceptable assurance to the county that the drainage facilities will be constructed and installed as indicated and approved. Acceptable assurance shall consist of any one of the types of performance guarantees defined in Section 17.28.010. (Ord. 817 § 2 (part), 1982; prior code § 7-5-8.7)

#### **17.20.160 Fees and charges.**

A. The county shall collect fees and charges for drainage from all land in the CDS benefited area which shall be computed by multiplying the percentage that the designed discharge of the unit or subdivision drainage system facility is of the total designed capacity of the intermediate and/or major drainage system facility to which the unit or subdivision drainage system facility is to be connected by the total actual cost of the intermediate or major drainage system facilities constructed by the county, together with interest to be paid on the amount at each year's County Treasurer's Pooled Investment Rate per annum, compounded annually, from the date the facility is completed and accepted by the county to the date payment is received by the county. In the event the fee has not been paid by the owner or developer prior to final approval of the subdivision or development plan by the county, the developer or owner shall pay the fee or file a bond with the county guaranteeing payment of the fee prior to the issuance of any building permit.

B. Five percent of all fees collected may be designated to an administration account in the storm drainage fund for administration of responsibilities required by this chapter to include master planning budgeting and accounting or other similar administrative responsibilities.

C. Minimum fee schedule: When a development does not owe a fee as otherwise determined in this chapter, a minimum fee shall be paid according to the following schedule and deposited in the administration account of the storm drainage fund to be used for administration of responsibilities required by this chapter to include planning, budgeting, accounting, or other similar administrative responsibilities:

Development shall be classified into one of four groups as outlined in Section 17.20.170. Group A shall pay a fee of three hundred dollars per acre. Group B shall pay a fee of five hundred dollars per acre. Group C shall pay a fee of four hundred dollars per acre. Group D shall pay a fee of six hundred fifty dollars per acre. In no case shall the fee be less than one hundred dollars or greater than five thousand dollars. (Ord. 1105 § 2, 1990; Ord. 1055 § 6, 1988; Ord. 990 §§ 6, 7, 1986; Ord. 817 § 2 (part), 1982; prior code § 7-5-8.8)

#### 17.20.170 Classification of development.

During the time preceding completion of a drainage area plan, an establishment of its unit area drainage fee as provided in this article, at the option of the property owners, each new development shall be classified into one of four groups. The classification shall be determined by the existing property zoning, if that zoning will allow for the new development. If a change in the zoning is required to allow the new development, then the proposed zoning shall determine the classification. The group classification shall be used to determine a drainage fee in accordance with Sections 17.20.180, 17.20.190, 17.20.200 or 17.20.210. However, if the division determines that the drainage impact of any new development would be harmful to the public or cause unreasonable hardships in completing the drainage system, the division shall disallow the property owners to exercise the option as described in this section and require that a

drainage area plan be engineered prior to any approval. (Ord. 817 § 2 (part), 1982; prior code § 7-5-8.9)

#### 17.20.180 Group A development.

A. Group A shall contain the following zoning classifications: A-2, A-5, A-10, A-20, F-1, FM-10, FR-.5, FR-1, FR-5, FR-10, FR-20, FR-50, FR-100, FM-20, FA-2.5, FA-5, FA-10, FA-20, R-1-21, R-1-43 and S-1-G.

B. New development within the Group A zoning classifications, which will have forty dwelling units or less may have the drainage fee determined by the following formula:  $F = 600 \times N$ .

C. Those development projects within Group A which will have forty-one or more dwelling units shall have the drainage fees calculated after the completion of a drainage area plan and establishment of its unit area drainage fee as provided in this section.

D. All other development within Group A which will not have dwelling units but which shall be twenty acres or less in area may have the drainage fee determined by the following formula:  $F = 1400 \times A$ .

E. Those development projects within Group A which will have more than twenty acres in area shall have the drainage fees calculated after the completion of a drainage area plan and establishment of its unit area drainage fee as provided in this section. (Ord. 1105 § 3, 1990; Ord. 1055 § 7, 1988; Ord. 817 § 2 (part), 1982; prior code § 7-5-8.9(a))

#### 17.20.190 Group B development.

A. Group B shall contain the following zoning classifications: R-4-8.5, A-1, R-2-10C, R-2-8, R-2-6.5, and R-2-10.

B. New development within the Group B zoning classifications, which will have fifty dwelling units or less, may have the drainage fee determined by the following formula:  $F = 450 \times N$ .



C. Those development projects within Group B which will have fifty-one or more dwelling units shall have the drainage fees calculated after the completion of a drainage area plan and establishment of its unit area drainage fee as provided in this section.

D. All other development within Group B which will not have dwelling units but which shall be six acres or less in area may have the drainage fee determined by the following formula:  $F = 3500 \times A$ .

E. Those development projects within Group B which will have more than six acres in area shall have the drainage fees calculated after the completion of a drainage area plan and establishment of its unit area drainage fee as provided in this section. (Ord. 1105 § 4, 1990; Ord. 1055 § 8, 1988; Ord. 817 § 2 (part), 1982: prior code § 7-5-8.9(b))

**17.20.200 Group C development.**

A. Group C shall contain the following zoning classifications: R-1-6, R-1-7, R-1-8, R-1-10, R-1-10C, R-1-15, and A-1.

B. New development within Group C zoning classifications which will have thirty dwelling units or less, may have the drainage fee determined by the following formula:  $F = 750 \times N$ .

C. Those development projects within Group C which will have thirty-one or more dwelling units shall have the drainage fees calculated after the completion of a drainage area plan and establishment of its unit area drainage fee as provided in this section.

D. All other development within Group C which will not have dwelling units but which shall be seven acres or less in area may have the drainage fee determined by the following formula:  $F = 3000 \times A$ .

E. Those development projects within Group C which will have more than seven acres in area shall have the drainage fees calculated after the completion of a drainage area plan and establishment of its unit area drainage fee as provided in

this section. (Ord. 1105 § 5, 1990; Ord. 1055 § 9, 1988; Ord. 817 § 2 (part), 1982: prior code § 7-5-8.9(c))

**17.20.210 Group D development.**

A. Group D shall contain the following zoning classifications: C-1, C-2, C-3, R-M, M-1, M-2, RMH, C-V, R-1-3, R-1-4, and R-1-5.

B. New development within the Group D zoning classifications, which will have forty dwelling units or less, may have the drainage fee determined by the following formula:  $F = 550 \times N$ .

C. Those development projects within Group D which will have forty-one or more dwelling units shall have the drainage fees calculated after completion of a drainage area plan and establishment of its unit area drainage fee as provided in this section.

D. All other development within Group D which will not have dwelling units but which shall be four acres or less in area may have the drainage fee determined by the following formula:  $F = 4500 \times A$ .

E. Those development projects within Group D which will have more than four acres in area shall have the drainage fees calculated after the completion of a drainage area plan and establishment of its unit area drainage fee as provided in this section. (Ord. 1105 § 6, 1990; Ord. 1055 § 10, 1988; Ord. 817 § 2 (part), 1982: prior code § 7-5-8.9(d))

**17.20.220 Temporary facilities permitted when.**

A. The division shall approve temporary drainage solutions providing for on-site detention or retention that will allow development to continue pending completion of the intermediate or major drainage system. The temporary solutions shall provide the same level of flood protection at all times that will be provided by the completed systems. All extraordinary costs of

temporary solutions shall be paid by the developer in addition to the other costs and fees provided for in this chapter.

B. The division shall make the determination of the required scope of temporary facilities or improvements prior to the issuance of a building permit or approval of a final plat or development plan, whichever first occurs. (Ord. 990 § 8, 1986; Ord. 817 § 2 (part), 1982; prior code § 7-5-8.9(e))

**17.20.230 Deposit based on estimated costs of facility.**

A. The county and an owner or developer may agree that the owner or developer shall make a deposit of the actual fee based upon the estimated cost of the intermediate and/or major drainage system facility to be installed by the county. The amount of the deposit shall be as determined by subsections B and C of this section. Notwithstanding the second sentence of subsection A of Section 17.20.160, upon receipt of the deposit or a bond guaranteeing payment of the same, the county shall give the owner or developer final approval of the subdivision or development plan, if all other requirements for such approval have been satisfied. The owner or developer shall be obligated to pay any additional amount prior to release of the deposit or bond, if the actual fee under Section 17.20.160 exceeds the deposit made under this section. The owner or developer shall be entitled to a refund if the actual fee under Section 17.20.160 is less than the deposit made under this section. The owner or developer shall not make any connection to the intermediate or major drainage system facility constructed by the county until the total deposit under this section has been paid and the division has approved the connection.

B. If the facilities to be constructed by the county under Section 17.20.080 are to be completed within a two-year period, the deposit shall be the amount derived by multiplying the estimated cost of the facilities to be constructed by the county, by the percentage that the designed discharge of the unit or subdivision drainage system facility to be connected to the county-constructed facilities is of the total

designed capacity of the facilities to be constructed by the county.

C. If the facilities to be constructed by the county under Section 17.20.080 are anticipated to be completed in more than two years, the deposit shall be twice the amount derived under subsection B of this section, one-half payable upon the owner's or developer's request for final subdivision approval, the balance payable prior to the release of the subdivision or improvement bonds of the owner or developer or acceptance of the improvements by the county.

D. In the event a deposit is made under subsection C of this section, the county shall construct a portion of the facilities with a cost estimated equal to the deposit calculated under subsection B of this section, within two years of payment of the balance of the deposit. The final fee shall be equal to the actual cost of the portion of the facilities constructed by the county under this subsection. (Ord. 817 § 2 (part), 1982; prior code § 7-5-8.10)

**17.20.240 Connection to county facility required.**

Neither the county nor any other owner or developer of land in the CDS benefitted area shall subsequently construct an intermediate or major drainage system facility to serve land intended to be served by an intermediate and/or major drainage system facility designed to serve such land and constructed by the county pursuant to the provisions of this Article II. Any unit or intermediate drainage system facility constructed by an owner or developer shall be connected to the intermediate or major drainage system facility constructed by the county pursuant to this Article II, and the owner or developer shall be responsible for payment of the fees required by Section 17.20.280. (Ord. 817 § 2 (part), 1982; prior code § 7-5-8.11)

**17.20.250 Lands subject to fee.**

Notwithstanding the provisions of Section 17.20.530, any and all land in the CDS benefitted area shall be subject to the fees designated in Sec-

17.20.250

tion 17.20.160. (Ord. 817 § 2 (part), 1982: prior code § 7-5-8.12)

**17.20.260 Storm drainage fund—Expenditures.**

A. All unit drainage fees paid to the county or other revenue received by the county for the construction of intermediate or major drainage system facilities under this chapter shall be placed in a fund to be known as the "storm drainage fund." Fees and revenues from each drainage area shall be segregated in a separate account within the storm drainage fund. Interest earned on such fees shall accrue to the storm drainage fund. Fees shall be expended or accumulated by the county for payment for the construction of intermediate or major drainage system facilities or for the planning, design, acquisition or construction costs associated with these facilities only within the same designated drainage basin. Moneys transferred from one drainage area to another drainage area for use within the same drainage basin shall be reimbursed from the drainage area to which the moneys were transferred or from other moneys available for construction. However, if the fees collected exceed the amounts required for construction of the intermediate or major drainage facilities, the excess shall be refunded pro rata, based upon the amounts paid by each, to the owners or developers who paid the drainage fee.

B. When authorized by the board of county commissioners, storm drainage fund moneys may be loaned to dependent special county improvement districts established for storm drainage and flood control purposes pursuant to Chapter 17A-3, U.C.A., or to the Salt Lake County flood control capital improvements account. Moneys loaned shall be expended only for the construction of specified storm drainage system facilities located in the unincorporated county, including the planning, design, acquisition and construction costs associated with these facilities. The maximum amount of moneys available for such loans shall not exceed thirty-five percent of the total storm drainage fund account balance after subtracting all credits owned to develop-

ers throughout the county. The maximum term for any such loan shall be for a period of ten years at such interest rates, repayment terms, property assessments, and other conditions as shall be prescribed by the board of county commissioners at the time the loan is authorized. In no event shall the interest rate be less than the rate which the loaned moneys would have earned in the storm drainage fund account. (Ord. 1253 § 2, 1993: Ord. 990 § 9, 1986: Ord. 817 § 2 (part), 1982: prior code § 7-5-8.13)

**17.20.270 Facilities to become property of county.**

All unit or subdivision, intermediate and major drainage system facilities and appurtenances constructed or provided under this Article II shall, upon written acceptance by the county, become the property of the county and the county shall thereafter operate and maintain same. Written acceptance shall be given if the unit or subdivision, intermediate and major drainage system facilities are constructed within the provisions of this chapter; provided, however, that temporary or permanent retention or detention areas may be retained by the owner or developer thereof, and such retention or detention areas may, but need not, be conveyed or dedicated to the county. (Ord. 817 § 2 (part), 1982: prior code § 7-5-8.14)

**Article III. Private Construction**

**17.20.280 Generally.**

The county acknowledges that a private owner or developer of property may construct intermediate or major drainage system facilities that may be used by owners or developers of other property. The provisions of this article detail the manner in which such facilities may be constructed by a private owner or developer and the manner and cost of connection to such system by another owner or developer. (Ord. 817 § 2 (part), 1982: prior code § 7-5-9)

**17.20.290 Designation of benefitted area.**

The owner or developer shall request the designa-

tion of a drainage area by the division. The drainage area so designated shall be that area to be served by the intermediate or major drainage system facilities to be constructed, may include areas in addition to those requested, and the division shall consider whether additional areas should reasonably be included, especially if it determines that an area is unlikely to be served or will be less efficiently or effectively served by another intermediate or major drainage system facility and can reasonably be served by the facility proposed. The drainage area shall be designated in a manner consistent with the provisions of Section 17.20.050. The drainage area so designated shall be referred to as the DS (drainage system) benefitted area. (Ord. 990 § 10, 1986; Ord. 817 § 2 (part), 1982; prior code § 7-5-9.1)

**17.20.300 Removal of property from benefitted area.**

Upon written request from the owner of any property in the benefitted area of the owner's desire to have his land excluded from the DS benefitted area and (1) evidence that such land can be developed in a manner consistent with the retention plan designated in Sections 17.20.530 through 17.20.600, and (2) written election in recordable form that the owner shall not make alterations or improvements that will result in

excess waters from storm or flood draining into the drainage system, and that such election is binding on successors and assigns, the owner's property shall be excluded by the county from the DS benefited area. Requests for exclusion from the DS benefited area shall be considered until final plans and specifications are approved by the division pursuant to Section 17.20.340 or sixty days prior to the letting of bids for the construction of the intermediate and/or major drainage system facilities to be constructed by an owner or developer, whichever is later. Unless so excluded, all land within the DS benefited area will be subject to payment of the fee designated in Section 17.20.380 as a condition precedent to issuance of a building permit or construction of improvements upon the land. (Ord. 817 § 2 (part), 1982: prior code § 7-5-9.2)

#### **17.20.310 Studies of needed facilities.**

A. In connection with the studies contemplated under Section 17.20.060, the division may designate areas where the studies shall determine the intermediate and major drainage system facilities to be provided for the drainage and control of excess waters within the areas and to convey such waters to acceptable trunk lines, natural tributaries or final destinations. Previous studies made by the county or others shall be considered in whole or in part if applicable.

B. These studies shall include a current estimate of the cost of providing intermediate and major drainage system facilities, and the computation of costs shall include the expense of the studies as well as anticipated engineering design services, construction engineering and inspection services, land acquisition, and incidental costs required to install the facilities. These studies shall from time to time be updated or amended as necessary to reflect changed conditions. Studies in individual drainage areas, developments, proposed subdivisions, existing subdivisions or other property may be completed by professional engineers for private developers under the direction of the county if the county

cannot complete the studies as soon as required for development due to staff or budget constraints. (Ord. 1055 § 11, 1988; Ord. 817 § 2 (part), 1982: prior code § 7-5-9.3)

#### **17.20.320 Design criteria.**

A. In conducting the studies referred to in Section 17.20.310, the analysis and design of storm drainage flows and facilities shall be performed by professional engineers competent in hydrology and hydraulics and shall be in accordance with sound engineering practices.

B. In developing the studies every effort shall be made to promote economy in the proposed drainage design by selection of facilities for accommodating drainage flow and the use of materials and methods of construction which provide the most advantageous balance between the cost of the facilities and the benefits received therefrom. Innovative approaches that reduce the overall requirement or cost of capital construction shall be encouraged. In all cases flows shall be based upon conditions of future development of the county, taking into consideration the current elements of the land use master plan of the county relating to the drainage area and other relevant factors, including changes in zoning or development that are not reflected on the master plan. (Ord. 990 § 11, 1986; Ord. 817 § 2 (part), 1982: prior code § 7-5-9.4)

#### **17.20.330 Map requirements.**

As studies and maps for individual drainage areas are completed in accordance with Sections 17.20.050 and 17.20.060 in areas where a private developer may construct intermediate or major drainage system facilities to be used by others, the necessary major drainage system facilities and intermediate drainage system facilities, together with the design capacity thereof, shall be shown on the map or maps. The map or maps shall be approved by the division and shall serve as designations of the respective drainage area boundaries and the drainage system requirements within the area. The map or maps will be

17.20.330

subject to revision from time to time to conform with existing conditions, the results of additional studies, and such other information as may be obtained from time to time. (Ord. 817 § 2 (part), 1982: prior code § 7-5-9.5)

**17.20.340 Design of facilities.**

The owner or developer shall have the intermediate or major drainage system facilities designed by professional engineers to accommodate the excess waters within the DS benefited area. The plans and specifications shall be submitted to the division for review and, if acceptable, approval. (Ord. 817 § 2 (part), 1982: prior code § 7-5-9.6)

**17.20.350 Acquisition of easements and rights-of-way.**

A. Easements or rights-of-way or property that must be acquired for the installation of the intermediate or major drainage system facility shall be acquired by the owner or developer, at the expense of the owner or developer. In the event the owner or developer is unable to acquire any necessary easement, right-of-way or property, and upon owner's or developer's written request, the county may negotiate to acquire the necessary easement, right-of-way or property, failing which, the county shall (1) submit to owner or developer a map showing an alternative route (in which event the owner or developer will endeavor to acquire the necessary easements, rights-of-way or property for such route), or (2) commence a condemnation action to acquire the easement or right-of-way for the drainage system facilities.

B. Owner's or developer's written request for county condemnation shall (1) describe efforts to acquire the easement, right-of-way or property, and (2) state the amount offered the owner of the property. Owner or developer shall pay the county all amounts to be paid to an owner of property for the acquisition of any easements, right-of-way or property. The county shall be

responsible for its own legal fees and costs of the condemnation action. (Ord. 817 § 2 (part), 1982: prior code § 7-5-9.7)

**17.20.360 Construction of facilities.**

Upon completion of the plans and specifications by the engineer, and acquisition of the necessary easements, rights-of-way or property, the owner or developer shall then proceed to cause that portion of the intermediate or major drainage system facilities to be installed, at the owner's or developer's sole expense, strictly in accordance with the plans and specifications thus prepared and approved. No facilities will be covered or backfilled until the same have been fully inspected and cover or backfill is authorized by the division. If any facility or portion thereof is covered without authorization, the division may require the facility to be reopened for inspection. The actual interconnection of the intermediate or major drainage system facility with any other county line shall be done by the county, or by the contractor for the owner or developer under the supervision of the county at the expense of the owner or developer. No unit or subdivision or intermediate drainage system facility shall be connected to a major drainage system facility until the division has fully approved the facilities as constructed, and until satisfactory evidence has been presented to the division showing that all bills for labor and material and all other costs of constructing the line have been paid. (Ord. 817 § 2 (part), 1982: prior code § 7-5-9.8)

**17.20.370 Inspection by division.**

The division or its retained engineers shall inspect the installation and, if the facilities meet the requirements of the plans and specifications, shall give the owner or developer notice of acceptance. Upon completion of the facilities, the owner or developer shall assign and convey to the county all of the owner's or developer's right, title, estate and interest in the facilities. The county shall thereafter be the owner thereof, and

shall operate and maintain the same, subject to the provisions of Section 17.20.380. (Ord. 817 § 2 (part), 1982: prior code § 7-5-9.9)

**17.20.380 Fees and charges.**

A. The division shall collect fees or charges for drainage from all land in the DS benefited area which shall be computed by multiplying the percentage that the designed discharge of the unit or subdivision drainage system facility is of the total designed capacity of the intermediate and/or major drainage system facility to which the unit or subdivision drainage system facility is to be connected, by the total actual cost of the intermediate or major drainage system facilities constructed at the sole expense of the developer, together with interest to be paid on the amount at each year's County Treasurer's Pooled Investment Rate per annum, compounded annually from the date the facility is completed and accepted by the division to the date payment is received by the division. The actual cost of the facilities shall consist of all costs, including, but not limited to, engineering, planning, easement, right-of-way, and property acquisition, and construction costs. In the event the fee has not been paid by the owner or developer prior to final approval of the subdivision or development plan by the division, the developer or owner shall pay the fee or file a bond with the county guaranteeing payment of the fee prior to the issuance of any building permit. All funds so collected pursuant to this Section 17.20.380 shall be collected by the division and, within sixty days, paid to the owner or developer who installs the facilities.

B. Minimum fee schedule: When a development does not owe a fee as otherwise determined in this chapter a minimum fee shall be paid according to the following schedule and deposited in the administration account of the storm drainage fund to be used for administration of responsibilities required by this chapter to include planning, budgeting and accounting or other similar administrative responsibilities: Development shall be classified into one of four

groups as outlined in Sections 17.20.170 through 17.20.220. Group A shall pay a fee of three hundred dollars per acre. Group B shall pay a fee of four hundred dollars per acre. Group C shall pay a fee of five hundred dollars per acre. Group D shall pay a fee of six hundred fifty dollars per acre. In no case shall the fee be less than one hundred dollars or greater than five thousand dollars. (Ord. 1055 § 12, 1988; Ord. 990 § 12, 1986; Ord. 817 § 2 (part), 1982: prior code § 7-5-9.10)

**17.20.390 Temporary facilities permitted when.**

The division shall approve temporary drainage solutions providing for on-site detention and retention which will allow development to continue pending completion of an intermediate or major drainage system facility. The temporary solutions shall provide the same level of flood protection at all times that will be provided by the completed systems. All extraordinary costs of temporary solutions shall be paid by the developer in addition to the other costs and fees provided for in this chapter. (Ord. 817 § 2 (part), 1982: prior code § 7-5-9.11)

**17.20.400 Connection to facility required.**

Except for the owner or developer constructing a drainage system facility pursuant to this Article III, neither the county nor any other owner or developer of land in the DS benefited area shall subsequently construct an intermediate or major drainage system facility to serve land intended to be served by an intermediate and/or major drainage system facility designed to serve such land and constructed pursuant to the provisions of this Article III. Any unit or intermediate drainage system facility shall be connected to the intermediate or major drainage system facility constructed pursuant to this Article III, and all owners or developers except for the owner or developer constructing a drainage system facility pursuant to this Article III, shall be responsible

17.20.400

for payment of the fees required by Section 17.20.380. (Ord. 817 § 2 (part), 1982: prior code § 7-5-9.12)

**17.20.410 Lands subject to fee.**

Notwithstanding the provisions of Sections 17.20.530 through 17.20.600 of this chapter, any and all land in the DS benefited area shall be subject to the fees designated in Section 17.20.380. (Ord. 817 § 2 (part), 1982: prior code § 7-5-9.13)

**Article V. Retention Plans**

**17.20.530 Generally.**

The provisions of this article apply where the owner or developer elects to control all or a portion of excess waters within a development site, development or subdivision by a permanent or temporary retention system. (Ord. 817 § 2 (part), 1982: prior code § 7-5-11)

**17.20.540 Plans and specifications.**

A. Prior to the issuance of any building permit associated with a subdivision or development plan, or in the case of a single lot development, a single building permit, the owner or developer shall, at his expense, have prepared by a licensed professional engineer, detailed plans and specifications for the construction and installation of all unit or subdivision system drainage facilities and retention system for the control of drainage of excess water within the development, or the part thereof for which a building permit has been requested, and the carriage of such water to a retention area. The plans and specifications shall include provisions for overflow of stormwaters in excess of a ten-year frequency flood.

B. In lieu of completion of the drainage system prior to final approval of the subdivision or development plan by the division, the developer or owner shall provide a bond guaranteeing

actual construction and installation of the facilities pursuant to a schedule approved by the division director. (Ord. 817 § 2 (part), 1982: prior code § 7-5-11.1)

**17.20.550 Rules and regulations adopted.**

The division may adopt reasonable rules and regulations for design requirements, review and approval of retention plans for developments or subdivisions consisting of more than a single lot. Such rules and regulations may address consolidation of, location of, access to, and maintenance of retention facilities. (Ord. 817 § 2 (part), 1982: prior code § 7-5-11.2)

**17.20.560 County review.**

The plans and specifications shall be reviewed by the division to determine that the retention system as designed will control the excess waters determined under the engineering studies conducted pursuant to Section 17.20.060 and that provision is made for overflow in excess of a ten-year frequency flood. If the retention system as designed will control the excess waters within the subdivision or development, the division shall approve the system. If the system will not control the excess waters, the division will specify in writing the deficiencies of the system as designed. (Ord. 817 § 2 (part), 1982: prior code § 7-5-11.3)

**17.20.570 Building permit approval.**

Upon completion of such review and approval by the division, the subdivision or development plan or building permit for construction of the unit or subdivision drainage system facilities shall be given final approval. (Ord. 817 § 2 (part), 1982: prior code § 7-5-11.4)

**17.20.580 Temporary retention system.**

In the event the retention system is intended to be temporary, the property that is drained by the drainage facilities to be connected shall be subject to the fees charged in accordance with the



provisions of Sections 17.20.260 or 17.20.380 of this chapter. (Ord. 1055 § 14, 1988; Ord. 817 § 2 (part), 1982; prior code § 7-5-11.5)

**17.20.590 Responsibility for property and facilities.**

The county shall not own or have any responsibility or maintenance obligation for drainage facilities or retention systems constructed pursuant to this Article V, unless such facilities or systems are conveyed or dedicated to the county and the county accepts such conveyance or dedication and unless the county agrees, in writing or by ordinance, to undertake such responsibility or maintenance obligation. Upon completion of construction of a retention system constructed in accordance with this chapter, and conveyance or dedication thereof to the county, the county shall accept such conveyance or dedication. (Ord. 817 § 2 (part), 1982; prior code § 7-5-11.6)

**17.20.600 Lands subject to fee.**

A. Land located in a county drainage system benefited area (Section 17.20.120) or a drainage

system benefited area (Section 17.20.290) shall be subject to the fees imposed by Sections 17.20.160 or 17.20.380.

B. Land not located in any such benefited areas, pursuant to removal under Sections 17.20.130 or 17.20.300, shall not be subject to fees imposed under Sections 17.20.160 or 17.20.380, as the case may be. (Ord. 1055 § 15, 1988; Ord. 817 § 2 (part), 1982; prior code § 7-5-11.7)

**Article VI. Administration**

**17.20.610 Administrative responsibility.**

The division shall be responsible for the administration and regulations provided for in this chapter. Any person may appeal any decision of the division under the terms of this chapter to the board of county commissioners. The director of public works shall be the hearing officer for the board of county commissioners who shall hear the matter and make recommendations to the board of county commissioners prior to the board of county commissioners prior to consideration by the board. (Ord. 1055 § 26, 1988; Ord. 817 § 2 (part), 1982; prior code § 7-5-12)

17.24.010

**Chapter 17.24**

**BUDGETING AND FUNDING**

**Sections:**

**Article I. Budgeting**

- 17.24.010** Program elements within budget.
- 17.24.020** Allocation of funds.
- 17.24.030** Expenditures within cities.

**Article II. Reserve Fund**

- 17.24.040** Purpose.
- 17.24.050** Appropriation of funds.
- 17.24.060** Administration.
- 17.24.070** Authorized uses.
- 17.24.080** Investment of funds.
- 17.24.090** Transfer of funds.

**Article I. Budgeting**

**17.24.010 Program elements within budget.**

The budget for flood control and water quality shall provide for water quality management planning, administration staff, maintenance of facilities listed in Section 17.08.040 of this title, new construction or replacement of facilities master planning for flood control and drainage facilities, and construction of new stormdrains to provide for control of stormwaters and floodwaters generated from existing and new development. (Ord. 817 § 2 (part), 1982: prior code § 7-7-1)

**17.24.020 Allocation of funds.**

The budget for flood control and water quality shall be submitted to the board of county commissioners for approval. Adequate funding shall first be provided for the staff and services required to operate the flood control and water quality management programs and for maintenance and repair of facilities listed in Section 17.08.040(1) through (64). Second priority shall be for new construction required on facilities listed in Section 17.08.040(1) through (64). All

remaining funds shall be used for maintenance and construction of trunk or collector and local systems, excluding systems that drain only roadway surfaces. Remaining funds may also be allocated for projects and maintenance of facilities in the cities and the unincorporated area based on such factors as the board of county commissioners may consider appropriate to provide an effective county-wide flood control program. Maintenance expenditures shall be limited to work accomplished by county employees or by contracts awarded by the county. (1986 Recodification: Ord. 817 § 2 (part), 1982: prior code § 7-7-2)

**17.24.030 Expenditures within cities.**

All funds allocated for construction within cities pursuant to Section 17.24.020 shall be accounted for by contracts between the county and each city. Funds shall be used for construction or major maintenance work performed by contract. Allocated funds shall not be used to pay the cost of city manpower and equipment used in routine maintenance activities. (Ord. 817 § 2 (part), 1982: prior code § 7-7-3)

**Article II. Reserve Fund**

**17.24.040 Purpose.**

It is the purpose of this article to establish in the county a reserve fund to be used for flood control, storm drainage and water quality management. Provision is made for the acquisition of both real and personal property, and for the financing of programs to prevent damage from floodwaters or stormwaters, and to maintain and improve the quality of water within the county to accomplish the purposes of the reserve fund. (Ord. 817 § 2 (part), 1982: prior code § 7-6-1)

**17.24.050 Appropriation of funds.**

The board of county commissioners may appropriate each year such sums as they deem necessary or convenient for the purposes of this article. Money so appropriated shall be allowed

to accumulate from year to year until spent for any of the purposes specified in Section 17.24.040 and shall not be transferred to any other fund or used for any other purpose. (Ord. 817 § 2 (part), 1982: prior code § 7-6-2)

**17.24.060 Administration.**

Money appropriated or accumulated under the provisions of this article shall be administered by the board of county commissioners and no expenditure or encumbrance of such money shall be made without the approval of the board. (Ord. 817 § 2 (part), 1982: prior code § 7-6-6)

**17.24.070 Authorized uses.**

Money appropriated or accumulated pursuant to this title, including all interest and

earnings thereon shall be used for the purposes specified in Section 17.24.040. (Ord. 817 § 2 (part), 1982: prior code § 7-6-3)

**17.24.080 Investment of funds.**

All money in the reserve fund which is not encumbered may be invested in such securities as are legal for the investment of the county and all interest or income from such investments shall be made a part of the reserve fund provided for in this article. (Ord. 817 § 2 (part), 1982: prior code § 7-6-5)

**17.24.090 Transfer of funds.**

The board of county commissioners is, by resolution, empowered to transfer to the reserve fund any unencumbered surplus funds remaining on hand in the general fund of the county at the end of any fiscal year. (Ord. 817 § 2 (part), 1982: prior code § 7-6-4)

17.28.010

**Chapter 17.28**

**BONDS AND SURETIES**

**Sections:**

**17.28.010 Form—Filing—Extension.**

**17.28.020 Processing.**

**17.28.010 Form—Filing—Extension.**

All bonds, sureties or deposits required under the terms of this title, or by the division director, shall be in the form of either a cash or surety bond, escrow agreement or letter of credit, in an amount specified by the board of county commissioners. The bond or other surety shall be filed with the board, and shall guarantee the performance of all construction and/or the payment, of all fees required under the terms of this title. If the bond is given to guarantee the performance of any construction of facilities that are to be maintained by the public, twenty-five percent of the bond amount for such facilities shall extend for a one-year period beyond the date the construction is completed to guarantee replacement of defects. (Ord. 817 § 2 (part), 1982; prior code § 7-8-1)

**17.28.020 Processing.**

Bonds, sureties or deposits required in this title shall be processed and released in accordance with the procedures set forth in Chapter 3.56 of this code. (Ord. 817 § 2 (part), 1982; prior code § 7-8-2)

**Chapter 17.32**

**VIOLATIONS AND PENALTIES**

**Sections:**

- 17.32.010** Violation deemed misdemeanor.  
**17.32.020** Penalty.  
**17.32.030** Additional sanctions against corporation or association.  
**17.32.040** Removal of obstruction.

**17.32.010 Violation deemed misdemeanor.**

It is unlawful for any person, corporation, association, partnership or governmental instrumentality to wilfully violate any of the provisions of this title, or to aid or cause the violation of any of said provisions. (Ord. 817 § 2 (part), 1982; prior code § 7-9-1)

**17.32.020 Penalty.**

Any person who is convicted of violating any of the provisions of this title shall be guilty of a misdemeanor and shall be punishable as set out in Chapter 1.12 of this code. (1986 Recodification: Ord. 817 § 2 (part), 1982; prior code § 7-9-2)

**17.32.030 Additional sanctions against corporation or association.**

A. When a corporation or association is convicted of violating any of the provisions of this title, the court may, in addition to or in lieu of imposing other authorized penalties, require the corporation or association to give appropriate publicity of the conviction by notice to the class or classes of persons or sections 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 a violation of any of the provisions of this title, committed in furtherance of the affairs of the corporation or association, the court may include in the sentence an order disqualifying him from exercising similar functions in the same or other corporations or associations for a period not exceeding five years if it finds the scope or wilfulness of his illegal actions make it dangerous or inadvisable for such functions to be entrusted to him. (Ord. 817 § 2 (part), 1982; prior code § 7-9-3)

**17.32.040 Removal of obstruction.**

In addition to any penalties which may be imposed pursuant to this chapter, the division may do the following:

A. Remove any of the obstructions described in Section 17.08.100 and also, any pipelines or other devices installed in violation of Section 17.08.020; and/or

B. Give written notice to persons in violation of the provisions of this chapter requiring the removal of offending installations from natural channels or other storm drainage facilities. Notices may be personally served or may be mailed to violators by registered mail provided that a copy is also posted on offending installations for a period of ten days. If such installations are not removed within ten days after notice is given, the division may effect removal at the expense of the person in violation and may recover its costs and expenses therefor; and/or

C. Bring an action for the abatement of the nuisance caused by the offending installation, or for the recovery of the county's costs and expenses incurred in removing the offending installation pursuant to subsections A or B of this section. (Ord. 817 § 2 (part), 1982; prior code § 7-9-4)

**Title 18**

**SUBDIVISIONS**

**Chapters:**

- 18.04 Definitions**
- 18.08 General Regulations**
- 18.12 Preliminary Plat**
- 18.16 Final Plat**
- 18.20 Design Standards**
- 18.24 Required Improvements**
- 18.26 Vacating or Changing Subdivision Plat**
- 18.28 Property Identification**
- 18.32 Health Department Regulations**
- 18.36 Fees, Administration and Enforcement**
- 18.40 Violations and Penalties**

## Chapter 18.04

### DEFINITIONS

#### Sections:

- 18.04.010 Generally.
- 18.04.020 Alley.
- 18.04.030 Bench mark.
- 18.04.040 Building setback line.
- 18.04.050 Collector street.
- 18.04.060 Council.
- 18.04.070 Cul-de-sac.
- 18.04.080 Dwelling.
- 18.04.090 Easement.
- 18.04.100 Final plat.
- 18.04.105 Health Department.
- 18.04.110 Lot.
- 18.04.120 Lot width.
- 18.04.130 Major street.
- 18.04.140 Marginal access street.
- 18.04.150 Master street plan.
- 18.04.160 Minor street.
- 18.04.170 Official map.
- 18.04.180 Owner.
- 18.04.190 Parcel of land.
- 18.04.200 Planning commission.
- 18.04.210 Preliminary approval.
- 18.04.220 Preliminary plat.
- 18.04.230 Subdivision.
- 18.04.240 Trails.

#### 18.04.010 Generally.

The terms used in this title shall have the respective meanings set forth in this chapter.

#### 18.04.020 Alley.

"Alley" means a public way which affords a secondary means of access to abutting property.

#### 18.04.030 Bench mark.

"Bench mark" means a mark affixed to a permanent or semi-permanent object along a line of survey to furnish a datum level.

#### 18.04.040 Building setback line.

"Building setback line" means a line within a lot or other parcel of land, so designated on the plat of the proposed subdivision, between which line and the adjacent boundary of the street upon which the lot abuts, the erection of main structure or portion thereof is prohibited.

#### 18.04.050 Collector street.

"Collector street" means a street which carries traffic from minor streets to the major street system, including the principal entrance streets of residential development and the primary circulating streets within such a development.

#### 18.04.060 Council

"Council," unless otherwise clearly indicated, means the city council for the city.

#### 18.04.070 Cul-de-sac.

"Cul-de-sac" means a minor street having one open end and being terminated at the other by a vehicular turnaround.

#### 18.04.080 Dwelling.

"Dwelling" means any building or structure, or portion thereof, intended for residential use.

#### 18.04.090 Easement.

"Easement" means the quantity of land set aside or over which a liberty, privilege or advantage in land without profit, existing distinct from the ownership of the land, is granted to the public or some particular person or part of the public.

#### 18.04.100 Final plat.

"Final plat" means a map or chart of a subdivision which has been accurately surveyed, and such survey marked on the ground so that streets, alleys, blocks, lots and other divisions thereof can be identified.

**18.04.105 Health Department.**

"Health department" means the Salt Lake City-County health department.

**18.04.110 Lot.**

"Lot" means a portion of a subdivision or parcel of land intended as a unit for building development or transfer of ownership.

**18.04.120 Lot width.**

"Lot width" means the width of the lot measured along the minimum building setback line.

**18.04.130 Major street.**

"Major street" means a street, existing or proposed, which serves or is intended to serve as a major traffic way and which is designated on the master street plan as a controlled-access highway, major street, parkway or by equivalent terms suitable to identify streets comprising the basic structure of the street plan.

**18.04.140 Marginal access street.**

"Marginal access street" means a minor street which is parallel to and adjacent to a major street and which provides access to abutting properties and protection from through traffic.

**18.04.150 Master street plan.**

"Master street plan" means a plan, labeled "Master Street Plan of Herriman" including maps or reports or both, which has been approved by the planning commission as required by law.

**18.04.160 Minor street.**

"Minor street" means a street, existing or proposed, which is supplementary to a collector or major street and of limited continuity, which serves or is intended to serve the local needs of a neighborhood.

**18.04.170 Official map.**

"Official map" means any map adopted by the city council under the provisions of *Utah Code Ann.* § 10-9-8.

**18.04.180 Owner.**

"Owner" includes the plural as well as the singular, and may mean either a natural person, firm, association, partnership, private corporation, public or quasi-public corporation, or any combination thereof.

**18.04.190 Parcel of land.**

"Parcel of land" means a contiguous quantity of land, in the possession of, or owned by, or recorded as the property of the same claimant or person.

**18.04.200 Planning commission.**

"Planning commission" means the city planning commission, unless another planning commission is specifically named.

**18.04.210 Preliminary approval.**

"Preliminary approval" means an approval, with or without recommended alterations, given to a preliminary plat by the planning commission and provides the necessary authority to proceed with the preparation and presentation of the final plat.

**18.04.220 Preliminary plat.**

"Preliminary plat" means a map or plan of a proposed land division or subdivision.

**18.04.230 Subdivision.**

"Subdivision" means any land that is divided, re-subdivided or proposed to be divided into lots, parcels, sites, units, plots 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. Subdivision includes:

A. The division or development of land whether by deed, metes and bounds descrip-



tion, devise and testacy, lease, map plat or other recorded instrument; and

B. Divisions of land for all residential and non-residential uses, including land used or to be used for commercial, agricultural and industrial.

This definition shall not apply to the sale or conveyance of any parcel of land which may be shown as one of the lots of a subdivision of which a plat has theretofore been recorded in the office of the county recorder. The word "subdivide" and any derivative thereof shall have reference to the term subdivision as defined in this section.

#### **18.04.240 Trails.**

"Trails" means a system of public recreational pathways located within the city for use by the public for walking, biking and/or horseback riding as designated.

### **Chapter 18.08**

#### **GENERAL REGULATIONS**

##### **Sections:**

**18.08.010 Subdivision processing procedure.**

**18.08.015 Compliance with City General Plan.**

**18.08.020 Exceptions—Permitted when.**

**18.08.030 Exceptions—Final plat.**

**18.08.035 Approval of Covenants and Deed Restrictions.**

**18.08.040 Residential building only.**

##### **18.08.10 Subdivision Processing Procedure**

Before subdividing any tract, lot, or parcel of land, an Applicant shall:

A. **Preliminary Plat Review.** File with the Planning Commission for examination and recommendation copies of a preliminary plat ("Preliminary Plat") prepared in conformance with the provisions with this title together

with the filing fee as set forth in Section 3.52 and a complete Land Use Application ("Application") on a form provided by the City. The Preliminary Plat, Application, and fee must be filed at least (21) days prior to the Planning Commission Public Hearing on which the Preliminary Plat is scheduled for review. The Planning Commission will then hold a public hearing and review the Preliminary Plat and make its recommendations to the City Council.

B. **Review by the Council.** Review of the Preliminary Plat will then be scheduled for a City Council Public Meeting within thirty (30) days from the date that the Planning Commission makes its recommendations.

C. **Council Approval.** If after conducting a public meeting the City Council approves the Preliminary Plat (such approval may be with or without minor conditions or changes), then the City Council will direct that the Preliminary Plat be sent to the City Engineer as a Final Plat for engineering review and resolution of the minor conditions or changes, if any. Applicant and the City Engineer shall then facilitate such minor conditions or changes, if any, and routine alterations to the Final Plat in order to comply with the City Council directions and City Engineering standards. Upon each submittal by Applicant to the City Engineer to facilitate such minor conditions or changes or routine alterations to the Final Plat, the City Engineer shall complete its review of the Final Plat within (15) business days from the date of such submission by Applicant. Upon completion of the process described in this paragraph, the Applicant shall comply with the process described in paragraphs E and F below.

D. **Council Disapproval.** If after conducting a public meeting the City Council does not approve the Preliminary Plat, the City Council may direct the Applicant to modify the Pre-

liminary Plat and resubmit the Preliminary Plat to the City Council for subsequent review. Upon resubmission, the City Council shall then review the resubmitted Preliminary Plat, which shall take place within thirty (30) days from the date of such resubmittal. Upon final approval, if any, by the City Council, the Preliminary Plat shall follow the process outlined in paragraph C above.

**E. Signatures Required.** The Final Plat must contain the approvals and signatures of the agencies that provide underground and utility facilities services to the real property described in the Final Plat and as set forth in § 18.16.010(a)(9)(b) in this title.

**F. Approval by City Engineer and City Attorney.** After receiving the required approval and signatures pursuant to paragraph E above, the Final Plat shall be submitted to the City Engineer and City Attorney together with a current commitment for title insurance for that real property which is described on the Final Plat for their approval or disapproval. After the Final Plat has been completely acknowledged and approved with the signatures of the City Engineer and City Attorney, the Applicant may then record the Final Plat in the Salt Lake County Recorder's Office at Applicant's expense without any further review or action by the Planning Commission or City Council.

**G. Recording of Final Plat.** Within two (2) years after the Final Plat had been given a recommendation of approval by the Planning Commission, the Final Plat must be recorded with the Salt Lake County Recorder. Failure to record the Final Plat within such two (2) year time period renders the Final Plat voidable. The Planning Commission may grant a (1) year extension of such time period for recording with the Salt Lake County Recorder's Office if the request for extension is made in writing and received by the Planning Com-

mission prior to the expiration date as is set out above.

**18.08.015 Compliance with City General Plan.**

The lot layout, which includes the size, placement and number of lots, and street design for the subdivision that is submitted to the City for action must comply with the intent and purpose of the General Plan adopted by the City.

**18.08.020 Exceptions—Permitted when.**

In cases where unusual topographic, aesthetic or other exceptional conditions exist or the welfare, best interests and safety of the general public will be usefully served or protected, variations and exceptions of this title may be made by the city council after the recommendation of the planning commission, provided, that such variations and exceptions may be granted without substantial detriment to the public good and without substantially impairing the intent and purpose of this title.

**18.08.035 Approval of Covenants and Deed Restrictions.**

The planning commission shall review and approve the covenants and deed restrictions for all subdivisions of two lots or more. The approval may include, but not be limited to, minimum building size and type of building materials.

**18.08.040 Residential building only.**

Except for planned unit developments and dwelling groups allowed in the zoning ordinance, not more than one main dwelling structure shall occupy any one lot.

## Chapter 18.12

### PRELIMINARY PLAT

#### Sections:

**18.12.010 Required information.**

**18.12.020 Appraisal of interested parties.**

**18.12.030 Planning commission approval or disapproval.**

#### **18.12.010 Required information.**

A. The preliminary plat, drawn to scale (generally 1" = 20' or 1" = 30'), shall contain the information specified in this section and comply with the following requirements:

1. Description and Delineation. In a title block located in the lower right-hand corner the following shall appear:

a. The proposed name of the subdivision, which name must be approved by the city engineer;

b. The location of the subdivision, including:

i. Address, and

ii. Section, township and range;

c. The names and addresses of the owner, the subdivider, if different than the owner, and of the designer of the subdivision;

d. The date of preparation, scale and the north point.

2. Existing Conditions. The plat shall show:

a. The boundary lines of the proposed subdivision indicated by a solid heavy line and the total approximate acreage encompassed thereby;

b. All property under the control of the subdivider, even though only a portion is being subdivided. Where the plat submitted covers only a part of the subdivider's tract, a sketch of the prospective street system of the unplatted parts of the subdivider's land shall be submitted, and the street system of the part submitted shall be considered in the light of existing master street plans or other planning commission studies;

c. All existing streets, other public ways, areas reserved for public purposes, parks and other public open spaces on or adjacent to the proposed subdivision;

d. The location of existing permanent buildings and structures on or within 50 feet of the proposed subdivision;

e. Existing rights-of-ways and grants of record for underground facilities including, but not limited to, sewers, water mains, culverts or other underground facilities within the tract and to a distance of at least 100 feet beyond the tract boundaries, indicating pipe sizes, grades, manholes and exact location;

f. Existing ditches, canals, natural drainage channels, and open waterways and proposed realignments;

g. Boundary lines of adjacent tracts of unsubdivided land; and

h. Contour at vertical intervals of not more than two feet. The 100 year flood level of all watercourses, if any, shall be indicated in the same datum for contour elevations.

3. Proposed Subdivision Plan. The proposed subdivision plan shall show:

a. The layout of streets, showing location, widths and other dimensions of (designated by actual or proposed names and numbers) proposed streets, crosswalks, alleys, easements and street lights;

b. The layout, numbers and typical dimensions of lots;

c. Parcels of land intended to be dedicated or temporarily reserved for public use or set aside for use of property owners in the subdivision;

d. Building minimum setback lines; and

e. Easements for water, sewers, drainage, utility lines and other purposes, if required by the planning commission.

B. Where required, evidence of any agreements with adjacent property owners relative to the subdivision development shall be presented to the city engineer in writing prior to its approval of the plat. These agreements shall include those relative to drainage, ease-

ments, protection strips, utilities, improvement bonds, etc.

**18.12.020 Appraisal of interested parties.**

The planning commission may withhold approval for 18 months of a preliminary plat submitted for the division of property, a part or all of which is deemed suitable by the planning commission for schools, parks, playgrounds, streets, highways or other areas for public use, after apprising the proper agencies in writing of the property owner's intent to subdivide. If any such areas proposed for public use have not been freely dedicated to the public by the owner or have not been purchased at a fair price by the proper agency within one year from the date of notification, such areas may be divided into lots and sold in accordance with the provisions of this title.

**18.12.030 Planning commission approval or disapproval.**

Following a review of the preliminary plat by the planning commission, the city engineer and other interested city departments, the planning commission shall act on the plat as submitted or modified. If the plat is approved, the planning commission shall express its written approval with whatever conditions reattached, by returning one copy of the preliminary plat, signed by the City designee, to the subdivider. One other signed copy shall be given to the city engineer, one copy shall be retained by the planning commission and one other copy of the approved plat returned to the developer's engineer. If the preliminary plat is disapproved, the planning commission shall indicate its disapproval in writing and give reasons for such disapproval by means of signed copies. The receipt of a signed copy of the approved preliminary plat shall be authorization for the subdivider to proceed with the preparation of specifications for the minimum improvements required in chapter 18.24 of this title and with the preparation of the final plat.

**Chapter 18.16**

**FINAL PLAT**

**Sections:**

**18.16.010 Required information.**

**18.16.020 Private streets.**

**18.16.010 Required information.**

The final plat, shall be prepared by a licensed land surveyor on a sheet of approved tracing linen and made with approved waterproof black ink, shall be so drawn that the top of the sheet faces north, shall contain all information required on the preliminary plat (except contours), and shall comply with the following:

A. Description and Delineation. The final plat shall show:

1. The approved name of the subdivision;
2. Accurate angular and lineal dimensions for all lines, angles and curves used to describe boundaries, streets, alleys, easements, areas to be reserved for public use and other important features. Boundary lines shall be drawn heavier than street and lot lines;
3. The number, temporary address and length and width of the blocks and lots intended for sale and the names of streets. Lot lines shall show dimensions in feet and hundredths;
4. Radii, internal angles, points and curvatures, tangent bearings and length of all arcs;
5. The accurate location of all monuments, fire hydrants and street lights to be installed shown by the appropriate symbol. All United States, state, county or other official bench marks, monuments or triangulation stations in or adjacent to the property, shall be preserved in precise position;
6. The dedication to the city of all streets, highways and parcels of ground intended for public use included in the proposed subdivi-

sion. Street monuments shall be installed by the subdivider's engineer or land surveyor at such points designated on the final plat as are approved by the city engineer. Acceptable precast monuments shall be placed prior to the release of any improvement bond. It is unlawful for any person to install survey monuments having a spatial relationship with any section or quarter section corner without having first obtained from the Salt Lake County Surveyor's office a permit for such installation (UT. CODE. ANN., SECTION 17-23-17). All survey monuments installed shall be in accordance with the permit issued and shall be subject to inspection and approval by the Salt Lake County Surveyor's office. Standard precast monuments will be furnished by the County Surveyor's office.

7. Pipes or other such physical markers shall be placed at each lot corner;

8. Accurate outlines and legal descriptions of any areas to be dedicated or reserved for public use, with the purposes indicated thereon, and of any area to be reserved by deed or covenant for common uses of all property owners; and

9. Where it is proposed that streets be constructed on property controlled by a public agent or utility company, approval for the location, improvement and maintenance of such streets shall be obtained from the public agency or utility company and entered on the final plat in a form approved by the city attorney.

B. Standard Forms for the Following. The final plat shall require:

1. A registered land surveyor's certificate of survey;

2. The owner's certificate of dedication;

3. Owner's acknowledged agreement before an officer authorized by law to take the acknowledgement of conveyances of real property;

4. Owner's or operators of the underground and utility facilities certificate of approval;

5. The city planning commission's certifi-

cate of approval;

6. The health department's certificate of approval;

7. The city engineer's certificate of approval;

8. The city attorney's certificate of approval;

9. The city council's certificate of approval; and

10. A one-and-one-half by five-inch space in the lower right-hand corner of the drawing for the county recorder's use.

The applicant shall submit a computer file of the plat. The file must be compatible with the city's autocad mapping system.

#### **18.16.020 Private streets.**

Whenever a subdivision is approved with private streets, the final subdivision plat shall include a statement that no city maintenance is provided on the private streets.

### **Chapter 18.20**

#### **DESIGN STANDARDS**

##### **Sections:**

**18.20.010 Departmental standards.**

**18.20.020 Design standards generally.**

**18.20.040 Lots.**

**18.20.050 Protection strips.**

##### **18.20.010 Departmental standards.**

Standards for design, construction specifications and inspection of street improvements, curbs, gutters, sidewalks, storm drainage and flood control facilities shall be prepared by the city engineer; standards for water distribution and sewage disposal facilities shall be prepared by the health department, and similar standards for fire hydrants shall be prepared by the fire department. All subdividers shall comply with the standards established by such departments and agencies of the city, provided that such standards shall be approved by the

city council.

**18.20.020 Design standards generally.**

The design of the preliminary and final plats of the subdivision in relation to streets, blocks, lots, open spaces and other design factors shall be in harmony with design standards recommended by the planning commission and by other departments and agencies of city government. Design standards shall be approved by the city council and shall include provisions as provided in sections 18.20.030 through 18.20.050.

**18.20.040 Lots.**

A. The lot arrangement and design shall be such that lots will provide satisfactory and desirable sites for buildings, and be properly related to topography, to the character of surrounding development and to existing requirements.

B. All lots shown on the preliminary and final plats must conform to the minimum requirements of the zoning title, if any, for the zone in which the subdivision is located, and to the minimum requirements of the health department for water supply and sewage disposal. The minimum width for any residential building lot shall be as required by the zoning title.

C. Each lot shall abut on a street shown on the subdivision plat or on an existing publicly dedicated street which has become public by right of use and which is more than 26 feet wide. Double frontage lots shall be prohibited except where unusual conditions make other designs undesirable.

D. Side lines or lots shall be approximately at right angles, or radial to the street lines.

E. In general, all remnants of lots below minimum size must be added to adjacent lots, rather than allowed to remain as unusable parcels.

**18.20.050 Protection strips.**

Where subdivision streets parallel conti-

guous property of other owners, the subdivider may, upon approval of the planning commission, retain a protection strip not less than one foot in width between the street and adjacent property; provided, that an agreement, approved by the city attorney, has been made by the subdivider, contracting to deed to the then owners of the contiguous property, protection strip for a consideration named in the agreement; such consideration to be not more than the fair cost of land in the protection strip, the street improvements properly chargeable to the contiguous property, plus the value of one-half the land in the street at the time of agreement, together with interest at a fair rate from the time of agreement until the time of the subdivision of such contiguous property. One copy of the agreement shall be submitted by the city attorney to the planning commission prior to approval of the final plat. Protection strips shall not be permitted at the end of or within the boundaries of a public street or proposed street or within any area intended for future public use.

**Chapter 18.24**

**REQUIRED IMPROVEMENTS**

**Sections:**

**18.24.010 Certification of improvements.**

**18.24.020 Sewers.**

**18.24.030 Storm drainage.**

**18.24.040 Street improvements.**

**18.24.050 Arrangement of streets.**

**18.24.060 Pavement requirements.**

**18.24.070 Curbs, gutters, sidewalks and park strips.**

**18.24.080 Street name signs.**

**18.24.090 Trails.**

**18.24.100 Fire hydrants.**

**18.24.110 Storm water inlets and catch basins.**

**18.24.120 Open ditches and canals—  
Permitted when.**

- 18.24.130 Fencing requirements.**
- 18.24.140 Construction of improvements.**
- 18.24.150 Responsibility for damages.**
- 18.24.160 Performance bonds.**
- 18.24.170 Exemptions.**
- 18.24.180 Fee in lieu of required improvements.**
- 18.24.190 Street lighting.**
- 18.24.200 Public utilities.**

**18.24.010 Certification of improvements.**

No final plat of a subdivision of land shall be recorded, except as provided in section 18.08.030, without receiving a statement signed by the city engineer certifying that the improvements described in the subdivider's plans and specifications have been completed, that they meet the minimum requirements of all ordinances of the city, that they comply with the standards and requirements of the health department, the city engineer, the planning commission and the city fire department.

**18.24.020 Sewers.**

Storm sewers shall be constructed throughout the entire subdivision to carry off water from all inlets and catch basins, and shall be connected to an adequate outfall. A storm water drainage system subject to the approval of the city engineer shall be provided, and shall be separate and independent of the sanitary sewer system. The final plans for the drainage system shall be prepared by a licensed engineer not in the employ of the city.

**18.24.030 Storm drainage.**

No ditch or canal shall be approved as suitable for the use of storm drainage water without the written permission of the appropriate ditch or canal company or of the water users for such use. No ditch or canal shall be used for storm waters unless adequately improved to handle such water as might be reasonably expected to flow from canal and ditch water, subdivision runoff water, and other wa-

ter expected to reach such canal or ditch. No ditch, canal or other waterway shall be permitted within property dedicated or to be dedicated for public use. The subdivider shall remove such waterways from property to be so dedicated prior to the construction of required off-site improvements.

**18.24.040 Street improvements.**

The subdivider shall submit a complete set of construction plans and profiles of all streets, existing and proposed, within the subdivision to the city engineer. Plans and profiles are to be prepared by a licensed professional engineer not in the employ of the city and shall be accompanied by the final plat. The city engineer shall within a reasonable time not to exceed 20 days from the receipt of the plans and profiles, notify the subdivider of approval, and in case of disapproval the reasons therefor.

A. At least ten days prior to the commencement of construction, the subdivider shall furnish to the community development department three complete sets of approved construction plans and profiles of all streets, existing and proposed. Such plans and profiles shall include:

1. The designation of limits of work to be done;
2. The location of the bench mark and its true elevation according to city datum, all profiles to be referred to that datum;
3. Profiles which indicate the finished and existing grades for each side of the street. Separate profiles, clearly designated, shall be made for each side of the street;
4. Construction plans which include the details of curb and gutter and street cross-sections, location and elevation of manholes, catch basins and storm sewers, elevations and location of fire hydrants and any other detail necessary to simplify construction;
5. Complete data for field layout and office checking;
6. On curb returns, at least two additional

control points for elevation besides those at points of curvature. Control points shall be staked in the field to insure drainage at intersection; and

7. The street address of the project.

#### **18.24.050 Arrangement of streets.**

The arrangement of streets in new subdivisions shall make provision for the continuation of the existing streets in adjoining areas and shall provide access to unsubdivided adjoining areas insofar as such continuation or access shall be deemed necessary by the planning commission. New streets must connect with existing public streets.

#### **18.24.060 Pavement requirements.**

A. All streets within the city shall be improved with pavements bounded by integral concrete curbs and gutters to an overall width in accordance with the standards, rules and regulations approved by the city council.

B. Pavements shall be constructed in accordance with the requirements of the standards, rules and regulations approved by the city council.

#### **18.24.070 Curbs, gutters, sidewalks and park strips.**

A. Curbs and gutters on all streets shall be concrete of the standard high back-type unit, not less than two feet, six inches in overall width, and not less than seven inches thick where the curb abuts the street pavement.

B. All curb corners shall have a radius of not less than 25 feet.

C. The subdivider shall install curbs, gutters and sidewalks on existing and proposed streets in all subdivisions.

D. The subdivider shall install landscaping in the area between the curb and sidewalks. The type and amount of landscaping required shall be at the discretion of the community development director and shall vary within the development.

E. The plants and other landscaping material

that best serve the intended functions shall be used. Landscaping material shall be appropriate for local environment, soil conditions and availability of water.

F. The improvements required by this section shall not apply to those properties which meet all of the following conditions:

1. Property that fronts along existing paved, public roads.

2. Property shall meet either of the requirements listed below:

- a. Property 1.5 acres or smaller; shall be allowed to subdivide according to the applicable zone.

- b. Property larger than 1.5 acres; shall only subdivide one lot per year according to the applicable zoning.

3. Property that has been subdivided and recorded prior to the date of this approval or legally subdivided after this date.

G. All subdivisions shall dedicate additional right of way as dictated by the City Transportation Master Plan.

#### **18.24.080 Street name signs.**

Street name signs, conforming to the design and specifications and in the number provided by the standards, rules and regulations of the city engineer, shall be provided by the developer at all street intersections. Installation shall be made by the city to insure uniformity.

#### **18.24.090 Trails.**

The subdivider shall dedicate trails necessary to provide public access to public lands and other trails shown on the city's general plan or required by the planning commission. Trails shall be located so that the route is feasible for both construction and long term maintenance; insurmountable physical obstructions shall be avoided. The specific location of the trail right-of-way shall be verified on the ground before approval of the subdivision. The amount of land required for trail dedication without compensation shall not exceed



five percent of the land within the subdivision excluding trails located within a standard street right-of-way. Fencing needed to protect the trail users or the adjoining property owners may be specified by the planning commission by policy.

**18.24.100 Fire hydrants.**

Fire hydrants shall be installed in all subdivisions in accordance with the regulations of the city fire department.

**18.24.110 Storm water inlets and catch basins.**

Storm water inlets and catch basins shall be provided within the roadway improvements at points specified by the community development department.

**18.24.120 Open ditches and canals—  
Permitted when.**

Open ditches or canals shall not be allowed within or adjoining a subdivision except along rear or side lot lines. The subdivider shall work with irrigation, drainage or ditch companies as to:

A. Methods of covering, realigning or eliminating ditches or canals within or adjoining the subdivision;

B. The size of pipe and culverts required; and

C. The responsibility for the periodic inspection, cleaning and maintenance of such ditches, pipes and culverts. In cases where canals or ditches cross public roads or proposed public roads, specifications and grades for pipe or culvert must be approved by the city engineer.

**18.24.130 Fencing requirements.**

A. The subdivider shall install a six-foot, nonclimbable chain-link fence, or its equivalent, in conformance with the standards and rules and regulations adopted as provided in section 18.20.010, along all open ditches, canals or waterways, nonaccess streets, open re-

servoirs or bodies of water, railroad rights-of-way and other such features of potentially hazardous nature on, crossing or contiguous to the property being subdivided, except along those features which the planning commission shall determine would not be a hazard to life, or where the conforming structure would create a hazard to the safety of the public.

B. Fencing and landscaping along nonaccess streets shall be reviewed and approved by the planning commission to provide a uniform and esthetically pleasing streetscape.

C. Subdivisions developing next to existing agricultural property may be required, by the Planning Commission, to fence the property line to protect the proposed lots from adjoining uses or to protect the agricultural uses from the proposed residential uses.

D. Double fences shall be prohibited, except where adjacent to an existing agricultural or animal use. This requirement means that owners who wish to construct a fence may need to tie their fence into the adjacent lots fence, if it currently exists, or must comply with the following definition: Double fencing is defined as fences running parallel with each other, which are located with a separation distance less than six (6) feet. (Fences running parallel with each other greater than six (6) feet in separation distance properly gated or accessible for maintenance purposes, shall not be considered a double fence).

**18.24.140 Construction of improvements.**

A. 24 hours prior to construction of any required improvements, the city engineer shall be notified so that proper inspection may be provided and so that it may be determined whether or not proper authorization and/or required permits for construction have been obtained.

B. As-built plan and profile drawings shall be furnished to the city engineer of all street improvements, storm sewer, sanitary sewer and water systems upon completion. The city shall retain the improvement bond

until such plans have been submitted.

C. Extreme care should be exercised on the part of the subdivider, the contractor and all other associated agencies for the protection and maintenance of all existing or newly placed improvements or facilities within the roadway sections during development.

**18.24.150 Responsibility for damages.**

All damages to any bonded improvements or facilities incurred during the period of development shall be the sole responsibility of the subdivider and must be replaced to the satisfaction of the city before final acceptance of any improvements caused by the subdivider or any agents of the subdivider shall be repaired by the subdivider to the satisfaction of the city prior to final acceptance and bond release.

**18.24.160 Performance bonds.**

A. The city may allow a subdivider to proceed with subdivision plat recording and development activities (as defined below) before completing improvements listed in this chapter if the subdivider files with the city a cash bond, an escrow bond, or an irrevocable letter of credit bond as an improvement assurance warranty (as described below) in a form approved by the city attorney and in an amount specified by the city engineer to assure actual construction of the improvements listed in this chapter within two years after the date such bond is posted. Upon partial completion of an element of the improvements, such as storm drain, roadway, parks and open space, and/or culinary and secondary water, then the City shall release fifty percent of the bond amount with respect to such element, upon substantial completion of an element of the improvements, the City shall release twenty-five percent of the bond amount with respect to such element, and the remainder of such amount will be held for an additional one year period beginning on the date such improvements are accepted as an improvement assurance warranty. For purposes of this sec-

tion, development activity means any construction or expansion of a building, structure, or use that creates additional demand and need of public facilities, any change in use of a building or structure that creates additional demand and need for public facilities or any change in the use of land that creates additional demand and need for public facilities. For purposes of this part, improvement assurance warranty means a promise that the materials and workmanship of improvements comport with Herriman City's Development Standards and will not fail in any material respect within one (1) year warranty period.

B. If the city determines that the required improvements should be completed in a specified sequence and/or in less than a two-year period in order to protect the health, safety and welfare of the city or its residents from traffic, flood, drainage or other hazards, it may require in approving the final subdivision plat that the improvements be installed in a specified sequence and period which may be less than two years and shall incorporate such requirements in the bond.

C. Inspections shall be made within seven calendar days from the date of the request. If inspection shows that city standards and specifications have been met in the completion of such improvements, the bond shall be released within seven days from the time of inspection and filing of the as-built plan and profile drawings. If the bonds are not released, refusal to release and the reasons therefor shall be given to the subdivider in writing within 14 days from the time of the inspection.

**18.24.170 Exemptions.**

Churches and educational institutions shall, upon the submission of a letter guaranteeing the improvements required by this chapter, be exempt from the provisions of section 18.24.160.

**18.24.180 Fee in lieu of required improvements.**

A. Where present conditions exist which make it unfeasible or impractical to install any required public improvements, the city may require the subdivider to pay to the city a fee equal to the estimated cost of such improvements as determined by the city engineer. Upon payment of the fee by the developer, the city shall assume the responsibility for future installation of such improvements.

B. The treasurer shall establish a special account for such fees and shall credit to such account a proportioned share of interest earned from investment of city monies. Records relating to identification of properties for which fees have been collected, fee amounts collected for such properties and money transfer requests shall be the responsibility of the city engineer.

**18.24.190 Street lighting.**

A. The subdivider shall install street lights on all public and private roads. All lights shall meet the City street light standards. A 70 watt (5600 lumens) high pressure sodium vapor luminaire with photo cell shall be installed on streets that are 66 feet or less in width. A light pole shall be required to be installed at all intersections. A 150 watt (16,000 lumens) high pressure sodium vapor luminaire with photo cell shall be used on streets that are greater than 66 feet in width.

B. Street lights, including streetlights located near intersections, shall be no more than 150 feet apart and shall be placed according to an engineered lighting plan. Placement shall alternate from one side of the street to the other and shall be placed on side property lines. At intersections the street light shall be located near the intersection. The spacing for streetlights on streets that are greater than 66 feet in width shall be 125 feet apart on both sides of the street and placed in an alternating or soldiered pattern to allow for even lighting, that meets national standards.

C. The street light fixtures shall be "refractive globe acorn" or similar lighting fixture for the local roads and "Herriman Tear-Drop" on streets that are more than 66 feet in width. The power shall be placed underground.

D. The lights shall be installed in the space between the curb and sidewalks. In situations where the sidewalk is integral, the street light shall be placed within two feet of the sidewalk in the PUE.

E. Final placement and type of street lights shall be approved in writing by the city or its designee.

**18.24.200 Public utilities:**

A. The city engineer or his or her designee may approve the following public utilities in any zone:

1. Electric power transmission and distribution lines with a capacity of less than sixty nine (69) kV.

2. Gas transmission and distribution lines with a design pressure of less than six hundred (600) psi and pipe diameter of less than sixteen inches (16").

3. Canals and water transmission and distribution lines with a capacity of less than two hundred (200) second feet.

4. Motor vehicle right-of-ways and driveways.

5. Telephone lines.

6. Cable television or communication lines.

7. Easements, rights of way, service driveways or accessory structures which are appurtenant to the above uses.

B. The following large scale public utilities may be allowed in all zones subject to the granting of a conditional permit:

1. Electric power transmission lines with a capacity of sixty nine (69) kV or greater.

2. Gas transmission lines with a design pressure of six hundred (600) psi or greater and pipe diameter of sixteen inches (16") or larger.

3. Communication towers

4. Any easements, rights of way, service driveways, or accessory structures which are appurtenant to the above uses.

C. Public facilities shall be subject to all of the height, bulk, location and other standards for the zone in which they are located except:

1. There shall be no minimum lot size required.

2. Only walled and/or roofed structures shall be required to meet the yard requirements (setbacks) of the zone. Otherwise, the public facilities listed in this section shall have no minimum yard requirements.

D. In new developments, all utility lines and structures shall be installed underground in properly recorded easements according to city engineering and public utility standards. Junction boxes, monitoring and pump stations and other aboveground utility structures not listed above in excess of thirty (30) square feet in area or over four feet (4') in height shall require conditional use permit approval prior to installation.

## Chapter 18.26

### VACATING OR CHANGING SUBDIVISION PLAT

#### Sections:

**18.26.010 Plat vacation process.**

**18.26.020 Notice of hearing for plat change.**

**18.26.030 Grounds for vacating or changing a plat.**

**18.26.040 Lot line adjustments.**

**18.26.010 Plat vacation process.**

A. The planning commission may, with or without a petition, consider any proposed vacation, alteration, or amendment of a subdivision plat, any portion of a subdivision plat, or any street, lot, or alley contained in a subdivision plat at a public hearing.

B. If a petition is filed, the planning

commission shall hold a public hearing within 45 days after receipt of a petition.

C. A petition to vacate, alter, or amend a subdivision plat, any portion of a subdivision plat, or a street, lot or alley contained in a subdivision plat shall include:

1. The name and address of all owners of record of real property contained in the entire plat;

2. The name and address of all owners of record of real property located within 400 feet of any street that is proposed to be vacated, altered, or amended; and

3. The signature of each property owner who consents to the petition.

D. When the planning commission proposes to vacate, alter, or amend a subdivision plat, any portion of a subdivision plat, or a street, lot or alley contained in a subdivision plat, they shall consider the issue at a public hearing after giving the notice required by this chapter.

#### **18.26.020 Notice of hearing for plat change.**

A. The planning commission shall cause notice of the proposed plat change to be mailed to each owner of real property located within 400 feet of the property that is the subject of the proposed plat change, addressed to the owner's mailing address appearing on the most recent assessment rolls of the Salt Lake County Assessor.

B. The notice shall include the date, place, and time when the hearing will be held to consider such proposed plat change.

C. If the proposed change involves the vacation, alteration, or amendment of a street, the planning commission shall also cause notice of the date, place, and time of the hearing regarding the matter to be given by publishing the notice at least 14 days prior to such hearing in a newspaper of general circulation in the city and posting a notice in three public places in the city at least 14 days prior to such hearing.

**18.26.030 Grounds for vacating or changing a plat.**

A. Within 30 days after the public hearing required by this chapter, the planning commission shall consider the petition.

B. If the planning commission is satisfied that neither the public nor any person will be materially injured by the proposed vacation, alteration, or amendment, and that there is good cause for the vacation, alteration, or amendment, then the planning commission may recommend to the City Council to vacate, alter or amend the plat, any portion of the plat, or any street or lot.

C. The planning commission may ensure that the vacation, alteration, or amendment is recorded in the office of the Salt Lake County Recorder.

**18.36.040 Lot line adjustments.**

Petitions to adjust lot lines between adjacent properties may be executed upon the recordation of an appropriate deed if:

A. No new dwelling lot or housing unit results from the lot line adjustment;

B. The adjoining property owners consent to the lot line adjustment;

C. The lot line adjustment does not result in remnant land that did not previously exist;

D. The adjustment does not result in violation of applicable zoning requirements; and

E. The petition has been reviewed and approved by the community development director or his designee prior to recordation with the Salt Lake County Recorder's office.

**Chapter 18.28**

**PROPERTY IDENTIFICATION**

**Sections:**

**18.28.010 Purpose.**

**18.28.020 Duty to identify property.**

**18.28.030 Definitions.**

**18.28.040 Names of streets designated in official street and address files.**

**18.28.050 System of numbering.**

**18.28.060 Display of property identification number.**

**18.28.070 Property identification approval required for building and occupancy permit.**

**18.28.080 Property identification approval required for final plat approval.**

**18.28.090 Street identification change.**

**18.28.100 System of street identification signs.**

**18.28.110 Thoroughfare identification signs.**

**18.28.120 Street signs—Compliance.**

**18.28.130 Street signs—Requirements.**

**18.28.140 Enforcement and violation.**

**18.28.150 Nonconforming properties—Time for completion.**

**18.28.160 Penalty.**

**18.28.170 Severability.**

**18.28.010 Purpose.**

It is the purpose of this chapter to establish in the city a uniform system of property identification in order to foster uniformity and order among street names and numbers and structure numbers within the city and to provide an adequate system of property identification for the providers of emergency services within the boundaries of the city.

**18.28.020 Duty to identify property.**

It shall be the duty of the city engineer or his designated officer to establish a uniform property identification system in the city, to name and number all streets therein and to designate numbers for houses or buildings fronting upon all such streets, to issue property identification certificates and to enforce the provisions of this chapter, consistent with the purpose of this chapter. All street names must be reviewed and approved by the planning commission.

### 18.28.030 Definitions.

As used in this chapter:

A. "Address (situs address)" means a unique alphanumeric descriptor which identifies the property location of a parcel of land, a building or other structure on the county wide grid system.

B. "Property identification certificate" means the official documentation, including a certificate number and the registration of a legal situs address, which is issued to the owner/resident for their parcel, building or premises dwelling. The official situs address may also be designated on final plats recorded in the office of the county recorder.

C. "Address format" means the order of assemblage and structure of the five standardized components (frontage number, directional, thoroughfare name or number, thoroughfare type, substructure suffix) used in the legal situs address.

D. "Baseline street" means the east and west directional street (South Temple Street in Salt Lake City) which intersects with the meridian (Main Street in Salt Lake City) street to benchmark the permanent origin of the county-wide grid system and provide a datum point from which the coordinates of all other thoroughfares and legal situs addresses are calculated.

E. "Directional" means the compass direction of the legal situs address which references the county wide grid and the direction in which the frontage numbers are measured along the roadway of both public and private thoroughfares. When a thoroughfare number is used in the address instead of an alphabetic name, a directional shall also be used to designate its direction. A directional shall always be abbreviated with the first letter of its compass direction in standardized address format.

F. "Final plat" means a map or chart of a subdivision, PUD, condominium or other proposed development which has been accurately

sited or surveyed, and located on the ground so that thoroughfares, alleys, blocks, lots and other divisions thereof can be identified.

G. "Frontage number" means the prefix component of the legal situs address which is numerically sequenced and assigned to a structure or parcel along a thoroughfare according to its relative distance perpendicular to the baseline or meridian axis of the county-wide grid system.

H. "County wide grid system" means the coordinate system which has evolved and developed for identifying address and thoroughfare locations over the greater part of Salt Lake County.

I. "Intersection" means the point on the county-wide grid system which identifies the location where two or more thoroughfares cross one another.

J. "Meridian street" means the north and south directional thoroughfare (Main Street in Salt Lake City) which benchmarks the permanent origin of the county-wide grid system and provides a datum point from which the coordinates of all other streets and legal situs addresses are calculated (see "baseline street").

K. "Official street and address files" means the computer files and associated maps adopted by the city under the provisions of *Utah Code Ann.* § 10-9-8, to include the "Master Street Plan" of the city, including maps and reports or both, which have been approved by the city planning commission as required by law.

L. "Private rights-of-way" means thoroughfares which are retained and maintained under the ownership of private individuals intended for private use.

M. "Public rights-of-way" means thoroughfares which are dedicated for perpetual public use and are administered by the governing entities in which they are located.

N. "Subdivision" means the division of a tract, or lot or parcel of land into two or more lots, plots, sites or other divisions of land for

the purpose, whether immediate or future, of sale or building development or redevelopment, and a plat has theretofore been recorded in the office of the county recorder under a unique name to identify one subdivision from another. In property identification context, "subdivision name" may also be used to identify other conditional use or project names.

O. "Unit locator" is the last component of a legal situs address which is an alphabetical or numerical code used to identify a one-to-one correspondence between a building and high density occupancy structures within the building such as suites, rooms, apartments and condominium units.

P. "Thoroughfare" means any rights-of-way, under public or private ownership for public use, designed for the travel of motorized vehicles to enter and exit through passage and to include the ways used for internal circulation of traffic.

Q. "Thoroughfare name" means the alphabetic name assigned, not including the street type designator, to identify both public and private thoroughfares which are on the county-wide grid, and is one of the primary components of a legal situs address.

R. "Thoroughfare number" means the name of a thoroughfare designated with numerals according to its numerical position on the county-wide grid relative to the baseline or meridian axis streets. Thoroughfare numbers never contain alphanumeric characters (e.g., 2nd South Street). When a thoroughfare number is designated, a directional corresponding to its orientation on the grid is also required (e.g., 200 South Street).

S. "Thoroughfare type" means a standardized identification descriptor which corresponds to physical and functional characteristics of a thoroughfare (e.g., "Avenue," "Bay," "Boulevard," "Circle," "Court," "Cove," "Drive," "Expressway," "Lane," "Parkway," "Place," "Road," "Row," "Street" and "Way").

T. "Uniform property identification sys-

tem" means the established regulations and guidelines, as revised from time to time, which define specific procedures for the design and designation of address numbers on all houses and buildings including occupancy units therein as well as the design of names and numbers for streets both public and private including standards for street intersection markers (signs).

#### **18.28.040 Names of streets designated in official street and address files.**

All streets of the city, whether public or private, shall be known by the names by which they are so designated in the official street and address files of the city, filed in the office of the city engineer with such additions, changes and corrections of the names as shall from time to time be placed in the official files by ordinance.

#### **18.28.050 System of numbering.**

The city engineer, in numbering the houses or buildings upon the streets of the city, shall adhere to the following address format:

A. The initial point of intersection in the county-wide grid system shall be the junction of Main Street (meridian street) and South Temple Street (baseline street axis) in Salt Lake City, and the numbering shall extend thence east, west, north and south, the even numbers always on the right and odd numbers on the left, looking away from the initial point.

B. Each property identification number must contain:

1. A frontage number component which is numerically sequenced and assigned to a structure or parcel along a street according to its relative distance perpendicular to the baseline or meridian axis of the county wide grid;

2. A direction component referencing the county grid quadrant and the compass direction in which the frontage numbers run, abbreviated with the single letter equivalent for its compass direction (N, E, S or W);

3. A thoroughfare name component consisting of either an alphabetic name or a number name, but not both;

4. Thoroughfare type component, which modifies the name to distinguish specific locational, functional and physical characteristics of the thoroughfare; and

5. A unit locator component, which is an alphabetical or numerical code used to identify high-density occupancy units within a structure having one and the same frontage number component.

C. Thoroughfare names must meet the criteria established pursuant to subsection D of this section before final approval can be given by the community development director.

D. The city engineer shall develop a written policy for thoroughfare and structure identification, elimination of duplicate thoroughfare names, which policy shall be approved by the city council and shall be available for inspection at the offices of the city engineer. The thoroughfare identification criteria should take into consideration historical character, local color or theme, locational characteristics, and compatibility with adjacent thoroughfares.

**18.28.060 Display of property identification number.**

When a property identification number has been designated by the city engineer, the owner or occupant of such house or building shall cause a painted, carved or cast duplicate of such number at least three inches in height and varying in size according to the setback distance of the structure, and of a shade contrasting with the background upon which the number is mounted, to be located on the structure as provided in this chapter. Such number shall be block numerals (not script) and shall be located in a conspicuous position upon the portion of such structure which faces the thoroughfare identified in the address certificate. The property identification number shall be mounted in a permanent, stationary and dura-

ble manner, unobstructed at all times by vines, screens or anything that would tend to hide or obscure the number, and at a sufficient height that the number will be clearly perceptible with the unaided eye from the centerline of the thoroughfare upon which the structure is located.

**18.28.070 Property identification approval required for building and occupancy permit.**

A. No building permit shall be issued until such time as the applicant has paid required fees and applied for and received a legal situs address from the city engineer. The official address so issued must appear on the building permit when issued.

B. No occupancy permit shall be issued until such time as the applicant has paid required fees, applied for and received official certificate of property identification, and permanently affixed the official address to the structure and substructure as required in this chapter. The city engineer shall have the right to change property identification numbers without notice and with or without cause prior to issuance of an occupancy permit.

**18.28.080 Property identification approval required for final plat approval.**

Property identification approval must be given by the city engineer prior to final approval of a subdivision. The property identification approval must appear on the final plat of a subdivision, PUD, condominium or other proposed development prior to final approval and upon amendment. The developer shall pay for and the city arrange to manufacture and install all thoroughfare identification signs as required by the community development director.

**18.28.090 Street identification change.**

A. Upon application from seventy-five percent of the owners of structures located upon a thoroughfare for a change in thorough-



fare name identification, and upon payment of a minimum fee (\$250), the city engineer shall review the application and make a determination as to the propriety of the requested change. If the request is granted by the city council, the balance of the associated costs for the name change shall be paid before the thoroughfare designation shall be included in the official street file of the city and in the official property identification numbers (addresses) assigned to such thoroughfare.

B. If, in the opinion of the city council, a requested change of thoroughfare name identification is necessary for the protection of the public health, safety and welfare of the citizens of the city, the city council may, at its discretion, waive payment of the fee and associated costs for such change and for issuance of new property identification certificates.

**18.28.100 System of street identification signs.**

It shall be the duty of the city engineer to establish a uniform system for thoroughfare identification signs upon all streets of the city.

**18.28.110 Thoroughfare identification signs.**

Thoroughfare identification signs, approved by the city, shall be paid for by the developer or property owner with manufacturing and installation arranged by the city at the intersections of all streets and highways and at such other locations as may be determined to be necessary by the city engineer.

**18.28.120 Street signs—Compliance.**

It is unlawful to erect or maintain any thoroughfare identification sign which has not been approved by the city engineer.

**18.28.130 Street signs—Requirements.**

All street signs shall be constructed and installed in accordance with the specifications approved by and on file with the city.

**18.28.140 Enforcement and violation.**

A. It shall be the duty of the city engineer and his designated officers and deputies to enforce the provisions of this chapter.

B. It is unlawful for any owner of a parcel of land upon which a structure is located to fail to number such structure or units within the structure with the number designated by the city engineer. It is unlawful for the owner of any structure or substructure or for the owner or agent of any unoccupied, habitable structure located upon a thoroughfare within the city to fail to number such structure or units within the structure with the designated number in the manner set forth in this chapter. It is unlawful for any person to number a structure or units within a structure in any manner other than that prescribed in this chapter.

**18.28.150 Nonconforming properties—  
Time for completion.**

A. This chapter shall apply to all thoroughfares, streets, structures, street identification signs and address numbers, public or private, existing within the city at the time of adoption of the ordinance as well as those thereafter created or constructed.

B. Those thoroughfares, streets, structures, signs and address numbers which are not in compliance with this chapter or which fail to comply with the designations made by the city engineer pursuant to this chapter at the time of the adoption of the ordinance shall be brought into full compliance by owners not later than 60 days after notification.

**18.28.160 Penalty.**

Any person or entity violating the provisions of this chapter, either by failing to do those acts required herein, or by doing any act prohibited herein, is guilty of a misdemeanor.

**18.28.170 Severability.**

The provisions of this chapter are severable and if any provision, clause, sentence, sec-

tion, word or part thereof is held illegal, invalid or unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity, unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, sections, words or parts of the chapter or their application to other persons or circumstances. It is hereby declared to be the legislative intent that the chapter would have been adopted if such illegal, invalid or unconstitutional provisions, clauses, sentences, sections, words or parts had not been included therein, and if the person or circumstances to which the chapter or part thereof is inapplicable had been specifically exempted therefrom.

### Chapter 18.32

#### HEALTH DEPARTMENT REGULATIONS

**Sections:**

**18.32.010 Adoption of health regulations.**

**18.32.020 Violations.**

**18.32.010 Adoption of health regulations.**

The provisions of the health department health regulation No. 12, entitled "Subdivisions," as currently adopted by the health department, are incorporated in their entirety by reference.

**18.32.020 Violations.**

Violation of any provision of any health regulation incorporated into this title shall constitute a misdemeanor as defined by the Utah State Code. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punished as such.

### Chapter 18.36

#### FEES, ADMINISTRATION AND ENFORCEMENT

**Sections:**

**18.36.010 Building permit issuance.**

**18.36.020 Filing fee.**

**18.36.030 Inspections.**

**18.36.040 Enforcement authority.**

**18.36.010 Building permit issuance.**

From the effective date of this title, the city engineer shall not grant a permit, nor shall any city officer grant any license or permit for the use of any land or the construction or alteration of any building or structure on a lot which would be in violation of any provisions of this title until a subdivision plat therefor has been recorded or approved as required in this title. Any license or permit issued in conflict with such provisions shall be void.

**18.36.020 Filing fee.**

Any and all persons filing plats with the county recorder shall first have paid all fees required in this title. In addition, persons filing plats shall pay to the city engineer prior to recording, an office checking fee.

**18.36.030 Inspections.**

Appropriate agencies and departments of the city shall inspect or cause to be inspected all buildings, street improvements, fire hydrants and water supply and sewage disposal systems in the course of construction, installation or repair. Excavations for the fire hydrants and water and sewer mains and laterals shall not be covered or backfilled until such installation shall have been approved by the city engineer. If any such installation is covered before being inspected and approved, it shall be uncovered after notice to uncover has been issued to the responsible person by the inspector.

**18.36.040 Enforcement authority.**

The city engineer, the city fire department, the planning commission and such other departments and agencies of city government as are specified under the provisions of this title are designated and authorized as the agencies charged with the enforcement of the provisions of this title and shall enter such actions in court as are necessary. Failure of such departments to pursue appropriate legal remedies shall not legalize any violation of such provisions.

scribed by ordinance, such corporation is punishable by a fine not exceeding \$2,000.

**Chapter 18.40**

**VIOLATIONS AND PENALTIES**

**Sections:**

**18.40.010 Prohibited acts.**

**18.40.020 Violation—Penalty.**

**18.40.010 Prohibited acts.**

No person shall subdivide any tract or parcel of land located wholly or in part in the city except in compliance with the provisions of this title. No person shall purchase, sell or exchange any parcel of land that is any part of a subdivision or a proposed subdivision submitted to the planning commission, nor offer for recording in the office of the county recorder any deed conveying such parcel of land or any fee interest therein, unless such subdivision has been created pursuant to and in accordance with the provisions of this title.

**18.40.020 Violation—Penalty.**

Whoever shall violate any of the provisions of this title shall be guilty of a misdemeanor and, upon conviction of any such violation, shall be punishable by a fine of not more than \$299, or by imprisonment for not more than 90 days, or by both such fine and imprisonment, except that in all cases where a corporation would be punishable for a misdemeanor and there is no other punishment pre-

## ZONING

### Chapters:

- 19.02 General Provisions and Administration
- 19.04 Definitions
- 19.06 Planning Commission
- 19.08 Zones, Maps, and Zone Boundaries
- 19.10 R-1-10, R-1-15, R-1-21, R-1-43 Single-Family Residential Zones
- 19.11 R-2-10 and R-2-15 Medium Density Residential Zone
- 19.12 FR-1, FR-2.5, FR-5, 10, 20 Forest Recreation Zones
- 19.13 R-C Resort Community Zone
- 19.14 R-M Residential Zone
- 19.16 A-.25 Agricultural Zone
- 19.18 A-.5 Agricultural Zone
- 19.20 A-1 Agricultural Zone
- 19.22 Office, Professional (OP) Zone
- 19.23 MU Mixed Use Zone
- 19.24 MU-2 Mixed Use 2 Zone
- 19.25 C-1 Commercial Zone
- 19.26 C-2 Commercial Zone
- 19.28 M-1 Manufacturing Zone
- 19.29 Hazard Area Overlay Zone
- 19.30 Historic Preservation Ordinance
- 19.32 Floodplain Hazard Regulations
- 19.34 Environmental Contamination Overlay Zone
- 19.36 Supplementary and Qualifying Regulations
- 19.38 Planned Unit Development
- 19.40 Off-Street Parking Requirements
- 19.42 Highway Noise Abatement Measures
- 19.44 Signs
- 19.46 Conditional Uses
- 19.48 Nonconforming Building and Uses
- 19.50 Amendments and Rezoning
- 19.52 Sexually-Oriented Businesses
- 19.54 Appeals Authority
- 19.56 Enforcement
- 19.60 Residential Facilities for Elderly Persons and Persons with a Disability

**Chapter 19.02**

**GENERAL PROVISIONS AND  
ADMINISTRATION**

**Sections:**

- 19.02.010 Title for citation.**
- 19.02.020 Purpose of provisions.**
- 19.02.030 Interpretation as minimum requirements.**
- 19.02.040 Resolution of conflicts.**
- 19.02.050 Effect on previous ordinances and maps.**
- 19.02.060 Licensing requirements.**
- 19.02.070 Time computation.**
- 19.02.080 Site plans required—Contents.**
- 19.02.090 Building and use permits required.**
- 19.02.100 Compliance prerequisite to permit issuance.**
- 19.02.110 Improvements—Performance bonds.**
- 19.02.120 Development standards.**

**19.02.010 Title for citation.**

This title shall be known as the "Zoning Ordinance of Herriman, Utah," and may be so cited and pleaded.

**19.02.020 Purpose of provisions.**

This title is designed and enacted for the purpose of promoting the health, safety, morals, conveniences, order, prosperity and welfare of the present and future inhabitants of the city, including, among other things, the management of 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, and securing economy in governmental expenditures.

**19.02.030 Interpretation as minimum requirements.**

In interpreting and applying the provisions of this title, the requirements contained herein are declared to be the minimum requirements for the purposes set forth.

**19.02.040 Resolution of conflicts.**

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.

**19.02.050 Effect on previous ordinances and maps.**

The ordinances of Salt Lake County that were adopted by reference as temporary zoning including the maps theretofore adopted and made a part of such ordinances, are hereby superseded and amended to read as set forth in this title; provided, however that this title, including the maps on file with the city planning commission and by this reference made a part hereof, shall be deemed a new enactment and may be amended or revised from time to time. 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 uses, buildings or structures, and to questions as to the dates upon which such uses, buildings or structures became conforming or nonconforming.

**19.02.060 Licensing requirements.**

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 permits or licenses for use, building or purpose where the same would be in conflict with the provisions of this title, and any such permit or license, if issued in conflict with the provisions of this title, shall be null and void.

**19.02.070 Time computation.**

A. In computing any period of time prescribed or allowed by this title, the day of the act, event or decision after which the designated period of time begins to run is not to be included. The last day of the period so computed is to be included, unless it is a Saturday, Sunday or legal holiday, in which event the period runs until the end of the next day, which is neither a Saturday, Sunday or a holiday. When the period of time prescribed or allowed is less than seven days, intermediate Saturdays, Sundays and holidays shall be excluded in the computation. A half-holiday shall be considered as other days and not as a holiday.

B. The date of a decision or recommendation of the planning commission shall be the date of the public meeting or hearing where such decision or recommendation is made. If the decision is made by the city's community development director, the date of the decision shall be the date specified on the property owner's notification letter in the application file.

**19.02.080 Site plans required—Contents.**

A detailed site plan, drawn to scale (scale and sheet size to be determined by the community development director) shall be filed as part of any application prior to consideration or for any building permit. The site plan shall show, where pertinent:

- A. Note of scale used;
- B. Direction of North point;
- C. Lot lines, together with adjacent streets, roads and rights-of-way;
- D. Location of all existing structures on subject property and adjoining properties (completely dimensioned, including utility lines, poles, etc.);
- E. Location of the proposed construction and improvements, including the location of all signs;

F. Motor vehicle access, including individual parking stalls, circulation patterns, curb, gutter, and sidewalk location;

G. Necessary explanatory notes;

H. Name, address and telephone number of builder and owner; and

I. All other information that may be required, as determined by the community development director.

**19.02.090 Building and use permits required.**

Construction, alteration, repair or removal of any building or 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 community development director. The use of the land shall not be commenced or proceeded with except upon the issuance of a written permit for the same by the community development director.

**19.02.100 Compliance prerequisite to permit issuance.**

After the effective date of this ordinance, no building permit may be issued without first having been approved by the community development director. The community development director shall not approve a building permit if any building, structure or use of land would be in violation of any of the provisions of this title, nor shall any other city officer grant any permit or license nor the use of any building or land if use would be in violation of this title.

**19.02.110 Improvements—Performance bonds.**

A. Any improvements required under this title or by the city planning commission, including but not limited to curb, gutter and sidewalk, fences, landscaping, streets, fire hydrants and parking, shall be satisfactorily installed prior to the city authorizing permanent electrical service; or, if no electrical service is required, prior to issuance of any occupancy permit for the land being developed. In lieu of actual completion of such improvements prior to electrical service being provided or occupancy permit, a developer may file with the city a cash bond, an escrow agreement or an irrevocable letter of credit in an amount and a form specified and acceptable to the city, to ensure completion of improvements. Twenty-five percent of the bond amount for public improvements, such as curb, gutter, sidewalk, road surfacing and fire hydrants, shall extend for a one-year period beyond the date the improvements are completed, to guarantee replacement of such defective public improvements. Upon completion of the improvements for which such bond has been filed, the developer shall call for inspections of the improvements by the community development director or his authorized agent.

B. If the city determines that the required improvements should be completed in a specified sequence and/or in less time than excepted in order to protect the health, safety and welfare of the city or its residents from traffic, flood, drainage or other hazards, it may require that the improvements be installed in a specified sequence and shall incorporate such requirements in any bond.

C. When the developer is a school district, municipality, service area, special-purpose district or other political subdivision of the state, the city council may waive the bond and accept an interlocal agreement from the governing body guaranteeing installation of the improvements. Before approving any such waiver, the city council

shall receive a recommendation from the community development director.

**19.02.120 Development standards.**

The planning commission may adopt development standards for use as a guide in conditional use review and subdivision design.

**Chapter 19.04**

**DEFINITIONS**

**Sections:**

- 19.04.005 Definitions and interpretation of language.**
- 19.04.010 Agriculture.**
- 19.04.020 Alley.**
- 19.04.025 Amusement device.**
- 19.04.027 Antenna facility.**
- 19.04.030 Antique.**
- 19.04.035 Apartment.**
- 19.04.040 Arcade.**
- 19.04.045 Area of special flood hazard.**
- 19.04.050 Base flood.**
- 19.04.055 Basement.**
- 19.04.060 Bed and breakfast homestay.**
- 19.04.065 Bed and breakfast inn.**
- 19.04.070 Boardinghouse.**
- 19.04.072 Brew pub.**
- 19.04.075 Building.**
- 19.04.080 Building, accessory.**
- 19.04.085 Building, height of.**
- 19.04.090 Building, main.**
- 19.04.095 Canopy.**
- 19.04.100 Carport.**
- 19.04.103 Charter Schools.**
- 19.04.105 Child nursery.**
- 19.04.110 Church.**
- 19.04.111 City.**
- 19.04.112 City council.**
- 19.04.115 Class A beer outlet.**
- 19.04.120 Class B beer outlet.**
- 19.04.125 Class C beer outlet.**
- 19.04.130 Conditional use.**
- 19.04.131 Community development director.**
- 19.04.135 Corral.**

- 19.04.137 County.
- 19.04.140 Court.
- 19.04.145 Dairy.
- 19.04.150 Day care/preschool center.
- 19.04.155 Development.
- 19.04.160 Dwelling.
- 19.04.165 Dwelling, four-family.
- 19.04.170 Dwelling group.
- 19.04.175 Dwelling, multiple-family.
- 19.04.180 Dwelling, single-family.
- 19.04.185 Dwelling, three-family.
- 19.04.190 Dwelling, two-family.
- 19.04.195 Dwelling unit.
- 19.04.200 Entrance.
- 19.04.205 Exit.
- 19.04.207 Exotic animal permit.
- 19.04.210 Family.
- 19.04.215 Family food production.
- 19.04.217 Fancier's permit.
- 19.04.220 Flood or flooding.
- 19.04.225 Flood Insurance Rate Map (FIRM).
- 19.04.230 Flood insurance study.
- 19.04.235 Floodway.
- 19.04.237 Foster animals.
- 19.04.240 Frontage.
- 19.04.245 Garage, private.
- 19.04.250 Garage, public.
- 19.04.255 Grade.
- 19.04.260 Graffiti.
- 19.04.265 Guest.
- 19.04.270 Guest room.
- 19.04.271 Health department.
- 19.04.275 Home day care/preschool.
- 19.04.280 Home occupation.
- 19.04.285 Hotel/motel.
- 19.04.293 Hobby permit
- 19.04.295 Intensity.
- 19.04.300 Junk.
- 19.04.305 Junkyard.
- 19.04.310 Kennel.
- 19.04.315 Lot.
- 19.04.320 Lot, corner.
- 19.04.325 Lot, interior.
- 19.04.330 Mobile home or manufactured home.
- 19.04.335 Mobile home park.
- 19.04.340 Mobile store.
- 19.04.343 Monopole.
- 19.04.345 Natural waterways.
- 19.04.350 Neighborhood storage.
- 19.04.355 New construction.
- 19.04.360 Nonconforming building or structure.
- 19.04.365 Nonconforming use.
- 19.04.370 Nursing home.
- 19.04.375 Organic disposal site.
- 19.04.380 Package agency.
- 19.04.385 Parking lot.
- 19.04.390 Parking space.
- 19.04.395 Permitted use.
- 19.04.400 Planned unit development.
- 19.04.401 Planning commission.
- 19.04.405 Private educational institutions having an academic curriculum similar to ordinarily given in public schools.
- 19.04.410 Private nonprofit locker club.
- 19.04.415 Private nonprofit recreational grounds and facilities.
- 19.04.420 Protected living arrangement.
- 19.04.425 Public use.
- 19.04.430 Quasi-public use.
- 19.04.435 Recreation, commercial.
- 19.04.440 Residential facility for elderly persons.
- 19.04.442 Residential Facility for Persons With a Disability
- 19.04.445 Residential health care facility.
- 19.04.450 Resource recycling collection point.
- 19.04.455 Restaurant.
- 19.04.460 Restaurant liquor license.
- 19.04.462 Roof-mounted antenna.
- 19.04.464 Sand and/or rock removal.
- 19.04.465 Sanitary landfill.
- 19.04.470 School.
- 19.04.473 Secondary Unit
- 19.04.475 Shopping center.
- 19.04.480 Sportsman's kennel.
- 19.04.485 Stable, private.
- 19.04.490 Stable, public.
- 19.04.495 Start of construction.
- 19.04.500 State store.



- 19.04.505 Story.
- 19.04.510 Story, first.
- 19.04.515 Story, half.
- 19.04.520 Street.
- 19.04.525 Structure.
- 19.04.530 Structural alterations.
- 19.04.535 Studios.
- 19.04.540 Substantial improvement.
- 19.04.575 Yard, side.
- 19.04.580 Zoning Administration.

**19.04.005 Definitions and interpretation of language.**

For the purpose 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; and words included herein but defined in the building code shall be construed as defined therein.

**19.04.010 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 or fowl, except household pets, and not including any agricultural industry or business such as fruit-packing plants, fur farms, animal hospitals or similar uses.

**19.04.020 Alley.**

“Alley” means a public thoroughfare less than 25 feet wide.

- 19.04.545 Tanning studio.
- 19.04.550 Use, accessory.
- 19.04.552 Wall-mounted antenna.
- 19.04.555 Width of lot.
- 19.04.560 Yard.
- 19.04.565 Yard, front.
- 19.04.570 Yard, rear.

**19.04.025 Amusement device.**

“Amusement device” means any video game, pinball or other machine, whether mechanically or electronically operated that, upon insertion of a coin, trade-token, slug or similar object, or upon payment of money or other consideration through use of a metered or similar device, operates or may be operated as a game or contest of skill or amusement of any kind or description, and that contains no automatic payoff for the return of money or trade-tokens, or that makes no provision whatever for the return of money to the player. An amusement device is further defined as any machine, apparatus or contrivance that is used or that may be used as a game of skill and amusement wherein or whereby the player initiates, employs or directs any force generated by the machine. An amusement device shall exclude billiard, pool or bagatelle tables.

**19.04.027 Antenna facility.**

“Antenna facility” means a telecommunication antenna device which is mounted on a building roof or mounted in a vertical wall. These antennas are allowed on any zone provided they are safely attached and are not visually obtrusive.

**19.04.030 Antique.**

“Antique” means a relic, work of art, piece of furniture or other decorative object of ancient times, or made in a former age or period, highly valued for its beauty, craftsmanship or rarity.

**19.04.035 Apartment.**

“Apartment” means a multiple-family dwelling; see “Dwelling, multiple-family.”

**19.04.040 Arcade.**

“Arcade” means any business catering to minors, containing four or more amusement devices.

**19.04.045 Area of special flood hazard.**

“Area of special flood hazard” means the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

**19.04.047 Balcony, Porch or Deck.**

“Balcony, porch, or deck” means a covered or uncovered platform usually projecting from a wall or an entrance to a building, sometimes being surrounded by a railing, balustrade or parapet, but not surrounded by walls or enclosures.

**19.04.050 Base flood.**

“Base flood” means a flood having a one percent chance of being equaled or exceeded in any given year.

**19.04.055 Basement.**

“Basement” means any floor level below the first story in a building, except that a floor level in a building having only one floor level shall be classified as a basement unless such floor level qualifies as a first story.

**19.04.060 Bed and breakfast homestay.**

“Bed and breakfast homestay” means a dwelling which has frontage on a street with a minimum right-of-way of 60 feet, contains a maximum of five guest rooms, is occupied by the owner or individual responsible for operating the facility, and used for accommodations or lodging of guests paying compensation. Breakfast may be served during the A.M. hours. Lunch or dinner may not be served. This use shall not change the character of the dwelling or property for residential purposes, and shall meet the requirements of the health department and the fire department.

**19.04.065 Bed and breakfast inn.**

“Bed and breakfast inn” means a building containing a minimum of six guest rooms, but not more than 30 guest rooms (except the R-M zones which are limited to a maximum of 20 guest rooms), is used for accommodations or lodging of guests paying compensation where at least a breakfast meal is served, and in which no provision is made for cooking in any individual guest room. The structure shall have a residential appearance, and be limited to a maximum of two stories in height.

**19.04.070 Boardinghouse.**

“Boardinghouse” means a building with not more than five guest rooms, where, for compensation, meals are provided for at least five but not more than 15 persons.

**19.04.072 Brew pub.**

“Brew pub” means a business that produces or manufactures beer for consumption in connection with a meal prepared by an on-premises restaurant. A brew pub is not a permitted use or a conditional use in any zone.

**19.04.075 Building.**

“Building” means any structure having a roof supported by columns or walls, for the housing or enclosure of persons, animals or chattels.

**19.04.080 Building, accessory.**

“Accessory building” means a detached, subordinate building clearly incidental to and located upon the same lot occupied by the main building. Also, a building clearly incidental to an agriculture or animal care land use located on a lot in an agriculture zone, which lot meets the minimum lot size for such zone and is not under one acre in area.

**19.04.085 Building, height of.**

A. “Height of building” means the vertical distance above the lowest original ground surface at any point on the perimeter of the building 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 highest point of a pitched or hipped roof.

B. Buildings may be stepped to accommodate the slope of the terrain provided that each step shall be at least 12 feet in horizontal dimension. The height of each stepped building segment shall be measured as required in subsection A.

C. Original ground surface shall be the elevation of the ground surface in its natural state before any manmade alterations including but not limited to grading, excavation, or filling, excluding improvements required by zoning or subdivision ordinances. When the elevation of the original ground surface is not readily apparent because of previous manmade alterations, the elevation of the original grade shall be determined by the community development director using the best information available.

**19.04.090 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 a principal use upon a lot.

**19.04.095 Canopy.**

“Canopy” means a roofed structure supported by a building and/or supports extending to the ground directly underneath the canopy, and providing a protective shield for service-station pump islands and walkways.

**19.04.100 Carport.**

“Carport” means a private garage not completely enclosed by walls or doors. For the purpose of this title, a carport shall be subject to all of the regulations prescribed for a private garage.

**19.04.103 Charter Schools.**

“Charter school” means:

- a. an operating charter school;
- b. a charter school applicant that has its application approved by a chartering entity in accordance with Title 53A, Chapter 1a, Part 5, The Utah Charter Schools Act; and
- c. an entity who is working on behalf of a charter school or approved charter applicant to develop or construct a charter school building.

**19.04.105 Child nursery.**

“Child nursery” means an establishment for the care, whether or not for compensation, of up to six children other than members of the family residing on the premises.

**19.04.110 Church.**

“Church” means a building, together with its accessory buildings and uses, where persons regularly assemble for religious worship, and which building, together with its accessory buildings and uses, is maintained and controlled by a religious body organized to sustain public worship

**19.04.111 City.**

“City” and/or “Town” means Herriman, Utah.

**19.04.112 City council.**

"City council" means the town or city council of the city.

**19.04.115 Class A beer outlet.**

"Class A beer outlet" means a place of business wherein beer is sold in original containers to be consumed off the premises in accordance with the state's Liquor Control Act and the city's licensing ordinance.

**19.04.120 Class B beer outlet.**

"Class B beer outlet" means a place of business in connection with a *bona fide* restaurant wherein beer is sold in open containers and on draft for consumption on the premises; provided, that the sale of beer is less than thirty percent of the gross dollar value, subject to the provisions of the city's licensing ordinance.

**19.04.125 Class C beer outlet.**

"Class C beer outlet" means a place of business wherein the primary or main business is that of selling beer for consumption on the premises. A Class C beer outlet is not a permitted use or a conditional use in any zone.

**19.04.130 Conditional use.**

"Conditional use" means a land use that, because of its unique characteristics or potential impact on the municipality, surrounding neighbors, or adjacent land uses, may not be compatible in some areas or may be compatible only if certain conditions are required that mitigate or eliminate the detrimental impacts.

**19.04.131 Community development director.**

"Community development director" means the city's community development director or person designated as such by the city council.

**19.04.135 Corral.**

"Corral" means a space, other than a building, less than one acre in area or less than 100 feet in width, used for the confinement of animals.

**19.04.137 County.**

"County" means Salt Lake County, Utah.

**19.04.140 Court.**

"Court" means an occupied space on a lot, other than a yard, designed to be partially surrounded by group dwellings.

**19.04.145 Dairy.**

"Dairy" means a commercial establishment for the manufacture or processing of dairy products.

**19.04.150 Day care/preschool center.**

"Day care/preschool center" means:

A. Any facility, other than an occupied dwelling, operated by a person qualified by the state, which provides day care, protection or supervision and/or preschool instruction.

B. No person who is violent or being treated for alcoholism or drug abuse can be placed in a day care/preschool center. Placement in a day care/preschool center may not be part of or in lieu of confinement, rehabilitation or treatment in a correctional facility.

**19.04.155 Development.**

"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

**19.04.160 Dwelling.**

"Dwelling" means any building, or portion thereof, which is designed for use for residential purposes, except hotels, apartments, and boardinghouses.

**19.04.165 Dwelling, four-family.**

“Four-family dwelling” means a building arranged or designed to be occupied by four families, the structure having only four dwelling units.

**19.04.170 Dwelling group.**

“Dwelling group” means a group of two or more dwellings located on a parcel of land in one ownership and having any yard or court in common.

**19.04.175 Dwelling, multiple-family.**

“Multiple-family dwelling” means a building arranged or designed to be occupied by more than four families.

**19.04.180 Dwelling, single-family.**

“Single-family dwelling” means a building arranged or designed to be occupied by one family, the structure having only one dwelling unit.

**19.04.185 Dwelling, three-family.**

“Three-family dwelling” means a building arranged or designed to be occupied by three families, the structure having only three dwelling units.

**19.04.190 Dwelling, two-family.**

“Two-family dwelling” means a building arranged or designed to be occupied by two families, the structure having only two dwelling units.

**19.04.195 Dwelling unit.**

“Dwelling unit” means one or more rooms physically arranged so as to create an independent housekeeping establishment for occupancy by one family with separate toilets and facilities for cooking and sleeping.

**19.04.200 Entrance.**

“Entrance” means the location of ingress to a room, building or lot; a location of admittance.

**19.04.205 Exit.**

“Exit” means the location of egress from a room, building or lot.

**19.04.207 Exotic animal permit.**

“Exotic animal permit” is for those who want to own or keep an exotic animal. An exotic animal is any animal whose native habitat is not indigenous to the continental United States, excluding Alaska, except tropical fish, fur-bearing animals commercially bred for the furrier trade, birds, and dangerous animals. The applicant must demonstrate sufficient knowledge of the species to provide adequate care, provide proof of adequate caging, provide proof that the animal poses no threat to the health and safety of the community in the event the animal should escape, and provide proof of any required state or federal license.

**19.04.210 Family.**

“Family” means:

A. Any number of people living together in a dwelling unit and related by blood, marriage or adoption, and including up to three unrelated people; or

B. One to three unrelated people living together in a dwelling. Each unrelated person owning or operating a motor vehicle shall have a lawfully located off-street parking space.

**19.04.215 Family food production.**

“Family food production” means the keeping of not more than two cows, two sheep, two goats, 20 rabbits, 50 chickens, 50 pheasants, ten ducks, ten turkeys, ten geese and 20 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 of 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 kinds of animals and fowl are permitted at any one time on any lot smaller than one-half acre.

**19.04.217 Fancier’s permit.**

“Fancier’s permit” allows the owner to have more than three dogs and cats in a residential area provided that each animal is registered with a national registry, eligible for licensing by Salt Lake County Animal Services, and approval is granted by Herriman City and Salt Lake County Animal Services. Adequate areas for shelter and confinement must be verified.

**19.04.220 Flood or flooding.**

“Flood” or “flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- A. The overflow of inland or tidal waters; and/or
- B. The unusual and rapid accumulation or runoff of surface waters from any source.

**19.04.225 Flood Insurance Rate Map (FIRM).**

“Flood Insurance Rate Map (FIRM)” means the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

**19.04.230 Flood insurance study.**

“Flood insurance study” means the official report provided by the Federal Emergency Management Agency that includes flood profiles, the flood boundary-floodway map, and the water surface elevation of the base flood.

**19.04.235 Floodway.**

“Floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

**19.04.237 Foster animals.**

“Foster animals” means that owners of dogs and cats may obtain a permit to keep more than three dogs or cats in a residential area, provided:

1. Only one dog or one cat with unweaned kittens shall be kept at a time;
2. Such animal shall be the property of a local public animal shelter or a Section 501 (c)(3), Internal Revenue Code, animal welfare organization;
3. Such pets are awaiting adoption;
4. Approval is granted by the health department;
5. Adequate areas for confinement and shelter are provided;
6. No pet or premises is deemed to be a nuisance;
7. The animal shall be kept for no more than 6 months; and
8. A foster permit is obtained from Salt Lake County Animal Control.

**19.04.240 Frontage.**

“Frontage” means all 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 streets, 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.

**19.04.245 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; provided, that on a lot occupied by a multiple dwelling, the private garage may be designed and used for the storage of one-and-one-half times as many automobiles as there are dwelling units in the multiple dwelling. A garage shall be considered part of a dwelling if the garage and the dwelling have a roof or wall in common. A private garage may not be used for storage of more than one truck for each family dwelling upon the premises, and no such truck shall exceed two-and-one-half tons capacity.

**19.04.250 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.

**19.04.255 Grade.**

“Grade” means the lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line or, when the property line is more than five feet from the building, between the building and a line five feet from the building.

**19.04.260 Graffiti.**

“Graffiti” means inscriptions, drawings, paintings or other visual defacing of buildings, structures or natural features, without the consent of the owner thereof, and which is not otherwise authorized and permitted in the city ordinances.

**19.04.265 Guest.**

“Guest” means a transient person who rents or occupies a room for sleeping purposes.

**19.04.270 Guest room.**

“Guest room” means a room which is designed for double occupancy by guests, for sleeping purposes.

**19.04.271 Health department.**

“Health department” means the Salt Lake City-County health department.

**19.04.275 Home day care/preschool.**

“Home day care/preschool” means the keeping for care, supervision and/or preschool instruction of 12 or less children including the caregiver’s own children under the age of six and not yet in full day school within an occupied dwelling and yard for direct or indirect compensation. (State statutes and regulations may contain additional requirements or may limit the number of children allowed in a home day care.) Home day care/preschool does not include care provided in the home of the parent or legal guardian of the child or children.

**19.04.280 Home occupation.**

A. "Home occupation" means any use conducted entirely within a dwelling and carried on by one person residing in the dwelling unit, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character of the dwelling or property for residential purposes, and in connection with which there can be a display of stock in trade. The storage of stock in trade shall be a maximum of 250 cubic feet. "Stock in trade" being any item offered for sale which was not produced on the premises.

B. The home occupation shall not involve the use of any accessory building or yard space or activity outside the main building. Parking for a home occupation shall be limited to the following: Two available parking spaces on the subject property where automobiles are customarily parked.

C. For **Agricultural zones**. It is the intent of the Planning Commission to review this ordinance every two years to evaluate the urbanization of the City and decide if this provision should be made more restrictive.

1. "Home Occupation in an Agricultural Zone" means any use carried on by a person or persons residing in the dwelling and up to 2 employees, unless it can be shown to the Planning Commission that the lot is large enough to accommodate additional employees, then there can be up to 4 employees on the premises to operate the business. The use should be clearly incidental and secondary to the use of the dwelling for dwelling and agricultural purposes and does not change the character of the dwelling. There must be one additional parking space on the parcel for each employees coming to the home as a result of the business. The required parking can only be in the side and rear yards.

2. The number of pieces of equipment allowed to be stored outside will be determined by the Planning Commission depending on the size of the lot.

3. Storage of material can be done only in enclosed buildings and must be specifically

reviewed and approved by the Planning Commission.

4. Work can be done in buildings other than the main dwelling if the nuisances of noise and odors, other than those incidental to legitimate agricultural uses, can be mitigated.

5. All approvals for Home occupations in the agricultural zones under this subsection, may be reviewed every two years by the Planning Commission to see if the use is still compatible with the surrounding land uses.

6. Any outside buildings where employees work must have restrooms for such employees.

7. The Commission in their approval of the use may specify a time of when the occupation must be removed from the premises.

**19.04.285 Hotel/motel.**

"Hotel/motel" means a building designed for or occupied by 16 or more guests who are for compensation lodged. The rooms are intended to be rented for a period less than 30 days.

**19.04.293 Hobby permit.**

"Hobby permit" allows the owner to keep more than three dogs, cats, or ferrets in a residential area provided that each animal is rendered sterile, individually licensed and approval is granted by Herriman City and Salt Lake County Animal Control. Adequate areas for shelter and confinement must be verified.

**19.04.295 Intensity.**

"Intensity" means the concentration of activity, such as a combination of the number of people, cars, visitors, customers, hours of operation, outdoor advertising, etc.; also, the size of buildings or structures, the most-intense being higher, longer and/or wider.



**19.04.300 Junk.**

A. "Junk" means any salvaged or scrap copper, brass, iron, steel, metal, rope, rags, batteries, paper, wood, trash, plastic, rubber, tires and waste, or other articles or materials commonly designated as junk. Junk, except as provided in subsections B or C, shall also mean any dismantled, wrecked or inoperable motor vehicles or parts thereof which are stored or parked on property outside of an enclosed building and which remain in such condition for a period of time in excess of 60 days. An automobile, truck or bus shall be considered inoperable if it is not currently registered and licensed in this state or another state.

B. One truck with a capacity of one ton or less or automobile which is not currently licensed and registered in this state or another state but is otherwise operable may be stored on property for a period not to exceed two years if it is secured with the windows closed, the trunk and hood closed and the doors locked and is not damaged exposing jagged metal; or

C. One truck with a capacity of one ton or less or automobile which is inoperable may be stored in a side yard, except a side yard which faces on a street or a rear yard on property for a period not to exceed two years provided:

1. The automobile or truck is secured with the windows closed, the trunk and hood closed and the doors locked and is not damaged exposing jagged metal;

2. The automobile or truck shall not be visible from any public street; and

3. The automobile or truck is entirely concealed by a covering which is maintained in good condition and which does not extend closer to the ground than the lowest point of the vehicle body.

D. All existing legal nonconforming motor vehicles as of the effective date of the ordinance codified in this section, or any amendment hereto, shall comply with the provisions of this section within one year from the date of the enactment of this section or any amendment thereto.

**19.04.305 Junkyard.**

"Junkyard" means the use of any lot, portion of a lot, or tract of land for the sale, storage, keeping, disassembly or abandonment of junk or discarded or salvaged material, provided that this definition shall be deemed not to include such uses which are clearly accessory and incidental to any agricultural use permitted in the zone.

**19.04.310 Kennel.**

"Kennel" means a commercial establishment having three or more dogs for the purpose of boarding, breeding, buying, grooming, letting for hire, training for a fee, or selling said dogs.

**19.04.315 Lot.**

"Lot" means a parcel of land occupied by a building or group of buildings, together with such yards, open spaces, lot width and lot areas as are required by this title, having frontage upon a street or upon a right-of-way approved by the Planning Commission and upon a right-of-way not less than 20 feet wide. Except for group dwellings and guest houses, not more than one dwelling structure shall occupy one lot.

**19.04.320 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 135 degrees.

**19.04.325 Lot, interior.**

"Interior lot" means a lot other than a corner lot.

**19.04.330 Mobile home or manufactured home.**

A. "Mobile home" or "manufactured home" means a structure transportable in one or more sections, which is built on a permanent chassis and is designed for use as a dwelling with or without a permanent foundation when connected to the required utilities.

B. The requirements of this title shall not be construed to prevent the storage of a mobile home in the rear yard of a dwelling structure. A mobile home so stored may be temporarily used for sleeping purposes by members or guests of the family residing in the dwelling structure, but the mobile home shall not be connected to utilities or used for residential purposes unless approved by the planning commission as a temporary use incidental to construction work.

C. A mobile home shall not be used for residential or sleeping purposes unless the mobile home is located in an approved mobile home park or an approved mobile home subdivision.

**19.04.335 Mobile home park.**

"Mobile home park" means any plot of ground upon which two or more mobile homes, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a charge is made for such accommodation, pursuant to the mobile home park ordinance.

**19.04.340 Mobile store.**

"Mobile store" means a portable structure, including vehicles, without a permanent foundation, for use on a temporary or seasonal basis, from which goods or merchandise are sold or where a service is provided which is utilized on the premises. Approval for each mobile store shall not exceed 120 days per calendar year at the same location or within 250 feet of a previously approved location.

**19.04.343 Monopole.**

"Monopole" means a self-supporting communications tower consisting of a single pole without guy wires or other stabilizers.

**19.04.345 Natural waterways.**

"Natural waterways" means those areas varying in width along streams, creeks, gullies, springs or washes which are natural drainage channels, as determined by the building inspector, and in which areas no building shall be constructed.

**19.04.350 Neighborhood storage.**

"Neighborhood storage" means a building not served by sewer, water or gas utilities and used exclusively for storing personal property of an individual or family, retail business inventory items, and business records and accounts.

**19.04.355 New construction.**

"New construction" means structures for which the "start of construction" commenced on or after the effective date of this title.

**19.04.360 Noncomplying building or structure.**

“Noncomplying structure” means a structure that:

- a. legally existed before its current land use designation; and
- b. because of one or more subsequent land use ordinance changes, does not conform to the setback, height restrictions, or other regulations, excluding those regulations, which govern the use of land.

**19.04.365 Nonconforming use.**

“Nonconforming use” means a use of land that:

- a. Legally existed before its current land use designation;
- b. Has been maintained continuously since the time the land use ordinance governing the land changed; and
- c. Because of one or more subsequent land use ordinance changes, does not conform to the regulations that now govern the use of the land.

**19.04.370 Nursing home.**

“Nursing home” means an establishment where persons are lodged and furnished with meals and nursing care.

**19.04.375 Organic disposal site.**

“Organic disposal site” means a disposal site where settled or precipitated solid matter produced by water and sewage treatment processes is disposed of in compliance with the city-county board of health requirements, using sanitary land-filling techniques, in a manner that does not create a nuisance or health hazard, that protects the environment, and will not cause a pollution source of water, air, etc.

**19.04.380 Package agency.**

“Package agency” means a retail liquor location operated under a contractual agreement with the state department of alcoholic beverage control, by a person other than the state, who is authorized by the state’s alcoholic beverage control commission to sell packaged liquor for consumption off the agency’s premises.

**19.04.385 Parking lot.**

“Parking lot” means an open area, other than a street, used for parking of more than four automobiles and available for public use, whether free, for compensation, or as an accommodation for clients or customers.

**19.04.390 Parking space.**

“Parking space” means space within a building, lot or parking lot for the parking or storage of one automobile.

**19.04.395 Permitted use.**

“Permitted use” means a use of land for which no conditional use permit is required.

**19.04.400 Planned unit development.**

“Planned unit development” means a complete development plan for an area pursuant to this title.

**19.04.401 Planning commission.**

“Planning commission” means the city’s planning commission.

**19.04.405 Private educational institutions having an academic curriculum similar to that ordinarily given in public schools.**

“Private educational institutions having an academic curriculum similar to that ordinarily given in public schools” means private training schools and other private schools which are instructional in nature, including laboratory and shop instruction with the use of demonstration vehicles, products or models incidental to such instruction, but not including the repair, maintenance or manufacture of vehicles, goods or merchandise, not providing direct services other than instruction to the general public.

**19.04.410 Private nonprofit locker club.**

“Private nonprofit locker club” means a social club, recreational, athletic or kindred association incorporated under the provisions of the Utah Nonprofit Corporation and Cooperation Act, which maintains or intends to maintain premises upon which liquor is or will be stored, consumed or sold.

**19.04.415 Private nonprofit recreational grounds and facilities.**

“Private nonprofit recreational grounds and facilities” means nonprofit recreational grounds and facilities operated by an association incorporated under the provisions of the Utah Nonprofit Corporation and Cooperation Act.

**19.04.420 Protected living arrangement.**

“Protected living arrangement” means provision for food, shelter, appropriate sleeping accommodations, and supervision of activities of daily living for persons of any age who are unable to independently maintain these basic needs and functions.

**19.04.425 Public use.**

“Public use” means a use operated exclusively by a public body, or quasi-public body, such use having the purpose of serving the public health, safety or general welfare, and including uses such as public schools, parks, playgrounds and other recreational facilities, administrative and service facilities, and public utilities.

**19.04.430 Quasi-public use.**

“Quasi-public use” means a use operated by a private nonprofit educational, religious, recreational, charitable or philanthropic institution, such use having the purpose primarily of serving the general public, such as churches, private schools and universities, and similar uses.

**19.04.435 Recreation, commercial.**

“Commercial recreation” means recreational facilities operated as a business and open to the general public for a fee, such as golf driving ranges and baseball batting ranges.

**19.04.440 Residential facility for elderly persons.**

“Residential facility for elderly persons” means a single-family or multi-family dwelling unit that meets the requirements of Utah Code Ann. §10-9a-516 but does not include a health care facility as defined by Utah Code Ann. §26-21-2.

**19.04.442 Residential facility for persons with a disability.**

“Residential facility for persons with a disability,” as defined in Utah Code Ann. §10-9a-103(9), means a residence:

- a. In which more than one (1) person with a disability resides; and
- b. (i) Is licensed or certified by the Department of Human Services under Title 62A, Chapter 2, Utah Code Annotated (Licensure of Programs and Facilities); or

(ii) Is licensed or certified by the Department of Health under Title 26, Chapter 21, Utah Code Annotated (Health Care Facility Licensing and Inspection Act).

**19.04.445 Residential health care facility.**

A. "Residential health care facility" means a facility providing assistance with activities of daily living and social care to two or more residents who require protected living arrangements.

B. Each bedroom in a residential health care facility shall contain the minimum square feet of floor space per resident as set forth in the Utah Administrative Code health facility licensure rules, or any successors, with a maximum of two residents per bedroom.

**19.04.450 Resource recycling collection point.**

"Resource recycling collection point" means a portable structure, enclosed bin, trailer, or reverse vending machine where recyclable material (aluminum cans, glass, paper, etc.) is exchanged for money or deposited as a donation. Approval is not to exceed 12 months without reapproval.

**19.04.455 Restaurant.**

"Restaurant" means a place of business where a variety of hot food is prepared and cooked and complete meals are served to the general public for consumption on the premises primarily in indoor dining accommodations.

**19.04.460 Restaurant liquor license.**

"Restaurant liquor license" means a public restaurant authorized by the state alcoholic beverage control commission as a liquor outlet allowing the storage, sale and consumption of liquor and alcohol on the premises.

**19.04.462 Roof-mounted antenna.**

"Roof antenna" or "roof-mounted antenna" means an antenna or series of individual antennas mounted on roof, mechanical room or penthouse of a building.

**19.04.464 Sand and/or rock removal**

"Sand and/or rock removal" is an interim use which the Council finds that because of the reasonably anticipated detrimental effects (as described below) of sand and/or gravel removal on the City, surrounding neighbors, and adjacent land uses, may be approved only if reasonable conditions are imposed to mitigate or eliminate such detrimental effects. Detrimental effects and conditions to mitigate or eliminate such detrimental effect are as follows:

A. The detrimental effect of pollution (such as noise, dust, and lighting) caused by sand and/or gravel removal. The following are conditions that may be proposed or can be imposed to mitigate or eliminate the detrimental effect of pollution.

1. Imposing limits on the location of the operation.
2. Imposing limits on the hours of operation.
3. Imposing limits or obligations on the operations (for example, covering trucks, hoppers, chutes, loading and unloading devices and mixing operations, and on-site water trucks).
4. Any other reasonable conditions proposed by the applicant to mitigate or eliminate the detrimental effects of pollution.

B. The detrimental effect of damage caused to public infrastructure (such as traffic and impact on roads) caused by sand and/or gravel removal. The following are conditions that may be proposed or can be imposed to mitigate or eliminate the detrimental effect of damage to public infrastructure.

1. Imposing an obligation to repair public infrastructure.
2. Imposing obligations regarding access and truck routes.
3. Imposing traffic control plans.

4. Imposing limits on material that may be processed in any crushing plant located on the lot or premises.

5. Any other reasonable conditions proposed by the applicant to mitigate or eliminate the detrimental effects of damage to public infrastructure.

C. The detrimental effect of environmental disturbance (to the land during and after the operation) caused by sand and/or gravel removal. The following are conditions that may be proposed or can be imposed to mitigate or eliminate the detrimental effect of environmental disturbance.

1. Imposing limits of duration with periodic reviews.

2. Imposing limits on areas of disturbance and phasing requirements.

3. Imposing a development or redevelopment plan.

4. Imposing remediation requirements.

5. Imposing remediation guarantees.

6. Imposing an obligation to obtain a state storm water discharge permit.

7. Imposing an obligation to obtain a grading/land disturbance permit from the city.

8. Any other reasonable conditions proposed by the applicant to mitigate or eliminate the detrimental effects of environmental disturbance.

**19.04.465 Sanitary landfill.**

“Sanitary landfill” means a land disposal site where solid waste is disposed of using sanitary landfilling techniques, including but not limited to an engineered method of disposing of solid waste on land in a manner that does not create a nuisance or health hazard and that protects the environment, by spreading the waste in thin layers, compacting it to the smallest practical volume, confining it to the smallest practical area, and covering it with soil by the end of each working day or as often as may be directed by the board of health.

**19.04.470 School.**

“School” means an institution recognized as satisfying the requirements of public education and having an academic curriculum similar to that ordinarily given in public schools. Home occupations represented as schools shall not apply (dance, music, crafts, child nurseries, etc.).

**19.04.473 Secondary Unit, within a single family house.**

“Secondary Unit” means a living unit that is smaller than the main dwelling unit and situated within the main dwelling. One of the occupants of the dwelling must own the dwelling as their primary residence and the dwelling must maintain an appearance of a single family dwelling.

**19.04.475 Shopping center.**

“Shopping center” means a group of architecturally unified commercial establishments built on a site which is planned, developed, owned and managed as an operating unit.

**19.04.485 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.

**19.04.490 Stable, public.**

“Public stable” means a stable other than a private stable.

**19.04.495 Start of construction.**

“Start of construction” includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. “Permanent construction” does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure.

**19.04.500 State store.**

“State store” means a facility for the sale of package liquor located on the premises owned or leased by the state and operated by state employees. This term shall not apply to restaurants, private clubs or package agencies.

**19.04.505 Story.**

“Story” means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a usable or unused underfloor space is more than six feet above grade for more than fifty percent of the total perimeter or is more than 12 feet above grade at any point, such usable or unused underfloor space shall be considered as a story.

**19.04.510 Story, first.**

“First story” means that the lowest story in a building which qualifies as a story, except that a floor level in a building having only one floor level shall be classified as a first story, provided such floor level is not more than four feet below grade for more than fifty percent of the total perimeter, or not more than eight feet below grade at any point.

**19.04.515 Story, half.**

“Half story” means a story with at least two of its opposite sides situated in a sloping roof, the floor area of which does not exceed two-thirds of the floor immediately below it.

**19.04.520 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 25 feet wide, which has been made public by right of use and which affords the principal means of access to abutting property.

**19.04.525 Structure.**

“Structure” means anything constructed or erected which requires location on the ground, or attached to something having a location on the ground.

**19.04.530 Structural alterations.**

“Structural alterations” means any change in supporting members of a building or structure, such as bearing walls, columns, beams or girders.

**19.04.535 Studios.**

“Studios” means a facility used for the instruction of specialized talents or skills.

**19.04.540 Substantial improvement.**

A. "Substantial improvement" means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure, either:

1. Before the improvement or repair is started; or

2. If the structure is damaged and is being restored, before the damage occurred.

B. For the purpose of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

C. The term does not, however, include any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions.

**19.04.545 Tanning studio.**

"Tanning studio" means any business which uses artificial lighting systems to produce a tan on an individual's body. This use specifically excludes spas, gymnasiums, athletic clubs, health clubs, and any exercise equipment.

**19.04.550 Use, accessory.**

"Accessory use" means a subordinate use customarily incidental to and located upon the same lot occupied by a main use.

**19.04.552 Wall-mounted antenna.**

"Wall-mounted antenna" means an antenna or series of individual antennas mounted against the vertical face of a building, chimney or wall.

**19.04.555 Width of lot.**

"Width of lot" means the distance between the side lot lines and the distance back from the front lot line required for the depth of the front yard.

**19.04.560 Yard.**

"Yard" means a space on a lot, other than a court, unoccupied and unobstructed from the ground upward by buildings or structures, except as follows:

A. Fences;

B. Canopies allowed under subsection B of section 19.40.110;

C. Accessory buildings in a rear yard;

D. The ordinary projections of windows where the projection is at least 18 inches above floor level, roofs, cornices, chimneys, flues, and other ornamental features which project into a yard not more than three feet;

E. Open or lattice-enclosed exterior stairways, located in a commercial or manufacturing zone, projecting into a yard not more than five feet; and

F. Structures less than 30 inches in height from the finished ground surface.

**19.04.565 Yard, front.**

"Front yard" means a space on the same lot with a building, between the front line of the building and the 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.

**19.04.570 Yard, rear.**

"Rear yard" means a space on the same lot with a building, between the rear line of the building and the 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.

**19.04.575 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.



**19.04.580 Zoning Administration.**

"Zoning administration" means the city's zoning administrator or other person designated as such by the mayor with the advice and consent of council.

**Chapter 19.06**

**PLANNING COMMISSION**

**Sections:**

**19.06.010 Purpose.**

**19.06.020 Appointment.**

**19.06.050 Residence requirement.**

**19.06.070 Removal and vacancies.**

**19.06.080 Officers.**

**19.06.090 Quorum.**

**19.06.100 Procedure.**

**19.06.110 Powers and duties.**

**19.06.120 Meetings.**

**19.06.130 Appointments of subordinates, contract power and subcommittees.**

**19.06.010 Purpose.**

A. It is the intent of this ordinance that a planning and zoning commission be created which will represent the concerns of diverse citizen groups, as well as the broad interests of the city as a whole; that membership of this commission provide balanced representation in terms of geographic, professional, neighborhood and community interest; and that a wide range of expertise relating to development of a healthy and well-planned community be sought when establishing or altering the composition of the membership of the commission. Suggested interests from which expertise might be selected are as follows: banking, development, contracting, engineering, geology and seismology, law, ecology, the behavioral sciences, historical preservation, architecture and landscape architecture. It is not, however, intended that the composition of the commission be limited to professionals, but rather, that it represent a cross-section of the community.

**19.06.020 Appointment.**

The commission shall be comprised of four to seven members. Members of the Commission shall be appointed by the mayor, with the advice and consent of the council; terms shall be for three years. Appointment shall be by resolution of the council.

**19.06.050 Residence requirement.**

All appointed members of the commission must be *bona fide* residents and qualified electors of the city.

**19.06.070 Removal and vacancies.**

Members of the commission may be removed for cause by the mayor, upon written charges and after a public hearing (if a public hearing is requested by the member being removed). Cause shall include, but not be limited to, violations of the Utah City Officers and Employees Disclosure Act, Utah Code Ann. §10-3-1301, *et seq.*, or its successor. Any vacancy occurring on the commission by reason of death, resignation or removal shall be promptly filled by the mayor with the advice and consent of the council for the unexpired term of such member. Any vacancy occurring on the commission by reason of expiration of term shall be promptly filled by the mayor with the advice and consent of the council.

**19.06.080 Officers.**

The commission shall annually elect a chairman and such other officers as it deems advisable from among its members and also a secretary, who need not be a member of the commission. The chairman and such other officers elected by the commission shall serve for a term of one year.

**19.06.090 Quorum.**

Four members of the commission shall constitute a quorum.

**19.06.100 Procedure.**

The commission shall adopt policies and procedures for the conduct of its meetings, the processing of applications, and for any other purposes considered necessary for the functioning of the commission. Such policies and procedures shall be approved by the council before taking effect.

**19.06.110 Powers and duties.**

The commission shall have the duty to:

A. Prepare and recommend a general plan, and make amendments to the general plan, to the City Council;

B. Recommend land use ordinances and maps and amendments to land use ordinances and zoning maps to the City Council;

C. Administer provisions of the land use ordinances where specifically provided for in the land use ordinances, as adopted by the City Council;

D. Recommend subdivision regulations, and amendments to those regulations, to the City Council;

E. Recommend approval or denial of subdivision applications;

F. Advise the City Council on matters as the City Council directs;

G. Hear and decide any matters that the City Council designates, including the approval or denial of, or recommendation to approve or deny, conditional use permits; and

H. Exercise any other powers that are necessary to enable it to perform its functions that are delegated to it by the City Council, or conferred upon it by statutes of the state of Utah.

**19.06.120 Meetings.**

The commission shall meet at least once each month. All meetings, including any necessary public hearings, shall be held after the regular working hours of the city. All meetings and public hearings of the commission shall be public meetings, and shall comply with the provisions of *Utah Code Ann. § 52-4-1, et seq.*, and be held in a public place designated by the commission and shall be of sufficient size to ensure public access. The secretary shall keep minutes of the commission's proceedings.

**19.06.130 Appointment of subordinates, contract power and subcommittees.**

The commission may recommend to the mayor the appointment of such employees and staff as it may deem necessary for its work, and may also recommend to the mayor other consultants for such services as it requires; provided, however, that any expenditure of the commission shall be first approved by the mayor, as being within the amount budgeted for such purposes by the city for that year.

**Chapter 19.08**

**ZONES, MAPS, AND ZONE BOUNDARIES**

**Sections:**

**19.08.010 Zone established.**

**19.08.020 Zoning maps.**

**19.08.030 Filing of this title and zoning-maps.**

**19.08.040 Boundary location rules.**

**19.08.010 Zones established.**

For the purpose of this title, the city is divided into the following zoning districts:

Residential zone R-1-10

Residential zone R-1-15

Residential zone R-1-21

Residential zone R-1-43

Residential zone R-2-10

Residential zone R-2-15

Residential zone R-M  
Mixed Use zone MU  
Mixed Use zone MU-2  
Resort Community zone RC  
Forestry Recreation zone FR-1  
Forestry Recreation zone FR-2.5  
Forestry Recreation zone FR-5  
Forestry Recreation zone FR-10  
Forestry Recreation zone FR-20  
Agricultural zone A-1  
Agricultural zone A-.50  
Agricultural zone A-.25  
Commercial zone C-1  
Commercial zone C-2  
Manufacturing zone M-1  
Office, Professional zone OP

or other public land, or any section line, then in such case the center of the stream, canal or waterway, or of the railroad right-of-way, or the boundary line of such public land or such section line shall be deemed to be the boundary of the zoning district; and

C. Where the application of the above rules does not clarify the zoning district boundary location, the City Council, acting as the appeal authority, shall interpret the map.

## Chapter 19.10

### R-1-10, R-1-15, R-1-21, R-1-43 SINGLE FAMILY RESIDENTIAL ZONES

#### 19.08.020 Zoning maps.

Each area of the city zoned or amended by this title is shown on the maps on file with the city, and such maps are made by this reference, as such, a part of this title as if fully described and detailed herein.

#### 19.08.030 Filing of this title and zoning maps.

This title and the maps shall be filed in the custody of the city recorder, and may be examined by the public during normal city office hours and on the city website.

#### 19.08.040 Boundary location rules.

Where uncertainty exists as to the boundary of any zoning district, the following rules shall apply:

A. Wherever the zone boundary is not definitely indicated as being approximately upon the centerline of a street, alley or block, or along a property line, then, unless otherwise definitely indicated on the map, the centerline of the street, alley or block, or such property line, shall be construed to be the boundary of the zoning district;

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,

#### Sections:

19.10.010 Purpose of provisions.

19.10.020 Permitted uses.

19.10.030 Conditional uses.

19.10.040 Lot areas and widths.

19.10.050 Yards.

19.10.060 Building height.

19.10.070 Coverage of rear yard.

#### 19.10.010 Purpose of provisions.

The purpose of the single family residential zones is to establish single family neighborhoods which provide persons who reside there in a comfortable, healthy, safe and pleasant environment.

#### 19.10.020 Permitted uses.

Permitted uses in the single family residential zones are as follows:

##### A. All single family residential zones:

1. Accessory uses and buildings customarily incidental to a permitted use provided the total square footage of all accessory buildings does not exceed 800 on lots under one half acre or 1200 square feet on lots one half acre or larger.

2. Agriculture;

3. Household pets (See Animal Control Ordinance).

4. Charter Schools, subject only to setback, height, bulk and massing regulations, off-site parking, curb cut, traffic circulation, and construction staging requirements.

5. Foster Animals.

B. R-1-10, R-1-15:

1. Single family dwelling.

C. R-1-21, R-1-43:

1. Animals and fowl for family food production;

2. Maximum of two horses on one half acre and four horses on one acre; for private use only, not for rental.

#### **19.10.030 Conditional uses.**

Conditional uses in the single family residential zones are as follows:

A. All single family residential zones:

1. Accessory uses and buildings customarily incidental to a conditional use. Any accessory building or buildings where the total square footage exceeds 800 square feet on lots under one half acre or 1200 square feet on lots one half acre or larger;

2. Cemetery;

3. Day care/preschool center, subject to section 19.36.230;

4. Golf course;

5. Home day care/preschool, subject to section 19.04.275;

6. Home occupation;

7. Model home sales office;

8. Monopoles, only allowed within an existing utility site;

9. Planned unit development;

10. Private educational institutions having an academic curriculum similar to that ordinarily given in public schools;

11. Private nonprofit recreational grounds and facilities;

12. Public and quasi-public uses;

13. Residential facility for elderly persons; and

14. Temporary buildings for uses incidental to construction work, which buildings must be removed upon the completion of the construction work. If such buildings are not removed

within 90 days upon completion of construction work or 30 days after notice, the building will be removed by the city at the expense of the owner.

15. Sand and/or rock removal as an interim use (see definition)

B. Zones R-1-10, and R-1-15:

1. Pigeons, subject to health department regulations;

2. Residential health care facility for up to five residents excluding the facility operator and his related family with a maximum of one nonresident part-time relief employee on the premises at any one time, which use shall not change the residential appearance and character of the property;

3. Hobby permit; fancier's permit; exotic animal permit.

C. Zones R-1-21 and R-1-43:

1. Bed and breakfast home stay;

2. Nursery and greenhouse, provided that there are no retail sales;

3. Pigeons, subject to health department regulations;

4. Residential health care facility for up to five residents excluding the facility operator and his related family with a maximum of one nonresident part-time relief employee on the premises at any one time, which use shall not change the residential appearance and character of the property; and

5. Hobby permit; fancier's permit; exotic animal permit.

#### **19.10.040 Lot areas and widths.**

The minimum lot area and width requirements are as follows:

A. Zone R-1-10:

1. Minimum lot area: 10,000 square feet.

2. Minimum lot width: 80 feet at a distance 30 feet back from the front lot line.

B. Zone R-1-15:

1. Minimum lot area: 15,000 square feet.

2. Minimum lot width: 80 feet at a distance 30 feet back from the front lot line.

C. Zone R-1-21:

1. Minimum lot area: 21,780 square feet (½ acre).

2. Minimum lot width: 100 feet at a distance 30 feet from the front lot line.

D. Zone R-1-43:

1. Minimum lot area: 43,560 square feet (1 acre).

2. Minimum lot width: 100 feet at a distance 30 feet from the front lot line.

#### **19.10.050 Yards.**

The minimum yard requirements for a dwelling unit are set forth in chart 19.10.050-A.

The minimum yard requirements for an accessory building are set forth in chart 19.10.050-B)

#### **19.10.060 Building height.**

Except as otherwise specifically provided in this title no building or structure shall exceed the following height:

A. Main buildings.

1. 35 feet.

2. No dwelling shall contain less than one story.

B. Accessory buildings.

1. 16 feet.

#### **19.10.070 Coverage of rear yard.**

No accessory building or group of accessory buildings shall cover more than 25 percent of the rear yard.

### **Chapter 19.11**

#### **R-2-10 and R-2-15 MEDIUM DENSITY RESIDENTIAL ZONE**

##### **Sections:**

**19.11.010 Purpose of provisions.**

**19.11.015 Zoning requirements.**

**19.11.020 Permitted uses.**

**19.11.030 Conditional uses.**

**19.11.040 Lot areas and widths.**

**19.11.050 Density**

**19.11.060 Yards.**

**19.11.070 Building height.**

**19.11.080 Accessory structures.**

**19.11.090 Dwelling group conditions.**

**19.11.100 Steep slopes.**

**19.11.010 Purpose of provisions.**

The purpose of the R-2 zone is to establish low to medium density residential neighborhoods which provide persons who reside therein a comfortable, healthy, safe and pleasant environment.

**19.11.015 Zoning requirements**

All areas to be zoned R-2-10 or R-2-15 must be at least 15 acres.

**19.11.020 Permitted uses.**

Permitted uses in the R-2 zones are as follows:

1. Accessory uses and buildings customarily incidental to a permitted use provided the total square footage of all accessory buildings does not exceed 800 on lots under one half acre or 1200 square feet on lots one half acre or larger;

2. Household pets (See Animal Control Ordinance);

3. Residential facility for elderly persons;

4. Charter Schools, subject only to setback, height, bulk and massing regulations, off-site parking, curb cut, traffic circulation, and construction staging requirements.

5. Foster Animals.

**19.11.030 Conditional Uses**

Conditional uses in the R-2 zones are as follows:

A. All medium density residential zones:

1. Accessory uses and buildings customarily incidental to a conditional use. Any accessory building or buildings where the total square footage exceeds 800 square feet on lots under one-half acre or 1,200 square feet on lots one-half acre or larger;

2. Cemetery;

3. Bed and breakfast homestay.

4. Day care/preschool center, subject to section 19.36.230;

5. Dwelling group, subject to section 19.11.090;
  6. Golf course;
  7. Home day care/preschool, subject to section 19.04.275;
  8. Home occupation;
  9. Monopoles, only allowed within an existing public site;
  10. Planned unit development;
  11. Private educational institutions having an academic curriculum similar to that ordinarily given in public schools;
  12. Private nonprofit recreational
  13. Public and quasi-public uses;
  14. Residential health care facility for up to five residents excluding the facility operator and his related family with a maximum of one nonresident part-time relief employee on the premises at any one time, which use shall not change the residential appearance and character of the property;
  15. Temporary buildings for uses incidental to construction work, which buildings must be removed upon the completion of the construction work. If such buildings are not removed within 90 days upon completion of construction work and 30 days after notice, the building will be removed by the city at the expense of the owner; and
  16. Two Family Dwelling, as part of a PUD;
  17. Single Family Dwelling, as part of a PUD.
  18. Sand and/or rock removal as an interim use (see definition)
- B. R-2-10 zone:
1. Planned unit development, with a maximum density of 8 units per acre.
- C. R-2-15 zone:
1. Planned unit development, with a maximum density of 5.8 units per acre.

**19.11.040 Lot widths.**

Minimum lot width: 65 feet at a distance 19 feet from the front lot line.

**19.11.050 Density**

A. R-2-10:

1. Dwelling groups shall not exceed 8 units per acre.

B. R-2-15:

1. Dwelling groups shall not exceed 5.8 units per acre.

**19.11.060 Yards.**

A. The setbacks for single family developments will be determined at the time of the Planned Unit Development approval.

B. The minimum side yard requirements for a main building which is in the rear yard 6 feet from the main dwelling is 5 feet. The minimum rear yard requirement for such an accessory building is 5 feet.

C. The minimum side yard requirements for a main building other than residential are 20 feet. The minimum front yard for a main building other than residential is 40 feet. The minimum rear yard requirement for a main building other than residential is 40 feet.

D. Driveways shall be a minimum depth of 19 feet from the back of sidewalk and have a maximum slope of 10 percent; slopes over 10 percent shall be acceptable, but shall be specifically engineered, and shall not exceed 20 percent.

**19.11.070 Building height.**

Except as otherwise specifically provided in this title no building or structure shall exceed the following height:

A. Main buildings.

1. 35 feet.
2. No dwelling shall contain less than one story.

B. Accessory buildings.

1. 16 feet.

**19.11.080 Accessory structures.**

A. Detached garages or sheds must be similar in style and color to the primary residence.

B. No detached or accessory garages shall be allowed on lot sizes from 6,500 square feet to 8,000 square feet.

C. No accessory building or group of accessory buildings shall cover more than 25 percent of the rear yard.

**19.11.090 Dwelling group conditions**

The following conditions must be met by all dwelling groups:

a. The parcel of ground on which the dwelling group, as defined in section 19.04.170, is to be erected shall have an area equal to the aggregate of the minimum lot areas otherwise required in the zone for the number of individual dwelling structures in the group.

b. The distance between principal buildings and the nearest perimeter lot line shall be at least 15 feet. The distance between the building and a public street shall be at least the front yard required in the zoning district, except on corner lots the side yard which faces on a public street shall be at least 20 feet.

c. Access shall be provided by a private street or right-of-way from a public street; such private street or right-of-way shall be at least 20 feet wide for one or two rear dwelling units and at least 30 feet wide for three or more dwelling units.

d. A minimum of two parking spaces shall be provided for each dwelling unit. Parking spaces and vehicular maneuvering areas shall meet city standards.

e. No parking areas shall include any part of the required front yard or side yard adjacent to a street.

f. Parking areas adjacent to residential uses shall be screened with a six foot high visual barrier.

g. Entrances from a private development to a public shall maintain a clear view, as defined in section 19.36.160.

h. Public access to the dwelling group shall be from a 60 feet or wider street.

i. The front and side yards next to a public street shall be landscaped in accordance with a plan prepared by a landscape architect or

licensed nurseryman specifying types, sizes and location of plants. The following items shall be included in the plan:

- (1) A minimum of two trees per 1,000 square feet of the ground or main floor level.
- (2) One shrub per six lineal feet of building foundation. Shrubs may be grouped.
- (3) Grass or other plantings installed in all areas not used for building, parking, walks or drives.
- (4) An automatic sprinkling system is required for all planted areas.

j. A five foot wide landscaped area shall be required between the drive and parking area adjacent to residential property lines. This area is to be planted with a minimum of one tree per 25 feet of linear landscaped area.

k. Open space shall be provided on the site equal to 25 square feet per unit in the dwelling group.

l. Exterior lighting shall be provided as follows:

(1) On any public road where street lighting is not in place, lighting shall be provided at least equivalent to light produced by a 100 watt incandescent bulb per each 50 feet of frontage or fraction thereof. Lighting is to be provided by a free-standing fixture, in the yard space between the building and public street or attached to the wall(s) of the building which is not more than 30 feet from the street property line.

(2) Each parking area shall be illuminated for safety by installing lighting fixture(s) which emit(s) light at least equivalent to that of one 100 watt incandescent bulb per 100 feet in all directions.

(3) All lighting shall be shielded so as not to shine into surrounding residences.

m. Applications for each building higher than one story will be evaluated on the basis of the proposed building height, mass, materials,

spacing and privacy considerations. Harmony and compatibility with existing and future residential structures in the area will also be evaluated.

n. Residential structures proposed greater than one story adjacent to existing single or two family dwellings may add one additional floor to the height of the proposed structure for each additional 30 feet increase in rear yard or side yard greater than the allowed 15 feet perimeter yard requirement.

o. Buildings which face each other shall be separated by 50 feet or more. Buildings which side on another building shall be separated by 16 feet or more.

#### **10.11.100 Steep slopes.**

1. No development, including clearing, excavation, and grading, is permitted where the slope exceeds thirty (30) percent, except roads and trails. One hundred percent of areas with slope greater than 30 percent shall remain in natural private or public open space, except as expressly allowed in this chapter.

2. Slopes over 30 percent may be part of a lot, but may not be included in the building envelope.

3. Roads and other vehicular routes shall not cross slopes greater than 30 percent unless, after review by the Planning Commission, it is determined that:

a. Appropriate engineering measures can be taken to minimize the impact of the cuts and fills, consistent with the purpose of this chapter, and

b. The environment and aesthetics of the area will not be significantly affected.

4. Roads shall not cross slopes over thirty (30) percent without special review by the Planning Commission. In no case shall roads cross slopes greater than fifty (50) percent.

## **Chapter 19.12**

### **FR-1, FR-2.5, FR-5, FR-10 AND FR-20 FORESTRY RECREATION ZONES**

#### **Sections:**

**19.12.010 Purpose of provisions.**

**19.12.012 Forestry Recreation description.**

**19.12.015 Development approvals and permits.**

**19.12.020 Permitted uses.**

**19.12.030 Conditional uses.**

**19.12.040 Density standards.**

**19.12.050 Development standards.**

**19.12.060 Site plan approval.**

**19.12.070 Board of health approval.**

**19.12.080 Public support requirements.**

**19.12.090 Reviews and inspections.**

#### **19.12.010 Purpose of provisions.**

The purpose of the Forestry Recreation zones is to permit the development of canyon and hillside areas for forestry, recreation, and other uses set forth in and limited by Sections 19.12.012, 19.12.020 and 19.12.030 of this chapter, to the extent such development is compatible with the protection of the natural and scenic resources of these areas for the continued benefit of future generations.

#### **19.12.012 Forestry Recreation description.**

The Forestry Recreation zones are intended to allow sensitive and creative development in order to permit continued enjoyment and protection of this natural area, which is vital to the attractiveness and economic viability of Herriman City. These zones are primarily intended to support low density, single-family residential for year-round and seasonal occupancy. These zones also intend to protect and create recreational opportunities that are open to the public. Projects in these zones should reflect their natural setting and respect unique site constraints.



**19.12.015 Development approvals and permits.**

In carrying out the intent of this chapter, the planning commission shall consider the following principles:

A. It is the intent of this chapter that site and building plans for development in these zones shall be prepared by a designer or team of designers having professional competence in the specific design challenges as proposed in the application. The planning commission may require the applicant to engage such professional assistance.

B. It is not the intent of this chapter that control of the designs in these zones by the planning commission be so rigidly exercised that individual initiative be stifled and unnecessary additional expense incurred. Rather, it is the intent of this section that the control exercised be the minimum necessary to achieve the purpose of this chapter.

C. The planning commission may approve or disapprove an application for any development in the Forestry Recreation zones. In approving an application the commission may attach such conditions as it may deem necessary to secure compliance with the purposes set forth in this title. The action of the planning commission may be appealed to the Appeals Authority.

D. To be awarded development approval, the applicant shall follow the subdivision approval process for approval as outlined in Title 18 - Subdivisions.

E. Herriman City reserves the right to request additional information or materials before granting an approval. Requests may include three-dimensional models, computer visualizations and fly-through, detailed grading plans, and other materials that illustrate and explain the project and its impacts.

**19.12.020 Permitted uses.**

All permitted uses in the Forestry Recreation zones are subject to Sections 19.12.040 through 19.12.090 of this chapter, and include:

- A. Accessory uses and structures customarily incidental to a permitted use.
- B. Agriculture.
- C. Household pets, provided the area proposed for animals is not in a watershed area, as determined by the Health Department.
- D. Single-family dwellings.

**19.12.030 Conditional uses.**

All conditional uses in the Forestry Recreation zones are subject to Sections 19.12.040 through 19.12.090 of this chapter, except that the regulations of said sections may be modified by the planning commission as they relate to mineral extraction and processing and to public uses.

- A. Accessory uses and structures customarily incidental to a conditional use.
- B. Home Occupations
- C. Bed and breakfast homestay, provided that:

- 1. The access to the site and the on-site parking are available for use and maintained, including snow removal, throughout the entire year; and
- 2. An approved drinking water supply and wastewater disposal system is available that is capable of supporting the use throughout the entire year, and is approved by the Health Department prior to issuance of a license.

- D. Commercial and private recreation.
- E. Day care/preschool center, subject to the conditions set forth in Section 19.36.230.
- F. Dwelling group.
- G. Home day care/preschool for no fewer than 7, or more than 12 children, subject to the conditions set forth in Section 19.04.275.

H. Horses, and animals and fowl for family food production, as defined in Section 19.04.215 of this title, provided that:

1. The area proposed for animals is not a watershed area, as determined by the City Engineer and the Health Department; and
2. The use will not create unreasonable on-site erosion, downstream siltation, bacteriological or biological pollution in subsurface or surface waters, destruction of vegetation, air pollution, including dust and odors or other detrimental environmental effects. In determining the environmental effects of the use, the Planning Commission shall seek and consider recommendations from the Health Department and other concerned agencies, and may require the applicant to submit scientific studies including analysis of slope, soils, vegetative cover, availability of water, and other elements necessary to establish environmental effects of the proposed use; and
3. The Planning Commission may limit the number of animals and fowl, or limit the amount of ground to be devoted to such use, or make other conditions to ensure environmental protection; and
4. After the use is established, if the Planning Commission determines, based on findings of facts, that unreasonable environmental degradation is occurring, the Planning Commission may, after notification to the applicant and hearing, establish additional conditions or order the use to be abated.

I. Living quarters for persons employed on the premises of any main use.

J. Logging and lumber processing.

K. Model home sales office.

L. Offices incidental to main use.

M. Planned unit development.

N. Public and quasi-public uses.

O. Residential facility for elderly persons.

P. Temporary structures.

Q. Tourist home, provided that:

1. The on-site parking and the access to the site are available for use and maintained, including snow removal, throughout the year, and

2. An approved drinking water supply and wastewater disposal system is available that is capable of supporting the use throughout the entire year, and is approved by the Health Department prior to issuance of a license.

R. Sand and/or rock removal as an interim use (see definition)

**19.12.040 Density standards.**

Maximum density of development in the Forestry Recreation zones is as follows:

District	Maximum Density
FR-1	1 unit per acre
FR-2.5	1 unit per 2.5 acres
FR-5	1 unit per 5 acres
FR-10	1 unit per 10 acres
FR-20	1 unit per 20 acres

**19.12.050 Development standards.**

This section outlines the provisions of the Forestry Recreation zones that:

1. Provide for the protection of the natural environment and the sur-

rounding areas from potentially adverse effects;

2. Provide for and protect the unique character, livability, and scenic quality of Herriman and the site developed;
3. Provide for fire safety and protection of all structures;
4. Protect the privacy and quality of life of residents and visitors;
5. Insure consistency in the scale and design of structures; and
6. Provide for adequate open space within the development.

Drawings and text addressing each of these considerations shall be submitted with the application.

**A. Lot dimensions.**

1. For development of a single lot in the Forestry Recreation zones, the following dimensions are required:

District	Min. Lot Area	Min. Lot Width
FR-1	1 acre	150 feet
FR-2.5	2.5 acres	250 feet
FR-5	5 acres	250 feet
FR-10	10 acres	250 feet
FR-20	20 acres	250 feet

2. For development of more than one lot within a single development application, lot dimensions may be altered, with the approval of the planning commission, to cluster buildings onto a portion of the property in order to protect the remainder, as outlined in Section 19.12.050 E - Clustering.

**B. Lot Coverage.**

The maximum coverage for the aggregate of all buildings, paved surfaces and graded areas in the Forestry Recreation zones shall be limited by the following schedule:

Zone	Maximum Coverage
FR-1	20%
FR-2.5	15%

FR-5	10%
FR-10	5%
FR-20	5%

**C. Yard requirements.**

Because of the unique nature of the topography and climatic conditions of the areas in the Forestry Recreation zones, the side, rear and front yard requirements will be approved on an individual basis by the planning commission for conditional uses and for single-family dwellings.

**D. Limits of Disturbance.**

Plans shall delineate a "limits of disturbance" line to indicate the area within which all disturbance and construction must be contained. The limits should include the principal structure, accessory structures, utilities, services, drainage facilities, and septic tank. Areas required for driveways and leach fields are not included. In drawing this line, the intention is to minimize visual impacts, prevent erosion, conserve water, and preserve natural vegetation, features and topography.

**E. Clustering.**

Development may be clustered in order to better achieve the objectives of the Forestry Recreation zones. Clustering may be recommended or required by the planning commission. Clustering is encouraged when:

1. The design meets all other applicable requirements;
2. The design is better at providing open space, preserving existing vegetation and topography, and protecting sensitive lands;
3. The design has no significant adverse impact on adjacent properties, or, means to mitigate these impacts are provided;
4. The design of different structures can be coordinated and made more compatible with adjacent properties and the surrounding landscape; and

5. Provisions are made to maintain the open space remaining, either as a private amenity or under the care of a public entity or the city, as determined prior to approvals.

**F. Sensitive Lands and Natural Hazards.**

Construction of permanent structures shall not occur in sensitive land areas. Sensitive land areas include:

1. Areas with special flood hazards, (as defined in Chapter 19.32).
2. Natural hazard special study areas (as defined in Chapter 19.29).
3. Wetlands, springs or stream corridors.
4. Steep slopes (as defined in Section 19.12.050 G - Steep Slopes).

**G. Steep Slopes.**

1. No development, including clearing, excavation, and grading is permitted where the slope exceeds thirty percent. One hundred percent of areas with slope greater than thirty percent shall remain in natural private or public open space, except as expressly allowed in this chapter.
2. Roads and other vehicular routes shall not cross slopes greater than thirty percent unless, after review by the planning commission, it is determined that:
  - A. Appropriate engineering measures can be taken to minimize the impact of the cuts and fills, consistent with the purpose of this chapter, and
  - B. The environment and aesthetics of the area will not be significantly affected.
3. In no case shall roads cross slopes over fifty (50) percent.

**H. Grading and drainage.**

Grading shall be minimized to protect existing vegetation and natural drainage patterns, reduce erosion and dust during construction, and to minimize visual impacts.

1. Natural drainage patterns shall be maintained to the greatest extent possible. The amount of water runoff currently moving from the project site to adjacent areas shall not exceed pre-construction levels. Alternative storm water retention is encouraged to minimize runoff.
2. Buildings shall be designed to integrate into natural slopes. Mass grading to create flat building pad is discouraged.
3. All cut-and-fill surfaces shall be re-graded to match the surrounding topography as closely as possible.
4. All cut-and-fill surfaces shall be replanted with native plants similar in type to plants that were destroyed.

**I. Ridgeline preservation.**

Ridgelines should be retained in a natural state and development near ridgelines should blend with the natural contour of these features. Development near designated ridgelines as shown on the official City Zoning map should be sited and constructed to avoid creating a silhouette against the sky or backdrop when viewed from three designated vantage points:

1. 5600 West and 13400 South;
2. 6400 West and 13400 South;
3. and 7000 West and Rose Canyon Rd.

Additional vantage points pertinent to the project may be requested by the planning commission.

**J. Landscaping and native vegetation.**

Existing vegetation shall be protected in its natural state to the greatest extent possible.

1. All trees over 6" in caliper or plants over 10' tall shall be noted

on plans and marked in the field for the duration of construction.

2. All clearing of existing vegetation shall be a conditional use, subject to planning commission approval. Clearing outside the limits of disturbance is discouraged.

3. Native compatible trees and vegetation shall be utilized in new landscaping.

4. New landscaping shall be designed to minimize the threat of wildfire to built structures.

#### **K. Wildlife habitat.**

Protecting wildlife and their natural habitats is important for maintaining the natural ecosystem and for the enjoyment of residents and visitors.

1. Proposals in the Forestry Recreation zones shall note important natural features and vegetation that serve as habitat, and identify wildlife that may be present in different seasons.

2. Site plans should minimize the impact of development by:

A. Siting buildings, structures, roads, trails, and other construction to avoid significant natural features and to maintain a sufficient buffer between these important natural areas and human activity;

B. Facilitate wildlife movement by designing natural corridors between natural areas and by minimizing fences and road crossings;

C. Maintaining the natural structure of the site, different layers of vegetation; and

D. Revegetating degraded areas with native plants and selecting plants that benefit wildlife for new landscaped areas.

#### **L. Access to recreation and public land.**

For the benefit of residents and visitors, Herriman City shall protect access to existing and future recreation areas, such as public lands and trails. Herriman City may require easements through areas proposed for development as needed to permit access.

#### **M. Building Design.**

1. Proposed structures shall be complimentary to the surrounding landscape in terms of scale, massing, roof shape, and exterior materials.

2. Buildings shall not create large bulky masses, but should be scaled down into groupings of smaller attached structures.

3. Buildings shall be placed on the site and designed to minimize adverse affects on adjacent properties.

4. Buildings should be sited so as not to visually break the ridgeline as outlined in Section 19.13.050 I - Ridgeline Protection.

5. Buildings shall be sited and constructed to resist wildfire. Applicants may be asked to complete a "Technical Analysis" for the Unified Fire Authority in order to evaluate the safety of a proposal and mitigate safety impacts.

6. Except as otherwise specifically provided in this title, all buildings and structures shall meet the following height standards:

A. Building heights shall not exceed thirty-five (35) feet from the lowest finished grade touching the building to the midline of the roof.

Where maintaining the natural structure of the ridge is necessary, this dimension shall not be exceeded at any point along the slope.

B. No single-family dwelling structure shall have less than one story above ground.

**N. Building Materials.**

Buildings shall be designed to complement the natural beauty of the surrounding landscape.

1. Buildings and accessory structures shall follow a consistent theme, focused on natural materials and colors to blend with the surrounding landscape.
2. Wood and stone and other harmonious materials shall be used. The use of bland, unpainted concrete blocks and unpainted metal is prohibited on exterior surfaces.
3. Materials, colors, and surfaces shall have little or no reflectivity

**O. Street design.**

Streets, roads, private access roads, driveways, and other vehicular routes shall be designed to minimize the amount of disturbance while allowing safe access.

1. Vehicular routes shall not cross slopes greater than fifty (50%) percent.
2. Vehicular routes shall follow natural contour lines to the greatest extent feasible to minimize cut and fill and disturbance to existing vegetation.
3. Driveways shall have a maximum grade of twelve percent and shall comply with the Herriman City Development Standards.

**P. Parking.**

The minimum off-street parking requirements of Chapter 19.40 shall be satisfied for all projects in the Forestry Recreation zones. The maximum number of parking spaces required for conditional and permitted uses shall be determined by the planning commission.

**Q. Fences.**

Fences should be used to the minimum extent possible to limit their visual impact and allow access to public areas, as needed.

1. No fence shall be constructed unless shown on an approved site development plan.
2. No fence in excess of forty-two inches in height shall be constructed or installed outside the designated limits of disturbance, except as required by Herriman City for uses such as corrals for permitted animals.
3. Fences in front yards and along roadways shall not exceed forty-two inches in height.
4. Fences shall not inhibit the movement of wildlife along known travel corridors
5. Fences shall conform to the standards set forth in Herriman City Development Standards.

**R. Lighting.**

Lighting shall be limited to promoting safety and visibility as necessary.

1. Outdoor lighting shall be shielded or hooded to prevent glare onto adjacent properties and minimize the amount light directed toward the sky.
2. Selective lighting of signs shall be allowed to assist in visibility only.
3. A greater number of smaller light fixtures shall be used instead of large, high-intensity fixtures.

**S. Utilities.**

All utilities shall be buried underground for protection from natural elements and to be visually unobtrusive. Utility location and service shall be coordinated with Herriman City, as needed, as outlined in Section 19.12.080.

**19.12.060 Site plan approval.**

In order to determine compliance with this title and to promote orderly and harmonious development for canyon areas, site plans for single-family dwellings in the Forestry Recreation

zones shall be approved by the planning commission prior to issuance of any building permits. Applications for site plan approval shall be accompanied by a site plan and elevations showing the relationship of the construction to the natural grade and finished grade. Drawings shall show proposed signs, lighting, landscaping, exterior materials, color schedules, and all other information necessary to enable the planning commission to determine whether the application meets the requirements of this title. Applications may be approved as submitted, approved subject to conditions, or disapproved.

**19.12.070 Board of health approval.**

Prior to issuance of a conditional use permit or site plan approval for all uses in the Forestry Recreational zones, regardless of size or number of units, the applicant shall receive the written approval of the Health Department certifying that all water quality and health requirements have been satisfied and that the proposed construction will not damage the natural watershed. In addition, development of more than nine units shall receive the written approval of the State Division of Health, certifying the culinary water system and the sewage system. All approvals shall be in accordance with the regulations of the State Division of Health relating to culinary water supply and wastewater disposal.

**19.12.080 Public support requirements**

The needs of Forestry Recreation zone residents and the challenges of servicing unique sites may require the specialized support of various public services. At the discretion of the City, special service district may be created or required to service these needs. Property owners in the Forestry Recreation zones may therefore be requested to make certain allowances within their property for public facilities and public support operations as follows:

1. Fire/Emergency Medical Services Sub-station.
2. Police Sub-station.
3. Utility Substation.

4. Special service districts for water, sewer, or public utilities.
5. Road Maintenance and Erosion Control.
6. Municipal Services in general.

**19.12.090 Reviews and Inspections**

If development exceeds the capacity of the City Staff, independent, professional services may be secured. The hiring of the independent professional shall be the responsibility of the City and shall be done in mutual agreement between the City and the applicant. The cost of additional review and inspection services shall be borne by the applicant.

**Chapter 19.13**

**R-C**

**RESORT COMMUNITY ZONE**

**Sections:**

- 19.13.010 Purpose of provisions.**
- 19.13.012 Resort Community description.**
- 19.13.015 Development approvals and permits.**
- 19.13.020 Conditional uses.**
- 19.13.030 Density standards.**
- 19.13.040 Development standards.**
- 19.13.050 Site plan approval.**
- 19.13.060 Public support requirements.**
- 19.13.070 Reviews and inspections.**

**19.13.010 Purpose of provisions.**

The purpose of the Resort Community zone is to permit the development of the areas for resort, recreation, and other uses set forth in and limited by Sections 19.13.012 and 19.13.020 of this chapter, to the extent such development is compatible with the protection of the natural and scenic resources of these

areas for the continued benefit of future generations.

**19.13.012 Resort Community description.**

The Resort Community zone is intended to encourage flexible and creative development in order to offer a unique experience in a high-quality, visitor-friendly setting. Resort Community areas should contain a complimentary mixture of land uses that enhance the experience of the place. The Resort Community zone should support destination facilities and venues that encourage use by tourists and visitors from outside the City. This zone may include commercial and recreational uses. The design of projects in this zone should promote and enhance usable open spaces, recreation sites, outdoor areas, and pedestrian walkability. The design of projects in this zone should unite the varied uses with a consistent theme, appearance, and operations. The area's unique and sensitive environment should be planned for uses that take advantage of natural assets for public use, recreational potential and still respect site constraints such as limited access and protection of sensitive and scenic landscapes.

**19.13.015 Development approvals and permits.**

In carrying out the intent of this chapter, the planning commission shall consider the following principles:

- A. It is the intent of this chapter that site and building plans for development in this zone shall be prepared by a designer or team of designers having professional competence in the specific design challenges as proposed in the application.
- B. It is not the intent of this chapter that control of the designs in this zone by the planning commission be so rigidly exercised that individual initiative be stifled and unnecessary additional expense incurred. Rather, it is the intent of this section that the

control exercised be the minimum necessary to achieve the purpose of this chapter.

C. The planning commission may approve or disapprove an application for any development in a Resort Community zone. In approving an application the commission may attach such conditions as it may deem necessary to secure compliance with the purposes set forth in this title. The action of the planning commission may be appealed to the Appeals Authority.

D. To be awarded development approval, the applicant shall follow the subdivision approval process for approval as outlined in Title 18 - Subdivisions. Herriman City reserves the right to request additional information or materials before granting an approval. Requests may include three-dimensional models, computer visualizations and fly-throughs, detailed grading plans, and other materials that illustrate and explain the project and its impacts.

**19.13.020 Conditional uses.**

All uses in the Resort Community zone are conditional uses, subject to Sections 19.13.030 through 19.13.070 of this chapter, except that the regulations of said sections may be modified by the planning commission as they relate to public uses.

- A. Accessory uses and structures customarily incidental to a conditional use.
- B. Hotel and rental/timeshare units.
- C. Convention and event facilities.
- D. Commercial office space.
- E. Living quarters for persons employed on the premises of any main use.
- F. Offices incidental to main use.



G. Commercial and private cultural attractions such as museums, observatories, and performance spaces.

H. Commercial and private recreation attractions accessory to the resort, such as swimming pools, sport courts, golf courses, riding arenas, parks, playgrounds, and trails.

I. Uses incidental to the permitted uses including: eating and drinking establishments, sports equipment rental, sale, service, or repair, specialty shops, arts and crafts galleries, child care, and personal service establishments are permitted provided such incidental uses are provided for as an integral part of the general plan of the development, and

1. Such incidental uses will not by reason of their location, construction, manner or timing of operations, signs, lighting, parking arrangements or other characteristics have adverse effects on other uses within or adjoining the zone or create traffic congestion or hazards to vehicular or pedestrian traffic, and

2. Any application for an incidental use is approved in conjunction with or after building permits for the primary use.

J. Facilities for civic and religious uses.

K. Temporary structures.

L. Horses and household pets, provided the area proposed for animals is not in a watershed area, as determined by the Health Department.

M. Public and quasi-public uses

N. Sand and/or rock removal as an interim use (see definition)

**19.13.030 Density standards.**

Maximum density of development in the Resort Community zone is one unit per 2.5 acres.

**19.13.040 Development standards.**

This section outlines the provisions of the Resort Community zone that:

1. Provide for the protection of the natural environment and the surrounding areas from potentially adverse effects;
2. Provide for and protect the unique character, livability, and scenic quality of Herriman and the site developed;
3. Provide for fire safety and protection of all structures;
4. Protect the privacy and quality of life of residents and visitors;
5. Insure consistency in the scale and design of structures; and
6. Provide for adequate open space within the development.

Drawings and text addressing each of these considerations shall be submitted with the application.

**A. Effect on adjacent properties.**

Structures and open spaces within the Resort Community developments shall be arranged, as necessary, to assure that adjacent properties will not be adversely affected and that adjacent properties do not have an adverse effect on the resort community.

**B. Preservation of open space.**

In keeping with the goal of creating a unique outdoor environment and experience, open space and natural areas should be protected to the maximum extent possible.

1. At least 20% of the land within a Re

sort Community Zone must be preserved as permanent natural open space or provided for otherwise.

A. One-half of this permanent open space required must be maintained in one contiguous parcel.

B. Developed recreation amenities, such as pools, courts or arenas and developed public spaces, such as plazas and courtyards, do not count as open space.

C. Amenities that utilize natural open space, such as trails, and golf courses do count as open space.

2. A method that is acceptable and approved by the City to maintain the open space must be established prior to sale of any parcels. Preservation, maintenance and ownership of required open spaces within the development shall be accomplished by:

A. Dedication of the land as a public park or parkway system;

B. Granting a permanent open space easement on or over the private open spaces to the city, another government agency, or a non-governmental organization charged with protecting important landscapes. This is intended to guarantee that the open space remain perpetually in recreational and/or open space use with ownership and maintenance being the responsibility of the owner or an owner's association established with articles of association and bylaws which are satisfactory to the city; or

C. Compliance with the provisions of the Condominium Ownership Act, which provides for the payment of common expenses for the upkeep of the common areas and facilities.

**C. Limits of disturbance.**

Plans shall delineate a "limits of disturbance" line to indicate the area within which all disturbance and construction must be contained. The limits should include the principal structure, accessory structures, utilities, services, drainage facilities, and septic tank. Areas required for driveways and leach fields are not included. In drawing this line, the intention is to minimize visual impacts, prevent erosion, conserve water, and preserve natural vegetation, features and topography.

**D. Access to recreation and public land.**

For the benefit of residents and visitors, Herriman City shall protect access to existing and future recreation areas, such as public lands and trails. Herriman City may request easements through areas proposed for development as needed to permit access.

**E. Sensitive lands and natural hazards:**

Construction of permanent structures shall not occur in sensitive land areas. Sensitive land areas include:

1. Areas with special flood hazards, (as defined in Chapter 19.32).
2. Wetlands, springs or stream corridors.
3. Natural hazard special study areas (as defined in Chapter 19.29).
4. Steep slopes (as defined in Section 19.12.040 F - Steep Slopes).

**F. Steep Slopes.**

1. No development, including clearing, excavation, and grading is permitted where the slope exceeds thirty percent. One hundred percent

of areas with slope greater than thirty percent shall remain in natural private or public open space, except as expressly allowed in this chapter.

2. Roads and other vehicular routes shall not cross slopes greater than thirty percent unless, after review by the planning commission, it is determined that:

A. Appropriate engineering measures can be taken to minimize the impact of the cuts and fills, consistent with the purpose of this chapter, and

B. The environment and aesthetics of the area will not be significantly affected.

3. In no case shall roads cross slopes over fifty (50) percent.

#### **G. Grading and drainage.**

Grading shall be minimized to protect existing vegetation and natural drainage patterns, reduce erosion and dust during construction, and to minimize visual impacts.

1. Natural drainage patterns shall be maintained to the greatest extent possible. The amount of water runoff currently moving from the project site to adjacent areas shall not exceed pre-construction levels. Alternative storm water retention is encouraged to minimize runoff.

2. Buildings shall be designed to integrate into natural slopes. Mass grading to create flat building pad is discouraged.

3. All cut-and-fill surfaces shall be re-graded to match the surrounding topography as closely as possible.

4. All cut-and-fill surfaces shall be replanted with native plants similar in type to plants that were destroyed.

#### **H. Ridgeline preservation.**

Ridgelines should be retained in a natural state and development near ridgelines should blend with the natural contour of these features. Development near designated ridgelines as designated on the City official Zoning Map should be sited and constructed to avoid creating a silhouette against the sky or backdrop when viewed from three designated vantage points:

1. 5600 West and 13400 South;
2. 6400 West and 13400 South;
3. and 7000 West and Rose Canyon Rd.

#### **I. Landscaping and native vegetation.**

Existing vegetation shall be protected in its natural state to the greatest extent possible.

1. All trees over 6" in caliper or plants over 10' tall shall be noted on plans and marked in the field for the duration of construction.

2. All clearing of existing vegetation shall be a conditional use, subject to planning commission approval. Clearing outside the limits of disturbance is discouraged.

3. Native compatible trees and vegetation shall be utilized in new landscaping.

4. New landscaping shall be designed to minimize the threat of wildfire to built structures.

#### **J. Wildlife habitat.**

Protecting wildlife and their natural habitats is important for maintaining the natural ecosystem and for the enjoyment of residents and visitors.

1. Proposals in the Resort Community zones shall note important natural features and vegetation that serve as habitat, and identify wildlife that may be present in different seasons.

2. Site plans should minimize the impact of development by:

- A. Siting buildings, structures, roads, trails, and other construc-

tion to avoid significant natural features and to maintain a sufficient buffer between these important natural areas and human activity;

B. Facilitate wildlife movement by designing natural corridors between natural areas and by minimizing fences and road crossings;

C. Maintaining the natural structure of the site, different layers of vegetation; and

D. Revegetating degraded areas with native plants and selecting plants that benefit wildlife for new landscaped areas.

#### **K. Signage**

Signage in the resort community zone should help unify the development and provide a positive image.

1. Signage shall be kept to the minimum necessary to identify destinations and direct people through the development.
2. Signage shall be designed as a coordinated signage system for the entire project and should be sensitive to the needs of visitors.
3. Signage for the purpose of advertising shall be used to the minimum extent possible and shall be regulated in the development's CCRs.
4. Natural materials such as wood, stone, rock and metal should be used.
5. Signs shall be illuminated with external, directed lighting.

#### **L. Building Design.**

1. Buildings shall follow a consistent design theme across the development to unify the resort community.

2. Proposed structures shall be complimentary to the surrounding landscape in terms of scale, massing, roof shape, and exterior materials.

3. Buildings shall not create large bulky masses, but should be scaled down into groupings of smaller attached structures.

4. Buildings shall be placed on the site and designed to minimize adverse affects on adjacent properties.

5. Buildings shall be designed to maintain the natural structure of the site and not to visually break the ridgeline as outlined in Section 19.13.040 H - Ridgeline Protection.

6. Buildings shall be sited and constructed to resist wildfire. Applicants may be asked to complete a "Technical Analysis" for the Unified Fire Authority in order to evaluate the safety of a proposal and mitigate safety impacts.

7. Except as otherwise specifically provided in this title, all buildings and structures shall meet the following height standards:

A. Building heights shall not exceed thirty-five (35) feet from the lowest finished grade touching the building to the top of the roofline.

Where the grade slopes, this dimension shall not be exceeded at any point along the slope.

B. No single-family dwelling structure shall have less than one story above ground.

#### **M. Building Materials.**

Buildings shall be designed to complement the natural beauty of the surrounding landscape.

1. Buildings and accessory structures shall follow a consistent theme, focused on natural materials

and colors to blend with the surrounding landscape.

2. Wood and stone and other harmonious materials shall be used. The use of bland, unpainted concrete blocks and unpainted metal is prohibited on exterior surfaces.
3. Materials, colors, and surfaces shall have little or no reflectivity

#### **N. Access and Circulation**

Circulation networks shall be designed to consider all forms of travel, including but not limited to: vehicles, bicycles, pedestrians, and equestrian use.

1. A traffic impact study shall be required to project auto and truck traffic generated by the uses proposed.
2. Street widths, materials, and configurations should vary depending on the proposed traffic level and need for emergency access.
3. Continuous pedestrian and bicycle access shall be provided with minimal barriers to handicapped or elderly persons.

#### **O. Street design.**

Streets, roads, private access roads, driveways, and other vehicular routes shall be designed to minimize the amount of disturbance while allowing safe access.

1. Vehicular routes shall not cross slopes greater than fifty (50%) percent.
2. Vehicular routes shall follow natural contour lines to the greatest extent feasible to minimize cut and fill and disturbance to existing vegetation.
3. Driveways shall have a maximum grade of twelve percent.

#### **P. Parking and Loading.**

Parking and loading areas shall be designed to accommodate the diverse uses of the Resort Community zone. The maximum number of parking spaces required shall be determined by the planning commission.

1. Parking spaces for residents shall be provided on site to minimize road widths.
2. Parking for guest properties shall be provided primarily off-street and shall be sufficient to serve those properties.
3. Cluster-type and shared parking is recommended where feasible.
4. Parking areas shall be broken into smaller lots to avoid large expanses of paving.
5. Parking lots shall include ample landscaping to buffer them from neighboring properties.
6. Areas for loading/unloading of business supplies shall be provided in unobtrusive locations that do not conflict with primary circulation routes.
7. Areas for the loading/unloading of vehicles used for recreation, such as trailers, shall be provided as needed.

#### **Q. Fences.**

Fences should be used to the minimum extent possible to limit their visual impact and allow access to public areas, as needed. Fences shall conform to the standards set forth in Herriman City Engineering Standards.

1. No fence shall be constructed unless shown on an approved site development plan.
2. No fence in excess of forty-two inches in height shall be constructed or installed outside the designated limits of disturbance, except as required by Herriman City for uses such as corrals for permitted animals.

3. Fences in front yards and along roadways shall not exceed forty-two inches in height.
4. Fences shall not inhibit the movement of wildlife along known travel corridors.

#### **R. Lighting**

Lighting shall be limited to promoting safety and visibility as necessary. Lighting may vary from city standards in this zone, but any variations must be submitted on a lighting plan for the approval of the city engineer.

1. Outdoor lighting shall be shielded or hooded to prevent glare onto adjacent properties and minimize the amount of light directed toward the sky.
2. Selective lighting of signs shall be allowed to assist in visibility only.
3. A greater number of smaller light fixtures shall be used instead of large, high-intensity fixtures.
4. Incandescent lights should be used in smaller pedestrian spaces where quality light is especially important.

#### **S. Utilities**

All utilities shall be buried underground for protection from natural elements and to be visually unobtrusive. Utility location and service shall be coordinated with Herriman City as needed, as outlined in Section 19.13.060.

##### **19.13.050 Site plan approval.**

In order to determine compliance with this title and to promote orderly and harmonious development in visually sensitive areas, site plans for all lots developed individually and not as a part of the overall development in the Resort Community zone shall be approved by the planning commission prior to issuance of any building permits. Applications for site plan approval shall be accompanied by a site plan

and elevations showing the relationship of the construction to the natural grade and finished grade. Drawings shall show proposed signs, lighting, landscaping, exterior materials, color schedules, and all other information necessary to enable the planning commission to determine whether the application meets the requirements of this title. Applications may be approved as submitted, approved subject to conditions, or disapproved.

##### **19.13.060 Public support requirements**

The large scale and public nature of a Resort Community and the challenges of servicing a unique site may be more specialized or at a different cost than standard city services. At the discretion of the City, a special service district may be created or required to service these needs. Property owners in the Resort Community zone may therefore be requested to make certain allowances within their property for public facilities and public support operations as follows:

###### **A. Fire/Emergency Medical Services Sub-station.**

Up to two (2) acres of property in a location to be approved by the City shall be dedicated to the City without cost wherein a Fire Sub-station may be constructed and operated by the City.

###### **B. Police Sub-station.**

A facility or space within a facility shall be provided to the City without cost wherein a Police Sub-station may be operated.

###### **C. Utility Substation**

A space within a facility shall be provided to the City without cost wherein the public and City may conduct transactions for public utilities.

###### **D. Special service districts.**

**19.13.070 Reviews and Inspections**

A. Upon approval of a resort community development, construction shall proceed only in accordance with the plans and specifications approved by the planning commission and in conformity with any conditions attached by the commission to its approval.

B. Amendments to approved plans and specifications for a Resort Community development shall be approved by the planning commission and shown on the approved plans.

C. The community development department or any other city department shall not issue any permit for any proposed building, structure, activity or use within the project unless such building, structure, activity or use is in accordance with the approved development plan and any conditions imposed in conjunction with its approval.

D. All development and construction shall be subject to inspection and inspection approval by City Building Officials. The applicant must make a complete submittal according to Herriman City Building Department's building permit submittal checklist prior to review of any building permit by the City.

E. If development exceeds the capacity of the City Planning Staff or City Inspection Staff, then independent professional services may be secured. The hiring of the independent professional shall be the responsibility of the City and shall be done in mutual agreement between the City and the applicant. The cost of additional review and inspection services shall be borne by the applicant.

**Chapter 19.14  
R-M RESIDENTIAL ZONE**

**Sections:**

**19.14.010 Purpose of provisions.**

**19.14.020 Permitted uses.**

**19.14.030 Conditional uses.**

**19.14.040 Density.**

**19.14.050 Front yard.**

**19.14.060 Side yard.**

**19.14.070 Rear yard.**

**19.14.080 Building height.**

**19.14.090 Landscaping.**

**19.14.100 Dwelling group conditions.**

**19.14.110 Steep slopes.**

**19.14.010 Purpose of provisions.**

The purpose of the R-M zone is to provide areas in the city for high density residential development.

**19.14.020 Permitted uses.**

Permitted uses include:

A. Household pets (See Animal Control Ordinance);

B. Residential facility for elderly persons;

C. Accessory uses and buildings customarily incidental to a permitted use.

D. Charter Schools, subject only to setback, height, bulk and massing regulations, off-site parking, curb cut, traffic circulation, and construction staging requirements.

E. Foster Animals.

**19.14.030 Conditional uses.**

Conditional uses include:

A. Airport;

B. Apartments;

C. Banks;

D. Bed and breakfast homestay

E. Bed and breakfast inn, which

may include conference meeting rooms;

G. Cemetery, mortuary, etc.;

H. Day care/preschool center;

I. Dwelling group (see conditions

in section 19.14.100).

J. Electrolysis of hair;

- K. Golf course;
- L. Home occupation;
- M. Hospital;
- N. Hotel/Motel;
- O. Lodging house;
- P. Massage (every massage technician shall be licensed by the state);
- Q. Medical, optical and dental laboratories, but not to include the manufacture of pharmaceutical or other products for general sale or distribution, and also not to include the use of animals;
- R. Mobile home park;
- S. Monopoles;
- T. Nursing home;
- U. Office, business and/or professional;
- V. Parking lot;
- W. Planned unit development;
- X. Private educational institutions having an academic curriculum similar to that ordinarily given in public schools;
- Y. Private nonprofit recreational grounds and facilities;
- Z. Public and quasi-public uses;
- AA. Reception center and/or wedding chapel;
- AB. Residential development with any number of dwelling units per structure per lot, pursuant to section 19.14.040;
- AC. Residential health care facility;
- AD. Tanning studio;
- AE. Temporary buildings for uses incidental to construction work, which buildings must be removed upon the completion or abandonment of the construction work. If such buildings are not removed within 90 days upon completion of construction and 30 days after notice, the buildings will be removed by the city at the expense of the owner;
- AF. Tourist homes;
- AG. Veterinary, provided that:
  - 1. The operation is completely enclosed within an air-conditioned sound proofed building. The noise from the animals shall not be audible at the property line;

- 2. There is no sale of merchandise on the premises; and
- 3. There is no overnight boarding of animals.
- AH. Accessory uses and buildings customarily incidental to a conditional use.
- AI. Sand and/or rock removal as an interim use (see definition).

#### **19.14.040 Density**

For dwelling groups, the density shall not exceed 20 units per acre or go below 9 units per acre.

#### **19.14.050 Front yard.**

The minimum depth of the front yard for main buildings shall be 15 feet and for garages it shall be 19 feet.

#### **19.14.060 Side yard.**

- 1. The minimum side yard for any dwelling shall be determined at the time of the Planned Unit Development approval.
- 2. Buildings shall have a minimum side yard of 20 feet, and the total width of the two yards shall be not less than 40 feet.
- 3. The minimum side yard for a garage shall be eight feet, except that garages and other accessory buildings located in the rear and at least six feet away from the main building shall have a minimum side yard of not less than 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.
- 4. On corner lots, the side yard which faces on a street, for both main and accessory buildings, shall be not less than 20 feet. Structures over 25 feet in height shall have one foot of additional side yard on each side of the building for each two feet such structure exceeds 25 feet in height.



**19.14.070 Rear yard.**

The minimum depth of the rear yard for any building shall be 30 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.

**19.14.080 Building height.**

1. No building or structure shall exceed 35 feet, unless approved by the planning commission, but in no case over 75 feet, and no dwelling structure shall contain less than one story.

2. All accessory buildings shall be a maximum of sixteen (16) feet in height.

**19.14.090 Landscaping.**

All new development shall require at least fifteen percent of the total site landscaped. All landscaped areas shall be planted with live plant material and include a permanent automatic irrigation system. The owner, tenant and agent shall be jointly and individually responsible for the maintenance of all landscaping in good condition and free from refuse and debris so as to present a healthy, neat and orderly appearance.

**19.14.100 Dwelling group conditions.**

1. The distance between principal buildings and the nearest perimeter lot line shall be at least 15 feet. The distance between the building and a public street shall be at least the front yard required in the zoning district, except on corner lots the side yard which faces on a public street shall be at least 20 feet.

2. Access shall be provided by a private street or right-of-way from a public street; such private street or right-of-way shall be at least 20 feet wide for one or two rear dwelling units and at least 30 feet wide for three or more dwelling units.

3. A minimum of two parking spaces shall be provided for each dwelling unit for units with less than three bedrooms and 2.4 spaces for units with three or more bedrooms. The ad-

ditional stalls can be located in designated parking areas. Parking areas associated with a Club House or Sales Center must have 6 spaces per 1000 square feet. Parking spaces and vehicular maneuvering areas shall meet city standards.

4. No parking areas shall include any part of the required front yard or side yard adjacent to a street.

5. Parking areas adjacent to residential uses shall be screened with a six foot high visual barrier.

6. Entrances from a private development to a public shall maintain a clear view, as defined in section 19.36.160.

7. Public access to the dwelling group shall be from a 60 feet or wider street.

8. The front and side yards next to a public street shall be landscaped in accordance with a plan prepared by a landscape architect or licensed nurseryman specifying types, sizes and location of plants. The following items shall be included in the plan:

a. A minimum of two trees per 1,000 square feet of the ground or main floor level.

b. One shrub per six lineal feet of building foundation. Shrubs may be grouped.

c. Grass or other plantings installed in all areas not used for building, parking, walks or drives.

d. An automatic sprinkling system is required for all planted areas.

9. The landscaping for each building within the site must be complete prior to occupancy according to Section 9.62.030 of the Landscaping Ordinance.

10. A five foot wide landscaped area shall be required between the drive and parking area adjacent to residential property lines. This area is to be planted with a minimum of one tree per 25 feet of linear landscaped area.

11. If a six foot high visual barrier fence is proposed in the yard next to a public street, the barrier shall be placed no closer than ten feet to the sidewalk.

12. Open space shall be provided on the site equal to 25 square feet per unit in the dwelling group.

13. Exterior lighting shall be provided as follows:

a. Each parking area shall be illuminated for safety by installing lighting fixture(s) which emit(s) light at least equivalent to that of one 100 watt incandescent bulb per 100 feet in all directions.

b. All lighting shall be shielded so as not to shine into surrounding residences.

14. Residential structures proposed greater than one story adjacent to existing single or two family dwellings may add one additional floor to the height of the proposed structure for each additional 30 feet increase in rear yard or side yard greater than the allowed 15 feet perimeter yard requirement.

15. Buildings which face each other shall be separated by 50 feet or more. Buildings which side on another building shall be separated by 16 feet or more.

16. Brick, rock, or stone must be used for the finish system on the front building façade and must make up a minimum of 15 percent of the total area of the front facades of the complex. If the building incorporates a front porch across the entire front of the house the brick, rock, or stone can be reduced to 10 percent.

17. Brick or stone shall be used on the front elevation to show significant masonry architectural detail in the form of vertical accents. However, other architectural details may be used in lieu of brick/stone if approved by the city. Manufactured material may be substituted for real stone products.

18. The remainder of the front elevation may be finished with a combination of stucco, fiber cement material, or brick products. The use of vinyl and aluminum siding is prohibited.

19. The trim should be applied consistently with the architectural style of the home. Trim should be applied so that it adds dimension to the front façade.

20. All finished materials used and their placement on the façade must be indicated on the elevation rendering when submitted for review to the city.

21. Where living space is added above the garage the front façade must include windows and other treatments to avoid a large blank wall space above the garage doors.

22. Driveway locations shall be selected to promote pedestrian friendly pathways.

#### **19.14.110 Steep slopes.**

1. No development, including clearing, excavation, and grading, is permitted where the slope exceeds thirty (30) percent, except roads and trails. One hundred percent of areas with slope greater than 30 percent shall remain in natural private or public open space, except as expressly allowed in this chapter.

2. Slopes over 30 percent may be part of a lot, but may not be included in the building envelope.

3. Roads and other vehicular routes shall not cross slopes greater than 30 percent unless, after review by the Planning Commission, it is determined that:

a. Appropriate engineering measures can be taken to minimize the impact of the cuts and fills, consistent with the purpose of this chapter, and

b. The environment and aesthetics of the area will not be significantly affected.

4. Roads shall not cross slopes over thirty (30) percent without special review by the Planning Commission. In no case shall roads cross slopes greater than fifty (50) percent.

## Chapter 19.16

### A-.25 AGRICULTURAL ZONE

#### Sections:

#### 19.16.010 Purpose of provisions.

#### 19.16.020 Permitted uses.

#### 19.16.030 Conditional uses.

#### 19.16.040 Lot area.

#### 19.16.050 Lot width.

#### 19.16.060 Yards.

#### 19.16.090 Building height.

#### 19.16.100 Coverage of rear yard.

#### 19.16.010 Purpose of provisions.

The purpose of the A-.25 zone is to provide areas in the city for low-density residential development.

#### 19.16.020 Permitted uses.

Permitted uses in the A-.25 zone include:

- A. Accessory uses and buildings customarily incidental to permitted uses;
- B. Agriculture;
- C. Raising and grazing horses as a secondary use on a lot with a single family residence.
- D. Residential facility for elderly persons;
- E. Single-family dwelling.
- F. Charter Schools, subject only to setback, height, bulk and massing regulations, off-site parking, curb cut, traffic circulation, and construction staging requirements.
- G. Foster Animals.

#### 19.16.030 Conditional uses.

Conditional uses in the A-.25 zone include:

- A. Bed and breakfast homestay;
- B. Cemetery;
- C. Day care/preschool center, subject to section 19.36.230 of this title;
- D. Golf course;
- E. Home occupation;
- F. Model home sales office;

G. Pigeons, subject to city-county health Department regulation;

H. Planned unit development;

I. Private educational institution having an academic curriculum similar to that ordinarily given in public schools;

J. Public and quasi-public uses;

K. Residential health care facility for up to five residents on streets less than 80 feet in width, and up to ten residents on streets 80 feet and wider, excluding the facility operator and his/her related family with a maximum of one nonresident part-time relief employee on the premises at any one time unless additional staffing is required by the Utah Department of Health, which use shall not change the residential appearance and character of the property;

L. Secondary unit within a single family house. One parking stall must be provided for the unit;

M. Hobby permit; fancier's permit; exotic animal permit;

N. Temporary buildings for uses incidental to construction work, which buildings must be removed upon completion or abandonment of the construction work. If such buildings are not removed within 90 days upon completion of construction and 30 days after notice, the buildings will be removed by the county at the expense of the owner.

O. Sand and/or rock removal as an interim use (see definition)

#### 19.16.040 Lot area.

In the A-.25 zone, the minimum lot area for any dwelling, school and church shall be 10,000 square feet. For the raising or grazing of up to two horses the minimum lot area shall be one half acre.

#### 19.16.050 Lot width.

In the A-.25 zone, the minimum width of any lot shall be 85 feet.

**19.16.060 Yards**

The minimum yard requirements for a dwelling unit are set forth in the chart 19.10.050-A. The minimum yard requirements for an accessory building are set forth in chart 19.10.050-B.

**19.16.090 Building height.**

Except as otherwise specifically provided in this title no building or structure shall exceed the following height:

A. Residential buildings shall be a maximum of 35 feet.

B. No dwelling shall contain less than one story.

C. Accessory buildings shall be a maximum of 16 feet in height, except on lots half acre or larger the accessory building may be a maximum of 20 feet in height. The Planning Commission may approve up to 25 feet high on lots half acre or larger if the side and rear yards are increased to 10 feet each.

**19.16.100 Coverage of rear yard.**

No accessory building or group of accessory buildings shall cover more than 25 percent of the rear yard.

**Chapter 19.18**

**A-.5 AGRICULTURAL ZONE**

**Sections:**

**19.18.010 Purpose of provisions.**

**19.18.020 Permitted uses.**

**19.18.030 Conditional uses.**

**19.18.040 Lot area.**

**19.18.050 Lot width.**

**19.18.060 Yards.**

**19.18.090 Building height.**

**19.18.100 Coverage of rear yard.**

**19.18.010 Purpose of provisions.**

The purpose of the A-.5 zone is to provide areas in the city for low-density residential development; together with limited agricultural uses.

**19.18.020 Permitted uses.**

Permitted uses in the A-.5 zone include:

A. Accessory uses and buildings customarily incidental to permitted uses;

B. Agriculture;

C. Animals and fowl for family food production;

D. Apiary;

E. Aviary;

F. Farm devoted to the raising and marketing, on a commercial scale, of chickens, turkeys or other fowl or poultry, rabbits, chinchilla, beaver, nutria, fish or frogs;

G. Home daycare/preschool, subject to Section 19.04.275;

H. Household pets (See Animal Control Ordinance);

I. Raising and grazing of horses, cattle, sheep or goats, provided that such raising or grazing is not a part of, nor conducted in conjunction with, any livestock feed yard, livestock sales yard, animal byproduct business, or commercial riding academy;

J. Raising of a maximum of two pigs not to exceed 275 pounds each provided that the parcel upon which the animals are kept is at least one acre, provided that such raising is for a bona fide youth project such as 4-H, fair projects and provided further that such raising is not a part of, nor conducted in conjunction with any livestock feed yard, livestock sales yard or animal byproduct business;

K. Residential facility for elderly persons;

L. Single-family dwelling;

M. Worm farming (minimum lot area one acre).

N. Charter Schools, subject only to setback, height, bulk and massing regulations, off-

site parking, curb cut, traffic circulation, and construction staging requirements.

O. Foster Animals.

**19.18.030 Conditional uses.**

Conditional uses in the A-.5 zone include:

- A. Airports;
- B. Bed and breakfast homestay;
- C. Campgrounds;
- D. Cemetery;
- E. Day care/preschool center, subject to section 19.06.130 of this title;
- F. Fruit and/or vegetable stand, provided that the products are produced on the premises;
- G. Golf course;
- H. Home day care/preschool, subject to section 19.04.275;
- I. Home occupation;
- J. Milk processing and sale, provided that at least 50% of the milk processed or sold is produced on the premises;
- K. Model home sales office;
- L. Monopole, on a public or quasi-publicly owned parcel;
- M. Nursery and/or greenhouse, excluding retail sales;
- N. Nursing home;
- O. Pigeons, subject to city-county health department regulations;
  - P. Planned unit development;
  - Q. Plant for storage or packing of fruit or vegetables produced on the premises;
  - R. Private educational institution having an academic curriculum similar to that ordinarily given in public schools;
  - S. Private non profit recreational grounds and facilities;
  - T. Public and quasi-public uses;
  - U. Radio and television transmitting and relay station and tower, excluding business office or studio, except such control room studio facilities as required for emergency broadcasts in the event of a national emergency or local disaster;
  - V. Residential health care facility for up to five residents on streets less than 80 feet in

width, and up to ten residents on streets 80 feet and wider, excluding the facility operator and his/her related family with a maximum of one nonresident part-time relief employee on the premises at any one time unless additional staffing is required by the Utah Department of Health, which use shall not change the residential appearance and character of the property;

W. Secondary unit within a single family house. One parking stall must be provided for the unit;

X. Hobby permit; fancier's permit; exotic animal permit;

Y. Temporary buildings for uses incidental to construction work, which buildings must be removed upon completion or abandonment of the construction work. If such buildings are not removed within 90 days upon completion of construction and 30 days after notice, the buildings will be removed by the county at the expense of the owner;

Z. Guest House.

AA. Sand and/or rock removal as an interim use (see definition).

**19.18.040 Lot area.**

In the A-.5 zone, the minimum lot area for any dwelling, school, church, greenhouse, aviary or apiary, or for the keeping of animals and fowl for family food production, shall be 21,780 square feet. The minimum lot area for any fowl, poultry, rabbit, fish chinchilla, beaver, nutria or frog farm, or for raising or grazing horses, cattle, sheep or goats (except as permitted for family food production) or for packing or storage plants, shall be one acre. For the raising or grazing of up to two horses the minimum lot area shall be one half acre. The minimum lot area for radio and television transmitting and relay stations and towers shall be four acres or more, such additional area to be sufficient to permit the placement of towers in such a manner that side clearance in every direction from each and every tower shall be equal to or greater than the height of the tower.

**19.18.050 Lot width.**

In the A-.5 zone, the minimum width of any lot which is required by this chapter to contain a minimum area of 21,780 square feet shall be 85 feet. The minimum width of any lot which is required by this chapter to contain a minimum area of one acre shall be 100 feet. The minimum width of any lot which is required by this chapter to contain a minimum area of four acres shall be 200 feet, provided that the minimum width shall be increased above 200 feet to the extent necessary to give side clearance in every direction from the base of any tower to be constructed equal to the height of the tower.

**19.18.060 Yards**

The minimum yard requirements for a dwelling unit are set forth in the chart 19.10.050-A. The minimum yard requirements for an accessory building are set forth in chart 19.10.050-B.

**19.18.090 Building height.**

Except as otherwise specifically provided in this title no building or structure shall exceed the following height:

A. Residential buildings shall be a maximum of 35 feet.

B. No dwelling shall contain less than one story except for agricultural structures.

C. Accessory buildings shall be a maximum of 16 feet in height, except on lots half acre or larger the accessory building may be a maximum of 20 feet in height. The Planning Commission may approve up to 25 feet high on lots half acre or larger if the side and rear yards are increased to 10 feet each.

D. Agricultural buildings shall be a maximum of 75 feet.

**19.18.100 Coverage of rear yard.**

No accessory building or group of accessory buildings shall cover more than 25 percent of the rear yard.

**Chapter 19.20**

**A-1 AGRICULTURE ZONE**

**Sections**

**19.20.010 Purpose of provisions.**

**19.20.020 Permitted uses.**

**19.20.030 Conditional uses.**

**19.20.040 Lot area.**

**19.20.050 Lot width.**

**19.20.060 Yards.**

**19.20.090 Building height.**

**19.20.100 Coverage restrictions.**

**19.20.010 Purpose of provisions.**

The purpose of the A-1 zone is to provide areas in the city for low-density residential development and agricultural uses.

**19.20.020 Permitted uses.**

Permitted uses in the A-1 zone include:

- A. Accessory uses and buildings customarily incidental to permitted uses;
- B. Agriculture;
- C. Animals and fowl for family food production;
- D. Apiary;
- E. Aviary;
- F. Farm devoted to raising (including fattening as incident to raising), slaughtering, dressing and marketing on a commercial scale of chickens, turkeys or other fowl or poultry, rabbits, chinchilla, beaver, nutria, fish or frogs;
- G. Fruit and vegetable storage and packing plant;
- H. Grain storage elevator;
- I. Home daycare/preschool, subject to Section 19.04.275;
- J. Household pets (See Animal Control Ordinance);
- K. Raising and grazing of horses, cattle, sheep or goats, including the supplementary-feeding of such animals, providing that such raising or grazing is not part of nor conducted in conjunction with any livestock feed yard, livestock sales yard, slaughterhouse, animal

byproduct business, or commercial riding academy; and

L. Raising of a maximum of two pigs not to exceed 275 pounds each provided that the parcel upon which the animals are kept is at least one acre, provided that such raising is for a bona fide youth project such as 4-H, fair projects and provided further that such raising is not a part of, nor conducted in conjunction with any livestock feed yard, livestock sales yard or animal byproduct business;

M. Single-family dwelling.

N. Sugar beet loading station and dump site;

O. Worm farming (minimum lot area one acre).

P. Charter Schools, subject only to setback, height, bulk and massing regulations, off-site parking, curb cut, traffic circulation, and construction staging requirements.

Q. Foster Animals.

**19.20.030 Conditional Uses**

Conditional uses in the A-1 zone include:

- A. Agriculture experimental station;
- B. Airport;
- C. Animal hospital;
- D. Bed and breakfast homestay;
- E. Campgrounds;
- F. Cemetery;
- G. Dairy or creamery;
- H. Day care/preschool center, subject to section 19.36.230;
- I. Dog breeding establishment; dog kennel, dog pound; dog training school;
- J. Dude ranch;
- K. Egg candling and sales;
- L. Fertilizer and soil conditioner manufacturing, processing and sales, provided that no objectionable odors are created;
- M. Fruit and/or vegetable stand, provided that the products are produced on the premises;
- N. Golf course;
- O. Gun club;
- P. Hay chopping;
- Q. Home day care/preschool, subject to Section 19.04.275;
- R. Home occupation;

- S. Manure spreading, processing, drying and sales;
- T. Milk processing and sales;
- U. Monopole, on a public or quasi-publicly owned parcel;
- V. Nursery and/or greenhouse, excluding retail sales;
- W. Nursing home;
- X. Open storage, sales and rental of irrigation pipe;
- Y. Organic disposal site (minimum lot area, 50 acres);
- Z. Pigeons, subject to health department regulations;
- AA. Planned unit development;
- AB. Plant for storage or packing of fruit and vegetables;
- AC. Private educational institution having an academic curriculum similar to that ordinarily given in public schools;
- AD. Private nonprofit recreational grounds and facilities;
- AE. Public and quasi-public use;
- AF. Public stable;
- AG. Radio and television tower; radio transmitting station; business office; studio and relay station;
- AH. Residential facility for elderly persons;
- AI. Riding academy;
- AJ. Rodeo grounds;
- AK. Sanitarium;
- AL. Secondary unit within a single family house. One parking stall must be provided for the unit
- AM. Slaughterhouse;
- AN. Soil composting manufacture and sales;
- AO. Hobby permit; fancier's permit; exotic animal permit;
- AP. Stockyard;
- AQ. Temporary buildings for uses incidental to construction work, which buildings must be removed upon completion or abandonment of the construction work. If such buildings are not removed within 90 days upon completion of construction and 30 days after notice, the buildings will be removed by the city at the expense of the owner; and
- AR. Veterinary;
- AS. Guest House.
- AT. Sand and/or rock removal as an interim use (see definition).
- 19.20.040 Lot area.**  
The minimum lot area shall be one acre. For radio and television towers, see Section 19.18.040.
- 19.20.050 Lot width.**  
The minimum width shall be 100 feet. For radio and television towers, see Section 19.18.050.
- 19.20.060 Yards**  
The minimum yard requirements for a dwelling unit are set forth in the chart 19.10.050-A. The minimum yard requirements for an accessory building are set forth in chart 19.10.050-B.
- 19.20.090 Building height.**  
Except as otherwise specifically provided in this title no building or structure shall exceed the following height:
- A. Residential buildings shall be a maximum of 35 feet.
- B. No dwelling shall contain less than one story except for agricultural structures.
- C. Accessory buildings shall be a maximum of 16 feet in height, except on lots half acre or larger the accessory building may be a maximum of 20 feet in height. The Planning Commission may approve up to 25 feet high if the side and rear yards are increased to 10 feet each.
- D. Agricultural buildings shall be a maximum of 75 feet.
- 19.20.100 Coverage restrictions.**  
No building or structure or group of buildings, with their accessory buildings, shall cover more than 70% of the lot area.



**Chapter 19.22**

**OFFICE, PROFESSIONAL (OP)  
ZONE**

**Sections:**

**19.22.010 Purpose of provisions.**

**19.22.020 Permitted uses.**

**19.22.030 Conditional uses.**

**19.22.040 Design and site plan review.**

**19.22.050 Building alteration and expansion.**

**19.22.060 Building setbacks.**

**19.22.070 Building height.**

**19.22.080 Architectural features.**

**19.22.090 Landscaping.**

**19.22.100 Screening buffers.**

**19.22.110 Lighting.**

**19.22.010 Purpose of provisions.**

The purpose of the OP zone is to provide an aesthetically attractive environment for business offices with limited commercial use that cater to a business office complex. This zone is intended to insure compatibility of new development with surrounding land uses through standards that provide attractive building(s), well planned grounds, and other appropriate amenities supporting employee activity. Uses which produce noises, excessive vehicle traffic, excessive parking needs, objectionable odors, storage of hazardous substances, or the outside storage of inventory or equipment are not appropriate in this zone.

**19.22.020 Permitted uses.**

Permitted uses include:

A. Accessory uses and buildings.

B. Office buildings less than 5,000 square feet.

C. Charter Schools, subject only to setback, height, bulk and massing regu-

lations, off-site parking, curb cut, traffic circulation, and construction staging requirements.

**19.22.030 Conditional uses.**

Conditional uses include:

A. Financial institutions.

B. Day care center.

C. Health club.

D. Monopole.

E. Office building 5,000 square feet or larger.

F. Parking lot.

G. Planned unit development.

H. Public and quasi-public.

I. Private school.

J. Medical clinic.

K. Residential health care facility.

L. Sand and/or rock removal as an interim use (see definition).

**19.22.040 Design and site plan review.**

All development under this chapter shall require a design and site plan review. The review shall include but not be limited to architectural design and theme, building materials, lighting, signage, landscaping, parking, vehicular, bike and pedestrian access and paths, accessory structures, nuisance factors and natural and man-made hazards. The review process shall comply with the regulation of chapter 19.46, conditional uses.

**19.22.050 Building alteration and expansion.**

When developments propose to alter or expand existing facilities and the proposed use, alteration or expansion increases the floor area and/or parking requirements by 25 percent, then the entire site must be brought in compliance with current city ordinances.

**19.22.060 Building setbacks.**

The minimum building setback requirements for all main and accessory buildings shall be as follows:

- A. Front yard: 25 feet.
- B. Side yards: None, except where next to a residential use or zone, then the setback shall increase two feet for every one foot of building height.
- C. Side yard at street: 25 feet.
- D. Rear yard: None, except where next to a residential use or zone, then the setback shall increase two feet for every one foot of building height.

**19.22.070 Building height.**

Except as otherwise specifically provided in this title, all buildings or structures shall comply with the following height requirements:

- A. 45-foot maximum height, measured from grade to the top of the roof.
- B. No building shall contain less than one story.

**19.22.080 Architectural and environmental features.**

Buildings in predominantly residential areas shall have a pitched or gabled roof and use material that is similar or alike types with surrounding existing residential uses.

**19.22.090 Landscaping.**

Landscaping requirements in this zone shall include, without limitation, the following:

- A. Twenty-five percent of the site shall be landscaped with a minimum width of landscaping ten feet around the perimeter of any parcel that is near a residential area.
- B. The plants used on the site are recommended to be drought resistant.
- C. The front and the side yard areas which face on a street or corner lot

shall be 20 feet in depth as measured from the property line. Also, they will be landscaped and maintained with live plant material including shrubs, flowers, and trees.

D. The number of trees planted on the site shall be equivalent to one tree per every 120 square feet of landscaped area. Trees may be clustered.

E. Landscaped islands shall be a minimum of five feet wide between curbs.

F. All landscaped areas shall be separated from the parking surface by at least a six-inch-high curb.

G. An efficient automatic sprinkling system is required for all planted areas in order to conserve water. Drip system irrigation is required around shrubs, trees, and ground cover.

H. The use of water saturation sensors will be used to shut off the sprinkler system when rain occurs, thus providing sufficient water for plants.

I. The sprinkler plan shall be planned and implemented to prevent unnecessary runoff on sidewalks or other impervious surfaces.

J. The parking lot areas shall have minimum landscaping areas equivalent to five percent of the parking area.

K. Innovative landscaping design is encouraged and shall be considered as a positive attribute.

**19.22.100 Screening buffers.**

A. All ground-mounted or roof-mounted mechanical equipment including, but not limited to, heating and air conditioning units and trash receptacle areas shall be completely screened from surrounding properties by a solid barrier fence or wall that is similar to the architecture of the main building or shall be enclosed within a building.

B. All utility connections shall be designed to be similar with the archi-

tectural elements of the site so as not to be exposed except where necessary. Pad-mounted transformers and/or meter box locations shall be included in the site plan with an appropriate screening treatment. Power lines and other utility cables shall be installed underground where possible.

C. Loading areas and docks shall be screened by landscaping and/or visual barriers from adjacent properties and public streets. Loading areas and docks should be a minimum of 100 feet from residential zones or uses.

D. All buffer or barriers along any property boundary adjacent to any residential use and/or zone may consist of fencing, wall, berms, plant materials, or any combination thereof as determined by the planning commission.

#### **19.22.110 Lighting.**

Exterior lighting shall be provided as follows:

A. On any public road where street lighting is not in place, lighting shall be provided at least equivalent to light produced by a 100-watt incandescent bulb per each 50 feet or frontage or fraction thereof. Lighting is to be provided by a freestanding fixture, in the yard space between the building and public street or attached to the wall(s) of a building which is not more than 30 feet from the street property line.

B. Each parking area shall be illuminated for safety by installing lighting fixture(s) which emit(s) light at least equivalent to that of one 100-watt incandescent bulb per 100 feet in all directions.

C. All lighting shall be shielded so as not to shine into surrounding residences.

## **Chapter 19.23**

### **MU MIXED USE ZONE**

#### **Sections:**

**19.23.010 Purpose of provisions.**

**19.23.020 Design and Site Plan Review.**

**19.23.030 Permitted uses.**

**19.23.040 Conditional uses.**

**19.23.050 Businesses and retail shops—Conditions.**

**19.23.060 Front yard.**

**19.23.070 Side yard.**

**19.23.080 Rear yard.**

**19.23.090 Building height.**

**19.23.100 Coverage restrictions.**

**19.23.110 Landscaping.**

#### **19.23.010 Purpose of provisions.**

The purpose of the MU zone is to provide areas in the city for mixed use development with a diversity of residential, office and low impact commercial uses.

#### **19.23.020 Design and Site Plan Review.**

All development under this chapter shall require a design and site plan review. The review shall include but not be limited to architectural design and theme, building materials, lighting, signage, landscaping, parking, vehicular, bike and pedestrian access and paths, accessory structures, nuisance factors and natural and man-made hazards. The review process shall comply with the regulation of chapter 19.46, conditional uses.

#### **19.23.030 Permitted uses.**

Permitted uses include:

A. Accessory uses and buildings customarily incidental to permitted uses;

B. Art needlework shop;

- C. Art shop and/or artist supply;
- D. Athletic goods store. (limited to a maximum of 3,000 square feet of total floor area);
- E. Baby formula service; baby diaper service; baby-sitter agency;
- F. Bank;
- G. Barbershop;
- H. Beauty shop;
- I. Bicycle shop;
- J. Bookstore store (limited to a maximum of 3,000 square feet of total floor area);
- K. Candy store; confectionery;
- L. China and/or silver shop;
- M. Clothes cleaning, dyeing and pressing agency;
- N. Clothing store (limited to a maximum of 3,000 square feet of total floor area);
- O. Florist shop;
- P. Fruit or fruit juice store; fruit and/or vegetable stand;
- Q. Greenhouse;
- R. Household pets (See Animal Control Ordinance);
- S. Ice cream shop store (limited to a maximum of 3,000 square feet of total floor area)
- T. Key and lock service;
- U. Laundry, automatic self-help type; laundry agency;
- V. Manicuring, pedicuring and electrolysis of hair;
- W. Medical and dental clinic and laboratories;
- X. Office, business or professional;
- Y. Optometrist and/or oculist;
- Z. Pet shop store (limited to a maximum of 3,000 square feet of total floor area);
- AA. Quilting & Drapery shop with incidental fabric sales;
- AB. Residential facility for elderly persons;
- AC. Shoe store; shoe repair shop;

- AD. Tailor shop.
- AE. Charter Schools, subject only to setback, height, bulk and massing regulations, off-site parking, curb cut, traffic circulation, and construction staging requirements.

#### 19.23.040 Conditional uses.

Conditional uses include:

A. Antique shop without outside display;

B. Automobile service center which is limited to tune-ups, lubrication and oil change, front-end alignment and brake repair, providing there is not outside storage of parts or material;

C. Automobile service station, excluding the repairing, painting or upholstering of motor vehicles; automatic automobile car wash, not to exceed four wash bays;

D. Bed and breakfast inn, which may include a restaurant and conference meeting rooms;

E. Car wash, maximum of 4 bays;

F. Class A beer outlet;

G. Copy service;

H. Dance Studio;

I. Day care/ preschool center;

J. Dwelling Group;

1. The parcel of ground on which the dwelling group, as defined in section 19.04.190, is to be erected shall have an area equal to the aggregate of the minimum lot areas otherwise required in the zone for the number of individual dwelling structures in the group.

2. The distance between principal buildings shall be equal to the total side yards required in the zone; provided, however, that at the option of the developer, the distance between the principal structures may be reduced to ten feet, provided that the distance between

ten feet and the required side yards is maintained as permanently landscaped open space elsewhere on the site. The distance between principal buildings and the nearest perimeter lot line shall not be less than 15 feet unless demonstrated by the development plan that the yard required for a principal building in the district in which located is more appropriate. The distance between the building and a public street shall not be less than the front yard required in the zoning district, except for corner lots the side yard which faces on a public street shall be not less than 20 feet.

3. Access shall be provided by a private street or right-of-way from a public street; such private street or right-of-way shall be at least 20 feet wide for one or two rear dwelling units and at least 30 feet wide for three or more dwelling units.

4. A minimum of two parking spaces shall be provided for each dwelling unit. Parking spaces and vehicular maneuvering areas shall meet city standards.

5. Every dwelling in the dwelling group shall be within 60 feet of an access roadway or drive.

6. The development plan shall provide a buffer landscaped area along all property lines and decorative landscaping adjacent to the buildings in appropriate locations. Solid visual barrier fences shall be provided along all property lines unless the planning commission approves otherwise by deleting or modifying the fence requirement.

7. The development shall be approved by the Planning Director and the Unified Fire Authority before final approval is given by the planning commission.

K. Fruit and/or vegetable stand, provided that the products are produced on the premises;

L. Dog and cat grooming, excluding overnight boarding;

M. Convenience store, max 3,000 square feet;

N. Hotel/Motel;

O. Lodging house;

P. Home occupation;

Q. Mobile store provided it meets the following requirements:

1. A location on improved property including a main building with paved parking, and landscaping, curb, gutter and sidewalk if required by the city,

2. A maximum display area of 100 square feet outside the portable structure, a minimum of ten feet behind the property line, not on landscaped areas, and not obstructing access to the property,

3. Compliance with the sign ordinance,

4. The structures comply with the yard requirements of the zone,

5. The mobile store including display area shall not be located within the clear view of intersecting streets, and

6. Written approval from the property owner to locate on the site;

R. Monopoles provided they are no higher than 50 feet and are designed to be stealth;

S. Parking lot;

T. Planned unit development;

U. Private school;

V. Public and quasi-public use;

W. Reception center and/or wedding chapel;

X. Restaurant, no drive up window;

Y. Tanning studio;

Z. Temporary buildings 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. If such buildings are not removed within 90 days upon completion of construction, and 30 days after notice, the buildings will be removed by the city at the expense of the owner.

AA. Trucking company, with a maximum of 16 trucks on the site at one time;

AB. Two Family Dwelling.

AC. Sand and/or rock removal as an interim use (see definition)

**19.23.050 Businesses and retail shops—Conditions.**

The stores, shops or businesses designated above in this chapter shall be retail establishments only, and shall be permitted only under the following conditions:

A. Such business shall be conducted wholly within an enclosed building, except for the parking and servicing of automobiles;

B. All products, whether primary or incidental, shall be sold at retail on the premises;

C. All uses shall be free from objection due to odor, dust, smoke, noise, vibration, or other causes.

D. No "large box" retail is allowed.

**19.23.060 Front yard.**

The minimum depth of the front yard for all buildings shall be 20 feet.

**19.23.070 Side yard.**

None; except that wherever a building is located upon a lot adjacent to a residential zone or agricultural zone boundary there shall be 20 feet unless reduced by the Planning Commission based on surrounding existing and possible future uses, and on corner lots the side yard which faces on a street shall be not less than 20 feet.

**19.23.080 Rear yard.**

No rear yard shall be required, except that, on corner lots which rear upon the side yard of another lot in a residential or agricultural zone, the minimum rear yard shall be 30 feet.

**19.23.090 Building height.**

No building or structure shall exceed 35 feet in height.

**19.23.100 Coverage restrictions.**

No building or structure or group of buildings, with their accessory buildings, shall cover more than forty percent of the area of the lot.

**19.23.110 Landscaping.**

All new development shall require at least fifteen percent of the total site landscaped. All landscaped areas shall be planted with live plant material and include a permanent automatic irrigation system. The owner, tenant and agent shall be jointly and individually responsible for the maintenance of all landscaping in good condition and free from refuse and debris so as to present a healthy, neat and orderly appearance.

## Chapter 19.24

### MU-2 MIXED USE 2 ZONE

#### Sections:

- 19.24.010 Purpose of provisions.
- 19.24.020 Design and Site Plan Review.
- 19.24.030 Permitted uses.
- 19.24.040 Conditional uses.
- 19.24.050 Prohibited uses.
- 19.24.060 Mix of uses.
- 19.24.070 Ownership
- 19.24.080 Master plan.
- 19.24.090 Businesses and retail shops—  
Conditions.
- 19.24.100 Setbacks.
- 19.24.110 Building height.
- 19.24.120 Coverage restrictions.
- 19.24.130 Landscaping.
- 19.24.140 Parking.
- 19.24.150 Design criteria.
- 19.24.160 Density.
- 19.24.170 Phasing of development.

#### 19.24.010 Purpose of provisions.

The purpose of the MU-2 zone is to allow the mixing of residential and non-residential uses on the same site and/or within the same building so people can live and work in close proximity; to create economic and social vitality and decrease automobile dependency by encouraging alternate forms of transportation, such as walking, bicycling, and transit.

#### 19.24.020 Design and Site Plan Review.

All development under this chapter shall submit a master plan for review by the planning commission. The review shall include but not be limited to architectural design and theme, building materials, lighting, signage, landscaping, parking, vehicular, bike and pedestrian access and paths, accessory structures, nuisance factors and natural and man-made hazards. The review process shall comply with the regulation of chapter 19.46, conditional uses.

#### 19.24.030 Permitted uses.

Uses which are permitted within the MU-2 zone are as follows, except for those uses listed in this chapter as prohibited:

- A. All uses permitted in the R-2-10 or R-2-15 zone;
- B. All uses permitted in the RM zone;

#### 19.24.040 Conditional uses.

Uses which are conditional within the MU-2 zone are as follows, except for those uses listed in this chapter as prohibited:

- A. All permitted and conditional uses in the C-2 zone;
- B. All conditional uses in the R-2-10 or R-2-15 zone;
- C. All conditional uses in the RM zone;

#### 19.24.050 Prohibited uses

Regardless of zoning designation, unless it is found that the use is compatible within the mixed-use development, the following uses shall be prohibited. The Planning Commission may deem additional uses to be prohibited based on a finding that the use is similar in nature, function and operation to the prohibited uses listed in this section.

- A. Agency for the sale of new or used motor vehicles, trailers and/or campers;
- B. Airport;
- C. Automatic automobile wash;
- D. Automobile repair/service station;
- E. Cemetery, mortuary, etc;
- F. Drive-in/drive through restaurant;
- G. Gunsmith;
- H. Hospital, larger than two stories;
- I. Indoor firearms and/or archery range;
- J. Mobile home park;
- K. Open storage for recreational vehicles;
- L. Transfer company

**19.24.060 Mix of uses**

1. All mixed use development shall include residential and non-residential uses. No one land use type should occupy more than seventy (70) percent of a site. This determination will be made by calculating the square footage or acreage of each use, as determined in the master plan approval.
2. Mixed use development may include vertical mixed uses (i.e. any combination of compatible uses in a single structure) or horizontal mixed use (i.e. any combination of compatible uses arranged side-by-side on a single site).
3. Mixed use buildings with residential uses planned for the second story and higher shall have retail, commercial, or office uses on the ground floor. Lobby areas serving upper story residential uses may also be located on the ground floor, provided that such lobby areas occupy less than fifty (50) percent of the available floor space. All non-residential ground floor uses shall be compatible with residential uses.

**19.24.070 Ownership**

All mixed use development shall be under unified control at the time of application and shall be planned and scheduled to be developed as a whole. The area shall be in one ownership or control during design and construction to provide for full supervision and control of the development, and to insure conformance with these provisions and all conditions imposed upon the preliminary and final development plans.

**19.24.080 Master Plan**

A master plan shall be reviewed and approved by the Planning Commission prior to any development in a mixed use zone. The master plan shall include at least 15 acres. The plan will establish where residential and non-residential uses will be located and the compatibility of adjacent uses in the development. It should be the goal of the master plan to create natural buffering through the location of com-

patible uses. The master plan should include the following:

- A. Building orientation, size, and type;
- B. A land use plan that determines where residential, commercial, and other uses will be located;
- C. Identification of buffering, screening, or distance used to mitigate possible non-compatible uses;
- D. Parking areas and vehicle access to the site;
- E. Engineering issues, to include grading, drainage, sewer, and other utilities;
- F. Compatibility with uses on adjacent properties.

**19.24.090 Businesses and retail shops—  
Conditions.**

The stores, shops or businesses designated above in this chapter shall be retail establishments only, and shall be permitted only under the following conditions:

- A. Such business shall be conducted wholly within an enclosed building, except for the parking and servicing of automobiles;
- B. All products, whether primary or incidental, shall be sold at retail on the premises;
- C. All uses shall be free from objection due to odor, dust, smoke, noise, vibration, or other causes.
- D. No "large box" retail is allowed, unless specifically approved by the Planning Commission.

**19.24.100 Setbacks**

All setbacks will be determined as part of the master plan.

**19.24.110 Building height.**

No building or structure shall exceed 45 feet in height, unless approved by the planning commission but in no case over 75 feet; and no dwelling structure shall contain less than one story.



non-residential floor area shall be maintained.

**19.24.120 Coverage restrictions.**

No building or structure or group of buildings, with their accessory buildings, shall cover more than sixty percent of the area of the lot.

**19.24.130 Landscaping.**

All new development shall require at least fifteen percent of the total site landscaped and must meet the landscaping requirements found in the Commercial Design Standards. All landscaped areas shall be planted with live plant material and include a permanent automatic irrigation system. The owner, tenant and agent shall be jointly and individually responsible for the maintenance of all landscaping in good condition and free from refuse and debris so as to present a healthy, neat and orderly appearance.

**19.24.140 Parking**

The parking requirements established in section 19.40 shall apply to all mixed use development except as provided herein.

- A. The total number of parking spaces required for a mixed use project may be reduced by five (5) percent.
- B. A reduction of parking standards up to fifty (50) percent may be granted based upon justification shown within a parking impact study. The study shall be subject to review and modification by the City.
- C. Mixed-use development shall have a parking cap of 120% of the overall minimum parking requirement established in Section 19.40.
- D. Parking for non-residential uses may be used to fulfill the guest parking requirements for residential uses. Such shared parking shall be conveniently distributed throughout the site, and a minimum of one (1) space for every 500 square feet of gross leasable area of ground floor

**19.24.145 Parking lot landscaping**

Interior parking lot landscaping is required for any vehicular use area of 12 parking spaces or 5,000 square feet of pavement, whichever is greater;

- A. The minimum amount of required landscaping is based on the total size of the parking lot as follows:
  - 1. If the total area of the parking lot is less than 50,000 square feet, five percent of the lot interior must be landscaped.
  - 2. If the total area of the parking lot is 50,000 square feet or greater, eight percent of the lot interior must be landscaped.
- B. For the purpose of computing the total interior area of any parking lot, all areas within the perimeter of the parking lot shall be counted, including planting islands, curbed areas, corner areas, parking spaces, and all interior driveways and aisles except those with no parking spaces located on either side.
- C. Deciduous shade trees shall be planted within all parking lots on the basis of one tree for each 12 parking spaces. The required trees may be clustered in planter bays or islands but shall be located throughout the parking area to divide and break up expanses of paving and long rows or parking spaces and to create a canopy effect.
- D. Planter bays or islands containing trees shall have a minimum planting area of twenty-five (25) square feet, and shall have a minimum width of five feet measured from the back of the curb.

**19.24.150 Design Criteria**

- A. All commercial development within a mixed use zone must comply with the design

criteria as required in section 19.26.150 and the commercial design guidelines.

B. All residential development within a mixed use zone must comply with the high or medium density design guidelines, depending on the density of the project.

C. Where a building is mixed use and therefore has residential and non-residential uses located in the same building, the more restrictive criteria applies.

#### **19.24.160 Density**

The maximum density of residential development within a mixed use zone shall be 10 units per acre for development with residential and non-residential uses in separate buildings, based on the percent of acreage being used for residential. The maximum density shall be 15 units per gross acre for development with residential and non-residential uses located in the same building.

#### **19.24.170 Phasing of development**

Any mixed used development proposed to be constructed in phases shall include the full details relating thereto, including a time schedule for the completion of each phase. The commercial component shall begin construction prior to 25 percent of the residential units being completed, unless the Planning Commission approves a different phasing requirement at the time of plan approval. For all mixed use projects, required open space shall be completed according to a phasing plan approved with the mixed use development.

## **Chapter 19.25**

### **C-1 COMMERCIAL ZONE**

#### **Sections**

**19.25.010 Purpose of provisions.**

**19.25.020 Commercial developments over 21,000 square feet.**

**19.25.030 Permitted uses.**

**19.25.040 Conditional uses.**

**19.25.050 Businesses and retail shops—  
Conditions.**

**19.25.060 Front yard.**

**19.25.070 Side yard.**

**19.25.080 Rear yard.**

**19.25.090 Building height.**

**19.25.100 Coverage restrictions.**

**19.25.110 Landscaping.**

**19.25.120 Site Lighting.**

**19.25.010 Purpose of provisions.**

The purpose of the C-1 zone is to provide areas in the city for neighborhood commercial development.

**19.25.020 Commercial developments over 21,000 square feet.**

Commercial developments over 21,000 square feet shall follow the conditional use permit procedure pursuant to chapter 19.46 of this title.

**19.25.030 Permitted uses.**

Permitted uses include:

A. Accessory uses and buildings customarily incidental to permitted uses;

B. Art needlework shop;

C. Art shop and/or artist supply;

D. Athletic goods store;

E. Baby formula service; baby diaper service; baby-sitter agency;

F. Bank;

G. Barbershop;

H. Beauty shop;

I. Bicycle shop;

J. Bookstore;

K. Candy store; confectionery;

- L. China and/or silver shop;
- M. Class A beer outlet;
- N. Clothes cleaning, dyeing and pressing agency;
- O. Clothing store (limited to a maximum of 3,000 square feet of total floor area);
- P. Florist shop;
- Q. Fruit or fruit juice store; fruit and/or vegetable stand;
- R. Gift shop;
- S. Greenhouse;
- T. Health food store;
- U. Ice cream shop;
- V. Key and lock service;
- W. Laundry, automatic self-help type; laundry agency;
- X. Manicuring, pedicuring and electrolysis of hair;
- Y. Medical and dental clinic and laboratories;
- Z. Notions;
- AA. Nurses' agency;
- AB. Office, business or professional;
- AC. Optometrist and/or oculist;
- AD. Pet shop;
- AE. Photographer and/or sale of photographic supplies;
- AF. Popcorn and/or nut shop;
- AG. Radio and television sales and repair;
- AH. Shoe store; shoe repair shop;
- AI. Stationery and greeting card sales; and
- AJ. Tailor shop.
- AK. Charter schools, subject only to setback, height, bulk, and massing regulations, off-site parking, curb cut, traffic circulation, and construction staging requirements.

**19.25.040 Conditional uses.**

Conditional uses include:

- A. Ambulance service;
- B. An apartment attached to and on the same parcel as an automobile service station and occupied by a manager or other employee;
- C. Antique shop without outside display;

D. Automobile service center which is limited to tune-ups, lubrication and oil change, front-end alignment and brake repair, providing there is not outside storage of parts or material;

E. Automobile service station, excluding the repairing, painting or upholstering of motor vehicles; automatic automobile car wash, not to exceed four wash bays;

F. Bed and breakfast inn, which may include a restaurant and conference meeting rooms;

G. Class C fireworks store;

H. Copy service;

I. Day care/preschool center;

J. Delicatessen;

K. Dog and cat grooming, excluding overnight boarding;

L. Drugstore;

M. Grocery store, max 5000 square feet;

N. Home occupation;

O. Massage (every massage technician shall be licensed by the state);

P. Milk distributing station and sales of dairy products, excluding processing or bottling;

Q. Mobile store provided it meets the following requirements:

1. A location on improved property including a main building with paved parking, and landscaping, curb, gutter and sidewalk if required by the city,

2. A maximum display area of 100 square feet outside the portable structure, a minimum of ten feet behind the property line, not on landscaped areas, and not obstructing access to the property,

3. Compliance with the sign ordinance,

4. The structures comply with the yard requirements of the zone,

5. The mobile store including display area shall not be located within the clear view of intersecting streets, and

6. Written approval from the property owner to locate on the site;

R. Monopoles;

S. Parking lot;

T. Planned unit development;

- U. Private school;
- V. Public and quasi-public use;
- W. Reception center and/or wedding chapel;

X. Resource recycling collection point provided it meets the following requirements:

1. A location on improved property including a main building with paved parking, and landscaping, curb, gutter and sidewalk if required by the city,
2. All material shall be contained within an enclosed container,
3. The structures or bins comply with the yard requirements of the zone,
4. Written approval from the property owner to locate on the site, and
5. Maintenance of the site in a clean, neat and orderly manner;

Y. Restaurant;

Z. Tanning studio;

AA. Temporary buildings 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. If such buildings are not removed within 90 days upon completion of construction, and 30 days after notice, the buildings will be removed by the city at the expense of the owner.

AB. Sand and/or rock removal as an interim use (see definition)

**19.25.050 Businesses and retail shops—Conditions.**

The stores, shops or businesses designated above in this chapter shall be retail establishments only, and shall be permitted only under the following conditions:

A. Such business shall be conducted wholly within an enclosed building, except for the parking and servicing of automobiles, and service to people in automobiles;

B. All products, whether primary or incidental, shall be sold at retail on the premises; no entertainment, except music, shall be permitted in cafes, confectioneries or refreshment stands;

C. All uses shall be free from objection due to odor, dust, smoke, noise, vibration, or other causes.

**19.25.060 Front yard.**

The minimum depth of the front yard for all buildings shall be 20 feet.

**19.25.070 Side yard.**

None; except that wherever a building is located upon a lot adjacent to a residential zone or agricultural zone boundary, there shall be provided a side yard of at least twenty feet on the side of the building adjacent to the zone boundary line. On corner lots the side yard which faces on a street shall be not less than 20 feet. The Planning Commission may allow the side yard adjacent to a residential zone or agricultural zone boundary to be reduced to zero if they determine the situation warrants a reduction in the set back of the building.

**19.25.080 Rear yard.**

None; except that wherever a building is located upon a lot adjacent to a residential zone or agricultural zone boundary, there shall be provided a rear yard of at least twenty feet on the rear of the building adjacent to the zone boundary line. The Planning Commission may allow the rear yard adjacent to a residential zone or agricultural zone boundary to be reduced to zero if they determine the situation warrants a reduction in the set back of the building.

**19.25.090 Building height.**

No building or structure shall exceed 35 feet in height.

**19.25.100 Coverage restrictions.**

No building or structure or group of buildings, with their accessory buildings, shall cover more than sixty percent of the area of the lot.

**19.25.120 Site Lighting.**

All exterior lighting must be reviewed by the City and must comply with the conditions imposed, unless the Planning Commission directs a change in the lighting fixtures or design.

**19.25.110 Landscaping.**

All new development shall require at least fifteen percent of the total site landscaped. All landscaped areas shall be planted with live plant material and include a permanent automatic irrigation system. The owner, tenant and agent shall be jointly and individually responsible for the maintenance of all landscaping in good condition and free from refuse and debris so as to present a healthy, neat and orderly appearance.

**Chapter 19.26**

**C-2 COMMERCIAL ZONE**

**Sections:**

- 19.26.010 Purpose of provisions.**
- 19.26.020 Commercial developments over one acre.**
- 19.26.030 Permitted uses.**
- 19.26.040 Conditional uses.**
- 19.26.050 Businesses and uses—Conditions.**
- 19.26.060 Lot area.**
- 19.26.070 Front yard.**
- 19.26.080 Side yard.**
- 19.26.090 Rear yard.**
- 19.26.100 Building height.**
- 19.26.110 Coverage restrictions.**
- 19.26.120 Landscaping.**
- 19.26.130 Site Lighting.**
- 19.26.140 Parking Lots**
- 19.26.150 Design Criteria**

**19.26.010 Purpose of provisions.**

The purpose of the C-2 zone is to provide areas in the city for community commercial development.

**19.26.020 Commercial developments over one acre.**

Commercial developments over one acre must follow the conditional use permit procedure pursuant to chapter 19.46 of this title.

**19.26.030 Permitted uses.**

Permitted uses include:

- A. Accessory uses and buildings customarily incidental to permitted uses;
- B. Addressograph shop;
- C. Antique shop without outside display;
- D. Archery shop and range, providing the use is conducted within a completely enclosed building;
- E. Art needlework shop;
- F. Art shop and/or artist supply;
- G. Athletic goods store;
- H. Automobile service station, provided there are no more than three vehicles parked outside overnight;
- I. Awning sales and repair;
- J. Baby formula service; baby diaper service; baby-sitter agency;
- K. Bakery;
- L. Bank;
- M. Barbershop;
- N. Beauty shop;
- O. Bicycle shop;
- P. Blueprinting and/or photostatting;
- Q. Bookstore;
- R. Bowling alley, including billiard and/or pool tables;
- S. Bus terminal;
- T. Cafeteria; catering establishment;
- U. Candy store; confectionery;
- V. Carbonated water sales;
- W. Class A beer outlet;
- X. Class B beer outlet;
- Y. Clothes cleaning, dyeing and pressing;
- Z. Clothing store;
- AA. Coal and fuel sales office;
- AB. Costume rental;
- AC. Dancing;
- AD. Department store;
- AE. Delicatessen;

- AF. Dog training, provided all training is within a completely enclosed building;
- AG. Dramatics school;
- AH. Drapery and/or curtain store;
- AI. Dressmaking;
- AJ. Drive-in refreshment stand;
- AK. Drugstore;
- AL. Dry goods store;
- AM. Electrical and heating appliances and fixture sales and repair;
- AN. Employment agency;
- AO. Film exchange;
- AP. Dollar Store;
- AQ. Fix-it shop;
- AR. Flooring or floor repair shop;
- AS. Florist shop;
- AT. Fountain equipment supply;
- AU. Frozen food lockers;
- AV. Fruit or fruit juice store; fruit and/or vegetable stand;
- AW. Fur sales, storage and/or repair;
- AX. Furniture sales and/or repair;
- AY. Gift shop;
- AZ. Greenhouse and nursery; plant materials; soil and lawn service;
- BA. Grocery;
- BB. Gunsmith;
- BC. Gymnasium;
- BD. Health food store;
- BE. Hobby and/or crafts shop;
- BF. Hospital supplies;
- BG. House cleaning and repair; house equipment display;
- BH. Ice cream shop;
- BI. Ice vendor units and/or reach-in ice merchandiser units; electrical ice-maker units;
- BJ. Insulation sales;
- BK. Interior decorating store;
- BL. Jewelry store;
- BM. Janitorial service;
- BN. Key and lock service;
- BO. Laundry, automatic self-help type; laundry agency;
- BP. Leather goods sales;
- BQ. Linen shop;
- BR. Luggage shop;
- BS. Machine tools sales;
- BT. Manicuring, pedicuring and electrolysis of hair;
- BU. Medical and dental clinic and laboratory;
- BV. Milk distributing station and sale of dairy products, including processing or bottling;
- BW. Military store;
- BX. Mobile lunch agency;
- BY. Monument sales, retail;
- BZ. Motorboat sales;
- CA. Music store;
- CB. Newsstand;
- CC. Notions;
- CD. Novelty shop;
- CE. Numismatic shop; gold, silver and platinum dealer;
- CF. Nurses' agency;
- CG. Office, business or professional; office supply; office machines sales and repair;
- CI. Optometrist and/or oculist;
- CJ. Ornamental iron, sales only;
- CK. Painter and/or paint store;
- CL. Pest extermination and control office;
- CM. Pet shop;
- CN. Photographer and/or sale of photographic supplies;
- CO. Popcorn and/or nut shop;
- CP. Radio and television sales and repair and/or station;
- CQ. Residential facility for elderly persons;
- CR. Restaurant;
- CS. Roofing sales;
- CT. Safe sales;
- CU. Shoe shop; shoeshine shop; shoe repair shop;
- CW. Stationery and greeting card sales;
- CX. Swimming pool;
- CY. Tailor shop;
- CZ. Taxidermist;
- DB. Tire shop, sales only;
- DC. Theater, indoor;
- DE. Towel and linen supply service;
- DF. Travel bureau;
- DG. Upholstery shop;

- DH. Variety store;
- DI. Wallpaper store;
- DJ. Charter Schools, subject only to setback, height, bulk and massing regulations, off-site parking, curb cut, traffic circulation, and construction staging requirements.

**19.26.040 Conditional uses.**

Conditional uses include:

- A. Agency for the sale of new or used motor vehicles, new trailers and new campers, including the incidental sale of used trailers and campers, provided this use is incidental and located on the same property as the primary use;
- B. Agency for the rental of motor vehicles, trailers or campers;
- C. Ambulance service;
- D. Arcade, not to be located within a 1,000 foot distance, via the most direct pedestrian route, of the property line of any school or private educational institution having an academic curriculum similar to that ordinarily given in public schools. For purposes of measuring distance, a pedestrian route shall not include a route which requires crossing a physical barrier such as a fence, canal or freeway, or include trespassing across private property;
- E. Athletic club and/or health club;
- F. Automobile repair, including incidental body and fender work, painting and upholstering and/or welding, provided that there is no more than three vehicles parked outside overnight;
- G. Automatic automobile wash;
- H. Automobile service center, which is limited to tune-ups, lubrication and oil change, front-end alignment, brake repair, and muffler repair, providing there is not outside storage of parts or materials;
- I. Baking, ice cream making and/or candy making;
- J. Massage Therapist (every massage technician shall be licensed by the state);

K. Bed and breakfast inn, which may include a restaurant and conference meeting rooms;

- L. Dog and cat grooming, excluding overnight boarding;
- M. Cabinet shop;
- N. Cemetery, mortuary, etc.;
- O. Class C fireworks store;
- P. Copy service;
- Q. Day care/preschool center;
- R. Golf course;
- S. Hardware store, provided that there is no outside storage display except for summer season garden supplies;
- T. Hospital;
- U. Hotel/Motel;
- V. Indoor firearms and/or archery range;
- W. Mini-storage units, secondary to the main use of the parcel;
- X. Mobile store, provided that it meets the following requirements:
  - 1. A location on improved property including a main building with paved parking, and landscaping, curb, gutter and sidewalk if required by the city,
  - 2. A maximum display area of 100 square feet outside the portable structure, a minimum of ten feet behind the property line, not on landscaped areas, and not obstructing access to the property,
  - 3. Compliance with the city sign ordinance,
  - 4. The structures comply with the yard requirements of the zone,
  - 5. The mobile store including display area shall not be located within the clear view of intersecting streets,
  - 6. Written approval from the property owner to locate on the site;
- Y. Monopoles;
- Z. Neighborhood storage;
- AA. Open storage for recreational vehicles only (campers, snowmobiles, etc.), but not to include the storage, keeping or abandonment of junk, including scrap metals or other scrap material, or for the dismantling, demolition or abandonment of automobiles or

other vehicles or machinery, or parts thereof, as in an impound lot or junkyard, etc.; and such use will be required to install a six-foot solid visual barrier fence or masonry wall around the entire storage area (chain-link with slats is acceptable) as a conditional use in the commercial C-2 zone, and as an accessory use only to a main use, such as a service station, car wash or similar use. Gravel or grass surfacing will be allowed for the storage area;

- AB. Package agency;
- AC. Parking lot;
- AD. Planned unit development, commercial;
- AE. Plumbing shop;
- AF. Printing shops;
- AG. Private nonprofit locker club;
- AH. Private post office box service;
- AI. Private school;
- AJ. Public and quasi-public use;
- AK. Reception center and/or wedding chapel;
- AL. Recreation, commercial;
- AM. Rent-all store, provided that there is no outside storage;
- AN. Resource recycling collection point, provided that it meets the following requirements:
  1. A location on improved property including a main building with paved parking, and landscaping, curb, gutter and sidewalk if required by the city,
  2. All material shall be contained within an enclosed container,
  3. The structures or bins comply with the yard requirements of the zone,
  4. Written approval from the property owner to locate on the site,
  5. Maintenance of the site in a clean, neat and orderly manner;
- AO. Restaurant liquor license;
- AP. Secondhand shop;
- AQ. Seed and feed store;
- AR. Sign-painting shop;
- AS. State store;
- AT. Tanning studio;

AU. Temporary buildings 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;

AV. Transfer company, provided trucks no larger than two tons' capacity are used;

AX. Unoccupied model buildings for display, accessory to a sales office;

AY. Veterinary, providing operation is completely enclosed within an air-conditioned building;

AZ. Warehouse space, enclosed; no outside storage.

BA. Sand and/or gravel as an interim use (see definition).

BB. Sign, pylon, provided the following conditions apply to the site the signs are located:

1. At least one building containing a minimum of 75,000 sq. ft. of contiguous building.
2. At least 650 feet of frontage along a public street, cannot add both frontages if the parcel is a corner lot.
3. A minimum of eight acres in the site.

#### **19.26.050 Businesses and uses—Conditions.**

The uses specified above in this chapter 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 due to odor, dust, smoke, noise, vibration, or other causes.

#### **19.26.060 Lot area.**

A. Agency for the sale of new or used motor vehicles. The minimum lot area shall be not less than two acres.

B. Other Buildings and Structures.  
None.



**19.26.070 Front yard.**

A. The minimum depth of the front yard shall be eight (8) feet.

**19.26.080 Side yard.**

A. None, when located adjacent another commercial use.

B. Wherever a building is located upon a lot adjacent to a residential zone or agricultural zone boundary, there shall be provided a side yard of not less than fifteen (15) feet with an additional setback for buildings or structures over 15 feet in height based on a 1:1 ratio; whereas, each additional foot in height requires an additional setback foot from the property line.

C. On corner lots the side yard which faces on a street shall be not less than 20 feet.

**19.26.90 Rear yard.**

None, except that on corner lots which rear upon the side yard of another lot in a residential or agricultural zone, the minimum rear yard shall be twenty (20) feet for buildings 35 feet or less in height, and 30 feet for buildings with greater than 35 feet in height.

**19.26.100 Building height.**

No building or structure shall exceed 75 feet in height, and no dwelling structure shall contain less than one story.

**19.26.110 Coverage restrictions.**

No building or group of buildings, with their accessory buildings, shall cover more than sixty percent of the area of the lot.

**19.26.120 Landscaping.**

All new development shall meet the landscaping requirements found in the Commercial Design Standards. All landscaped areas shall be planted with live plant material and include a permanent automatic irrigation system. The owner, tenant and agent shall be jointly and individually responsible for the maintenance of all landscaping in good condition and free from refuse and debris so as to present a healthy, neat and orderly appearance.

**19.26.130 Site Lighting.**

All exterior lighting must be reviewed by the City and must comply with the conditions imposed, unless the Planning Commission directs a change in the lighting fixtures or design.

**19.26.140 Parking lots**

Except for a vehicular area which is used specifically as a utility storage lot, a truck loading area, or open vehicular sales lot, interior parking lot landscaping is required for any vehicular use area of 12 parking spaces or 5,000 square feet of pavement, whichever is greater;

A. The minimum amount of required landscaping is based on the total size of the parking lot as follows:

1. If the total area of the parking lot is less than 50,000 square feet, five percent of the lot interior must be landscaped.

2. If the total area of the parking lot is 50,000 square feet or greater, eight percent of the lot interior must be landscaped.

B. For the purpose of computing the total interior area of any parking lot, all areas within the perimeter of the parking lot shall be counted, including planting islands, curbed areas, corner areas, parking spaces, and all interior driveways and aisles except those with no parking spaces located on either side.

C. Deciduous shade trees shall be planted within all parking lots on the basis of one tree for each 12 parking spaces. The required trees may be clustered in planter bays or islands but shall be located throughout the

parking area to divide and break up expanses of paving and long rows or parking spaces and to create a canopy effect.

D. Planter bays or islands containing trees shall have a minimum planting area of twenty-five (25) square feet, and shall have a minimum width of five feet measured from the back of the curb.

#### **19.26.150 Design Criteria**

All commercial development must meet the following criteria:

1. For developments over five (5) acres, provide direct pedestrian and bike paths onsite to match those approved or built in adjacent developments.
2. Accessible parking spaces should be convenient to building entries.
3. Use of crosswalks and sidewalks shall be incorporated within the project to provide pedestrian connections to the building. Crosswalks shall be so configured to be a design feature of the development, i.e. heavy painted lines, pavers, edges, and other methods of emphasizing pedestrian use. Bulb-outs and other pedestrian design may be used to shorten walking distances across open pavement. Sidewalks should be used when appropriate to connect parking lots with building entries.
4. For commercial development over ten (10) acres, design pedestrian amenities that allow for use and enjoyment of outdoor areas as a developmental focal point or centralized amenity. These should include a mix of pedestrian scaled lighting, three-rail white fences, tables, drinking fountains, benches, seating walls, shade trees, raised landscape planters, beams, windmills, water features, specimen trees, potted plants, information kiosks, botanical exhibits or art features.
5. Within commercial shopping centers over ten (10) acres, provide convenient pedestrian access to transit stops and outlying parking areas.
6. Provide transit stops with bus pullouts on public streets
7. Provide convenient bicycle parking in locations that do not interfere with pedestrian circulation. Disperse bicycle parking facilities throughout larger site and locate them in convenient and visible areas.
8. Provide for a continuation of pedestrian access when commercial developments are located adjacent to existing or planned trails, parks, or open space.
9. Orient support uses such as trash enclosures, compactors, truck loading areas and outdoor storage away from residential uses to the extent practical.
10. Locate drive-through lanes away from adjoining single-family and multi-family developments. Locate speakers and menu boards so that noise is not directed toward residential uses and incorporate a screen wall and landscaping to mitigate noise.
11. Recess Service Electrical Systems (S.E.S.) panels into the building elevation and screen the doors, screen with landscaping or a solid wall (with landscaping) built of similar building materials and colors of the main development and equal to or exceeding the height of the S.E.S. panel; Or place in back of building if not exposed to adjoining properties.
12. On final site plans identify the location of all proposed outdoor display and sales areas, including, but not limited to, propane sales, vending machines, amusements and seasonal sales. Their location should not displace required parking and pedestrian or landscaping areas.
13. All facades, including back and side elevations of a building generally visible from public view or adjacent to residential areas, should be architecturally treated and relate to but not overwhelm the neighborhood. All elevations generally visible from public view should reflect the overall design, colors, and textures used on the front façade.
14. Fully screen roof or ground mounted mechanical equipment.
15. Wall elevations should terminate at a logical point such as a column or tower element.
16. For all buildings at least two of these ele-

ments should repeat horizontally. Buildings with facades greater than 100 feet in length should include several of the elements listed below, repeated at appropriate intervals, either horizontally or vertically:

- Color Change. Recognizable, but not strongly contrasting.
- Texture change.
- Material change.
- Architectural variety and interest through a change in plane, such as offsets
- Reveals, archways, or projecting ribs.
- Wall plan projections of recesses.

17. Parapets for concealing flat roofs shall be designed to match the existing architecture.

18. All facades, including back and side elevations of a building generally visible from public view or adjacent to residential areas shall have two (2) feet of stone wainscoting.

19. Freestanding accessory structures, such as enclosed service/refuse areas and covered parking, should be designed to be an integral part of the building architecture. The forms, colors, textures and materials used on the main building should be applied to all sides of these structures generally visible to the public.

20. The owner shall be responsible for the maintenance and repair of all landscaping on the Owner's lot or parcel. This includes the area between the street curb and the park strip behind the curb. Weeds may not be permitted to exceed six (6) inches in height, with the exception of common area parcels that are planted in native vegetation.

21. Holiday lighting and decorations shall not become a nuisance to neighbors. Holiday lighting and decorations may be displayed for a period of forty-five (45) days prior to and thirty (30) days after the holiday it is intended for.

## Chapter 19.28

### M-1 MANUFACTURING ZONE

#### Sections:

**19.28.010 Purpose of provisions.**

**19.28.020 Industrial developments over one acre.**

**19.28.030 Permitted uses.**

**19.28.040 Conditional uses.**

**19.28.050 Side yards.**

**19.28.060 Coverage restrictions.**

**19.28.070 Landscaping.**

**19.28.010 Purpose of provisions.**

The purpose of the M-1 zone is to provide areas in the city for light industrial uses.

**19.28.020 Industrial developments over one acre.**

Commercial developments over one acre must follow the conditional use permit procedure pursuant to chapter 19.46 of this title.

**19.28.030 Permitted uses.**

Permitted uses include:

A. Accessory uses and buildings customarily incidental to permitted uses;

B. Agriculture;

C. Animal hospitals;

D. Assembly of medical supplies;

E. Boat building;

F. Bottling works, soft drinks;

G. Bookbinding;

H. Carpenter shop; cabinet shop;

I. Carpet and rug cleaning and dyeing;

J. Construction of buildings to be sold and moved off the premises;

K. Dairy;

L. Egg candling, processing and sales;

M. Electric appliance and/or electronic instruments;

- N. Express office;
- O. Garage, public;
- P. Honey extraction;
- Q. Ice manufacture and storage;
- R. Knitting mill;
- S. Laboratory;
- T. Laundry;
- U. Machine shop;
- V. Manufacture and maintenance of the following:
  - 1. Business machines,
  - 2. Cameras and photographic equipment,
  - 3. Electric and neon signs, billboards and/or commercial advertising structures,
  - 4. Light sheet metal products, including heating and ventilating ducts and equipment, cornices and eaves, Venetian blinds, window shades and awnings,
  - 5. Musical instruments,
  - 6. Novelties,
  - 7. Rubber and metal stamps,
  - 8. Toys;
- X. Meat products smoking, curing and packing, provided that no objectionable fumes are emitted;
- Y. Monument works;
- Z. Motor vehicles, trailers, bicycles and machinery assembling, painting, upholstering, rebuilding, repairing, rentals, sales and reconditioning;
  - AA. Office, business and/or professional;
  - AB. Outdoor chemical toilet rental;
  - AC. Parking lot;
  - AD. Printing, including engraving and photoengraving;
  - AE. Radio and television transmitting towers;
  - AF. Restaurant liquor license;
  - AG. Recycling collection center operated within an enclosed building;
  - AH. Rent-all stores;
  - AI. Restaurant;

- AJ. Sandblasting;
- AK. Service station;
- AL. Sign-painting shop;
- AM. Tire retreading and/or vulcanizing;
- AN. Transfer company;
- AO. Upholstering, including mattress manufacturing, rebuilding and renovating;
  - AP. Used car lot;
  - AQ. Veterinary;
  - AR. Warehouse;
  - AS. Weaving;
  - AT. Wholesale business.
- AU. Charter Schools, subject only to setback, height, bulk and massing regulations, off-site parking, curb cut, traffic circulation, and construction staging requirements.

**19.28.040 Conditional uses.**

Conditional uses include:

- A. Auction;
- B. Automatic automobile wash;
- C. Bank;
- D. Battery manufacture;
- E. Building material sales yard, including the sale of rock, sand, gravel and the like, as an incidental part of the main business, but excluding concrete mixing, except as such concrete mixing is necessary in the preparation and manufacture of any of the products specified in this section;
- F. Class C fireworks store;
- G. Coal, fuel and wood yards;
- H. Contractors' equipment storage yard or rental of equipment used by contractors;
- I. Drag strip racing;
- J. Trucking yard or terminal;
- K. Electrical contractor;
- L. Foundry, casting lightweight nonferrous metal without causing noxious odors or fumes;

M. Fertilizer and soil conditioner manufacture, processing and/or sales, providing only non-animal products and byproducts are used;

N. Firearms and/or archery range;

O. Gymnasium;

P. Impound lot, providing there is no dismantling or demolition of automobiles or other vehicles conducted on the premises;

Q. Indoor firearms and/or archery range;

R. Manufacture, compounding, processing, packaging and treatment of the following products:

1. Bakery goods,

2. Candy,

3. Cosmetics,

4. Dairy products,

5. Pharmaceuticals,

6. Toiletries,

7. Food products, excluding the following: fish, sauerkraut, vinegar, yeast, and the rendering of fat,

8. Pickles;

T. Manufacturing, compounding, assembling and treatment of articles of merchandise from the following previously prepared materials: bone, canvas, cellophane, cloth, cork, feathers, felt, fiber, fish, glass, hair, horn, leather, paper, paint, plastics, precious or semi-precious metals or stones, rubber, shell, straw, textiles, tobacco, wood or yarn;

U. Manufacture of brick, and all clay, ceramic, cinder, concrete, synthetic, cast-stone, plastic and pumice stone products, including in addition, the manufacture or fabrication of building blocks, tile or pipe from raw material for use in building construction or for sewer or drainage purposes, and excluding rock or gravel crushing of raw materials, except as such rock or gravel crushing of raw materials is incidental to the manufacture or fabrication of the above-described products, and provided

that such crushing facilities shall be located not closer than 200 feet to any property line;

V. Metal plating; metal anodizing; metal polishing;

W. Motion picture studio;

X. Package agency;

Y. Planing mill;

Z. Planned unit development;

AA. Private school;

AB. Public and quasi-public use;

AC. Radio and television stations;

AD. Recreation, commercial;

AE. Restaurant liquor license;

AF. Sanitary landfill;

AG. Sexually-oriented business;

AH. State store;

AI. Temporary buildings for uses incidental to construction work, including living quarters for a guard or night watchman, which buildings must be removed upon the completion or abandonment of the construction work. If such buildings are not removed within 90 days upon completion of construction and 30 days after notice, the buildings will be removed by the city at the expense of the owner;

AJ. Welding shop.

AK. Sand and/or rock removal as an interim use (see definition).

#### **19.28.050 Side yards.**

None, except that no commercial or industrial building or structure shall be located closer than 20 feet to any street.

#### **19.28.060 Coverage restrictions.**

No building, structure or group of buildings, with their accessory buildings, shall cover more than eighty percent of the area of the lot.

**19.28.070 Landscaping.**

All new development shall require at least fifteen percent of the total site landscaped. All landscaped areas shall be planted with live plant material and include a permanent automatic irrigation system. The owner, tenant and agent shall be jointly and individually responsible for the maintenance of all landscaping in good condition and free from refuse and debris so as to present a healthy, neat and orderly appearance.

**CHAPTER 19.29**

**HAZARD AREAS OVERLAY ZONE**

**Sections:**

- 19.29.010 Purpose of provisions.**
- 19.29.020 Definitions.**
- 19.29.030 Applicability.**
- 19.29.040 Disputes—Boundaries or mapped hazard(s).**
- 19.29.050 Studies and reports required.**
- 19.29.060 Natural hazards report.**
- 19.29.070 Review of reports—Approval procedure.**
- 19.29.080 Active fault considerations.**
- 19.29.090 Disclosure when a natural hazards report is required.**
- 19.29.100 Disclosure when no natural hazards report is required.**
- 19.29.110 Warning and disclaimer.**
- 19.29.120 Change of use.**
- 19.29.130 Conflicting regulations.**

The ordinance codified in this chapter includes liquefaction and surface fault rupture hazards. Chapter 19.32 contains flood plain hazard regulations.

**19.29.010 Purpose of provisions.**

The purpose of the natural hazards ordinance codified in this chapter is to promote the health, safety and general welfare of the citizens of the city and minimize the potential adverse effects of natural hazards to public health, safety and property by encouraging wise use of natural hazard areas.

**19.29.020 Definitions.**

As used in this chapter:

A. "Active fault" means a fault displaying evidence of greater than four inches of displacement along one or more of its traces during Holocene time (about 11,000 years ago to the present).

B. "Critical facilities" means:

1. Lifelines, such as major communication, utility and transportation facilities and their connection to emergency facilities; or
2. Essential facilities, such as:
  - a. Hospitals and other medical facilities having surgery and emergency treatment areas,
  - b. Fire and police stations,
  - c. Tanks or other structures containing, housing or supporting water or other fire-suppression materials or equipment required for the protection of essential or hazardous facilities, or special occupancy structures,
  - d. Emergency vehicle shelters and garages,
  - e. Structures and equipment in emergency-preparedness centers,
  - f. Standby power generating equipment for essential facilities,
  - g. Structures and equipment in government communication centers and other facilities required for emergency response; or
3. Hazardous facilities, such as structures housing, supporting or containing sufficient quantities of toxic or explosive substances to be dangerous to the safety of the general public if released; or
4. Special occupancy structures, such as:

a. Covered structures whose primary occupancy is public assembly (capacity greater than 300 persons),

b. Buildings for schools through secondary or day care centers (capacity greater than 250 students),

c. Buildings for colleges or adult education schools (capacity greater than 500 students),

d. Medical facilities with 50 or more resident incapacitated patients, but not included above,

e. Jails and detention facilities,

f. All structures with occupancy greater than 5,000 persons,

g. Structures and equipment in power-generating stations and other public utility facilities not included above, and required for continued operation.

C. "Engineering geologist" means a geologist who, through education, training and experience, is able to assure that geologic factors affecting engineering works are recognized, adequately interpreted, and presented for use in engineering practice and for the protection of the public. This person should have at least a four-year degree in geology, engineering geology, or a related field from an accredited university and at least three full years of experience in a responsible position in the field of engineering geology.

D. "Engineering geology" means the application of geological data and principles to engineering problems dealing with naturally occurring rock and soil for the purposes of assuring that geological factors are recognized and adequately interpreted in engineering practice.

E. "Fault" means a fracture in the earth's crust forming a boundary between rock or soil masses that have moved relative to each other (see "active fault").

F. "Fault scarp" means a steep slope of cliff formed directly by movement along a fault.

G. "Fault trace" means the intersection of a fault plain with the ground surface.

H. "Fault zone" means a corridor of variable width along one or more fault traces.

I. "Landslide" means a general term for the downslope movement of a mass of soil, superficial deposits or bedrock.

J. "Liquefaction" means a process by which certain water-saturated soils lose bearing strength because of ground shaking and increase of groundwater pore pressure.

K. "Natural hazard" means liquefaction and/or surface fault rupture hazard.

L. "Natural hazard maps" means the maps entitled "Liquefaction Potential Special Study Area," and "Surface Fault Rupture Special Study Areas," showing natural hazards special study areas in the city.

M. "Natural hazard special study area" means a potentially hazardous area as shown on the natural hazards maps within which hazard investigations are generally required prior to development.

N. "A structure designed for human occupancy" is any residential dwelling or any other structure used or intended for supporting or sheltering any use or occupancy, which is expected to have occupancy rate of more than 2,000 person-hours per year.

#### **19.29.030 Applicability.**

These regulations are applicable to all lands within the natural hazard special study areas in the city, as shown on the natural hazards maps on file with the community development department. Such maps and all amendments thereto are made a part of this chapter as if fully described and detailed herein. Each change in the natural hazards maps shall be subject to the amendment procedures set forth in chapter 19.50.

**19.29.040 Disputes—Boundaries or mapped hazard(s).**

The boundary lines of the special study areas shown on the natural hazards maps shall be determined by use of the scale appearing on the map. Where there is a conflict between the boundary lines illustrated on the map and actual field conditions, or where detailed investigations show that the mapped hazard(s) are not present within a particular area, the dispute shall be settled as follows:

A. The person disputing the natural hazard study area boundary or the mapped hazard(s) present within a particular area shall submit technical and geologic evidence to support such claim to the planning commission in the form of a site-specific natural hazards report.

B. The planning commission may request the city engineer, the Utah Geological and Mineral Survey, and/or other experts to review the evidence prior to making a decision concerning the dispute.

C. The cost of the review shall be paid by the person disputing the map.

D. The planning commission may allow deviations from the mapped boundary line only if the evidence clearly and conclusively establishes that the natural hazard special study area boundary location is incorrect, or that the mapped hazard(s) is (are) not present within a particular area.

E. Any decision of the planning commission may be appealed to the Appeals Authority.

**19.29.050 Studies and reports required.**

Any applicant requesting development on a parcel of land within a natural hazards study area, as shown on the natural hazards maps, shall submit to the city six copies of site-specific natural hazard studies and reports, where required for such development according to chart 19.34.050.

**19.29.060 Natural hazards report.**

A. The natural hazards report shall be prepared by an engineering geologist. The report shall be signed by the preparer and shall also include the qualifications of the preparer.

B. The report shall be site-specific and identify all known or suspected potential natural hazards, originating on-site or off-site, affecting the particular property.

C. The report shall include a detailed site map (scale: one inch equals 200 feet or larger), showing the location of the hazard(s) with delineation of the recommended setback distances from hazard(s) and the recommended location for structures.

D. The report shall address the potential effects of the hazard(s) on the proposed development and occupants thereof in terms of risk and potential damage.

E. The report shall contain recommendations for avoidance or mitigation of the effects of the hazard(s), consistent with the purposes set forth in section 19.34.010. The evidence on which recommendations and conclusions are based shall be clearly stated in the report. Trench logs (scale: one inch equals five feet, or larger), aerial photographs, references with citations, and other supporting information as applicable, shall also be included in the report.

**19.29.070 Review of reports—Approval procedure.**

A. In order to fulfill the purposes of this chapter, the planning commission (for conditional uses and subdivisions), and the community development director (for permitted uses) shall review any proposed development which requires preparation of a natural hazards report under this chapter to determine the possible risks to the safety of persons or property from natural hazards.

B. Prior to consideration by the planning commission or the community development department of any such development, the community development director shall submit the report to the city engineer, the Utah Geo-



logical and Mineral Survey, and/or other experts for review and recommendation. Any cost the city must pay for the review shall be paid by the applicant prior to planning commission or community development department action. The community development director shall file a copy of the natural hazards report with the city recorder and another copy with the Utah Geological and Mineral Survey.

C. Whenever the planning commission or community development director determines that an area is subject to natural hazards which present an unreasonable risk to the safety of persons or property, including public streets, such area shall not be approved for development unless the applicant can demonstrate that such a risk can be reduced to a reasonable and acceptable level in a manner which has a minimum effect on the natural environment.

D. The planning commission or community development director may set requirements necessary to reduce the risks from natural hazards as a condition to the approval of any development which requires preparation of a natural hazards report.

**19.29.080 Active fault considerations.**

No critical facility (excluding transportation lines or utilities which by their nature may cross active faults) or structures designed for human occupancy shall be built astride an active fault. If a fault is discovered in the excavation for such a structure, a special study, as described in section 19.34.060, shall be performed to determine if the fault is active, and if the fault is determined to be active, the procedures set forth in section 19.34.070 shall be followed. No structure designed for human occupancy shall be built on a fault scarp. Footing setbacks from a fault scarp shall meet the requirements of chapter 29 of the Uniform Building Code. The community development director may increase footing setback requirements where information from a geotechnical report indicates slope conditions warrant a greater setback distance.

**19.29.090 Disclosure when a natural hazards report is required.**

Whenever a natural hazards report is required under this chapter the owner of such parcel shall record a restrictive covenant running with the land in a form satisfactory to the city prior to the approval of any development or subdivision of such parcel, which includes the following:

A. Notice that the parcel is located within a natural hazards special study area as shown on the natural hazards map;

B. Notice of the existence and availability of the natural hazards report for public inspection in the city recorder's office; and

C. An agreement by the owner of the parcel and any successor in interest to comply with any conditions set by the planning commission or community development director to minimize potential adverse effects of the natural hazard(s).

**19.29.100 Disclosure when no natural hazards report is required.**

Whenever the applicant for any new development for human occupancy is not required under this chapter to prepare a natural hazards report, although the parcel to be developed is located within a high or moderate liquefaction potential special study area, or surface fault rupture special study area, as shown on the natural hazards maps, notice that the parcel is located within such area(s) shall be recorded by the land owner in a form satisfactory to the city prior to the approval of any such development.

**19.29.110 Warning and disclaimer.**

The natural hazards ordinance codified in this chapter and natural hazards maps represent only those hazardous areas known to the city, and should not be construed to include all possible potential hazard areas. The natural hazards ordinance and the natural hazards maps may be amended as new information becomes available pursuant to procedures set forth in chapter 19.50. The provisions of this chapter do not in any way assure or imply that areas outside its boundaries will be free from the possible adverse effects of natural hazards. This chapter shall not create liability on the part of the city, any officer or employee thereof for any damages from natural hazards that result from reliance on this chapter or any administrative requirement or decision lawfully made thereunder.

**19.29.120 Change of use.**

No change in use which results in the conversion of a building or structure from one not used for human occupancy to one that is so used shall be permitted unless the building or structure complies with the provisions of this chapter.

**19.29.130 Conflicting regulations.**

In cases of conflict between the provisions of existing zoning classifications, building code, subdivision ordinance, or any other ordinance of the city and the natural hazards ordinance codified in this chapter, the most restrictive provision shall apply.

**Chapter 19.30**

**HISTORIC PRESERVATION**

**Sections:**

**19.30.010 Purpose.**

**19.30.020 Historic sites designated.**

**19.30.030 Conditional use permit required.**

**19.30.040 Noncomplying conditional uses.**

**19.30.050 Site modification.**

**19.30.060 Additional uses for historic sites.**

**19.30.070 Interpretation of chapter.**

**19.30.010 Purpose.**

This chapter is enacted to preserve sites with special historical, architectural or aesthetic value which are unique and irreplaceable assets. To accomplish this purpose, planning commission approval is required for all modifications to historical sites.

**19.30.020 Historic sites designated.**

**A. Existing Sites.** Each of the following structures and sites in Herriman is a historic site:

**B. Amendments.** The council may amend the above list of historic sites and structures, including designating additional historic sites subject to the amendment procedures in Chapter 19.50 of this code.

**19.30.030 Conditional use permit required.**

**A.** A conditional use permit is required for any modifications to a historic site or structure, including modifications to the landscaping, fencing or appearance of any lot, or demolition, construction, alteration, relocation, improvement or conversion of a historic site.

**B.** Applications for a conditional use permit on a historic site shall be made in the manner and subject to the procedures and requirements set forth in Chapters 19.38 and 19.46 of this title. To the extent that the requirements of this chapter and Chapters 19.38 and 19.46 are inconsistent, the requirements of this chapter shall prevail.

**19.30.040 Noncomplying conditional uses.**

The planning commission shall not approve a conditional use for a historic site which would be contrary to the purposes of this chapter by adversely affecting the architectural significance, the historical appearance, or the educational and historical value of the site unless all the following conditions have been met:

1. The application meets the requirements for a conditional use permit set forth in Chapters 19.38 and 19.46;

2. The application meets all the requirements of the base zone in which the property is located;
3. The application has been pending before the planning commission for a period of at least one year.

**19.30.050 Site modification.**

The planning commission may modify all yard, parking, landscaping, height and other requirements of the base zone, as necessary to fulfill the purpose of this chapter. In so doing, the nature and character of adjacent properties shall be considered to ensure that the health, safety, convenience and general welfare will not be impaired. The planning commission may establish development criteria to control impacts associated with the heaviest permitted use in the base zone, including, but not limited to, noise, glare, dust or odor.

**19.30.060 Additional uses for historic sites.**

A. Residential, Forestry and Agricultural Zones. The planning commission may approve any of the following uses for a historic site in addition to the permitted and conditional uses allowed in the agricultural, forestry or residential zone in which the site is located:

1. Antique shop;
2. Art shop;
3. Boardinghouse;
4. Child nursery;
5. Dental office or clinic;
6. Dwelling, single, two, three, four or multiple family;
7. Nursing home;
8. Office;
9. Private educational institution;
10. Reception centers;
11. Restaurant;
12. Other uses of similar intensity to the above.

B. Commercial and Manufacturing Zones. The planning commission may approve any use listed in the commercial and manufacturing zones of the zoning ordinance for a historic site

located in a commercial or manufacturing zone.

**19.30.070 Interpretation of chapter.**

This chapter does not guarantee the right of any person, firm or corporation to any provision of this chapter.

**Chapter 19.32**

**FLOOD PLAIN HAZARD  
REGULATIONS**

**Sections:**

- 19.32.010 Findings.**
- 19.32.020 Purpose of provisions.**
- 19.32.030 Methods of reducing flood losses.**
- 19.32.040 Areas of special flood hazard.**
- 19.32.050 Flood ways.**
- 19.32.060 Relationship of flood plain hazard regulations to zones.**
- 19.32.070 Conditional use permits required when.**
- 19.32.080 Construction or development—Special approval required.**
- 19.32.090 Construction or development—Duties of community development director.**
- 19.32.100 Protective standards generally.**
- 19.32.110 Anchoring.**
- 19.32.120 Construction materials and methods.**
- 19.32.130 Utilities.**
- 19.32.140 Subdivision proposals.**
- 19.32.150 Specific protective standards.**
- 19.32.160 Residential construction.**
- 19.32.170 Nonresidential construction.**
- 19.32.180 Manufactured homes.**
- 19.32.190 Variances and appeal procedures.**
- 19.32.200 Warning and liability disclaimer.**
- 19.32.210 Definitions.**
- 19.32.220 Recreational Vehicles.**

**19.32.010 Findings.**

A. Flood hazard areas in the city are subject to periodic inundation which could result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

B. The inundation is caused by the cumulative effect of channel obstructions which increase flood heights and velocities. Uses that

are inadequately flood-proofed, elevated or otherwise protected from floodwater also contribute to flood loss.

**19.32.020 Purpose of provisions.**

It is the purpose of this chapter to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions by provisions designed to:

- A. Protect human life and health;
- B. Minimize expenditure of public money for flood-control projects;
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. Minimize prolonged business interruptions;
- E. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, and streets and bridges located in areas of special flood hazard;
- F. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood-blight areas;
- G. Ensure that potential buyers are notified that property is in an area of special flood hazard; and
- H. Ensure that those who occupy the areas of special flood hazards assume responsibility for their actions.

**19.32.030 Methods of reducing flood losses.**

In order to accomplish its purposes, this chapter includes methods and provisions for:

- A. Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases of erosion, flood heights or velocities;
- B. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. Controlling the alteration of natural floodplains, stream channels and natural pro-

tective barriers, which help accommodate or channel floodwaters;

D. Controlling, filling, grading, dredging and other development which may increase flood damage; and

E. Preventing or regulating the construction of flood barriers which will divert floodwaters or which may increase flood hazards in other areas.

**19.32.040 Areas of special flood hazard.**

A. This chapter shall apply to all areas of special flood hazards within the jurisdiction of the city. The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "Flood Insurance Study, Salt Lake County, Utah, Unincorporated Areas," September 21, 2001, with accompanying Flood Insurance Rate Maps, Flood Boundary-Floodway Maps, and any revisions thereto, are adopted by reference and declared to be a part of this chapter.

B. The director of community development shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, as criteria for requiring that new construction, substantial improvements, or other development in Zone A meet the provisions of sections 19.32.050, 19.32.150, 19.32.160, 19.32.170 and 19.32.180. Such other source base flood elevation data shall be more specifically provided by the developer as determined by a registered professional engineer for subdivision and other proposed developments which contain at least 50 lots or five acres (whichever is less).

**19.32.050 Floodways.**

Located within areas of special flood hazard established in section 19.32.040 are areas designated as "floodways." Since a floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

A. Encroachments, including fill, new construction, substantial improvements, placement of manufactured homes, and other developments, are prohibited unless certification by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

B. If subsection A of this section is satisfied, all new construction and substantial improvements and placement of manufactured homes shall comply with all applicable flood-hazard reduction provisions of sections 19.32.100 through 19.32.180.

**19.32.060 Relationship of floodplain hazard regulations to zones.**

The floodplain hazard regulations of this chapter shall be supplemental to, and not in lieu of, the applicable zoning provisions of the zone in which the land is located, and/or general provisions under this title, as amended. Property located within such areas of special flood hazard shall be developed only in conformance with the provisions set forth herein. In cases of conflict between such zone classifications and the floodplain hazard regulations, the most restrictive provisions shall govern. Permitted and conditional uses permitted in the areas of special flood hazard shall be developed only in conformance with the provisions set forth herein. All uses involving development, as defined in this chapter, shall further meet the supplemental conditions and standards set forth in this chapter.

**19.32.070 Conditional use permits required when.**

A conditional use permit, if required by this title, shall be obtained prior to special flood hazard area approval under section 19.32.080. Prior to issuance of a conditional use permit, the planning commission shall insure that requirements of this chapter are met.

**19.32.080 Construction or development—  
Special approval required.**

A. Approval by the community development department shall be obtained before construction or development begins within an area of special flood hazard established in section 19.32.040. Application for such approval shall be made on forms furnished by the community development department, and may include, but not be limited to: Plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing.

B. Specifically, the following information is required:

1. Elevation in relation to mean sea level of the lowest floor, including basement, of all structures except those located in Zone A where base flood elevation data was not available nor required by this chapter;

2. Elevation in relation to mean sea level to which any structure has been flood-proofed except those located in Zone A where base flood elevation data was not available nor required by this chapter;

3. Certification by a registered professional engineer or architect that the flood-proofing methods for any nonresidential structure meet the flood-proofing criteria in sections 19.32.150 through 19.32.180; and

4. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

**19.32.090 Construction or development—  
Duties of community development director.**

The community development director shall be responsible to:

A. Review Applications.

1. Review all applications to determine if the proposed development is located in the flood way. If located in the flood way, assure that the encroachment provisions of section 19.32.050 are met,

2. Review all applications to determine that the requirements of this chapter have been satisfied, and

3. Review all applications to determine that all necessary permits have been obtained from federal, state or local governmental agencies from which prior approval is required;

B. Maintain Information File.

1. Obtain and record the actual elevation provided by the developer (in relation to mean sea level) of the lowest floor, including basement, of all new or substantially improved structures except those located in Zone A where base flood elevation data was not available nor required by this chapter,

2. For all new or substantially improved flood-proofed structures except those located in Zone A where base flood elevation data was not available nor required by this chapter:

a. Verify and record the actual elevation provided by the developer (in relation to mean sea level), and

b. Maintain the flood-proofing certifications required in subsection B3 of section 19.32.080, and

3. Maintain for public inspection all records pertaining to the provisions of this chapter;

C. Verify Alteration of Watercourses. Verify that:

1. A permit has been obtained from the Salt Lake County division of flood control and water quality for any alteration of a watercourse,

2. A permit has been obtained from the Utah State Engineer for alteration of a natural stream channel,

3. Maintenance is provided for within the altered or relocated portion of such watercourse so the flood-carrying capacity is not diminished, and

4. Notification has been made to cities adjacent to the watercourse and to the Utah State Division of Comprehensive Emergency Management, prior to any alteration or relocation of a watercourse, and evidence of such no-

tification has been submitted to the Federal Emergency Management Agency.

**19.32.100 Protective standards generally.**

In all areas of special flood hazards, compliance with the standards specified in sections 19.32.110 through 19.32.140 is required.

**19.32.110 Anchoring.**

A. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

B. All manufactured homes shall be installed using methods and practices which minimize flood damage. For the purpose of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not limited to, over-the-top and frame ties to ground anchors. This requirement is in addition to applicable anchoring requirements for resisting wind forces.

**19.32.120 Construction materials and methods.**

A. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage. Electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

B. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage. Fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two openings

having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

**19.32.130 Utilities.**

A. All new and replacement water-supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system;

B. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems, and discharge from the systems into floodwaters; and

C. On-site waste-disposal systems shall be located to avoid impairment to them or contamination from them during the flooding.

**19.32.140 Subdivision proposals.**

A. All subdivision proposals shall minimize flood damage;

B. All subdivision proposals shall have public utilities and facilities, such as sewer, gas, electrical and water systems, located and constructed to minimize flood damage; and

C. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

**19.32.150 Specific protective standards.**

In all areas of special flood hazards where base flood elevation data has been provided as set forth in section 19.32.040, compliance with the provisions specified in sections 19.32.160 through 19.32.180 is required.

**19.32.160 Residential construction.**

New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to a minimum of one foot above the base flood elevation.

**19.32.170 Nonresidential construction.**

New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to a minimum of one foot above the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

A. Be flood-proofed so that below one foot above the base flood level the structure is watertight, with walls substantially impermeable to the passage of water;

B. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

C. Provide that where a nonresidential structure is intended to be made watertight below the base flood level:

1. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of this section, and

2. A record of such certificates which includes the specific elevation (in relation to mean sea level) to which such structures are flood-proofed shall be provided to the community development director as specified in section 19.32.090(B)(2).

**19.32.180 Manufactured homes.**

All manufactured homes to be placed or substantially improved shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is a minimum of one foot above the base flood elevation and is securely anchored to an adequately anchored foundation system in accordance with section 19.32.110.

**19.32.190 Variances and appeal procedures.**

The Appeals Authority, shall hear and decide all appeals and requests for variances from the requirements of this chapter.

A. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (1/2) acre or less in size contiguous to and surrounded by lots with existing structures constructed below one foot (1') above the base level, providing the Appeals Authority has considered all technical evaluations, all relevant factors, and standards specified in other sections of this chapter, providing the following items have been considered:

1. The danger that materials may be swept onto other land to the injury of others;

2. The danger to life and property due to flooding or erosion damage;

3. The susceptibility of the proposed facility and its contents to flood damage, and the effect of such damage on the individual owner;

4. The importance of the services provided by the proposed facility to the community;

5. The necessity to the facility of a waterfront location, where applicable;

6. The availability of alternative locations for the proposed use, which are not subject to flooding or erosion damage;

7. The compatibility of the proposed use with the existing and anticipated development;

8. The relationship of the proposed use to the comprehensive plan and flood plain management program for that area;

9. The safety of access to the property in times of flood for ordinary and emergency vehicles;

10. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and

11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

B. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the Utah State Inventory of Historic



Places, without regard to the procedures set forth in the remainder of this section.

C. Variances shall not be issued within any designated flood way if any increase in flood levels during the base flood discharge would result.

D. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

E. Variances shall only be issued upon:

1. A showing of good and sufficient cause;

2. A determination that failure to grant the variance would result in exceptional and undue hardship to the applicant; and

3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, as identified in subsection A(1) of section 19.32.190, or conflict with existing local laws or ordinances.

F. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below one foot above the base flood elevation and that the cost of flood insurance will be commensurate with the increased flood risk resulting from the reduced lowest floor elevation.

G. The Appeals Authority shall maintain the record of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

**19.32.200 Warning and liability disclaimer.**

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from

flooding or flood damages. This chapter shall not create liability on the part of the city, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

**19.32.210 Definitions.**

As used in this chapter:

A. "Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this title.

B. "Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

C. "Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

D. "New Construction" means structures for which the "start of construction" commenced on or after the effective date of the original ordinance, and includes any subsequent improvements to such structures.

E. "Structure" means a walled and roofed building or manufactured home that is principally above ground.

F. "Substantial improvement" means any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage," regardless of actual repair work per-

formed. The term does not, however, include either: (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or (2) Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

G. "Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year.

H. "Flood or flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from (1) The overflow of inland or tidal waters; and/or (2) The unusual and rapid accumulation or runoff of surface waters from any source.

I. "Flood insurance rate map (FIRM)" means the official map on which the Federal Emergency Management Agency (FEMA) has delineated both the areas of special flood hazards and the risk premium zones.

J. "Flood insurance study" means the official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Boundary-Floodway Map, and the water surface elevation of the base flood.

K. "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

L. "Appeal" means a request for a review of the Community Development Directors interpretation of any provisions of this ordinance or a request for a variance.

M. "Area of special flood hazard" means the land in the flood plain subject to a one percent or greater chance of flooding in any given year.

N. "Development" means any man-made change to improved or unimproved real estate,

including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard.

O. "Existing manufactured home park or subdivision" means a manufactured home park for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) are completed before the effective date of this ordinance.

P. "Expansion to existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or pouring of concrete pads).

Q. "New manufactured home park or subdivision" means a manufactured home park or subdivision for which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of these flood plain management regulations.

R. "Recreational vehicle" means a vehicle which is (1) built on a single chassis; (2) 400 square feet or less when measured at the largest horizontal projections; (3) designed to be self-propelled or permanently towable by a light duty truck; and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

S. "Start of construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the

pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

T. "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

U. "Variance" means a grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance.

#### **19.32.220 Recreational vehicles.**

Recreational vehicles must either: (1) be on the site for fewer than 180 consecutive days, (2) be fully licensed and ready for highway use, or (3) meet the permit requirements and elevation and anchoring requirements for resisting wind forces.

### **Chapter 19.34**

## **ENVIRONMENTAL CONTAMINATION OVERLAY ZONE**

#### **Sections:**

**19.34.010 Purpose**

**19.34.020 Adoption of rules and amendments**

**19.34.030 Applicability**

**19.34.040 Definitions**

**19.34.050 Action Levels**

**19.34.060 Prohibitions**

**19.34.070 Permits**

**19.34.080 Powers and authority of inspectors, and inspector provisions**

**19.34.090 Enforcement**

**19.34.100 Appeals**

#### **19.34.010 Purpose.**

The purpose of this chapter is to provide for regulation of use, and testing of soil on designated properties located within the city. Certain regulated contaminants have been identified in soil of residential and commercial properties within the city. Regulated contaminants pose a threat to the health and well-being of individuals who are exposed to soil having elevated levels of regulated contaminants. In particular, children are at risk from long-term exposure to regulated contaminants causing brain dysfunction and possible death. The city has identified certain areas where the regulated contaminants exceed prescribed levels in soil. Such areas have been identified by the U.S. Environmental Protection Agency (EPA) and the city.

#### **19.34.020 Adoption of rules and amendments.**

The city may promulgate rules implementing the provisions of this chapter.

#### **19.34.030 Applicability.**

The provisions of this chapter apply to all land within the contamination hazard special study areas in the city, as shown on the contamination map on file with the city. The contamination maps and all amendments there-to are made a part of this chapter as if fully described and detailed herein. These areas have been identified using existing EPA testing data and supplemented with local testing data. These areas will be reviewed periodically as cleanup is continued in the city.

**19.34.040 Definitions.**

As used in this chapter:

- A. "Commission" means the planning commission.
- B. "Contaminated soil" means soil having concentrations of regulated contaminants which exceed prescribed levels established by the city.
- C. "Contamination area" means an area within the contamination hazard specifications standard as shown on the contamination map on file with the city.
- D. "Dwelling" means any building or portion of a building which is designed for use for residential purposes, except hotels, apartments, and lodging houses.
- E. "Person" means an individual, corporation or other legal entity.
- F. "Qualified testing lab" means any testing facility which has been approved by the city or the EPA as qualified to test for the regulated contaminants.
- G. "Recreational area" means areas such as parks or ball fields where children are likely to congregate. This includes the portions of commercial or industrial properties that offer recreation areas where children are likely to congregate.
- H. "Regulated contaminants" means those contaminants in the soil which are regulated by federal, state or local government laws and those contaminants which the EPA finds may be hazardous to public health. Contaminants shall specifically include lead, arsenic, and any other heavy metal, organic solvent which is known to be, or suspected to be, present in city soils and which may cause harm to human

health and well-being.

- I. "Required soil testing" means soil tests which conform to the requirements of the EPA for the presence of regulated contaminants.
- J. "Responsible person" means the person(s) responsible for detecting and/or abating regulated contaminants pursuant to this chapter. The responsible person includes the property owner, person intending to inhabit a new structure, person intending to sell, assign, transfer, or gift property located within the contamination area.
- K. "Soil barriers" means any artificial or man-made structure, marker or indicator which has been placed in the soil for the purpose of notifying a person of the presence of regulated contaminants.
- L. "Written notice/stop order" means a written order issued by the building department, or a designated representative, to stop all construction, installation, modification or occupation of any building located in a contamination area in areas of known contamination if in violation of this ordinance.

**19.34.050 Action Levels**

- A. Action levels with respect to residential property located within a contamination area means soils having a lead concentration of 1600 mg/kg or more and/or an arsenic level of 100 mg/kg or more.
- B. Action levels with respect to nonresidential property located within a contamination area means soils having a lead concentration

of 5000 mg/kg or more and/or an arsenic level of 850 mg/kg or more.

**19.34.060 Prohibitions.**

- A. It is unlawful for any person to develop or construct any new use upon a property within the city without first ascertaining whether such property is in a contamination area.
- B. It is unlawful for any person to sell, assign, give or otherwise transfer real property without providing written notice to the buyer, assignee or transferee of the presence of regulated contaminants in the soil of such property if testing has occurred.
- C. It is unlawful for any person to falsify, tamper with, alter, purify, or cause any activity to occur which will materially affect test samples or falsify, tamper with or alter soil test results,
- D. It is unlawful for any person to knowingly withhold any information from the city regarding soil test sampling or test results.
- E. It is unlawful for any person to inhabit a new structure before properly abating all regulated contaminants.

**19.34.070 Permits.**

- A. If a building permit is requested with respect to a property that is located in a contamination area, the city shall provide the applicant with information necessary to perform required soil testing prior to disturbance, including the contaminants for which testing is required, a list of approved testing labs, and information pertaining to the possible human health hazards of regu-

lated contaminants.

- B. If a building permit is requested with respect to a property that is located in a contamination area, the applicant shall have the soils tested by a qualified testing lab. If the property is tested and found to exceed the action levels, the applicant shall submit a remediation plan to the city for approval prior to any development occurring or building permit being issued.

**19.34.080 Powers and authority of inspectors, and inspection provisions.**

- A. The city reserves the right to establish and modify inspection procedures and standards for construction as it deems necessary to satisfy the purpose of this chapter.
- B. Representatives of the city may enter upon property in contamination areas at reasonable times to inspect, observe, measure, examine, survey, sample, and test the contamination area in order to enforce the provision of this chapter.
- C. Any person conducting, or having conducted on their behalf, any required soil testing shall provide a complete copy of the test results to the city within five (5) days of receiving the test results. If the city reasonably determines that a health hazard exists, based on the provided test results, the city shall have the right to conduct additional testing. All such test results shall be public records.

**19.34.090 Enforcement.**

The city may take one or more of the following actions against any person who violates the provisions of this chapter.

- A. **Written Notice/Stop Order.** The city may issue a written notice/stop order to the responsible person. The written notice/stop order shall include the name and address of the responsible person, the street address of the alleged violation, the nature of the alleged violation, the required corrective action, the required completion date, the procedure and time for appealing the written notice. The written notice/stop order shall be served upon the responsible person, either personally or by mailing, certified, return receipt requested, to the responsible person at their last-known address. If the responsible person cannot after due diligence be personally served within Salt Lake County and/or if an address for mailing service after due diligence be ascertained, written notice shall be served by posting a copy of such notice conspicuously on the affected property.
- B. **Revocation of Permit.** The city may suspend and/or revoke any permits, including building permits, issued to any person violating the provisions of this chapter.
- C. **Civil Action.** Either the city or any private person directly affected by violations hereof may bring a civil action for abatement or injunction. The civil action may be brought pursuant to this chapter or pursuant to state law.
- D. **Criminal Action.** Criminal action may be initiated by criminal citation or information. Any person who maintains or assists in maintaining a violation of this chapter is guilty of a Class C misdemeanor.

**19.34.100 Appeals.**

Any person aggrieved by applying by the provision of this chapter may appeal to the appeals authority as set forth in the zoning ordinance, chapter 18.54.

**Chapter 19.36**

**SUPPLEMENTARY AND QUALIFYING  
REGULATIONS**

**Sections:**

- 19.36.010 Effect of chapter provisions.**
- 19.36.020 Occupancy permit.**
- 19.36.030 Uses not listed—Administrative determination.**
- 19.36.040 Appeal of planning commission decision.**
- 19.36.050 Dwellings to be on lots.**
- 19.36.060 Lots in separate ownership.**
- 19.36.070 Public use—Reduced lot area and yards.**
- 19.36.075 Rear Yard and Side Yard Special Exception.**
- 19.36.080 Division of a two-family dwelling.**
- 19.36.090 Lots and buildings on private rights-of-way.**
- 19.36.100 Sale of lots below minimum width and area.**
- 19.36.110 Sale of space needed to meet requirements.**
- 19.36.120 Yard space for one building only.**
- 19.36.130 Accessory buildings—Area of coverage.**
- 19.36.140 Front yard measurement from map.**
- 19.36.145 Front yard setback reduction on a cul-de-sac.**
- 19.36.150 Landscaped setback—Commercial and M-1 zones.**
- 19.36.160 Intersecting streets and clear visibility.**
- 19.36.170 Height limitations—Buildings less than one story.**
- 19.36.180 Height limitations—Accessory buildings.**
- 19.36.190 Height limitations—Exceptions.**
- 19.36.200 Off-site improvements.**
- 19.36.210 Animal and fowl restrictions.**
- 19.36.220 Circuses, carnivals and Christmas tree sales.**
- 19.36.230 Day-care and preschool center—Special conditions.**

**19.36.240 Commercial renting of dwellings prohibited.**

**19.36.250 Single-family or two-family dwelling—Standards.**

**19.36.260 Bus shelters.**

**19.36.270 Refuse collection locations and screening.**

**19.36.280 Monopole.**

**19.36.285 Wall-mounted antenna.**

**19.36.290 Roof-mounted antenna.**

**19.36.010 Effect of chapter provisions.**

The regulations hereinafter set forth in this chapter qualify or supplement, as the case may be, the zoning regulations appearing elsewhere in this title.

**19.36.020 Occupancy permit.**

A. Land, buildings and premises in any zone shall hereafter be used only for the purpose listed in this title as permitted in that zone, and in accordance with the regulations established in this title in that zone.

B. The permit of occupancy shall be issued by the community development director to the effect that the use and/or building or premises conforms to the provisions of this title and related ordinances prior to the occupancy of any building hereafter erected, enlarged or structurally altered, or where any vacant land is hereafter proposed to be occupied or used.

C. Such a permit shall also be issued whenever the character or use of any building or land is proposed to be changed from one use to another use.

D. Upon written request from the owner, such a permit shall also be issued covering any lawful use of a building or premises existing on the date of incorporation.

**19.36.030 Uses not listed—Administrative determination.**

Determination as to the classification of uses not specifically listed or interpretation of uses listed in this title shall be made by the zoning administrator and shall be subject to appeal to the planning commission. Such appeal shall be filed in writing within ten days after written notification to applicant of the zoning administrator's determination. The procedure shall be as follows:

A. Written Request. A written request for such a determination shall be filed with the zoning administrator. The request shall include a detailed description of the proposed use and such other information as may be required.

B. Investigation. The zoning administrator shall thereupon make such investigations as are deemed necessary to compare the nature and characteristics of the proposed use with those of uses specifically listed in this title, and to make a determination of its classification.

C. Determination. The determination of the zoning administrator shall be rendered in writing within 30 days unless an extension is granted by the planning commission. The determination shall state the zone classification in which the proposed use will be permitted as well as the findings which established that such use is of the same character as uses permitted in that zone classification. Upon making this decision, the zoning administrator shall forthwith notify the applicant and the planning commission.

D. Effect. The determination and all information pertaining thereto shall become a permanent public record in the office of the zoning administrator. Such use shall thereafter become a permitted or conditional use in the class of district specified in the determination, and shall have the same status as a permitted or conditional use specifically named in the regulations for the zone classification.

**19.36.040 Appeal of planning commission decision.**

Unless otherwise specifically provided for in this title, any person shall have the right to appeal to the Appeals Authority a decision of the planning commission rendered under this title.

**19.36.050 Dwellings to be on lots.**

Every dwelling shall be located and maintained on a lot, as defined in this title.

**19.36.060 Lots in separate ownership.**

The requirements of this title as to minimum lot area or lot width shall not be construed to prevent the use for a single-family dwelling of any lot or parcel of land, provided that such lot or parcel of land is located in a zone which permits single-family dwellings, and is a legally divided lot held in separate ownership at the time such requirements became effective for such lot or parcel of land.

**19.36.070 Public use—Reduced lot area and yards.**

A. The requirements of this title as to minimum lot area and minimum yards may be reduced by the planning commission for a public use. The planning commission shall not authorize a reduction in the lot area or yard requirements unless the evidence presented is such as to establish that the reduction will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity.

B. All elevations of a public or quasi-public building generally visible from public view or adjacent to residential areas shall have an element of rock or stone.



**19.36.075 Rear Yard and Side Yard Special Exception.**

The Planning Commission, after receiving an application with a filing fee of \$300, may grant a special exception to the minimum rear yard or side yard set back in the R and A zones if they find any of the following to be true.

- A. There is a unique situation with the shape of the lot.
- B. The lot has slope that is difficult to design a house that meets the required rear yard setback.
- C. The lot was in existence at the time this section in the ordinance was passed.
- D. The lot is on the corner of two public streets.

In no case shall the Planning Commission approve a rear yard setback less than 12 feet. And in no case shall the Planning Commission approve a side yard setback less than 5 feet.

**19.36.080 Division of a two-family dwelling.**

Upon certification by the community development director, a legal existing or proposed two-family dwelling may be divided into attached single-family dwellings by dividing the lot. Each dwelling shall have a minimum lot area equal to one-half of the minimum lot area required in the zone for a two-family dwelling, which in no case shall be less than 4,000 square feet, and must meet all building, fire, health, parking and other requirements for a single-family dwelling. An application for lot division certification must be accompanied by a site plan showing buildings, landscaping, parking, and any other information deemed necessary by the community development director. The community development director may attach conditions to certification consistent with the purpose of the zoning ordinance. Such division of a lot shall not be deemed a subdivision of land. Any sale (prior to certification herein) dividing a lot occupied by a two-family dwelling shall be a misdemeanor.

**19.36.090 Lots and buildings on private rights-of-way.**

Except where the requirements of this section are reduced by permit of the Appeals Authority or approval for a planned unit development, the minimum area for any lot fronting on a private right-of-way, at least 20 feet wide, shall be one-half acre, and the minimum distance from the center of the right-of-way to the front line of the building shall be 50 feet; except that property that cannot be subdivided as outlined in the subdivision ordinance may be developed on a private street or right-of-way in any residential (R) zone upon approval of the community development director. Such approval shall be governed by the official policies regulating such development, as adopted by the planning commission and on file at the planning commission office.

**19.36.100 Sale of lots below minimum width and area.**

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 large parcel of land for the purpose, whether immediate or future, of building or development as a lot, except by permit of the Appeals Authority or approval by the planning commission for a planned unit development.

**19.36.110 Sale of space needed to meet requirements.**

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.

**19.36.120 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. This section shall be so construed to mean only one main building may be permitted on one lot, unless otherwise provided in this title.

**19.36.130 Accessory buildings—Area of coverage.**

No accessory building or group of accessory buildings in any residential zone shall cover more than 25 percent of the rear yard.

**19.36.145 Front yard setback reduction on a cul-de-sac.**

Wherever a front yard is adjacent to the circle of a cul-de-sac the main building setback may be reduced to 22 feet

**19.36.140 Front yard measurement from map.**

Wherever a front yard is required for a lot facing on a street for which an official map has been recorded in the office of the community development department, the depth of such front yard shall be measured from the mapped street line provided by the official map.

**19.36.150 Landscaped setback— Commercial and M-1 zones.**

The front yard area and the side yard area which faces on a street on corner lots shall be landscaped and maintained with live plant material including shrubs, flowers, and trees for a minimum distance of 20 feet behind the property line for all main uses in the C-1, C-2, and M-1 zones. Such area shall include a permanent sprinkler system to insure adequate maintenance, and shall comply with section 19.36.160. The planning commission may modify the landscaping requirements herein for any conditional use. The required landscaped area may be reduced to 15 feet provided:

A. Fifty percent of the landscaped area is planted with shrubs, flowers, and trees; and

B. The landscaped area includes a berm that is a minimum of two feet high as measured from the grade of the sidewalk; and

C. The following portion of the total site is landscaped:

1. Fifteen percent if the site is less than one acre; or

2. Ten percent if the site is equal to or greater than one acre, but less than five acres; or

3. Five percent if the site is equal to or greater than five acres.

**19.36.160 Intersecting streets and clear visibility.**

No obstruction to view in excess of two-and-one-half feet in height shall be placed on any corner lot within a triangular area formed by the street property lines and a line connecting them at points 40 feet from the intersection of the street lines, except a reasonable number of trees pruned high enough to permit unobstructed vision to automobile drivers. Where two 50-foot streets intersect the legs of the triangle can be reduced to 25 feet.

**19.36.170 Height limitations—Buildings less than one story.**

No building shall be erected to a height less than one story above grade.

**19.36.180 Height limitations—Accessory buildings.**

No building which is accessory to a one-family, two-family, three-family or four-family dwelling shall exceed 16 feet in height, except in the A-1, A-.50, and A-.25 zones on lots ½ acre or larger the accessory building may be a maximum of 20 feet in height.

**19.36.190 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 title, 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 provisions.

**19.36.200 Off-site improvements.**

A. Off-site Improvements Required. The applicant for a building or conditional use permit for all dwellings within an approved regular subdivision, commercial or industrial uses, and all other business and public and quasi-public uses shall provide curb, gutter and sidewalk along the entire property line which abuts any public road or street in cases where it does not exist at city standards. Vehicular entrances to the property shall be approved by the community development department. Height, location, structural specifications, maximum and minimum cut radius and minimum roadway approach angles to the centerline of the street are subject to the approval of the agency concerned.

B. Fee in Lieu of Improvements.

1. Where conditions exist which make it unfeasible or impractical to install such curb, gutter and sidewalk, the planning commission may require the applicant to pay to the city a fee equal to the estimated cost of such im-

provements, as determined by the community development director. Upon payment of such fee by the developer, the city shall assume the responsibility for future installation of such improvements.

2. The city treasurer shall place such fees in the special account, and shall credit to such account a proportioned share of interest earned from investment of city monies. Records relating to identification of properties for which fees have been collected, fee amounts collected for such properties, and money transfer requests shall be the responsibility of the community development department.

**19.36.210 Animal and fowl restrictions.**

No animals or fowl shall be kept or maintained closer than 40 feet from any dwelling on an adjacent parcel of land, and no barn, stable, coop, pen or corral shall be kept closer than 40 feet from any street.

**19.36.220 Circuses, carnivals and Christmas tree sales.**

A. The community development director may issue a temporary use permit for a circus and/or carnival or other amusement enterprise of a similar nature, transient in nature, or Christmas tree sales, providing he shall find that the use will not conflict with the uses in the neighborhood of the subject property. To determine the compatibility of uses, the community development director may call a public hearing. Request for such permit shall be submitted in writing.

B. In issuing a permit, the community development director may:

1. Stipulate the length of time the permit may remain valid;
2. Stipulate the hours of operation of the use; and
3. Stipulate other regulations which are necessary for the public welfare.

**19.36.230 Day-care and preschool center—  
Special conditions.**

A day-care/preschool center, as defined in section 19.04.150 of this title, shall be subject to the following conditions:

- A. Must be compatible with existing and proposed land uses in the vicinity;
- B. Receive recommendation of the Utah State Department of Social Services;
- C. Provide required parking spaces on the site and an adequate pickup and delivery area;
- D. New construction must be compatible in design and scale of building with existing development in the area; and
- E. Site must have frontage on a street with an existing right-of-way of 80 feet or greater (except where the site is located in the R-M, C-1, C-2, or M-1 zones).

**19.36.240 Commercial renting of dwellings prohibited.**

It shall be deemed a commercial use and unlawful to rent or lease any dwelling or portion thereof located within any residential or agricultural zones for lodging or accommodation purposes for a period less than 30 consecutive days except as specifically allowed in the R-M zone.

**19.36.250 Single-family or two-family dwelling—Standards.**

Any detached single-family or two-family dwelling located on an individual lot outside of a mobile home park or mobile home subdivision must meet the off-street parking requirements in chapter 19.40 and the following standards in addition to any others required by law except as provided in subsection I of this section:

- A. The dwelling unit must meet the city building code or, if it is a manufactured home, it must be certified under the National Manufactured Housing Construction and Safety Standards Act of 1974, and must have been issued an insignia and approved by the U.S. Department of Housing and Urban Development, and must not have been altered in viola-

tion of codes. A used manufactured home must be inspected by the community development director or his designated representative prior to placement on a lot to insure it has not been altered in violation of such codes.

- B. The dwelling must be taxed as real property. If the dwelling is a manufactured home, an affidavit must be filed with the Utah State Tax Commission pursuant to *Utah Code Ann.* § 59-2-602.

- C. The dwelling must be permanently connected to and approved for all required utilities.

- D. The dwelling must provide a minimum of 72 square feet (per dwelling unit) of enclosed storage, with a minimum height of six feet, located in the basement or garage area or in an accessory storage structure. Such structure shall conform to all applicable building codes.

- E. The dwelling must be attached to a site-built permanent foundation which meets the International Residential Code or, if the dwelling is a manufactured home, the installation must meet the ICC Requirements for Manufactured Housing Installations, including any successors to the State adopted code, and the space beneath the structure must be enclosed at the perimeter of the dwelling in accordance with such ICC Requirements, and constructed of materials that are weather-resistant and aesthetically consistent with concrete or masonry type foundation materials. At each exit door there must be a landing that is a minimum of 36 inches by 36 inches and that is constructed to meet the requirements of the International Residential Code. All manufactured home running gear, tongues, axles and wheels must be removed at the time of installation.

- F. At least 60 percent of the roof of the dwelling must be pitched at a minimum of four to 12 (4:12) and shall have a roof surface of wood shakes, asphalt, composition, wood shingles, concrete, fiberglass or metal tiles or slate or built-up gravel materials.

- G. The dwelling shall have exterior siding material consisting of wood, masonry, con-

crete, stucco, masonite, or metal or vinyl lap, or any material meeting the International Residential Code or materials of like appearance approved by the City Building Official. The roof overhang must not be less than twelve inches, measured from the vertical side of the dwelling. The roof overhang requirement shall not apply to areas above porches, alcoves and other appendages which together do not exceed 25 percent of the length of the dwelling.

H. The width of the dwelling shall be at least 20 feet at the narrowest part of its first story for a length of at least 20 feet exclusive of any garage area. The width shall be considered the lesser of the two primary dimensions. Factory-built or manufactured homes shall be multiple transportable sections at least ten feet wide unless transportable in three or more sections, in which case only one section need be ten feet.

I. The community development director may approve deviations from one or more of the developmental or architectural standards provided in subsections E through H of this section on the basis of a finding that the architectural style proposed provides compensating design features and that the proposed dwelling will be compatible and harmonious with existing structures in the vicinity. The determination of the community development director may be appealed to the Planning Commission.

J. Replacement of an existing nonconforming manufactured home on a lot outside a mobile home park or mobile home subdivision shall comply with all requirements herein.

#### **19.36.260 Bus shelters.**

Bus shelters authorized by the Utah Transit Authority and sited with approval of affected property owners, if any, and the planning commission, may be placed within the front yard set back required in the zoning district in which the shelter is located.

#### **19.36.270 Refuse collection locations and screening.**

Refuse collection areas shall be located where they will not disturb adjacent residences and shall be visually obscured from streets, adjacent parcels, and parking areas. The requirement of refuse collection locations and screening requirement does not apply to single-family housing and duplexes.

All refuse areas shall be screened with a six-foot wall that shall be architecturally compatible with the materials and design of the site development. One side shall provide a solid latching gate for screening the opening to the enclosures. Dumpsters shall be covered and stored within the enclosure.

#### **19.36.280 Monopole.**

In addition to the other provisions of this title, monopoles are allowed in the zones in which they are listed subject to the conditions set forth in this section.

A. Monopoles must be constructed so as to allow a co-location of a second user on the base or original pole.

B. The height of the pole is limited to 100 feet above grade.

C. The planning commission shall determine the distance between a monopole and residential zones. The suggested distance is 150 feet.

D. The applicant shall submit images or drawings of the proposed monopole to show what it will look like when built. The images or drawings shall show two vantage points as determined by the staff.

E. Property owners within 600 feet of the monopole shall be given notice of the public meeting before the planning commission granting conditional use.

F. Every effort should be made to keep the pole 100 feet from a public street.

G. Each telecommunication company requesting a monopole must submit a general master plan of the proposed number of poles projected within the city limits over the subsequent three years.

H. The monopole and the site the pole occupies is to be properly maintained. The pole must be removed within 60 days after the communications use is discontinued.

**19.36.285 Wall-mounted antenna.**

A. Wall-mounted antennas are permitted uses in all commercial, office and industrial zones and conditional in all other zones.

B. Wall-mounted antennas may not extend above the wall line of the building or extend more than four feet horizontally from the face of the building.

C. Antennas, equipment and the supporting structure shall be painted to match the color of the building or structure or the background against which they are most commonly seen. Antennas and the supporting structure on building shall be architecturally compatible with the building.

D. Antennas mounted directly on existing walls, penthouses or mechanical equipment rooms are considered a wall-mounted antenna if no portion of the antenna extends above the roofline of those building structures.

**19.36.290 Roof-mounted antenna.**

A. Roof-mounted antennas are permitted uses in all commercial, office and industrial zones and conditional in all other zones.

B. Roof-mounted antennas shall be constructed, painted or fully screened to match as closely as possible the color and texture of the building and wall on which it is mounted.

C. Roof-mounted antennas may be mounted on the top of existing penthouses or mechanical equipment rooms of the antennas and antenna support structures are enclosed or visually screened from view. The screening structures may not extend more than eight feet above the existing roof line of the penthouse or mechanic equipment room.

D. Antennas not mounted on a penthouse or mechanical equipment room shall be mounted at least five feet back from the exterior wall of the building. The maximum height of an antenna mounted between five and ten

feet back from the exterior wall shall be directly proportional to the setback distance, and may not exceed 10 feet above the roofline of the building. Antennas shall be mounted at least five feet behind any parapet wall. An antenna may not exceed more than 15 feet above the roofline of the building itself except as allowed as a conditional use. Similarly, a roof-mounted antenna may not extend above the roofline of a penthouse or mechanical equipment room except as allowed as a conditional use.

**Chapter 19.38**

**PLANNED UNIT DEVELOPMENT**

**Sections:**

**19.38.010 Scope of approval.**

**19.38.020 Purpose.**

**19.38.030 Planned unit development defined.**

**19.38.040 Approval—Permit.**

**19.38.050 Minimum area.**

**19.38.060 Zoning amendment required when.**

**19.38.070 Development ownership.**

**19.38.080 Effect on adjacent properties.**

**19.38.090 Preservation of open space.**

**19.38.100 Grading and drainage plans.**

**19.38.110 Landscaping, fencing and screening requirements.**

**19.38.120 Signs and floodlighting.**

**19.38.130 Site plan requirements.**

**19.38.140 Construction limitations.**

**19.38.150 Plan review at public meeting.**

**19.38.160 Scope of planning commission action.**

**19.38.010 Scope of approval.**

Provision of this chapter in no way guarantees a property owner the right to exercise the provisions of the planned unit development. Planned unit developments shall be approved by the planning commission only if, in its judgment, the proposed planned unit development fully meets the intent and purpose and requirements of the zoning ordinance.

**19.38.020 Purpose.**

The purpose of the planned unit development is to allow diversification in the relationship of various uses and structures to their sites and to permit more flexibility in the use of such sites. The application of planned unit concepts is intended to encourage good neighborhood, housing, or area design, thus ensuring substantial compliance with the intent of the district regulations and other provisions of this title related to the public health, safety and general welfare and at the same time securing the advantages of large-scale site planning for residential, commercial or industrial development, or combinations thereof.

**19.38.030 Planned unit development defined.**

“Planned unit development” for the purpose of this chapter, means an integrated design for development of residential, commercial or industrial uses, or combination of such uses, in which one or more of the regulations, other than use regulations, of the district in which the development is to be situated, is waived or varied to allow flexibility and initiative in site and building design and location in accordance with an approved plan and imposed general requirements as specified in this chapter. A planned unit development may be:

A. The development of compatible land uses arranged in such a way as to provide desirable living environments that may include private and common open spaces for recreation, circulation and/or aesthetic uses; or

B. Creation of areas for multiple use that are of benefit to the neighborhood.

**19.38.040 Approval—Permit.**

Planned unit developments may be allowed in any zoning district, subject to approval of a conditional use permit. An approved planned unit development shall include a final approval letter and a final approved site plan. A conditional use permit for a planned unit development shall not be granted unless the planned unit development complies with the standards for approval of a conditional use permit, the use limitations of the zoning district in which it is to be located, the density and other limitations of such districts, and the requirements of this chapter. Compliance with the regulations of this chapter in no sense excuses the developer from the applicable requirements of the subdivision ordinance, except as modifications thereof are specifically authorized in the approval of the application for the planned unit development. The permit shall be considered in three parts:

A. Submittal to the community development department for analysis;

B. Preliminary approval by the planning commission in a public meeting; and

C. Final approval by the planning commission based on construction drawings and specifications in general accord with that granted preliminary approval.

**19.38.050 Minimum area.**

No planned unit development shall have an area of less than fifteen acres.

**19.38.060 Zoning amendment required when.**

A planned unit development which will contain uses not permitted in the zoning district in which it is to be located will require a change of zoning district and shall be accompanied by an application for a zoning amendment, except that any residential use shall be considered a permitted use in a planned unit development which allows residential uses and shall be governed by design and other requirements of the planned unit development permit.

**19.38.070 Development ownership.**

The development shall be in single, partnership, limited liability company or corporate ownership, or under option to purchase by an individual or a corporate entity at the time of application, or the application shall be filed jointly by all owners of the property.

**19.38.080 Effect on adjacent properties.**

The planning commission shall require such arrangement of structures and open spaces within the site development plan, as necessary, to assure that adjacent properties will not be adversely affected.

A. Height and intensity of buildings and uses shall be arranged, around the boundaries of the planned unit development, to be compatible with existing adjacent developments or zones. However, unless conditions of the site so warrant, buildings located on the periphery of the development shall be limited to a maximum height of two stories.

B. Lot area, lot width, yard and coverage regulations shall be determined by approval of the site plan.

C. Density of dwelling units per acre shall be the same as allowed in the zone in which the planned unit development is located.

**19.38.090 Preservation of open space.**

At least 20% of the planned unit development must be preserved as permanent open space or provided for otherwise one half of the permanent open space required must be maintained in one contiguous parcel. Open space that is un-buildable, because of among other things, slope, wetlands, flood drainage, or contamination, may only be counted at 50% of the actual acreage to satisfy the applicable open space requirements. A method that is acceptable and approved by the City to maintain the open space must be established prior to sale of any parcels. Preservation, maintenance and ownership of required open spaces within the development shall be accomplished by:

A. Dedication of the land as a public park or parkway system;

B. Granting to the city a permanent open space easement on or over the private open spaces to guarantee that the open space remain perpetually in recreational use with ownership and maintenance being the responsibility of the owner or an owner's association established with articles of association and bylaws which are satisfactory to the city; or

C. Compliance with the provisions of the Condominium Ownership Act (*Utah Code Ann. §57-8-101, et seq.*), which provides for the payment of common expenses for the upkeep of the common areas and facilities.

**19.38.100 Grading and drainage plans.**

A grading and drainage plan shall be submitted to the planning commission with the application.

**19.38.110 Landscaping, fencing and screening requirements.**

A. Landscaping, fencing and screening related to the uses within the site and as a means of integrating the proposed development into its surroundings shall be planned and presented to the planning commission for approval, together with other required plans for the development.

B. Where a specific non-visual barrier fence is required within a PUD, no double fencing can be installed within 6 feet of the existing fence.

**19.38.120 Signs and floodlighting.**

The size, location, design and nature of signs, if any, and the intensity and direction of area floodlighting shall be detailed in the application.



**19.38.130 Site plan requirements.**

The applicant shall submit a planned unit development plan for the total area within the proposed development. If the planned unit development is to be developed on a phase basis, each phase shall be of such size, composition and arrangement that its construction, marketing and operation is feasible as a unit independent of any subsequent phases. The general site plan shall show, where pertinent:

A. The use or uses, dimensions, sketch elevations and locations of proposed structures;

B. Dimensions and locations of areas to be reserved and developed for vehicular and pedestrian circulation, parking, public uses such as schools and playgrounds, landscaping, and other open spaces;

C. Architectural drawings and sketches outlining the general design and character of the proposed uses and the physical relationships of the uses; and

D. Such other pertinent information including, but not limited to, residential density, coverage and open space characteristics shall be included as may be necessary to make a determination that the contemplated arrangement of buildings and uses makes it desirable to apply regulations and requirements differing from those ordinarily applicable under this chapter.

**19.38.140 Construction limitations.**

A. Upon approval of a planned unit development, construction shall proceed only in accordance with the plans and specifications approved by the planning commission and in conformity with any conditions attached by the commission to its approval.

B. Amendments to approved plans and specifications for a planned unit development shall be approved by the planning commission and shown on the approved plans.

C. The community development department or any other city department shall not issue any permit for any proposed building, structure, activity or use within the project unless such building, structure, activity or use is

in accordance with the approved development plan and any conditions imposed in conjunction with its approval.

D. The community development director shall issue a certificate of occupancy for any building or structure upon its completion in accordance with the approved development plan.

E. The lot and housing sizes shall be varied to create diversity within the planned unit development.

**19.38.150 Plan review at public meeting.**

Preliminary development plans, including site plan, (buildings, open space, parking, landscaping, pedestrian and traffic circulation) building elevations and general drainage and utility layout with topography shall be submitted for the purpose of staff analysis and planning commission review at a regularly scheduled meeting.

**19.38.160 Scope of planning commission action.**

In carrying out the intent of this chapter, the planning commission shall consider the following principles:

A. It is the intent of this chapter that site and building plans for a planned unit development shall be prepared by a designer or team of designers having professional competence in urban planning as proposed in the application. The planning commission shall require the applicant to engage such a qualified designer or design team.

B. It is not the intent of this chapter that control of the design of a planned unit development by the planning commission be so rigidly exercised that individual initiative be stifled and substantial additional expense incurred; rather, it is the intent of this section that the control exercised be the minimum necessary to achieve the purpose of this chapter.

C. The planning commission may approve or disapprove an application for a planned unit development. In approving an application the commission may attach such conditions as it

may deem necessary to secure compliance with the purposes set forth in this title. The action of the planning commission may be appealed to the Appeals Authority.

## Chapter 19.40

### OFF-STREET PARKING REQUIREMENTS

#### Sections:

- 19.40.010 Purpose.
- 19.40.020 Off-street parking required.
- 19.40.030 Size of spaces.
- 19.40.035 On-street parking.
- 19.40.040 Number of spaces required.
- 19.40.050 Maintenance and development generally.
- 19.40.060 Surfacing.
- 19.40.070 Screening.
- 19.40.080 Landscaping.
- 19.40.090 Lighting.
- 19.40.100 Off-street loading requirements.
- 19.40.110 Gasoline pump requirements.

#### 19.40.010 Purpose.

The purpose of this chapter is to reduce street congestion and traffic hazards in the city by incorporating adequate, attractively designed facilities for off-street parking and loading as an integral part of every use of land in the city.

#### 19.40.020 Off-street parking required.

A. There shall be provided at the time any building or structure is erected or enlarged or increased in capacity, or any use is established, off-street parking spaces for automobiles in accordance with the requirements in this chapter.

B. All applications for a building permit shall be accompanied by a plot plan showing the required parking spaces, with ingress and egress. The plan shall be reviewed and approved by the community development department.

C. The required off-street parking for any new use, structure or building which, due to the size or location of the parcel, cannot be provided on the premises may be provided on other property not more than a 300-foot distance from the building site measured along the shortest available pedestrian route of access upon a finding by the planning commission that the off-site parking is conveniently located for such use and will not create a traffic or safety problem.

#### 19.40.030 Size of spaces.

Each off-street parking space shall be at least nine feet by 18 feet for diagonal or 90-degree spaces, or eight by 20 feet for parallel spaces, exclusive of access drives or aisles.

#### 19.40.035 On-street parking.

Other than single family or two family dwellings, access to parking spaces shall allow for proper maneuvering and be from private roadways and not from public streets except in the Herriman (Original Town) plat and the Herriman Towne Center which may allow parking to back directly into a public street.

#### 19.40.040 Number of spaces required.

A. The number of off-street parking spaces required shall be as follows:

1. Amusement center (arcade), one space per 100 square feet of floor area;
2. Automobile or machinery sales and service garages, two spaces plus one space for each 400 square feet of net floor area;
3. Banks and business or professional offices, two spaces plus one space for each 200 square feet of floor area;
4. Bed and breakfast homestay, two spaces for each dwelling unit plus one space for each guest room;
5. Bed and breakfast inn, one space for each person employed on the highest employment shift, plus one space for every guest room, plus parking for all accessory uses defined in this title;

6. Boarding house, one space for each tenant;
  7. Bowling alleys, five spaces for each alley;
  8. Churches, one space for each six-and-one-half feet of linear pew or three-and-one-half seats in the meeting hall; provided, however, that where a church building is designed or intended to be used by two congregations, one-and-one-half parking spaces shall be provided for each three-and-one-half seats in the meeting hall. For buildings designed or intended to be used for conferences or other special meetings involving more than the regular congregations, the necessary parking shall be determined by the planning commission;
  9. Dance halls and assembly halls without fixed seats, exhibition halls, except church assembly rooms in conjunction with auditorium, three spaces for each 100 square feet of floor area used by assembly or dancing;
  10. Day-care center for children, four spaces plus one space per 500 square feet of floor area;
  11. Dwellings, multiple, two spaces for each dwelling unit;
  12. Dwellings, single-family, two spaces for each dwelling unit;
  13. Funeral homes, mortuaries, one space for each 40 square feet of floor area in assembly room;
  14. Furniture and appliance stores, household equipment or furniture repair shop, one space for each 600 square feet of gross leasable area;
  15. Hospitals and convalescent hospitals, two spaces per bed for the total capacity of building;
  16. Hotels/motels, 1.2 spaces for each living or sleeping unit, plus parking for all accessory uses as defined in this title;
  17. Indoor firearms and/or archery range, two spaces per shooting point;
  18. Manufacturing plants, research or testing laboratories, bottling plants, one space for each person employed on the highest employment shift;
  19. Medical or dental clinics, six spaces for each doctor's office;
  20. Nursing homes, four spaces plus one space per each five beds;
  21. Recreation, four spaces per court for tennis courts, three spaces per court for racquetball courts, two spaces per court for squash courts;
  22. Residential facility for elderly persons, two spaces for the dwelling unit plus two spaces for visitors, the parking spaces may be arranged one behind the other;
  23. Residential health care facility:
    - a. Four spaces for facilities with five or less residents, the parking spaces may be arranged one behind the other, and
    - b. Four spaces plus one space per each five beds;
  24. Restaurants or private nonprofit clubs, three spaces per 100 square feet of customer floor area;
  25. Retail stores, shops, etc., except as provided in this subsection, one space for each 200 square feet of retail floor space;
  26. Schools, one space for each three-and-one-half seats in an auditorium, plus one space for each administrator and faculty;
  27. Shopping centers, five spaces for each 1,000 square feet of gross leasable area;
  28. Sports arenas, auditoriums, theaters, assembly halls and meeting rooms, one space for each three-and-one-half seats of maximum seating capacity;
  29. Trailer sales, five spaces minimum, or five percent of the total site area excluding the landscaped areas, whichever is greater; and
  30. Wholesale establishments, warehouses, service and maintenance centers and communication equipment buildings, one space for each person employed during the highest employment shift.
- B. Number of Parking Spaces for Uses Not Specified. For any use of building not specified in this section, the off-street parking requirement shall be determined by the planning commission being guided, where appropriate, by the requirements set forth in this section for

uses or buildings which, in the opinion of the planning commission, are similar to the use or building under consideration.

C. "Gross leasable area" means the total floor area designed for tenant occupancy including basements, mezzanines and upper floors.

**19.40.050 Maintenance and development generally.**

Every parcel of land hereafter used as a public or private parking area, including commercial parking lots and automobile, farm equipment, or other open-air sales lots shall be developed and maintained in accordance with the requirements set out in sections 19.40.060 through 19.40.090.

**19.40.060 Surfacing.**

Any off-street parking area, except on a farm or ranch shall be surfaced with an asphaltic or portland cement, or other binder pavement so as to provide a durable and dustless surface, shall be so graded and drained as to dispose of all surface water accumulated within the area, as required by the community development director and shall be so arranged and marked as to provide the orderly and safe loading or unloading and parking and storage of vehicles.

**19.40.070 Screening.**

The sides and rear of any off-street parking area for more than five vehicles which adjoins or faces an institutional use or residential building situated in any residential or agricultural zoning district shall be effectively screened by a masonry wall or solid visual barrier fence unless otherwise provided for more specifically by the requirements of the zoning district in which such parking area is located. Such wall or fence shall be a minimum of six feet in height and shall be maintained in good condition without any advertising thereon.

**19.40.080 Landscaping.**

Not less than five percent of the surface of every such parking area shall be attractively and permanently planted and maintained.

**19.40.090 Lighting.**

Lighting used to illuminate any off-street parking area shall be so arranged as to reflect the light away from adjoining premises in any residential district and street traffic.

**19.40.100 Off-street loading requirements.**

For every building or part thereof, not provided with docking facilities and having a gross floor area of 10,000 square feet or more, which is to be occupied by a commercial or industrial use, to or from which delivery of materials or merchandise is regularly made by motor vehicle, there shall be provided and maintained, on the same lot with such building, at least one off-street loading space plus one additional space for each additional 20,000 square feet or major fraction thereof. Each loading space shall be not less than ten feet in width, 25 feet in length, and 14 feet in height. Such space may occupy any required yard or court except that if it shall be enclosed by a brick or stone wall not less than six feet in height.

**19.40.110 Gasoline pump requirements.**

A. Gasoline pumps shall be set back not less than 18 feet from any street line to which the pump island is perpendicular and 12 feet from any street line to which the pump island is parallel, and not less than ten feet from any residential 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.

B. Canopies constructed to provide a weather shield over gasoline pump islands shall be set back not less than six feet from any street line and not less than ten feet from any residential zone boundary.

**Chapter 19.42**

**HIGHWAY NOISE ABATEMENT  
MEASURES**

**Sections:**

**19.42.010 Findings.**

**19.42.020 Purpose of provisions.**

**19.42.030 Development of property adjacent to certain state highways.**

**19.42.040 Responsibility of owner or developer.**

**19.42.010 Findings.**

A. The Federal Highway Administration (FHWA) regulation entitled "Procedures for Abatement of Highway Traffic Noise and Construction Noise" (23 CFR 772) provides procedures for noise studies and noise abatement measures to help protect the public health and welfare, supplies noise abatement criteria, and establishes requirements for information to be given to local officials for use in the planning and design of federal-aid highways. The Utah Department of Transportation (UDOT) policy entitled "Noise Abatement" (Policy #08-111), adopted pursuant to 23 CFR 772, addresses highway noise impacts and sets forth conditions under which noise abatement projects may be approved and constructed in the state of Utah with the use of federal-aid highway participation funds.

B. In order for UDOT to obtain participation funds from FHWA for proposed federal-aid highway projects for noise abatement measures on existing highways (known as "Type II Projects"), local authorities are required to take measures "...to exercise land use control over the remaining undeveloped lands adjacent to highways in the local jurisdiction to prevent further development of incompatible activities." 23 CFR 772.13(b).

C. In an effort to prevent future traffic noise impacts on currently undeveloped lands, 23 CFR 772.15 requires that highway agencies shall inform local officials within whose juris-

dition the highway project is located of the following:

1. The best estimation of future noise levels (for various distances from the highway improvement) for both developed and undeveloped lands or properties in the immediate vicinity of the project;

2. Information that may be useful to local communities to protect future land development from becoming incompatible with anticipated highway noise levels; and

3. Eligibility for federal-aid participation for Type II Projects as described in section 23 CFR 772.13(b).

D. In order for residents of the city to benefit from the development and implementation of Type II Projects for noise abatement along eligible highways within its boundaries, it is found to be in the city's best interests to comply with federal regulation and state policy by adopting this zoning ordinance.

**19.42.020 Purpose of provisions.**

This chapter is enacted for the purpose of promoting the health, safety and general welfare of the citizens of the city by minimizing the potential adverse effects of highway traffic noise and by complying with state and federal requirements for highway traffic noise abatement projects.

**19.42.030 Development of property adjacent to certain state highways.**

Consistent with the requirements of 23 CFR 772 and UDOT's Noise Abatement Policy #08-111, no remaining undeveloped lands located in the city adjacent to Type II Projects (freeways and expressways) shall be developed for any use or activity which is incompatible with highway traffic noise levels, unless the development of such lands shall include appropriate noise abatement measures determined necessary and appropriate by the city and UDOT. A use or activity shall be deemed incompatible with highway traffic noise levels when a "traffic noise impact" occurs, as determined under the formula set forth in chart 19.42.030.

**19.42.040 Responsibility of owner or developer.**

The owner or developer of land to be subdivided, improved or developed adjacent to Type II Projects shall be responsible to comply with any and all requirements for noise abatement measures imposed pursuant to the provisions of this chapter. Failure to so comply shall constitute a violation of city ordinance and shall be punishable as a misdemeanor.

**Chapter 19.44**

**SIGNS**

**Sections:**

- 19.44.010 Purpose.**
- 19.44.020 Definitions.**
- 19.44.025 Noncommercial signs.**
- 19.44.030 Interpretation.**
- 19.44.040 Conformity required.**
- 19.44.050 Exceptions.**
- 19.44.060 Comprehensive sign plan.**
- 19.44.070 Building permit exceptions.**
- 19.44.080 Size computation.**
- 19.44.085 Height of ground signs.**
- 19.44.090 Imprint of ownership required.**
- 19.44.100 Off-premises sign requirements.**
- 19.44.110 Visibility at intersections.**
- 19.44.120 Signs on public property.**
- 19.44.125 Signs within 200 feet of a single-family residence.**
- 19.44.130 Lighted signs.**
- 19.44.140 Mobile sign.**
- 19.44.150 Traffic hazard prohibited.**
- 19.44.160 Maintenance—Removal of sign.**
- 19.44.170 Prohibited signs.**
- 19.44.180 Action to remove or abate violation.**
- 19.44.190 Signs allowed in zoning districts.**

**19.44.010 Purpose.**

The purpose of this chapter is to eliminate excessive and confusing sign displays that create potential hazards to motorists, pedestrians, property, and also to maintain a responsible communication system by setting requirements for the location, size, height and lighting of signs that will be compatible with adjoining land uses, architecture and landscape, and that will preserve and improve the aesthetic values and visual qualities of the city.

**19.44.020 Definitions.**

As used in this chapter:

1. "A-frame sign" means temporary and/or movable sign constructed with two sides attached at the top so as to allow the sign to stand in an upright position.
2. "Advertising sign." See "off-premises sign."
3. "Alterations" means a change or rearrangement in the structural parts or design whether by extending on a side, by increasing in area or height, or by relocating or change in position.
4. "Animated sign" means a sign which induces motion or rotation of any part by mechanical, or artificial means, or subdued color changes.
5. "Awning sign" means a sign designed in awning form that is an illuminated or non-illuminated space frame structure attached to a building or other permanent structure.
6. "Balloon sign" means advertisement supported by a balloon anchored to the premises where the advertised use is conducted, product or commodity sold, service performed, or business name is located.
7. "Beacon light" means:
  - a. Any light with one or more beams, capable of being directed in any direction or directions, or capable of being revolved automatically; or
  - b. A fixed or flashing high-intensity light, such as a spotlight, a floodlight, or a strobe light.

c. "Beacon light" shall not include searchlights.

8. "Billboard sign" means an off-premises advertising sign, but does not include advertising on an approved bus shelter.

9. "Business sign" means an on-premises sign.

10. "Construction sign" means a sign identifying an existing or proposed development project which may contain the name of the project, name and address of construction firms, architects, engineers, developers, etc.

11. "Electronic message center" means a mechanism or device which uses a combination of lights, or lighted or unlighted panels which are controlled electrically and electronically to produce words, symbols or messages which may flash, travel or scintillate within a given panel area.

12. "Flashing sign" means a sign which has or appears to have motion or rotation of the lighting elements or displays flashing or intermittent light.

13. "Flat sign" means a sign erected parallel to and attached to the outside wall of a building and extending not more than 24 inches from such wall with messages or copy on the face side only.

14. "Floodlighted sign" means a sign made legible in the absence of daylight by devices which reflect or project light upon it.

15. "Ground sign" means a sign supported by a fixed permanent frame support in the ground.

16. "Illuminated sign" means a sign which has characters, letters, figures, designs or outlines illuminated by electric lights or luminous tubes.

17. "Interior sign" means a sign located within a building so as to be primarily visible only from within the building in which the sign is located.

18. "Mobile sign" means a sign mounted on trailer or frame, lighted or unlighted, which is not permanently attached to a structure or the ground.

19. "Monument sign" means a sign which is incorporated into the landscape or architectural design scheme and displaying the name of uses or buildings.

20. "Nameplate sign" means a sign indicating the name and/or occupation of a person legally occupying the premises or indicating a legal home occupation thereon.

21. "Non-conforming sign or sign structure" means a sign or sign structure or portion thereof lawfully existing at the effective date of this chapter or any amendment hereto which does not conform to all height, area, yard, spacing, animation, lighting, use or other regulations prescribed in the zone in which it is located after the effective date of this chapter or any amendment hereto.

22. "Off-premises sign" means a sign directing attention to a use, product, commodity or service not related to the premises upon which the sign is located.

23. "On-premises sign" means a sign directing attention to a use conducted, product or commodity sold, service performed or business name upon the premises on which it is located.

24. "Overhanging sign" means a sign which projects 12 inches or more over the roof of a building.

25. "Pedestal sign" means a temporary and/or movable sign supported by a column(s) and a base so as to allow the sign to stand in an upright position.

26. "Political sign" means a sign advertising a candidate or candidates for public elective office, or a political party, or a sign urging a particular vote on a public issue decided by ballot.

27. "Portable sign" means a temporary sign not exceeding 24 square feet in area and not anchored or secured to any building, structure or the ground.

28. "Projecting sign" means a sign attached to a building or canopy and extending in whole or part more than 24 inches beyond any wall of the building or canopy.

29. "Promotional sign board" means a permanently attached changeable copy sign not

exceeding 20 square feet per face with one or two faces back to back for the display of promotional items offered for sale on the premises.

30. "Property sign" means a sign related to the property upon which it is located and offering such information as address, name of occupant for residential uses, sale or lease of the property, warning against trespassing, any hazard, or other danger on the property.

31. "Roof sign" means a sign which is erected partly or wholly on the roof of the building. Notwithstanding the foregoing, a sign structure having main supports embedded in the ground shall not be considered to be a roof sign even if the sign's supports pass through a roof, canopy or parapet of a building.

32. "Service sign" means a sign that 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 direction to parking lots, location of restrooms, entrance and exits, etc. A service sign shall also include signs providing information about sale of agricultural products produced upon the premises. A business trade mark or logo may appear on the sign provided it is secondary to the information portion of the sign.

33. "Sign" means and includes every advertising message, announcement, declaration, demonstration, display, illustration, insignia surface or space erected or maintained in view of the observer thereof for identification, advertisement or promotion of the interests of any person, entity, product or service. "Sign" also includes the sign structure supports, lighting system and any attachments, ornaments or other features used to draw the attention of observers.

34. "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 a back-to-back or double-faced sign shall be computed when signs are parallel or diverge from a common edge by an angle of not more than 45 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 rectilinear line with a maximum of eight sides, triangle or circle large enough to frame the display. Sign areas in the shape of a sphere, prism, cylinder, cone, pyramid, square or other such shapes shall be computed as one-half of the total surface area.

35. "Sign maintenance" means that signs shall be maintained in a safe, presentable and good condition, including the replacement of defective parts, repainting, clearing and other acts required for the maintenance of the sign.

36. "Sign setback" means the minimum distance that any portion of a sign or sign structure shall be from any street right-of-way line and yard line coterminous with a street.

37. "Sign structure" means anything constructed or erected supporting a sign which requires location on or below the ground or attached to something having location on or below the ground.

38. "Snipe sign" means a sign which is attached to a public utility pole, fixture poles, canopy supports, or the supports for another sign.

39. "Temporary sign," as regulated by this title, shall include any sign, banner, pennant, valance or advertising display constructed of paper, cloth, canvas, light fabric, cardboard, wallboard or other light materials, with or without frames, intended to be displayed outdoors.

40. "Time and temperature device" means any mechanism that displays the time and/or temperature but does not display any commercial advertising or identification.

41. "Wall sign" means a sign that is either painted on a wall or its facing but not having a sign frame or separation from the wall or facing.

42. "Window sign" means a sign permanently attached and located within a building so as to be visible through a window or door outside of the building.



**19.44.025 Noncommercial signs.**

Any sign authorized under this chapter is allowed to contain noncommercial copy.

**19.44.030 Interpretation.**

A. Properties divided by public streets are not adjacent.

B. The sign requirements contained in this chapter are declared to be the maximum allowable.

C. Sign types not specifically allowed as set forth within this chapter shall be prohibited.

D. Where other ordinances are in conflict with the provisions of this chapter, the most restrictive ordinance shall apply.

**19.44.040 Conformity required.**

A. Except as provided in this title, a sign shall not be erected, raised, moved, placed, reconstructed, extended, enlarged or altered, unless in conformity with the regulations specified in this chapter.

B. A non-conforming sign shall not be reconstructed, raised, moved, placed, extended, enlarged or altered unless the sign is changed so as to conform to all provisions of this title. Alterations shall also mean the changing of the text or message that the sign is conveying from one use of the premises to another use of the premises and the changing of the ownership of the sign when that ownership necessitates a change in the text or message of the sign. Alterations shall not be interpreted to include changing the text or copy of off-premises advertising signs, theater signs, outdoor bulletin or other similar signs which are designed to accommodate changeable copy.

C. All non-conforming signs must be in compliance with this chapter on or before July 1, 2009.

**19.44.050 Exceptions.**

A. When a parcel of land has a narrow frontage, the planning commission may consider an on-premises sign proposal for a development on such parcel that is less restrictive in area than the regulations set forth in this chapter, as a conditional use providing there is a determination that the proposed sign exceptions are:

1. Not in conflict with the purpose of this chapter; and

2. In architectural harmony with the development and other buildings and uses adjacent to the development.

B. Signs not regulated by this chapter:

1. On-premises advertising signs that are attached to windows or walls and are clearly of a temporary nature, which promote specific sales;

2. Signs which are associated with school or church events and functions, which are clearly of a temporary nature;

3. Interior signs;

4. Time and temperature devices; and

5. Searchlights.

**19.44.060 Comprehensive sign plan.**

When an application for the first permit (building permit or conditional use permit) on a parcel of ground is submitted to the city, it shall be accompanied by a complete comprehensive sign plan for all existing, proposed or future signs on the parcel of ground.

**19.44.070 Building permit exceptions.**

Building permits are required for signs except for property signs, political signs and nameplates conforming to the provisions of this chapter.

**19.44.080 Size computation.**

A. The following shall be used when calculating sign sizes: When more than one use occupies a lot, the frontage may be used to calculate the sign size for one total ground or projecting sign, not for each use. The total may then be divided between the uses. There may be any number of flat or wall signs, provided their total does not exceed the percentage of wall area coverage allowed.

B. A property line which abuts a non-access freeway, road, street or right-of-way may not be used in computing sign area.

**19.44.085 Height of ground signs.**

The height of ground signs, except as otherwise specified in this chapter, shall be measured from the grade at the property line of the yard in which the sign is located, but shall not exceed the height allowed in the zone.

**19.44.090 Imprint of ownership required.**

The imprint of the sign owner and sign erector of all signs shall be in plain and public view.

**19.44.100 Off-premises sign requirements.**

Off-premises signs erected along the interstate or the primary highway system as defined by the state shall conform with the provisions of the Utah Outdoor Advertising Act.

**19.44.110 Visibility at intersections.**

No signs are allowed that inhibit the clear visibility of any street or intersection. Intersecting streets and clear visibility are defined in section 19.36.160.

**19.44.120 Signs on public property.**

No sign shall be located on publicly owned land or inside street rights-of-way except city owned signs, signs advertising a public event or public function erected by permission of an authorized public agency, or portable signs under the control of a person who is within five (5) feet of the sign. Signs shall include, but not be limited to, handbills, posters, advertisements or notices that are fastened, placed, posted, painted or attached in any way upon any curbstone, lamppost, telephone pole, telegraph pole, electric light or power pole, hydrant, bridge, tree, rock, sidewalk or street.

**19.44.125 Signs within 200 feet of a single-family residence.**

The planning commission must review for approval, denial, or to set conditions for any ground or roof sign within 200 feet of a single-family residential dwelling, unless the sign is separated from a dwelling by a street that is 60 feet or wider.

**19.44.130 Lighted signs.**

A. A lighted sign shall not be installed which permits the light to penetrate beyond the property in such a manner as to annoy or interfere with the use of nearby properties.

B. Such lights alleged to violate subsection A of this section by the nearby property owners or community development director shall be subject to a public hearing before the planning commission as to the validity of the alleged violation. If such light is determined to be in violation, the owner of the light shall take appropriate, corrective action as directed.

**19.44.140 Mobile sign.**

One mobile sign may be used for each use for a period of 60 days following the issuance of a permit to construct a permanent sign for that use. Upon inspection and approval of the permanent sign, or upon expiration of the 60-day period, whichever first occurs, the mobile sign must be removed. Mobile signs may not employ animation, flashing lights or intermittent lights.

**19.44.150 Traffic hazard prohibited.**

Signs or other advertising structures shall not be erected at the intersection of any streets or driveways in such 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 device, or make use of the words "Stop," "Drive-in," "Danger," or any other words, phrases, symbols or characters in such manner as to interfere with, mislead or confuse vehicle operators.

**19.44.160 Maintenance—Removal of sign.**

A. All signs and advertising structures shall be maintained in good condition.

B. Signs relating to a product no longer available for purchase, or to a business which has closed or moved, shall be removed or the advertising copy removed within 30 days of such unavailability, closure or relocation.

C. Owners of signs or advertising copy not removed within the required 30 days shall be given written notice sent by certified mail. If not removed by the owner within the 30-day period, the sign or copy will be removed by the city at the expense of the owner.

D. Temporary signs shall be removed within 3 days following the event advertised on the sign or within 30 days of erecting the sign. Temporary signs which are damaged by wind or weather elements must be immediately removed from the premises.

E. If temporary signs are not removed in the time period provided, the sign may be removed by the city at the expense of the owner.

**19.44.170 Prohibited signs.**

Signs not specifically allowed by this chapter are prohibited. Without restricting or limiting the provisions of this section, the following signs are specifically prohibited: A-frame, snipe and pedestal signs.

**19.44.180 Action to remove or abate violation.**

A. The city council or city attorney shall be empowered to institute any appropriate action or 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 any city ordinance, to accomplish the following purposes:

1. To prevent such unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use;

2. To restrain, to correct or abate such violation; and

3. To abate and remove unsafe or dangerous signs. If an unsafe or dangerous sign is not repaired or made safe within ten business days after giving notice as provided in subsection B of this section, the community development director may at once abate and remove the sign, and the person having charge, control or benefit of any such sign shall pay to the city costs incurred in such removal within 30 calendar days after written notice of the costs is mailed to such person.

B. Notice by the city shall mean written notice sent by certified mail to persons having charge or control or benefit of any sign found by the community development director to be unsafe.

**19.44.190 Signs allowed in zoning districts.**

Signs allowed, by zones, shall be as set out in Chart 19.44.190.

**Chapter 19.46**

**CONDITIONAL USES**

**Sections:**

- 19.46.010 Purpose.**
- 19.46.020 Conditional use permit required when.**
- 19.46.030 Application requirements—Fee.**
- 19.46.040 Public meeting.**
- 19.46.050 Determination of commission.**
- 19.46.060 Delegation of approval authority.**
- 19.46.070 Policies established.**
- 19.46.080 Review by planning commission.**
- 19.46.090 Approval Standards.**
- 19.46.095 No Presumption of Approval.**
- 19.46.100 Preliminary and final approval of conditional use applications.**
- 19.46.105 Effect of Approval.**
- 19.46.110 Appeal of community development director decision.**
- 19.46.120 Appeal of planning commission decision.**
- 19.46.130 Inspection.**
- 19.46.140 Time limit.**
- 19.46.145 Conditional Use Permit Not Personalty.**
- 19.46.150 Sale of alcoholic beverages.**
- 19.46.160 Revocation of conditional use permits.**
- 19.46.170 Hearing officer.**

**19.46.010 Purpose.**

The purpose of this chapter is to allow the proper integration into the city of uses which may be suitable only in certain locations in the city or zoning district, or only if such uses are designed or laid out on the site in a particular manner.

**19.46.020 Conditional use permit required when.**

A conditional use permit shall be required for all uses listed as conditional uses in the district regulations or elsewhere in this title.

**19.46.030 Application requirements—Fee.**

A. Application for a conditional use permit shall be made by the property owner or certified agent thereof to the planning commission.

B. Detailed site plans drawn to scale and other drawings necessary to assist the planning commission in arriving at an appropriate decision shall accompany each application.

**19.46.040 Public meeting.**

No public meeting need be held; however, a public meeting may be held if the planning commission deems such a meeting to be necessary in the public interest.

A. The community development director shall submit to the planning commission a report of findings and recommendations, for the consideration of the planning commission.

B. A public meeting, if deemed necessary, shall be held not more than 30 days from the date of application. The particular time and place shall be established by the community development director.

C. An attempt must be made to notify, by mail, the adjoining property owners within 300 feet of the property requesting a conditional use permit approximately seven days prior to the meeting before the planning commission.

D. The community development director shall post the agenda 24 hours prior to the meeting before the planning commission.

**19.46.050 Determination of commission.**

The planning commission may permit a conditional use to be located within any district in which the particular conditional use is permitted by the use regulations of this title. In authorizing any conditional use the planning commission shall impose such requirements and conditions as required by law and any additional conditions as may be necessary for the protection of adjacent properties and the public welfare. Such conditions of approval may include but shall not be limited to limitations or requirements as to street and/or trail dedication, the height, size, location and design of structures, landscaping, density, ingress-egress, fencing, parking or lighting. Height, density and size requirements for structures in each zone are maximums and may be reduced or modified as conditions to the approval of any conditional use application.

**19.46.060 Delegation of approval authority.**

The planning commission may delegate to the community development director the authority to approve, modify or deny all or part of the conditional uses set forth in this title.

**19.46.080 Review by planning commission.**

The community development director is authorized to bring any conditional use permit application before the planning commission if, in his opinion, the general public interest will be better served by review of the planning commission.

**19.46.085 Factors to be considered.**

In considering an application for a conditional use permit, the approving authority may analyze any of the following factors and may request information, studies, or data with respect to such factors for the purpose of determining whether a proposed conditional use meets the standards set forth in Section 19.46.090 of this chapter.

A. The suitability of the specific property for the proposed use;

B. The development or lack of development adjacent to the proposed site and the harmony of the proposed use with existing uses in the vicinity;

C. Whether or not the proposed use or facility may be injurious to potential or existing development in the vicinity.

D. The economic impact of the proposed facility or use on the surrounding area;

E. The aesthetic impact of the proposed facility or use on the surrounding area;

F. The present and future requirements for transportation, traffic, water, sewer, and other utilities, for the proposed site and surrounding area.

G. The safeguards proposed or provided to ensure adequate utilities, transportation access, drainage, parking, loading space, lighting, screening, landscaping, open space, fire protection; and pedestrian and vehicular circulation;

H. The safeguards provided or proposed to prevent noxious or offensive omissions such as noise, glare, dust, pollutants and odor from the proposed facility or use;

I. The safeguards provided or proposed to minimize other adverse effects from the proposed facility or use on persons or property in the area; and

J. The impact of the proposed facility or use on the health, safety, and welfare of the City, the area, and persons owning or leasing property in the area.

**19.46.090 Approval Standards.**

A. A conditional use permit shall not be authorized unless evidence presented demonstrates the proposed use will comply with the following standards and any other standards set forth elsewhere in this title for a particular conditional use.

1. The conditional use is authorized in the district where the use is proposed;
2. The use is consistent with the General Plan, as amended;
3. Existing or proposed utility services are adequate to serve proposed development and are designed in a manner that will not adversely affect adjacent property or land uses;
4. The proposed use will not create a need for essential municipal services which cannot be reasonably met;
5. Streets and other means of access to proposed development are adequate to carry anticipated traffic and will not materially degrade the level of service on adjacent streets;
6. The proposed use will not cause unreasonable risks to the safety of persons or property because of vehicular traffic or parking, large gatherings of people, or other causes;
7. The proposed use will not unreasonably interfere with the lawful use of surrounding property;
8. Fencing, screening, and landscaping and other adequate buffering is provided as needed to protect adjacent property from light, noise, and visual impacts associated with the proposed conditional use; and
9. The proposed use will not be detrimental to the health, safety or general welfare of persons residing in the vicinity, or injurious to property or improvements in the vicinity.

B. If a proposed conditional use does not comply with the foregoing standards, the approving authority may impose reasonable conditions to mitigate or eliminate the detrimental impacts of the conditional use so that the conditional use complies with the foregoing standards. Such conditions shall be expressly set forth in the decision approving the conditional use permit.

**19.46.095 No Presumption of Approval.**

The listing of a conditional use in any district or elsewhere in this Title does not constitute an assurance that such conditional use will be approved. Rather, each proposed conditional use shall be evaluated on an individual basis to determine if it complies with the standards set forth in this Chapter, the standards for the district where the proposed use will be located, and standards applicable to the proposed use.

**19.46.100 Preliminary and final approval of conditional use applications.**

A. Unless otherwise designated, a decision approving a conditional use application shall be required by this Title or other City regulations including, but not limited to, a building permit, a preliminary approval of the application.

B. Except as specified in subsection C of this section, the community development director is authorized to grant final approval of conditional use applications after all of the conditions and requirements of the preliminary approval which are necessary for the final approval have been met. Final approval of a conditional use application shall be in the form of a letter to the applicant which, together with the approved site plan if required, shall constitute the conditional use permit.

C. The planning commission may require as a condition of preliminary approval that a conditional use application be brought before the planning commission for consideration of final approval.

**19.46.105 Effect of Approval.**

The approval of a conditional use permit shall not authorize the establishment or extension of any use nor the development, construction, reconstruction, alteration or moving of any building or structure, but shall merely authorize the preparation, filing, and processing of applications for any permit or approval that may be required by this Title or other City regulations including, but not limited to, a building permit,

certificated of occupancy, and subdivision approval. **19.46.140 Time limit.**

A. Except as provided in subparagraph B. below, approval of the conditional use application by the planning commission or the community development director shall expire 24 months

**19.46.110 Appeal of community development director decision.**

Any person shall have the right to appeal the decision of the community development director to the planning commission by filing a letter with the planning commission within ten days of the date of the approval decision unless the applicant has obtained the conditional use permit, a building permit, where required, or recorded the subdivision plat, where a subdivision of the community development director's decision is requested for the use within the 24-month period, stating the reason for the appeal and requesting a hearing before the planning commission at the earliest regular meeting of the commission where the application approval process includes both a preliminary and final approval. A 12-month extension can be obtained subject to paying an extension fee equal to 1.0 times the original filing fee.

**19.46.120 Appeal of planning commission decision.**

A. Any person shall have the right to appeal to the Appeals Authority any decision rendered by the planning commission by filing in writing, stating the reasons for the appeal with the Appeals Authority within ten days following the date upon which the decision is made by the planning commission. If a planned unit development has been approved pursuant to Chapter 19.38 hereof, and the property associated with the planned unit development is the subject of a development agreement, then the associated conditional use application shall expire on the date set forth in the development agreement. If such development agreement does not specifically identify an expiration date, then the associated conditional use application shall expire as provided in subparagraph A. above.

B. The Appeals Authority after proper review and consideration any action taken by the planning commission.

**19.46.145 Conditional Use Permit Not Personalty.**

**19.46.130 Inspection.**

Following the issuance of a conditional use permit by the planning commission, the community development director may approve an application for a building permit and shall ensure that the development is undertaken and completed in compliance with the conditional use permit. An approved conditional use permit is for the benefit of the property where the use is located and shall not be construed as personalty of the property owner.

**19.46.150 Sale of alcoholic beverages.**

A. The planning commission shall authorize a conditional use permit to sell alcoholic beverages except Class A beer outlets and Class B beer outlets where it is determined by the planning commission:

1. That the use is not in the immediate proximity of any school, church, library, public playground, or park; and

2. That the proposed use at a particular location is necessary and desirable to provide the

service or facility which will contribute to the general well-being of the neighborhood and the community; and

3. That such use will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the vicinity, or injurious to property or improvements in the vicinity; and

4. That the proposed use will comply with regulations and conditions specified in this title for such use; and

5. That the proposed use will conform to the intent of the city general plan.

B. All conditional use permits for uses pending alcoholic beverages to be consumed on the premises are subject to an annual review.

C. The granting of any permit by the planning commission to dispense alcoholic beverages is subject to review by the city council.

The denial of any permit by the planning commission to dispense alcoholic beverages is subject to review by the district courts. All appeals of planning commission decisions to the city council or the district court must be filed with the appropriate body within 30 days from the date of the planning commission decision.

**19.46.160 Revocation of conditional use permits.**

A conditional use permit may be revoked by the planning commission upon failure in compliance with the conditions precedent to the original approval of the permit or for any violation of this title occurring on the site for which the permit was approved. Prior to taking action concerning revocation of a conditional use permit, a meeting shall be held by the planning commission. Notice of the meeting and grounds for consideration of revocation shall be mailed to the permittee at least ten days prior to the hearing.

The planning commission may appoint, with the concurrence of the city council, a hearing officer or officers to make recommendations to the planning commission as to whether cause exists for the planning commission to consider revoking any conditional use permit. Prior to making any recommendation to the planning commission, an evidentiary hearing shall be withheld by the hearing officer to determine whether the permittee has failed to comply with conditions precedent to the original approval of the permit or has otherwise violated any provision of the zoning ordinance occurring on the site for which the permit was approved. The hearing officer shall notify the planning commission if any violations have been corrected by the permittee within any time period suggested by the hearing examiner.

**Chapter 19.48**

**NONCONFORMING BUILDINGS AND USES**

**Sections:**

- 19.48.010 Continuation of use.**
- 19.48.020 Maintenance permitted.**
- 19.48.030 Repairs and alterations permitted.**
- 19.48.040 Addition of parking space.**
- 19.48.050 Expansion of use permitted.**
- 19.48.060 Additions, enlargements, moving and reconstruction of building.**
- 19.48.070 Nonconforming use of land.**
- 19.48.080 Change of use.**
- 19.48.090 Restoration of damaged building.**
- 19.48.100 Abandonment.**

**19.48.010 Continuation of use.**

The occupancy of a building or structure by a nonconforming use, existing at the time this title became effective, may be continued.

**19.48.020 Maintenance permitted.**

A nonconforming building or structure may be maintained.



**19.48.030 Repairs and alterations permitted.** C. The board shall have the same authority

Repairs and structural alterations may be with regard to additions, enlargements and moving made to a nonconforming building or to a building of nonconforming structures as with buildings housing a nonconforming use. but shall not have the authority to allow reconstruction of nonconforming structures at a new location on the lot.

**19.48.040 Addition of parking space.**

A building or structure lacking sufficient automobile parking space in connection therewith as required by this title may be altered or enlarged provided additional automobile parking space is supplied to meet the requirements of this title for such alteration or enlargement.

**19.48.070 Nonconforming use of land.** The nonconforming use of land, existing at the time this title became effective, may be continued provided that no such nonconforming use of land shall in any way be expanded or extended either on the same or adjoining property, and provided that if such nonconforming use of land, or any portion thereof, is abandoned or changed for a period of one year or more, any building in which it is conducted at the time the use became nonconforming.

**19.48.050 Expansion of use permitted.**

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.

**19.48.060 Additions, enlargements, moving and reconstruction of building.**

A. A building occupied by a nonconforming use and a building nonconforming as to height, area or yard regulations shall not be added to or enlarged in any manner or moved to another location on the lot or reconstructed at another location on the lot except as provided by subsection B of this section unless such additions and enlargements comply with the regulations and intent of this title.

B. Buildings shall not be enlarged, reconstructed or otherwise changed except that the building nearer to conforming to the character of the area in which it is located.

C. The existing lot or parcel shall not be enlarged upon or modified except to create lot or reconstructed at a new location on the lot upon a permit authorized by the Appeals Authority, which may issue, provided that the Appeals Authority, after the hearing, shall find:

1. The addition to, enlargement of, moving of, or reconstruction of the building at a new location on the lot will be in harmony with one or more of the purposes of this title and shall be in keeping with the intent of this title; and

2. That the proposed change does not impose any unreasonable burden upon the land located in the vicinity of the nonconforming use or structure.

D. Any change of a nonconforming use to another nonconforming use shall be reviewed by the board of adjustment.

E. The board of adjustment may approve a change of use pursuant to this title even though the nonconforming use may have been abandoned under the provisions of section 19.48.100.

**19.48.090 Restoration of damaged building.** A. The city council may, from time to time, amend the number, shape, boundaries or area of building or structure occupied by a nonconforming zone or any regulation within any zone or ing use which is damaged or destroyed by fire, any other provisions of the zoning ordinance. flood, wind, earthquake or other calamity or act. Any such amendment shall not be made or be of God or the public enemy, may be restored come effective unless the same shall have been and the occupancy or use of such building, proposed by the planning commission or be first structure or part thereof, which existed at the submitted to the planning commission for its time of such damage or destruction may be con-recommendation following a public hearing no- tion is started within a period of one year and is B. After recommendation from the planning commission, the city council may approve the application.

**19.48.100 Abandonment.**

A nonconforming use shall be deemed abandoned if the use has been discontinued for a minimum of one (1) year.

**19.50.030 Determination of city council.**

After the planning commission public hearing and review, as provided in section 19.50.010, the city council, after notice and holding a public meeting, may adopt or reject the ordinance or map either as proposed by the planning commission or after making any revisions the city council considers appropriate.

**Chapter 19.50**

**AMENDMENTS AND REZONING**

**Sections**

**19.50.010 Amendments and rezoning— Procedure.**

**19.50.030 Determination of city council.**

**19.50.050 Disapproval of rezone application amendments and rezoning.**

**19.50.060 Conditions to zoning map amend- ment.**

**19.50.070 Amendment to conform to the general plan.**

**19.50.080 General plan amendment— Pro- cedure.**

**19.50.090 Hearing—Notice.**

**19.50.100 Determination of city council.**

**19.50.110 Restriction on applications after adoption of general plan.**

**19.50.120 Disapproval of amendment to gen- eral plan application.**

**19.50.010 Amendments and rezoning— Pro- cedure.**

**19.50.050 Disapproval of rezone application amendments and rezoning.**

Disapproval of an application to amend the zon- ing map, proposed amendment or rezoning shall preclude the filing of another application to amend the zoning map to reclassify or rezone with respect to the same parcel of property. Or any portion thereof, to the same zone classifica- tion that was the subject of the failed amend- ment or rezoning (or, if the application is for a commercial classification, to the same or any other commercial classification), within one year of the date of the final disapproval of the application amendment or rezoning unless the city council finds that there has been a substan- tial change in the circumstances or sufficient new evidence since the disapproval of the appli- cation to merit consideration of a second appli- cation within the one-year time period.

**19.50.060 Conditions to zoning map amendment.** commission shall consider an application to amend the city general plan only if it first determines that there has been a change of circumstances or other sufficient reasons to justify

A. In order to provide more specific land use designations and land development suitability; to insure that proposed development is compatible with surrounding neighborhoods; and to provide notice to property owners of limitations and requirements for development of property, a decision by the planning commission not to consider an amendment to the city general plan may be appealed to the city council. Amendments to the city general plan shall amend the city general plan only if it first determines that there has been a change of circumstances or other sufficient reasons to justify

1. Uses;
2. Dwelling unit density;
3. Building square footage; and
4. Height of structures.

The city council may, from time to time, amend the general plan. The proposed amendment to the general plan shall not be made or become effective unless the same first shall

B. A zoning map amendment attaching any of the conditions set forth in subsection A shall be designated ZC after the zoning classification on the zoning map and any such conditions shall be placed on record with the planning commission. Amendments to the city general plan shall amend the city general plan only if it first determines that there has been a change of circumstances or other sufficient reasons to justify

C. In the event any zoning condition is declared invalid by a court of competent jurisdiction, then the entire zoning map amendment shall be void. Any deletion in or change to zoning condition shall be considered an amendment to the zoning ordinance and shall be subject to the requirements of this chapter.

**19.50.090 Hearing—Notice.** The city council shall hold a public hearing on the proposed amendment upon reasonable notice following the planning commission's review under section 19.50.080. The public hearing shall comply with the procedure specified in *Utah Code Ann. § 10-9-303(3)* for preparing and adopting an amendment to the general plan.

D. The attachment of conditions to any zoning map amendment shall not affect the applicability of the requirements of conditional uses. Reasonable notice shall mean publishing notice of the hearing in at least one issue of a newspaper of general circulation in the city, and by posting such notice in three public places within the city designed to give notice thereof to the persons affected. Publication and posting of such notices shall be completed at least 14 days before the public hearing.

**19.50.070 Amendment to conform to the general plan.**

Any proposed use will conform to the intent of the city general plan.

**19.50.080 General plan amendment—Procedure.**

Subject to the restrictions in sections 19.50.110 and 19.50.120, any property owner or authorized agent thereof may file an application requesting that the planning commission hear an amendment to the city general plan. Such application shall include the reasons or basis upon which the property owner believes the city general plan should be amended. The planning commission may amend the general plan.

**19.50.100 Determination of city council.** After the planning commission review and public hearing as provided in section 19.50.080 and provided in section 19.50.090, the city council may amend the general plan.

**19.50.110 Restriction on applications after adoption of general plan.**

No application may be filed by any property owner or authorized agent thereof to amend any part of the city general plan for a period of one year after adoption of such part of the city general plan by the city council.

**19.50.120 Disapproval of proposed amendment to general plan.**

Disapproval of a proposed amendment to the general plan shall preclude the filing of another proposed amendment to the plan in the same or similar manner, or to the general plan map for any parcel of property or portion thereof to the same land use designation within two years of the date of the final disapproval of the proposed amendment by the city council unless the planning commission finds that there has been a substantial change in the circumstances or other significant reasons for the disapproval of the application to merit consideration of a second application within the two-year time period. No appeal to the city council may be taken from a planning commission decision rendered pursuant to this section.

**19.52.020 Purpose of provisions.**

It is the purpose and objective of this chapter to establish reasonable and uniform regulations to prevent the concentration of sexually-oriented businesses or their location in areas deleterious to the city; to regulate the signage of such businesses; to control the adverse effects of such signage; and to prevent inappropriate exposure of such businesses to the community. This chapter is to be construed as a regulation of time, place and manner of the operation of these businesses, consistent with the limitations provided by provisions of the constitution of the United States and the state of Utah.

**19.52.030 Definitions.**

As used in this chapter:

A. "Public park" means a park, playground, swimming pool, golf course or athletic field which is under the control, operation or management of the state, a state agency, a county agency, or a municipality.

B. "Religious institution" means a building which is used primarily for religious worship and related religious activities.

C. "School" means an institution of learning or instruction primarily catering to minors, whether public or private, which is accredited as such a facility by the state of Utah. This definition shall include kindergartens, elementary schools, junior high schools, middle high schools, senior high schools, or any special institution of learning under the jurisdiction of the Utah State Department of Education, but shall not include home occupations represented as schools, trade schools, charm schools, dancing schools, music schools or similar limited schools, nor public or private universities or colleges.

D. "Sexually-oriented business" means adult businesses, nude entertainment businesses, seminude dancing bars, outcall services, and nude and seminude dancing agencies as defined

**Chapter 19.52**

**SEXUALLY-ORIENTED BUSINESSES**

**Sections:**

**19.52.010 Title for citation.**

**19.52.020 Purpose of provisions.**

**19.52.030 Definitions.**

**19.52.040 Businesses permitted—Restrictions.**

**19.52.050 Sign restrictions.**

**19.52.060 Severability.**

**19.52.010 Title for citation.**

The ordinance codified in this chapter shall be known and may be referred to as the "Sexually-Oriented Businesses Zoning Ordinance."

**19.52.040 Business permitted— Restrictions.** F. Painted wall advertising shall not be al-

A. Sexually-oriented businesses, other than lowed;  
outcall services and nude and seminude dancing G. Other than the signs specifically allowed  
agencies, shall be permitted only in areas zoned by this chapter, the sexually-oriented business  
M-1, subject to the following additional restric- shall not construct or allow to be constructed  
tions: any temporary sign, banner, light or other de-

1. Sexually-oriented businesses shall be veice designed to draw attention to the business  
subject to conditional use requirements. location.

2. No sexually-oriented business shall be  
located: **19.52.060 Severability.**

a. Within 1,000 feet from any school, pub- If any provision or clause of this chapter or  
lic park, religious institution, or another sexual- the application thereof to any person or circum-  
ly-oriented business; or stance is held to be unconstitutional or otherwise

b. Within 500 feet from an agricultural or in- valid by any court of competent jurisdiction,  
residential boundary. such invalidity shall not affect other sections,

3. The distance requirements for this sec- provisions, clauses or applications hereof which  
tion shall be measured in a straight line, witho- can be implemented without the invalid provi-  
regard to intervening structures, from the near- sion, clause or application hereof, and to this  
est property line of the school, public park, reli- end the provisions and clauses of this chapter  
gious institution, agricultural zoning district, are declared to be severable.

residential zoning district, or another sexually-  
oriented business and to the front or main en-  
trance of the sexually-oriented business.

B. Outcall services and nude and seminude  
dancing agencies shall be permitted only in the  
M-1 zone as an office use only.

**19.52.050 Sign restrictions.**

Notwithstanding anything contrary con-  
tained in chapter 19.44 of this title, signs for  
sexually-oriented businesses shall be limited as  
follows:

A. No more than one exterior sign shall be  
allowed;

B. No sign shall be allowed to exceed 18  
square feet;

C. No animation shall be permitted on or  
around any sign, or on the exterior walls or roof  
of such premises;

D. No descriptive art or designs depicting  
any activity related to, or inferring, the nature of  
the business shall be allowed on any sign. Said  
signs shall contain alphanumeric copy only;

E. Only flat signs shall be permitted;

## Chapter 19.54

### APPEALS AUTHORITY

#### Sections:

**19.54.010 Purpose.**

**19.54.020 Appointment.**

**19.54.030 Compensation.**

**19.54.040 Vacancies.**

**19.54.050 Organization of authority.**

**19.54.060 Hearings and due process.**

**19.54.070 Appeal and time to appeal.**

**19.54.080 Voting.**

**19.54.090 Burden.**

**19.54.100 Standard of review.**

**19.54.110 Variances.**

#### **19.54.010 Purpose.**

An appeals authority ("authority") is hereby created pursuant to the terms of the Municipal Land Use, Development, and Management Act, Utah Code Ann. § 10-9a-101, *et seq.* It is the intent of the city council that the authority satisfies the requirement of the above referenced statute for an appeal authority to hear and decide requests for variances from the terms of the land use ordinance and appeals from decisions applying land use ordinances.

created pursuant to the terms of the Municipal Land Use, Development, and Management Act,

Utah Code Ann. § 10-9a-101, *et seq.* It is the

intent of the city council that the authority satis-

fies the requirement of the above referenced statute for an appeal authority to hear and decide requests for variances from the terms of the land use ordinance and appeals from decisions applying land use ordinances.

#### **19.54.020 Appointment.**

The authority shall consist of the mayor and three city council members, who have not first acted as a member of the land use authority and one member who shall be appointed by the mayor, with the advice and consent of the city council, for a term set forth in the appointment.

mayor, with the advice and consent of the city

council, for a term set forth in the appointment.

#### **19.54.040 Vacancies.**

Any vacancy occurring on the authority shall be promptly filled by the mayor with the advice and consent of the city council for the unexpired term of the member whose office is vacant.

unexpired term of the member whose office is

vacant.

#### **19.54.050 Organization of authority.**

The authority shall be organized as deemed appropriate and shall have the mayor act as the chair and vice chair shall be elected by the majority of members on the first meeting of each year.

#### **19.54.060 Hearings and due process.**

Hearings of the authority shall be held at the call of the chairperson or in his absence, the vice-chair, at such other times as the authority may determine. The chair, or in the absence of the chair, the vice-chair, shall ensure that members of the authority do not have ex parte contacts, administer oaths, provide an opportunity for cross-examination, and direct the proceedings of the authority in a quasi-judicial manner, so that the due process rights of each participant are respected.

All hearings shall be open to the public and shall be recorded.

Land Use, Development, and Management Act, Utah Code Ann. § 10-9a-101, *et seq.* It is the

intent of the city council that the authority satis-

fies the requirement of the above referenced statute for an appeal authority to hear and decide requests for variances from the terms of the land use ordinance and appeals from decisions applying land use ordinances.

Any person desiring a waiver or modification of the requirements of a land use ordinance applied to a parcel of property that he owns, leases, or in which he holds some beneficial interest in or any person adversely affected by a decision applying the land use ordinances, may file an appeal to the authority. The party taking the appeal shall file the appeal with the city re-

order within 10 days after the date that the land use authority issues its written decision. The appeal must include the filing application and a fee of \$300.

order within 10 days after the date that the land use authority issues its written decision. The appeal must include the filing application and a fee of \$300.

mayor, with the advice and consent of the city

council, for a term set forth in the appointment.

#### **19.54.080 Voting.**

The vote of a majority of the authority in attendance is necessary to reverse any order, requirement, decision, or determination of any administrative official or agency or to decide in favor of any appellant.

unexpired term of the member whose office is

vacant.

#### **19.54.090 Burden.**

The appellant shall have the burden of proceeding and shall have the burden of proving that the land use authority erred.

**19.54.100 Standard of review.**

With respect to factual matters, the authority shall review the matter *de novo*. With respect to a variance, the board may impose additional requirements on the applicant that will mitigate any harmful effects of the variance or serve the purpose of the standard or requirement that is waived or modified.

**19.54.110 Variances**

The board shall have the following powers to authorize on appeal in specific cases variance from the terms of this title. The board may grant a variance only if:

1. Literal enforcement of the zoning ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the zoning ordinance;
2. There are special circumstances attached to the property that do not generally apply to other properties in the same district;
3. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district;
4. The variance will not substantially affect the general plan and will not be contrary to the public interest; and,
5. The spirit of the zoning ordinance is observed and substantial justice is done. In determining whether enforcement of the zoning ordinance will cause unreasonable hardship, the board may not find an unreasonable hardship unless the alleged hardship is located on or associated with the property for which the variance is sought and comes from circumstances particular to the property, not from conditions which are general to the neighborhood. In determining whether or not enforcement of the zoning ordinance would cause an unreasonable hardship, the board may not find an unreasonable hardship if the hardship is self-imposed or economic. In determining whether or not there are special circumstances attached to the property, the board may find that special circumstances exist only if special circumstances relate to the hardship complained of and deprive the property of the privileges granted to other properties in the

same district. The applicant shall bear the burden of proving that all the conditions justifying a variance have been met. In granting a variance, the board may impose additional requirements on the applicant that will mitigate any harmful effects of the variance or serve the purpose of the standard or requirement that is waived or modified.

**Chapter 19.56**

**ENFORCEMENT**

**Sections:**

- 19.56.010 Enforcement authority.**
- 19.56.020 Powers and duties.**
- 19.56.030 Unlawful use prohibited.**
- 19.56.040 Violation—Penalties and remedies.**
- 19.56.050 Violation—Persons liable.**
- 19.56.060 Violation—Notice and order.**
- 19.56.070 Civil penalties.**

**19.56.010 Enforcement authority.**

The community development director or his authorized agent is designated as the officer charged with the enforcement of this title.

**19.56.020 Powers and duties.**

A. The community development director is authorized to inspect or cause to be inspected all buildings and structures in the course of construction, modification or repair and to inspect land uses to determine compliance with the provisions of this title; provided, however that no such inspection shall be required as a condition precedent to commencement or continuation of any construction, modification or repair of building or structure.

B. The community development director shall enforce all of the provisions of this title, employing all legal means available to do so. In the enforcement of this title, the community development director or any employee of that department authorized to represent the director shall have the right to enter any building for the purpose of determining the use thereof or to enter the premises for the purpose of determining

compliance with the provisions of this title, provided that such right of entry shall be exercised only at reasonable hours and that in no case shall entry be made to any occupied building in the absence of the owner or tenant thereof with out the written order of a court of competent jurisdiction. Any person, corporation or other entity, whether as owner, occupant, agent or employee, who causes, permits or otherwise participates in any violation of the provisions of this title may be held responsible for the violation, suffer the penalties, and be subject to the remedies provided by law.

**19.56.030 Unlawful use prohibited.**

A. No land, building or structure shall be used for any purpose or use not allowed in the zone in which such land, building or structure is located.

B. Violation of any of the provisions contained in this title is prohibited. Any person who violates the provisions of this title shall be subject to the criminal and civil penalties set forth in this chapter.

**19.56.040 Violation—Penalties and remedies.**

A. Violation of any of the provisions of this title is punishable as a class C misdemeanor upon conviction. Notwithstanding anything to the contrary herein, the provisions of this title may also be enforced by injunctions, mandamus, abatement, civil penalties, or any other remedies provided by law.

B. Any one, all, or any combination of the penalties and remedies set forth in paragraph A above may be used to enforce the provisions of this title.

C. Each day that any violation continues after notification by the community development director or his designated agent that such violation exists shall be considered a separate offense for purposes of penalties and remedies set forth in this title.

D. Accumulation of penalties for continuing violations, but not the obligation for payment of penalties already accrued shall stop upon correction of the violation.

**19.56.060 Violation—Notice and order.**  
A. Upon inspection and discovery that any provision of this title is being violated, the community development director or his designated agent shall provide a written notice of violation and order to the property owner and to any other party who may be responsible for the violation.

B. The written notice shall:

1. Indicate the nature of the violation;
2. Order the action necessary to correct the violation;

3. Give information regarding the established warning period for the violation; and

4. State the action the community development director or his designated agent intends to take if the violation is not corrected within the warning period.

C. The written notice shall be delivered personally or mailed, postage prepaid, certified, return receipt requested, to the property owner, as shown on the records of the county recorder, and to any other person who may be responsible for the violation. Receipt of notice shall mean three days after the date written notice is delivered or mailed as provided herein.

D. The written notice shall serve to start any warning periods provided in this chapter, commencing upon receipt of notice. If the violation remains uncured within five days after the expiration of the warning period, a second notice of violation and order shall be delivered in the same manner as the first notice. The second notice shall serve to start the civil penalties.

E. In cases where the community development director or his designated agent determines that a delay of enforcement would pose a danger



to the public health, safety or welfare, or would the timely or periodic payment of the applicable otherwise compromise the effective enforcement of the penalty by the violator. 6. No action by the city council or hearing officer shall relieve the violator from complying with any of the provisions of this title.

**19.56.070 Civil penalties.**

A. Civil Penalties. Violations of the provisions of this title shall result in civil penalties of the city council or hearing officer, pursuant to the schedule set forth in Charting the following guidelines and other factors: 19.56.070. The warning period shall be 28 days for all violations. a. Reductions are generally appropriate for promptly curing the violation pursuant to the following schedule, but the city council or hearing officer may grant greater or lesser abatements depending on the facts of the case:

B. Daily Violations. Each day a violation is continued or maintained after receipt of notice shall give rise to a separate civil penalty for each day of violation. i. Cured within 14 days after second notice: 75% reduction;

C. Violation Appeal Procedure. 1. The city council, as it determines, shall constitute an appellate panel to consider matters relating to the violation of this title or it may appoint a hearing officer to consider matters relating to the violation of this title. ii. Cured with 28 days after second notice: 50% reduction; or iii. Cured within 56 days after second notice: 25% reduction.

2. Any person having received notice of such violation, or the owner of any affected property, may appear before the city council or a hearing officer and present and contest such alleged violation of this title. b. If strict compliance with the notice and order would have caused an imminent and irreparable injury to persons or property. c. If the violation and inability to cure were both caused by an event such as war, act of nature, strike, or civil disturbance.

3. The burden to prove any defense specified in paragraph 4 below shall be upon the person raising such defense. d. Such other mitigating circumstances as may be approved by the city council or its designee.

4. If the city council or a hearing officer finds that no violation occurred and/or a violation occurred but one or more of the defenses set forth in this section is applicable, the city council or hearing officer may dismiss the written notice of violation. Such defenses are: e. If a change in the actual ownership of the property was recorded in the Salt Lake County Recorder's office after the first or second notice was issued and the new owner is not related by blood, marriage or common ownership to the prior owner.

a. At the time of the receipt of the written notice of violation, compliance would have violated the criminal laws of the state of Utah. E. Collection of Civil Penalties. 1. If the penalty imposed pursuant to this chapter remains unsatisfied after 40 days or

b. Compliance with the subject ordinances would have presented an imminent and irreparable injury to persons or property. may have been agreed to by the city council or

5. If the city council or hearing officer finds that a violation of this title occurred and no applicable defense exists, the city council or hearing officer may, in the interest of justice and on behalf of the city, enter into an agreement for

hearing officer may, in the interest of justice and on behalf of the city, enter into an agreement for penalties shall not relieve the responsibility of

any penalty to cure the violation or make payment of subsequently-accrued civil penalties, nor shall it require the city to reissue any of the notices required by this chapter.

## **Chapter 19.60**

### **RESIDENTIAL FACILITIES FOR ELDERLY PERSONS AND PERSONS WITH A DISABILITY**

**19.60.010 Purpose.**

**19.60.020 Scope**

**19.60.030 Notice of Intent.**

**19.60.040 Permitted Uses.**

**19.60.050 Development Standards.**

**19.60.060 Reasonable Accommodation.**

**19.60.010 Purpose.**

The purpose of this chapter is to avoid discrimination in housing against persons with disabilities pursuant to the Utah Fair Housing Act and the federal Fair Housing Act as interpreted by courts whose decisions are binding in Utah.

**19.60.020 Scope.**

If any facility, residence, congregate living or other housing arrangement meets the definition of a residential facility for elderly persons or a residential facility for persons with a disability as set forth in this title, the requirements of this chapter shall govern the same notwithstanding any conflicting provision of this Title or the Herriman City Code. The requirements of this chapter shall not be construed to prohibit or limit other applicable provisions of this title, the Herriman City Code, or other laws.

**19.60.030 Notice Of Intent**

A. Prior to submitting an application to the Utah Department of Human Services, Office of Licensing, for a license to operate a residential treatment program, as defined in Utah Code Annotated, Section §62A-2-101, as amended, the applicant shall provide notice to the City Council, with a copy to the

community development director, of its intent to operate the program.

B. The notice of intent shall include the following information relating to the residential treatment program:

1. An accurate description of the residential treatment program;
2. The location where the residential treatment program will be operated;
3. The services that will be provided by the residential treatment program;
4. The type of clients that the residential treatment program will serve;
5. The category of license for which the residential treatment program is applying;
6. The name, telephone number, and address of a person that may be contacted to make inquiries about the residential treatment program; and
7. Any other information that the Utah Department of Human Services may require by administrative rule.

**19.60.040 Permitted Uses**

- A. Notwithstanding any contrary provision of this title, a residential facility for elderly persons and a residential facility for persons with a disability shall be permitted uses in any zone where a dwelling is allowed as a permitted or conditional use subject to the development standards in section 19.60.050 of this chapter.
- B. A use permitted by this chapter is non-transferable and shall terminate if any of the following occur:
1. A facility is devoted to a use other than a residential facility for elderly persons or a residential facility for persons with a disability.
  2. Any license or certification issued by the Utah Department of Health or the Department of Human Services for such facility terminates or is revoked.

3. The facility fails to comply with requirements set forth in this chapter.

**19.60.050 Development standards.**

The development standards set forth in this section shall apply to any residential facility for elderly persons or any residential facility for persons with a disability.

- A. The facility shall comply with building, safety, and health regulations applicable to similar structures.
  1. Each facility shall be subject to the same development standards applicable to similar structures located in the same zoning district in which the facility is located.
  2. The minimum number of parking spaces required for a facility shall be the same as for similar structures located in the same zone in which the facility is located.
- B. Pursuant to the definition of "family" in section 19.04.210 of this title, not more than three (3) unrelated persons shall occupy a residential facility for elderly persons or any residential facility for persons with a disability established in a dwelling unit unless a reasonable accommodation for a greater number of occupants is granted.
- C. No facility shall be made available to an individual whose tenancy would:
  1. Constitute a direct threat to the health or safety of other individuals; or
  2. Result in substantial physical damage to the property of others.
- D. Prior to occupancy of any facility, the person or entity operating the facility shall:
  1. Obtain a city business license, if required under applicable provisions of the Herriman City Code;
  2. Provide to the community development director a copy of any license or certification required by the Utah Department of Health or Department of Human Services; and

3. Certify in a sworn statement that no person will reside or remain in the facility whose tenancy would:
  - a. Constitute a direct threat to the health or safety of other individuals; or
  - b. Result in substantial physical damage to the property of others.

**19.60.60 Reasonable Accommodation.**

- A. None of the requirements of this chapter shall be interpreted to limit a reasonable accommodation when an accommodation is necessary to afford persons with a disability an equal opportunity to use and enjoy a dwelling.
- B. Any person or entity wanting a reasonable accommodation shall make application therefore to the community development director and shall state in writing the nature of the requested accommodation and the basis for the request.
- C. The planning commission shall render a decision on each application for a reasonable accommodation within sixty (60) days. The decision shall be based on evidence of record demonstrating all of the following:
  1. The requested accommodation will not undermine the legitimate purposes of existing zoning regulations notwithstanding the benefit that the accommodation would provide to a person with a disability.
  2. That but for the accommodation, one (1) or more persons with a disability will be denied an equal opportunity to enjoy housing of their choice.
  3. That equal results will be achieved as between the person with a disability requesting the accommodation and a non-disabled person.

D. Any person adversely affected by a final decision regarding a request for a reasonable accommodation may appeal that decision to the Appeals Authority as provided in Chapter 19.54 of this title.

**CHART 19.10.050-A  
MAIN BUILDING**

ZONE	MINIMUM FRONT YARD	MINIMUM SIDE YARDS	MINIMUM REAR YARD
R-1-10 and R-1-15	30 feet	Minimum side yard 8 feet and total of both side yards to be 18 feet. On corner lots, 20 feet from a public street.	30 feet for a single family dwelling; 15 feet for any portion of an uncovered deck that is less than 6 feet above grade at the foundation; a lot adjacent to open space, trails or public/quasi-public use maximum height is 10 feet.
R-1-21	30 feet	Minimum side yard 10 feet and total of both side yards to be 20 feet. On corner lots, 20 feet from a public street.	30 feet for a single family dwelling; 15 feet for any portion of an uncovered deck that is less than 6 feet above grade at the foundation; a lot adjacent to open space, trails or public/quasi-public use maximum height is 10 feet.
R-1-43	30 feet	15 feet	Same as above
R-2-10 and R-2-15	The setbacks for single family developments in the R-2 zones will be determined at the time of Planned Unit Development approval.		
A-.25 and A.-50	30 feet	Minimum side yard 8 feet and total of both side yards to be 18 feet. On corner lots, 20 feet from a public street.	30 feet for a single family dwelling; 15 feet for any portion of an uncovered deck that is less than 6 feet above grade at the foundation; a lot adjacent to open space, trails or public/quasi-public use maximum height is 10 feet.
A-1	30 feet	Minimum side yard 10 feet and total of both side yards to be 20 feet. On corner lots, 20 feet from a public street.	Same as above

**CHART 19.10.050-B  
ACCESSORY BUILDING**

<b>ZONE</b>	<b>MINIMUM FRONT YARD</b>	<b>MINIMUM SIDE YARDS</b>	<b>MINIMUM REAR YARD</b>
All A and R-1 zones	30 feet	Garages and other accessory buildings located in the rear yard and at least six feet away from the main building shall be a minimum side yard of not less than 1 foot. If the garage is in the side or front yard of the main building it must meet the side and front yard requirements of the main building. If next to the side yard of a dwelling on an adjacent lot, 10 feet from property line On corner lots, the side yard shall be 20 feet from public street.	1 foot, except that on corner lots which rear upon the side yard of another lot, accessory buildings shall not be located closer than 10 feet to such side yard

The minimum yard requirement for a main building other than residential are as follows:

<b>ZONE</b>	<b>MINIMUM FRONT YARD</b>	<b>MINIMUM SIDE YARDS</b>	<b>MINIMUM REAR YARD</b>
All R-1 zones	30 feet	20 feet	30 feet
All A zones	30 feet	20 feet	30 feet
R-2 zones	40 feet	20 feet	40 feet
Minimum side yard provisions of this section shall apply to all structures, including guy wires for the support of any towers constructed under this chapter.			

**CHART 19.34.050  
NATURAL HAZARDS MAPS  
SPECIAL STUDY AREA REPORT REQUIREMENTS**

**Is a site-specified Natural Hazards Report required prior to approval?**

LAND USE (Type of Facility)	LIQUEFACTION POTENTIAL		SURFACE FAULT RUPTURE SPECIAL STUDY AREA
	HIGH AND MODERATE	LOW AND VERY LOW	
Critical facilities (essential and hazardous facilities, and special occupancy structures, as defined in section 19.34.020)	Yes	Yes	Yes
Industrial and commercial buildings (greater than 2 stories or 5,000 square feet)	Yes	No	Yes
Multifamily residential structures (4 or more units per acre), and all other industrial and commercial	Yes	No	Yes
Residential subdivisions	Yes	No	Yes
Residential single lots and multifamily dwellings (less than 4 units per acre)	No*	No	Yes

\*Although no special study is required, disclosure is required as described in section 19.34.100.

**CHART 19.42.030**  
**NOISE ABATEMENT CRITERIA**  
**HOURLY A-WEIGHTED SOUND LEVEL – DECIBELS (DB)**

Leq shown are maximum levels allowed:

Activity Category	Leq(H)	Description of Activity Category
A	57 (exterior)	Lands on which serenity and quiet are of extraordinary significance and serve an important public need and where the preservation of those qualities is essential if the area is to continue to serve its intended purpose
B	67 (exterior)	Picnic areas, fixed recreation areas, playgrounds, active sports areas, parks, residences, motels, hotels, schools, churches, libraries and hospitals
C	72 (exterior)	Cemeteries, commercial areas, industrial areas, office buildings, and other developed lands, properties or activities not included in categories A or B above
D	--	Undeveloped lands (including roadside facilities and dispersed recreation)
E	52 (interior)	Residences, motels, hotels, public meeting rooms, schools, churches, libraries, hospitals and auditoriums



**CHART 19.44.190**  
**SIGNS ALLOWED, BY ZONES**

Zone	Sign	Size	Height	Location	Other
All zones	Construction	32 sq. ft	6 ft. max.	On private property. Must maintain the clear view of intersecting streets and shall not interfere with views from driveways. Must be 80' from existing construction signs	Sign must be removed 1 month from final building or conditional use inspection that allows occupancy or when 100% of the facilities are occupied, whichever occurs first
	Off-Site				
	On-Site	Construction signs located on the development for subdivisions of 5 lots or more may be 32 sq. ft. plus 2 sq. ft. for each additional lot over 5 to a maximum of 128 sq. ft. total per subdivision	12 ft. max.	On private property	Signs must be removed within 30 days after the last lot is sold
	Nameplate on premises	3 sq. ft. max. per use		Attached to main structure	
	Political	24 sq. ft. max.	6 ft. max.	On private property and not closer than 10 ft. to a driveway	May be placed 3 weeks prior to the election. Shall be removed within 2 days of the final voting.
	Property on premises	6 sq. ft. max.	6 ft. max.	On private property	
	Service on premises	6 sq. ft. max.	3 ft. when freestanding	On private property	
	Monument on premises (see other zones for specific requirements which supersede these requirements)	One per lot, 32 sq. ft. plus 1 sq. ft. for every 10 ft. of frontage over 30 ft. to a maximum of 64 sq. ft.	6 ft. max.	On private property and setback 6 ft. from property lines	One sign per street frontage and landscaped appropriately for the site. Allowed with public or quasi-public buildings or uses, planned unit developments, golf courses, cemeteries, dwelling groups and day-care/preschool centers. A monument sign is a conditional use.
	Flat on-premises (see other zones for specific requirements which supersede these requirements)	5 % of a wall area		Attached to a building	Allowed with public or quasi-public buildings, planned unit developments, golf courses, cemeteries, dwelling groups

**Illumination may be built into or attached onto the signs listed above when:**

- (1) Lighting is allowed in the specific zone;
- (2) The development occupies more than 500 feet continuous frontage on the street the sign will face and the sign is not closer than 200 feet to a property not allowed an illuminated sign; or
- (3) Flat signs that are exposed to dwellings on adjacent properties shall not be illuminated (properties divided by public streets are not adjacent).

Zone	Sign	Size	Height	Location	Other
R-M, OP	Flat on-premises	15% of a wall area		Attached to a building	Signs that are exposed to dwellings on adjacent properties shall not be illuminated
	Window on-premises				Sign shall not be illuminated
	Monument on-premises	One per lot, 32 sq. ft. plus 1 sq. ft. for every 10 ft. of frontage over 30 ft. to a max. of 64 sq. ft.	6 ft. max.	18-inch min. setback	A monument sign is a conditional use
C-1	Window on-premises				
	Flat on-premises	15% of a wall area			Illumination may be built into or attached to signs unless exposed to a dwelling on adjacent property or a residential zone boundary, in which case it may be allowed with conditional use approval
	Monument on-premises	One per lot unless on a corner lot then one per frontage, 32 sq. ft. plus 1 sq. ft. for every 10 ft. of frontage over 30 ft. to a max. of 64 sq. ft.	6 ft. max.	18-inch min. setback	A monument sign is a conditional use
	Awning on-premises	25% of a wall area may be covered with an awning and 50% of an awning may be covered with graphics	8 ft. min. above the ground and 0 ft. above building wall	8 ft. max. projection from building; may be on 3 walls of a building	Attached to the building; primary graphics on face or street side of structure
Zone	Sign	Size	Height	Location	Other
C-2	Balloon on-premises				Balloon signs are subject to conditional use approval
	Roof on-premises	Same as ground or projecting signs	10 ft. above roof max.		Roof sign may substitute for a ground or projecting sign but is subject to conditional use approval. The Planning Commission may deny a sign or set more restrictive conditions. Signs shall be installed so that the support structure is not visible
	Window on-premises				

CITY OF HERRIMAN  
CODE OF ORDINANCES

Zone	Sign	Size	Height	Location	Other
	Promotional sign boards on-premises	1 sq. ft. for each linear ft. of frontage to a max. of 20 sq. ft. per sign	Max. height equals the sign setback, but not more than 10 ft.		Max. of 1 sign per street front, permanently anchored to the ground and subject to conditional use approval. Illumination may be built into or attached to signs unless exposed to a dwelling on adjacent property or residential zone boundary in which case it may be allowed with conditional use approval
	Flat or wall on-premises	20% of wall area			Illumination may be build into or attached signs unless exposed to a dwelling on adjacent property or a residential zone boundary in which case it may be allowed with conditional use approval
	Temporary on-premises				See Section 19.44.140. Allowed a maximum of one week in any three month period
	Monument on-premises	32 sq. ft. plus 1 sq. ft. for every 4 ft. of frontage over 30 ft. on a street to a max. of 64 sq. ft.	6 ft. max.	18 inch min. setback, one sign per 300 ft. frontage or part thereof	A monument sign is a conditional use
	Awning on-premises	25% of a wall area may be covered with an awning and 50% of an awning may be covered with graphics	8 ft. min. above the ground; 0 ft. above building wall	8 ft. max. projection from building. Must be on private property. May be on three walls of a building	Attached to building. Primary graphics on face or street side of structure
	Pylon	Maximum of 150 sq. ft. excluding sign structure	Maximum 16 ft. high from sidewalk grade	2 ft. minimum setback	Must be approved as part of a sign package. All signs on the site become conditional uses. All new signs must comply with the approved package.
M-1	Balloon on-premises				Balloon signs are subject to conditional use approval
	Roof on-premises	Same as ground or projecting sign	10 ft. above roof max.		Roof sign may be substitute for a ground or projecting sign but is subject to conditional use approval. The Planning Commission may deny a sign or set more restrictive conditions. Signs shall be installed so that the support structure is not visible
	Window on-premises				
	Flat or wall on-premises	20% of wall area			
	Temporary on-premises				See Section 19.44.140

CITY OF HERRIMAN  
CODE OF ORDINANCES

Zone	Sign	Size	Height	Location	Other
	Monument on-premises	32 sq. ft. plus 1 sq. ft. for every 4 ft. of frontage over 30 ft. on a street to a max. of 64 sq. ft.	6 ft. max.	18 inch min. setback, one sign per 300 ft. frontage or part thereof	A monument sign is a conditional use
	Awning on-premises	25% of a wall area may be covered with an awning and 50% of an awning may be covered with graphics	8 ft. min. above the ground; 0 ft. above building wall	8 ft. max. projection from building. May be on three walls of a building	Attached to building. Primary graphics on face or street side of structure

**CHART 19.56.070  
 CIVIL PENALTIES FOR VIOLATION OF ZONING REGULATIONS**

<b>TYPE OF ZONE</b>	<b>CLASSIFICATION OF VIOLATION</b>	<b>FINE PER DAY (after warning period)</b>
<b>Residential Zones RMH</b>	<b>Conditional use without a permit Other violations</b>	<b>\$25</b>
	<b>Non-permitted use Violation of permit or approval</b>	<b>\$50</b>
<b>Mixed Zones R-M</b>	<b>Conditional use without a permit Other violations</b>	<b>\$50</b>
	<b>Non-permitted use Violation of permit or approval</b>	<b>\$100</b>
<b>Commercial/Manufacturing Zones C M</b>	<b>Conditional use without a permit Other violations</b>	<b>\$100</b>
	<b>Non-permitted use Violation of permit or approval</b>	<b>\$200</b>
<b>Agricultural Zones A</b>	<b>Conditional use without a permit Other violations</b>	<b>\$25</b>
	<b>Non-permitted use Violation of permit or approval</b>	<b>\$50</b>