

**RICHMOND CITY CORPORATION
ORDINANCE 2019-2**

CODIFICATION OF THE MUNICIPAL CODE

AN ORDINANCE OF RICHMOND CITY, UTAH, CODIFYING THE RICHMOND CITY MUNICIPAL CODE, MAKING TECHNICAL CHANGES; SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Richmond City (hereafter "City") is a municipal corporation, duly organized and existing under the laws of the State of Utah.

WHEREAS, the City desires to adopt the following with the applicable attachments provided herein;

NOW THEREFORE, be it ordained by the Mayor and City Council of Richmond City, in the State of Utah, as follows:

SECTION 1: ADOPTION The Richmond City Municipal Code attached hereto as Exhibit "A" along with and including all City Maps and other attached documents, is hereby adopted in its entirety as provided in Exhibit "A" and incorporated herein by this reference.


SECTION 2: REPEALER CLAUSE All Ordinances or Resolutions or parts thereof, which are in conflict herewith prior to the date of this Ordinance, are hereby repealed, subsumed, and replaced with the exhibit adopted herein.

SECTION 3: SEVERABILITY CLAUSE Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 4: EFFECTIVE DATE This Ordinance shall become effective immediately upon posting or publication.

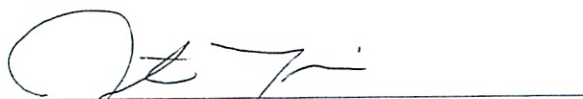
APPROVED by the Richmond City Council this 19th day of February, 2019.

RICHMOND CITY CORPORATION



Mayor Jeffrey D. Young

ATTEST:



Justin B. Lewis, City Recorder



Richmond City

Cache County, Utah

Municipal Code

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1-111 Application Of Code; Offense Prior To Effective Date

- A. The provisions of this code shall govern the construction of, the punishment for, and the defense against any offense defined in this code or, except where otherwise specifically provided or the context otherwise requires, any offense defined outside this code; provided such offense was committed after the effective date of this code.
- B. Any offense committed prior to the effective date of this code shall be governed by the ordinances of this municipality existing at the time of commission thereof, except that a defense or limitation on punishment available under this code shall be available to any defendant tried or retried after the effective date. An offense under this code shall be deemed to have been committed prior to the effective date of this code if any of the elements of the offense occurred prior to the effective date.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

1-112 Purposes And Principles Of Construction

The provisions of this code shall be construed in accordance with these general purposes to:

- A. Forbid and prevent the commission of offenses.

- B. Define adequately the conduct and mental state which constitute each offense and safeguard conduct that which without fault from condemnation as criminal.
- C. Prescribe penalties which are proportionate to the seriousness of offenses and which permit recognition of differences in rehabilitation possibilities among individual offenders.
- D. Prevent arbitrary or oppressive treatment of persons accused or convicted of offenses.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

1-113 Crimes Abolished

No conduct is a crime or an offense unless made so by this code, or other ordinances or other applicable statute.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

1-114 Strict Construction Rule Not Applicable

The rule that a penal ordinance is to be strictly construed shall not apply to this code, or any of its provisions, or other ordinances of this municipality. All provisions of this code and offenses defined by it shall be construed according to the fair import of their terms to promote justice and to affect the objects of the law and general purposes of section 1-112.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

1-115 Procedure; Governed By State And Constitutional Provisions Liability For Civil Damages Not Affected

- A. Except as otherwise provided, the procedure governing the accusation, prosecution, conviction, and punishment of offenders and offenses is not regulated by this code, but shall be in conformity with the laws of Utah and the Constitution of the United States.
- B. This code does not bar, suspend, or otherwise affect any rights to or liability for damages, penalty, forfeiture, impeachment, or other remedy authorized by law to be covered or enforced in a civil action, administrative proceeding, or otherwise, regardless of whether the conduct involved in the proceeding constitutes an offense defined in this code.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 1-120 Jurisdiction And Venues

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1-121 Jurisdiction Of Offenses

- A. A person is subject to prosecution in this municipality for an offense which he commits, while either within or outside the municipality, by his own conduct or that of another for which he is legally accountable, if:
1. The offense is committed either wholly or partly within the municipality; or
 2. The conduct outside this municipality constitutes an attempt within this municipality; or
 3. The conduct outside this municipality constitutes a conspiracy to commit an offense within this municipality and an act in furtherance of the conspiracy occurs in this municipality; or
 4. The conduct within the municipality constitutes an attempt, solicitation or conspiracy to commit in another jurisdiction an offense under this code and such other jurisdiction.
- B. An offense is committed partly within this municipality if either the conduct which is an element of the offense, or the result which is such an element, occurs within this municipality.
- C. An offense which is based on an omission to perform a duty imposed by this code is committed within this municipality regardless of the location of the offender at the time of the omission.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 1-130 Limitation Of Actions

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[1-132 Misdemeanor; Any Infraction; Commencement Of Prosecution](#)

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[1-134 Defendant Out Of State](#)

[1-135 Lesser Included Offense For Which Period Of Limitations Has Run](#)

1-131 Embezzlement Of Public Moneys; Falsification Of Public Records

A prosecution for embezzlement of public moneys or the falsification of public records may be commenced at any time.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

1-132 Misdemeanor; Any Infraction; Commencement Of Prosecution

- A. Except as otherwise provided in this part, prosecutions for other offenses are subject to the following periods of limitation:
1. A prosecution for a misdemeanor must be commenced within two years

after it is committed;

2. A prosecution for any infraction must be commenced within one year after it is committed;

B. The prosecution is commenced on the filing of a complaint or information.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

1-133 Fraud Or Breach Of Fiduciary Obligation; Misconduct By Public Officer Or Employee

If the period prescribed in Section 1-132-A has expired, a prosecution may nevertheless be commenced for:

- A. Any offense, a material element of which is either fraud or a breach of fiduciary obligation, within one year after discovery of the offense by an aggrieved party or by a person who has a legal duty to represent an aggrieved party and who is himself not a party to the offense, but in no case shall this provision extend beyond the period of limitation otherwise applicable by more than three years; and
- B. Any offense based on misconduct in office by a public officer or employee at any time during the term of the defendant's public office or the period of his public employment or within two years thereafter, but in no case shall this provision extend beyond the period of limitation otherwise applicable by more than three years.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

1-134 Defendant Out Of State

The period of limitation does not run against any defendant during any period of time he is out of the state following the commission of an offense.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

1-135 Lesser Included Offense For Which Period Of Limitations Has Run

Whenever a defendant is charged with an offense for which the period of limitations has not run and the defendant should be found guilty of a lesser offense for which the period of limitations has run, the finding of the lesser and included offense against which the statute of limitations has run shall not be a bar to punishment for the lesser offense.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 1-140 Multiple Prosecution And Double Jeopardy Criminal Joinder



[1-141 "single Criminal Episode" Defined](#)

[1-142 Incorporation By Reference Of Provisions Of State Criminal Code](#)

[1-143 Joinder Of Offenses And Defendants](#)

1-141 "single Criminal Episode" Defined

In this code unless the context requires a different definition, "single criminal episode" means all conduct which is closely related in time and is incident to an attempt or an accomplishment of a single criminal objective.

Nothing in this part shall be construed to limit or modify the joinder of offenses and defendants in criminal proceedings.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

1-142 Incorporation By Reference Of Provisions Of State Criminal Code

The provisions of Utah Code Annotated 76-1-402 through 76-1-405 are hereby adopted as part of this code and incorporated herein by reference.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

1-143 Joinder Of Offenses And Defendants

- A. Two or more offenses under this code or the ordinances of this municipality may be charged in the same citation or complaint in a separate count for each offense if the offenses charged are of the same or similar character or are based on the same act or transgression or on two or more acts or transactions connected together or constituting parts of a common scheme or plan.
- B. Two or more defendants may be charged in the same citation or complaint if they are alleged to have participated in the same act or transaction or in the same series of acts or transactions. Such defendants may be charged in one or more counts together or separately and all of the defendants need not be charged in each count.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 1-150 Burden Of Proof

[1-151 Incorporation Of State Code](#)

1-151 Incorporation Of State Code

The provisions of Utah Code Annotated 76-1-501 through 76-1-504 are hereby adopted and incorporated herein by reference.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019



Part 1-160 Definitions

1-161 Incorporation Of State Code

1-161 Incorporation Of State Code

The provisions of Utah Code Annotated 76-1-601 are hereby adopted and incorporated herein by reference.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Chapter 1-200 PRINCIPLES OF CRIMINAL RESPONSIBILITY

Part 1-210 Culpability Generally

Part 1-220 Criminal Responsibility For Conduct Of Another

Part 1-230 Defenses To Criminal Responsibility

Part 1-240 Justification Excluding Criminal Responsibility

Part 1-210 Culpability Generally

1-211 Incorporation Of State Code

1-211 Incorporation Of State Code

The provisions of Utah Code Annotated 76-2-101 through 76-2-104 are hereby adopted and incorporated herein by reference.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 1-220 Criminal Responsibility For Conduct Of Another

1-221 Incorporation Of State Code

1-221 Incorporation Of State Code

The provisions of Utah Code Annotated 76-2-201 through 76-2-205 are hereby adopted as part of this code and incorporated herein by reference.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 1-230 Defenses To Criminal Responsibility

1-231 Incorporation Of State Code

1-231 Incorporation Of State Code

The provisions of Utah Code Annotated 76-2-301 through 76-2-308 hereby are adopted as part of the code and incorporated herein by reference.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 1-240 Justification Excluding Criminal Responsibility

1-241 Incorporation Of State Code

1-241 Incorporation Of State Code

The provisions of Utah Code Annotated 76-2-401 through 76-2-406 are hereby adopted and incorporated herein by reference.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Chapter 1-300 PUNISHMENTS

[Part 1-310 Classification Of Offenses](#)

[Part 1-320 Sentencing](#)

[Part 1-330 Fines And Special Sanctions](#)

[Part 1-340 Limitations And Spacial Provisions On Sentences](#)

Part 1-310 Classification Of Offenses

[1-311 Sentencing In Accordance With Chapter](#)

[1-312 Designation Of Offenses](#)

[1-313 Misdemeanors Classified](#)

[1-314 Infractions](#)

[1-315 Continuing Violation](#)

1-311 Sentencing In Accordance With Chapter

- A. A person adjudged guilty of an offense under this code or the ordinances of this municipality shall be sentenced in accordance with the provisions of this chapter.
- B. Ordinances enacted after the effective date of this code which involve an offense should be classified for sentencing purposes in accordance with this chapter, unless otherwise expressly provided.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

1-312 Designation Of Offenses

Offenses are designated as misdemeanors or infractions.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

1-313 Misdemeanors Classified

- A. Misdemeanors are classified into two categories:
 - 1. Class B misdemeanors.
 - 2. Class C misdemeanors.
- B. An offense designated as a misdemeanor in this code or in the ordinance of this municipality when no other specification as to punishment or category is made, is a class B misdemeanor.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

1-314 Infractions

- A. Infractions are not classified.
- B. Any offense which is made an infraction in this code or other ordinances of this municipality or which is expressly designated an infraction and any offense designated by this code or other ordinances of this municipality which is not designated as a misdemeanor and for which no penalty is specified is an infraction.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

1-315 Continuing Violation

In all instances where the violation of these ordinances or any ordinance hereinafter enacted is a continuing violation, a separate offense shall be deemed committed on each day during or on which the violation occurs or continues to occur.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 1-320 Sentencing

[1-321 Sentences Or Combination Of Sentences Allowed; Civil Penalties](#)

[1-322 Misdemeanor Conviction; Term Of Imprisonment](#)

[1-323 Infraction Conviction; Fine, Forfeiture, And Disqualification](#)

1-321 Sentences Or Combination Of Sentences Allowed; Civil Penalties

Within the limits prescribed by this code, a court may sentence a person adjudged guilty of an offense to anyone of the following sentences or a combination of such sentences:

- A. To pay a fine; or
- B. Reserved.
- C. To probation; or
- D. To imprisonment.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

1-322 Misdemeanor Conviction; Term Of Imprisonment

A person who has been convicted of a misdemeanor may be sentenced to imprisonment as follows:

- A. In the case of a class B misdemeanor, for a term not exceeding _____



__ months;

B. In the case of a class C misdemeanor, for a term not exceeding ninety days.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

1-323 Infraction Conviction; Fine, Forfeiture, And Disqualification

A. A person convicted of an infraction may not be imprisoned but may be subject to a fine, forfeiture or both.

B. Whenever a person is convicted of an infraction and no { punishment is specified, the person may be fined as for a class C misdemeanor.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 1-330 Fines And Special Sanctions

[1-331 Fines Of Persons](#)

[1-332 Fines Of Corporations, Associations, Partnerships, Or Governmental Instrumentalities](#)

1-331 Fines Of Persons

A person who has been convicted of an offense may, in addition to any term of imprisonment imposed, be sentenced to pay a fine not to exceed \$_____ when the conviction is of a class B or C misdemeanor or infraction.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

1-332 Fines Of Corporations, Associations, Partnerships, Or Governmental Instrumentalities

The sentence to pay a fine, when imposed upon a corporation, association, partnership, or governmental instrumentality for an offense defined in this code or the ordinances of the municipality or for any offense defined outside of this code over which this municipality has jurisdiction, for which no special corporate fine is specified, shall be sentenced to pay an amount, fixed by the court, not exceeding \$_____ when the conviction is for a class B or C misdemeanor or infraction.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 1-340 Limitations And Spacial Provisions On Sentences

[1-341 Incorporation Of State Code](#)

1-341 Incorporation Of State Code

The provisions of Utah Code Annotated 76-3-401 through 76-3-405 are hereby adopted and incorporated herein by reference. as such limitations and special provisions on sentences apply to misdemeanors



HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Chapter 1-400 ADMINISTRATIVE REMEDIES

Part 1-410 Hearings

Part 1-420 Guidelines For Constitutional Taking Issues

Part 1-410 Hearings

1-411 Request

1-412 Form Of Request

1-413 Procedure

1-414 Not Additional Remedy

1-411 Request

Unless otherwise specifically provided in any ordinance of the municipality or any code adopted by reference, a hearing before the governing body may be requested by any person:

- A. Who is denied or refused a permit or license by any officer, agent or employee of this municipality.
- B. Whose permit or license is revoked, restricted, qualified, or limited from that for which it was first issued.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

1-412 Form Of Request

The request for hearing must be made in writing to the mayor or recorder/clerk and made within 30 days following the date notice denying, refusing, revoking, qualifying, restricting or revoking the license or permit is mailed by the municipality to the applicant or license holder at his address as it appears on the application or license.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

1-413 Procedure

- A. Following receipt of a request for hearing, the governing body shall inform the person requesting a hearing of the time and place the hearing is to be held.
- B. At the hearing, the aggrieved party shall have the right to hear and examine any witnesses the municipality may produce to support its decision and to present his own evidence in support of his contention.
- C. The governing body shall, within ten days following the conclusion of the hearing, in writing, inform the person who requested the hearing of the decision of the governing body.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

1-414 Not Additional Remedy

This part shall not be constructed so as to afford any aggrieved party more than one hearing before the governing body nor shall the hearing provided in this part apply to any criminal complaint or proceeding.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 1-420 Guidelines For Constitutional Taking Issues

[1-421 Purpose](#)

[1-422 Definitions](#)

[1-423 Guidelines](#)

[1-424 Analysis](#)

[1-425 Appeals](#)

[1-426 Limitations](#)

[1-427 Legal Action](#)

See Ordinance 2003-3 Guidelines for Constitutional Takings.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

1-421 Purpose

The purpose of this Section is to provide advisory guidelines for the City to assist the City in identifying actions that involve the unconstitutional taking or damaging of private real property without the payment of just compensation as required by the Constitution of the United States and of the State of Utah.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

1-422 Definitions

As used herein:

- A. "Constitutional taking issues" means actions involving the physical or regulatory taking of private real property by the City that might require compensation to a private real property owner under:
1. The Fifth or Fourteenth Amendment of the Constitution of the United States;
 2. Article I, Section 22 of the Utah Constitution; or

3. Any recent court rulings governing the physical or regulatory taking of private real property by a governmental entity.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

1-423 Guidelines

The following guidelines shall be considered by the City when taking any action that might result in the physical or regulatory taking of private real property. The City should review the following to determine and identify whether a proposed governmental action raises constitutional taking issues. It is the policy of the City that no individuals bear burdens which, in all fairness and justice, should be borne by the community as a whole. A “Yes” answer to any of the following questions could raise the implication of a taking or damaging of private property for which just compensation may be required.

- A. Does the action result in a permanent or inevitably recurring physical occupation of private property?
- B. Does the action require a property owner to dedicate property or grant an easement to the City without the payment of just compensation?
- C. Does the action create or otherwise impose a permanent or ongoing nuisance, originated on City property, that impacts neighboring lands so that their owners or occupants sustain a special and unreasonable interference with the quiet enjoyment of their property?
- D. Does the action interfere with a fundamental attribute of ownership such as the right to reasonable access, the right to light, air and view within the right-of-way of an abutting public street, or the right to exclude others from private property?
- E. Does the action unreasonably interfere with a separately protected and vested right, such as the right to continue a nonconforming, use; the right to have an application reviewed under the law that was in effect when a complete application was submitted; legally issued subdivision plat approvals, building permits, or licenses; or other protected property interests?
- F. Does the action impose a severe economic burden that is inappropriately unfair when considered in the light of (1) the burden placed on the property owner, (2) the nature of the government action and benefit, and (3) the property owners’s investment-backed expectations?
- G. Does the action deprive the property owner of all economically viable use of the property in a situation where the proposed use does not constitute a nuisance or a severe threat to health and safety?
- H. Does the action limit the use of private property without substantially advancing a legitimate public interest?



- I. Has the City failed to demonstrate by an individualized determination that any conditions, dedications or exactions imposed as a condition of approval of development applications place only fair and roughly proportionate burdens on development, offsetting the burdens that the proposed development places on public utilities, streets and other services but not imposing additional burdens on development that the community as a whole should bear?
- J. Does the action discriminate against property owners, imposing restrictions or burdens on one property owner that other similarly situated property owners do not bear?

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

1-424 Analysis

If the City determines that a governmental action involves constitutional taking issues, the proposed action should be reviewed by the City to analyze the possible taking and to determine the action to be taken. In reviewing the proposed action, the following factors may be analyzed.

- A. The affect the potential taking would have on the use or value of the private property;
- B. The likelihood that the action may result in a constitutional taking;
- C. Any alternatives to the proposed action that would fulfill the City's lawful objectives and reduce the risk of a constitutional taking;
- D. The cost to the City for payment of compensation if a taking is determined.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

1-425 Appeals

Any owner of private property whose interest in the property is subject to a physical or regulatory taking by the City, pursuant to a final and authoritative decision or action of the City, may appeal the City's decision or action by filing a written notice of appeal and statement of the grounds for the appeal with the City Recorder via the Richmond City Office within thirty (30) days from the date of the City's decision or action. The City Council or its designee shall hear all evidence regarding the appeal and render its decision and findings in writing within fourteen (14) days from the date the appeal was filed. If the City fails to hear and decide the appeal within fourteen (14) days, the City's decision or action is presumed to be approved.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

1-426 Limitations



The guidelines set forth herein are advisory only and shall not be construed to expand nor limit the scope of the City's liability for a constitutional taking. The City shall have no legal liability to any person, firm or entity of any nature whatsoever and a court may not impose liability upon the City for failure to comply with the provisions of this Section.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

1-427 Legal Action

A property owner's failure to appeal the action of the City does not constitute, and may not be interpreted as constituting, a failure to exhaust available administrative remedies or as a bar to bringing legal action.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Title 2-000 INCORPORATION, CLASSIFICATION, BOUNDARIES, CONSOLIDATION AND DISSOLUTION OF MUNICIPALITY

Chapter 2-100 INCORPORATION

Chapter 2-200 CLASSIFICATION

Chapter 2-300 EXTENSION OF MUNICIPAL LIMITS

Chapter 2-400 RESTRICTION OF MUNICIPAL LIMITS

Chapter 2-500 CONSOLIDATION OF MUNICIPALITIES

Chapter 2-600 DISSOLUTION OF MUNICIPALITY

Chapter 2-100 INCORPORATION

See U.C.A. §§ 10-2-1 et seq.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Chapter 2-200 CLASSIFICATION

See U.C.A. §§ 10-1-1 et seq.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Chapter 2-300 EXTENSION OF MUNICIPAL LIMITS

See U.C.A. §§ 10-3-1 et seq.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Chapter 2-400 RESTRICTION OF MUNICIPAL LIMITS

See U.C.A. §§ 10-4-1 et seq.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Chapter 2-500 CONSOLIDATION OF MUNICIPALITIES

See U.C.A. §§ 10-14-1 et seq.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Chapter 2-600 DISSOLUTION OF MUNICIPALITY

See U.C.A. §§ 10-5-1 et seq.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019



Title 3-000 MUNICIPAL GOVERNMENT

[Chapter 3-100 \(RESERVED\)](#)

[Chapter 3-200 MUNICIPAL GOVERNING BODY](#)

[Chapter 3-300 MEETINGS OF GOVERNING BODY](#)

[Chapter 3-400 ORDINANCES AND RESOLUTIONS](#)

[Chapter 3-500 ADMINISTRATION](#)

[Chapter 3-600 APPOINTED OFFICIALS AND THEIR DUTIES](#)

Chapter 3-100 (RESERVED)

[Part 3-110 Campaign Finance Disclosure](#)

Part 3-110 Campaign Finance Disclosure

[3-111 General](#)

[3-112 Definitions](#)

[3-113 Filing Of Disclosure Reports](#)

[3-114 Time Of Filing](#)

[3-115 Contents Of Statement](#)

[3-116 Public Information](#)

[3-117 Penalty For Noncompliance](#)

3-111 General

All candidates for elective municipal office shall comply with the campaign finance disclosure requirements set forth in this chapter.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

3-112 Definitions

The following definitions shall be applicable to this Chapter:

- A. "Candidate" shall mean any person who files a declaration of candidacy for an elective office of the City; or is nominated by a committee, party, or petition; or received contributions or made expenditures or consents to another person receiving contributions or making expenditures with a view to bringing about such person's nomination or election to such office; or causes or allows on his/her behalf, any written material or advertisement to be printed published, broadcast, distributed or disseminated which indicates an intention to seek such office.
- B. "Contribution" shall mean monetary and non-monetary contributions such as in-kind contributions and contributions of tangible things but shall not include personal services provided without compensation by individuals volunteering their time on behalf of a candidate.
- C. "Election" shall mean both primary and final elections.

- D. "Expenditure" shall mean a purchase, payment, distribution, loan, advance, deposit or gift of money or anything of value made for the purpose of influencing the nomination or election of any candidate.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

3-113 Filing Of Disclosure Reports

Each candidate for elective office who either receives \$750.00 or more in campaign contributions or spends \$750.00 or more in campaign expenses shall file with the City Recorder dated and signed financial reports which comply with this chapter. Forms shall be made available by the City. Other forms in substantially the same format are also acceptable.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

3-114 Time Of Filing

The reports required by this chapter shall be filed at least seven (7) days before both the primary and general elections and at least once within thirty (30) days following the final election. A candidate losing in the primary election shall file the final report within thirty (30) days of the date of the primary election.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

3-115 Contents Of Statement

A. The statements filed seven (7) days before an election shall include:

1. A list of each contribution of more than \$50.00 received by the candidate, and the name of the donor,
2. An aggregate total of all contributions of \$50.00 or less received by the candidate; and
3. A list of each expenditure for political purposes made during the campaign period as of ten (10) days before the date of the election, and the recipient of each expense.

B. The statement filed thirty (30) days after an election shall include:

1. A list of each contribution of more than \$50.00 received after the cutoff date for the statement filed seven (7) days before an election, and the name of the donor;
2. A total of all contributions of \$50.00 or less received by the candidate after the cutoff date for the statement filed seven (7) days before an election;

3. A list of all expenditures for political purposes made by the candidate after the cutoff date for the statement filed seven (7) days before an election, and the recipient of each expense.

C. All contributions and expenditures related to the candidate's candidacy should be accounted for between the pre-election and post-election statement.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

3-116 Public Information

The statements required by this chapter shall be public documents and shall be available for public inspection and copying during regular business hours. Appropriate costs may be assessed pursuant to the provisions of Government Records Access and Management Act.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

3-117 Penalty For Noncompliance

Any candidate who fails to comply with the provisions of this chapter is guilty of an infraction.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Chapter 3-200 MUNICIPAL GOVERNING BODY

[Part 3-210 Eligibility For Elective Office](#)

[Part 3-220 Vacancies In Elective Office](#)

[Part 3-230 Quorum And Attendance](#)

Part 3-210 Eligibility For Elective Office

See U.C.A. § 10-6-6.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 3-220 Vacancies In Elective Office

[3-221 Vacancy In Council](#)

[3-222 Vacancy In Office Of Mayor](#)

3-221 Vacancy In Council

See U.C.A. § 10-6-22.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

3-222 Vacancy In Office Of Mayor

See U.C.A. § 10-6-23.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 3-230 Quorum And Attendance

[3-231 Quorum Defined](#)

[3-232 Compelling Attendance At Meetings](#)

3-231 Quorum Defined

See U.C.A. § 10-6-20.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

3-232 Compelling Attendance At Meetings

See U.C.A. § 10-6-20.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Chapter 3-300 MEETINGS OF GOVERNING BODY

[Part 3-310 Regular Meetings](#)

[Part 3-320 Special Meetings](#)

[Part 3-330 Voting](#)

[Part 3-340 Public Meetings, Executive Session, Records And Publication](#)

[Part 3-350 Conduct Of Meeting And Order Of Business](#)

Part 3-310 Regular Meetings

[3-311 Time, Place - Exceptions](#)

3-311 Time, Place - Exceptions

The governing body shall hold _____ regular meeting(s) which shall be held on the _____ of each month at _____, which meeting(s) shall begin promptly at _____ o'clock __.m., during mountain standard time and at _____ o'clock __.m., during mountain daylight time provided that:

- A. If the meeting date is a legal holiday, then the meeting shall be held at the same time and place above described on the next following day which is not a legal holiday,
- B. The governing body may by resolution provide for a different time and place for holding regular meetings of the governing body.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 3-320 Special Meetings

See U.C.A. § 10-6-19.



HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 3-330 Voting

[3-331 Roll Call](#)

[3-332 Creation Of Liability Against Municipality](#)

[3-333 Reconsideration Of Vote](#)

See U.C.A. § 10-6-7.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

3-331 Roll Call

On every ordinance or resolution and on every motion or other business where a roll call vote is requested by any member of the governing body or is otherwise required, the recorder/clerk shall call the roll in alphabetical order and record the vote.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

3-332 Creation Of Liability Against Municipality

See U.C.A. § 10-6-9.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

3-333 Reconsideration Of Vote

See U.C.A. § 10-6-10.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 3-340 Public Meetings, Executive Session, Records And Publication

[3-341 Business To Be Conducted Only In Open Meeting](#)

[3-342 Executive Session](#)

[3-343 Penalty For Violating This Part](#)

[3-344 Public Records](#)

[3-345 Record Of Proceedings](#)

3-341 Business To Be Conducted Only In Open Meeting

See U.C.A. § 10-6-9 and 52-4-2.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

3-342 Executive Session

See U.C.A. § 52-4-3.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

3-343 Penalty For Violating This Part

See U.C.A. § 52-4-4.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

3-344 Public Records

- A. The records of this municipality shall be open to inspection by the public during regular business hours, except as is herein provided.
- B. Any public record of this municipality may be copied or electronically reproduced for any member of the public on payment to the recorder of the sum _____ of for the first page copied and _____ for each page copied thereafter, whether the copy is of the same or another document or page.
- C. Any elected official of this municipality shall at all times have the right to inspect the books, records and papers of the municipality.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

3-345 Record Of Proceedings

The recorder/clerk shall keep a record of the proceedings of the meetings of the governing body, except that minutes of the executive session shall not be available to the public until such time as the governing body shall make them public or by an order of court.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 3-350 Conduct Of Meeting And Order Of Business

[3-351 Rules Of Procedure](#)

[3-352 Agenda](#)

[3-353 Order Of Business](#)

3-351 Rules Of Procedure

Except as otherwise specifically required or provided by law, these ordinances, or by resolution of the governing body, the most current edition of Robert's Rules of Order shall govern the procedure and conduct of the meetings of the governing body.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

3-352 Agenda

All reports, communications, ordinances, resolutions, contract documents, or other matters to be submitted to the Richmond City Council shall be delivered to the Recorder or other designated member of the Richmond City administration no later than four working days prior to the City Council meeting in which the material shall be presented. The designated member of the City administrative department shall then arrange a list

of such matters according to the order of business and furnish each member of the governing body, the City Recorder, the City Treasurer, and the City Attorney (when appropriate) a copy of the agenda as far in advance of the scheduled meeting as possible, and in no case less than 48 hours prior to said scheduled meeting. Further, copies of said agenda shall be posted in at least three publicly accessible locations within Richmond City at least 48 hours prior to the meeting, and will be published in the local news media in keeping with said local news media policy. Only matters appearing on the agenda shall be presented to the governing body during the course of the official meeting with the sole exception of unforeseen matters of an emergency nature. Should such an event occur, the governing body may, by motion, waive the requirements of this section; however, the term “emergency nature” shall apply only to events, actions, or conditions that could place the health and well-being of Richmond citizens in jeopardy. Participation in the welcoming ceremony shall be open to all on a non-discriminatory basis with scheduling preference being given to Richmond citizens. Individuals desiring to participate in the welcoming ceremony should write a letter to the Richmond City Recorder or other designated member of the Richmond City administration at least one month in advance of the meeting in which they desire to participate, and provide at least one alternate meeting date. The letter should indicate a point of contact for arrangements and a brief description of the proposed welcoming ceremony. The content of the proposed welcoming ceremony shall not serve as the basis for denying the right to present an welcoming ceremony, unless such content violates any applicable law, ordinance, regulation, statute, etc. The welcoming ceremony, including the Pledge of Allegiance, shall not exceed three minutes. The welcoming ceremony shall not be used for the purpose of public input on a particular city issue, shall not be specific to any specific agenda item, nor shall it be applicable to any political issue. The welcoming ceremony is designed to be positive, encouraging, and uplifting, it may or may not include prayer, or non-secular comments appropriate for public gatherings. Should no specific welcoming ceremony be scheduled for a meeting, the mayor (or in the mayor’s absence, the designated member of the City Council serving as chair for that meeting) may ask for individuals present to participate, as appropriate, in conducting/performing a welcoming ceremony conforming to this ordinance.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

3-535 Order Of Business

- A. At the time and place set for each meeting of the Richmond City Council, the business of Richmond City shall be taken up for consideration and disposition in the following order unless otherwise provided by motion of the Richmond City Council:
1. Pledge of Allegiance and Welcome.
 2. Reading and approval of previous meetings minutes.
 3. Petitions, remonstrances and communications.
 4. Public hearings, if appropriate.



5. Introduction, discussion, and adoption of ordinances and/or resolutions.
6. Continuation of old business if applicable.
7. New business items.
8. Reports - Departmental, Administrative, Council, and Mayor.
9. Approval of appropriations.
10. Schedule of agenda items for next meeting, as known.
11. Adjournment.

B. The Richmond City Council may by motion change, amend, or delete an agenda item provided for in this section.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

[Chapter 3-400 ORDINANCES AND RESOLUTIONS](#)

[Part 3-410 Ordinances](#)

[Part 3-420 Access To Public Records](#)

Part 3-410 Ordinances

[3-411 Publication And Effective Date Of Ordinances](#)

[3-412 Notice](#)

[3-413 Recorder's /Clerk's Duties](#)

[3-414 Powers Of Governing Body To Be Exercised By Ordinance](#)

3-411 Publication And Effective Date Of Ordinances

See U.C.A. § 10-6-12.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

3-412 Notice

See U.C.A. § 10-9-4 and 10-9-5 for zoning ordinances. See U.C.A. § 10-6-41 for salary ordinance.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

3-413 Recorder's /Clerk's Duties

See U.C.A. §§ 10-6-12 and 10-10-60.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

3-414 Powers Of Governing Body To Be Exercised By Ordinance

See U.C.A. § 10-7-2.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 3-420 Access To Public Records

[420.010 Authority And Purpose](#)

[420.020 Definitions](#)

[420.030 Request For Access](#)

[420.040 Appeal](#)

[420.050 Fees](#)

[420.060 Forms](#)

420.010 Authority And Purpose

Under authority of Utah Code Annotated §63G-2-701, this ordinance specifies how records in the custody of the City of Richmond may be accessed, and where and to whom requests for access to records shall be directed. All other regulations related to access to public records, including but not limited to, standards for the classification and designation of records; the standards for the management and retention of records; response times for access requests; and time limits for appeals shall be as set forth in Utah Code Annotate Title 63G, Chapter 2.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

420.020 Definitions

Terms used in this ordinance are defined in Utah Code Annotated §63G-2-103.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

420.030 Request For Access

- A. A request for access to records shall be made in writing, include the information required by Utah Code Annotated Section 63G-2-204, and be submitted by first class mail; hand delivery; or electronically to the records officer as follows:
1. For records maintained by the City of Richmond: Office of the City Recorder, 90 South 100 West, Richmond, Utah 84333. Electronically submitted requests shall be sent to recordrequest@richmondutah.org.
- B. Requests submitted in a manner other than set forth herein will not be accepted.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

420.040 Appeal

- A. An appeal of a decision of a records officer, shall be in writing, comply with the information required by Utah Code Annotated 63G-2-401(2) and be submitted by first class mail; hand delivery; or electronically to the Office of the City Administrator, 90 South 100 West, Richmond, Utah 84333 or recordrequest@richmondutah.org.
- B. Appeals submitted in a manner other than set forth herein will not be accepted.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

420.050 Fees

- A. The fee charged per hour will be \$23.75. The fee charged for black and white 8.5" x 11" copies will be \$0.20 per sheet. If a staff member cannot fulfill a request and a professional is hired by the city to fulfill a request the hourly rate charged will be the hourly rate charged by the professional to the city.
- B. Fees for providing a record may be waived under certain circumstances described in Utah Code Annotated Section 63G-2-203(4). A request for a fee waiver shall be made in writing to the records officer as part of the records request.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

420.060 Forms

- A. Request forms are available at www.richmondutah.org, or at the Park Community Center located at 90 South 100 West, Richmond.
- B. This form(s) is mandatory and a requester is required to use this form(s) when submitting a records request. Additional items may be attached to the form(s) if needed.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Chapter 3-500 ADMINISTRATION

[Part 3-510 Mayor](#)

[Part 3-520 Bonds](#)

[Part 3-530 Officers To Take Oath Of Office](#)

[Part 3-540 \(Reserved\)](#)

[Part 3-550 Compensation And Salaries](#)

[Part 3-560 Personnel](#)

Part 3-510 Mayor



[3-511 Chief Executive](#)
[3-512 Absence Of Chief Executive](#)

3-511 Chief Executive

The mayor shall be the chief executive and administrator of this municipality and shall:

- A. Appoint, with the concurrence of the governing body, all officers of the municipality.
- B. Supervise all appointed officials and employees.
- C. Recommend to the governing body any change in position of any person requiring the concurrence or action of the governing body.
- D. Inspect all books and records pertaining to municipal affairs kept by any officer, employee, former officer or employee of the municipality at any reasonable time.
- E. Whenever there is a dispute as to the respective duties or powers of any appointed officer of the municipality the dispute shall be settled by the mayor who may confer with the attorney; and the mayor shall have the power to delegate to any appointed officer any duty which is to be performed when no specific officer has been directed to perform that duty, subject to the consent of the governing body at its next regular meeting.
- F. Temporarily designate himself or any other person to perform the duties of any office or position of the municipality which is vacant or which is not properly administered due to the absence or disability of the person appointed to that office or position.
- G. Prepare and present to the governing body such reports as are required by law and such other reports as are requested by the governing body.
- H. Perform such other duties as may be required by statute or ordinance.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

3-512 Absence Of Chief Executive

Cities - See U.C.A. § 10-6-23; Towns - see U.C.A. § 10-6-26.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 3-520 Bonds

[3-521 Amount Of Bond](#)

3-521 Amount Of Bond

- A. Before taking the oath of office and entering on the duties of their respective office, the following named municipal officials shall each give a bond with good



and sufficient securities, payable to the municipality conditioned for the faithful performance of the duties of their office and the payment of all monies received by such officers according to law and the ordinance of this municipality in the following amounts:

OFFICE	AMOUNT OF BOND
Mayor	\$2,000.00
Councilmen	\$500.00
Treasurer	\$2,000.00
Recorder/Clerk	\$5,000.00
Marshal	\$500.00
Justice of the Peace	\$2,000.00

- B. The Treasurer's bond shall be superseded by any rules, regulation or directive of the state money management council when such rule, regulation or directive is binding on this municipality.
- C. The premium charged by any corporate surety for any bond required in this section shall be paid by this municipality.
- D. The bond required in this section may be a blanket bond.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 3-530 Officers To Take Oath Of Office

[3-531 Oath Required Before Taking Office Or Performing Duties](#)

[3-532 Form Of Oath](#)

3-531 Oath Required Before Taking Office Or Performing Duties

See U.C.A. Section 10-6-33.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

3-532 Form Of Oath

See Constitution of Utah Article IV, Section 10.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 3-540 (Reserved)

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019



Part 3-550 Compensation And Salaries

[3-551 Payment Periods](#)

[3-552 Monthly \(Reserved\)](#)

[3-553 Compensation Limited For Several Positions](#)

3-551 Payment Periods

A. The salary of the officers and employees of this municipality shall be paid in the amount and at such times as is below specified:

Mayor	monthly	\$50.00
Councilman	monthly	\$40.00
Clerk/Recorder	monthly	\$200.00
Treasurer	hourly	\$2.50
Marshal	monthly	\$425.00

B. In addition to the salary paid the officers and employees of this municipality, they shall receive the following benefits:

1. The employees' share of the social security tax.
2. Health and accident insurance for themselves and their families on such basis and cost to the employee or officer as the governing body may from time to time establish by resolution.
3. Vacation and sick leave on such basis as the governing body may from time to time establish by resolution.
4. Participation in the Utah state retirement program on such basis and cost as the governing body may from time to time by resolution establish.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

3-552 Monthly (Reserved)

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

3-553 Compensation Limited For Several Positions

Whenever any person serves in two or more positions either as officers' or employees of this municipality, unless otherwise specifically provided in the employment agreement, by ordinance or resolution, the person shall receive the salary or compensation of the office or employment paying the greater amount.



HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 3-560 Personnel

[3-561 Terms Of Appointment](#)

[3-562 Termination Procedures](#)

[3-565 Appointment Of City Recorder, City Treasurer And City Administrator](#)

3-561 Terms Of Appointment

Cities see U.C.A. § 10-6-32.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

3-562 Termination Procedures

See U.C.A. § 49-2-5 for procedures to terminate certain employees.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

3-565 Appointment Of City Recorder, City Treasurer And City Administrator

1. The Mayor, with the advice and consent of the City Council, shall appoint qualified persons to the offices of City Recorder, City Treasurer, and City Administrator.
 - a. The Mayor and City Council shall use best efforts to ensure that none of the aforementioned office(s) are vacant.
2. The City Recorder is *ex officio* the City Auditor and shall perform the duties of that office.
3. The Mayor, with the advice and consent of the City Council, shall also appoint and fill all vacancies in all offices provided for by law or ordinance.
4. All appointed officers shall continue in office until their successors are appointed and qualified, or until their appointment is terminated.
5. All appointed officers are "at will" employees who may be terminated with or without cause and have no term of office.
6. In the event of termination, policies and procedures outlined in Section IX of the *Personnel Policies and Administrative Procedures Manual for Richmond City, Utah*, shall be followed.
 - a. Additionally, in the event of involuntary termination of the City Recorder, the City Treasurer or the City Administrator, the process must be with the advice and consent of the City Council. Advice and consent being defined as a formal vote of the council with at least three (3) City Council members voting to terminate said employee in said position.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Chapter 3-600 APPOINTED OFFICIALS AND THEIR DUTIES

Part 3-610 Officials

Part 3-620 Appointment Of Officers

Part 3-630 Duties Of All Officers

Part 3-700 Fire Department And Emergency Services

Part 3-610 Officials

3-611 Statutory Offices

3-611 Statutory Offices

- A. **Recorder/Clerk.** Cities see U.C.A. § 10-6-80. Duties of recorder/clerk include U.C.A. §§ 10-6-12, 10-10-60 through 10-10-63. Towns see U.C.A. § 10-13-20.
- B. **Treasurer.** Cities see U.C.A. § 10-6-30. Duties include U.C.A. §§ 10-10-64 through 10-10-69. Towns see U.C.A. § 10-13-20.
- C. **Marshal.** Cities see U.C.A. § 10-6-30. Duties include U.C.A. §§ 10-6-65 through 10-6-69. Towns see U.C.A. § 10-13-20.
- D. **Justice of the Peace.** Cities see U.C.A. §§ 10-6-30, 10-6-74. Towns see U.C.A. § 10-13-20. Also see Title 5-000.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 3-620 Appointment Of Officers

3-621 Appointment Of Officers And Agents

3-622 Term Of Appointive Officers - Removal

3-623 Supervision

3-621 Appointment Of Officers And Agents

Cities see U.C.A. § 10-6-30.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

3-622 Term Of Appointive Officers - Removal

Cities see U.C.A. § 10-6-32.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

3-623 Supervision

The mayor shall supervise the official conduct of all officers of the municipality and investigate or cause to be investigated and present any complaint to the governing body together with the results of the investigation at the next regular meeting of the governing body after the complaint is received by him.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 3-630 Duties Of All Officers

3-631 Duties Of All Officers

3-631 Duties Of All Officers

It shall be the duty of all officers of the municipality to:

- A. Deliver to their successor within one week after the change of office all records, documents and property which belong to the municipality.
- B. Deliver to the treasurer within one week after receipt of such funds all funds of the municipality which the officer receives.
- C. Sign within a reasonable time all papers, documents and records received by him which require his signature.
- D. Perform all duties imposed on him by virtue of the office held.
- E. Give receipts on forms provided by the recorder/clerk for all sums of money received, collected or paid them or their assistants.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 3-700 Fire Department And Emergency Services

3-701 Fire Department And Emergency Services

3-702 Officers Of Department

3-703 Duties Of Department

3-704 Emergency Medial Services

3-705 Interlocal Agreements

3-706 Restrictions

3-707 Remuneration

3-708 Right-Of-Way

3-709 May Blockade Streets

3-710 Right Of Entry

3-711 Removal Of Obstructions

3-712 Use Of Water

3-713 Investigation Of Fire

3-701 Fire Department And Emergency Services

There is hereby established a Volunteer Fire and Rescue Department in the City to be known as the Richmond Volunteer Fire and Rescue Department. The members of the Department may adopt a constitution, by-laws, and such other rules and regulations as may be necessary for the effective operation of the Department, including requirements for membership therein. All such rules and regulations governing the operation of the Fire and Rescue Department shall be approved and ratified by the Richmond City

Council. The Statutory Authority for this action is found in Utah Code Annotated 10-8-55.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

3-702 Officers Of Department

The officers of the Department shall be a Fire Chief, who shall be appointed by the Mayor with the consent of the Richmond City Council, two (2) Battalion Chiefs, who shall be elected by the volunteer members of the Department and ratified by the Richmond City Council, and such other officers as may be provided for in the constitution and by-laws of the Department. Officers of the Department, other than the Fire Chief, shall be elected or re-appointed annually. and their names submitted to the City Council for confirmation.

- A. One Battalion Chief shall be designated as Battalion Chief Over Fire.
- B. One Battalion Chief shall be designated as Battalion Chief Over Emergency Medical Services.
- C. The Constitution and By-Laws, to include Standard Operating Procedures and Standard Operating Guides, shall be periodically reviewed and up-dated as necessary.
 - 1. Such reviews shall take place, at minimum, every fifth year unless conditions warrant more frequent re-evaluations.
 - 2. Following any review that results in changes, the revised document(s) shall be ratified by the Richmond City Council.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

3-703 Duties Of Department

The Fire Department, under the direction of the Fire Chief, shall have the duty of extinguishing fires and of protecting life and property within the City. The Fire Chief shall have the sole and entire command over all officers and members of the Department at fires, and in his/her absence the highest ranking officer of the Department at the fire shall have command. The Fire Department may periodically inspect business establishments to check for fire hazards, may at the request or with the permission of the owner inspect private homes for fire hazards and may divide the City into fire districts. The members of the Department shall keep the fire-fighting apparatus in proper condition for immediate use.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

3-704 Emergency Medial Services



The Fire and Rescue Department shall provide emergency medical services. The Fire Chief shall assure that the Department has sufficient staff, equipment, vehicles and supplies and that medical personnel are properly trained, certified and supervised in order to properly provide emergency medical services within the City, in accordance with the requirements of State rules, laws and licensure, and within the standards and protocols adopted by the Department. The Fire Chief shall also insure that the Department shall maintain properly configured and equipped fixed facilities.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

3-705 Interlocal Agreements

The Richmond City Volunteer Fire and Rescue Department will work in conjunction with the Cache County Fire District, the Cache County Emergency Medical Services, or other public safety and emergency response entities. The Department will adhere to all Interlocal Agreements entered into, and ratified by, the Richmond City Council.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

3-706 Restrictions

The Richmond City Volunteer Fire and Rescue Department will not establish any policies or procedures that go counter to National or State of Utah instruction, procedures, or guidelines.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

3-707 Remuneration

Compensation for all members of the Department shall be fixed by resolution of the City Council from time to time.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

3-708 Right-Of-Way

City fire trucks are hereby declared to be emergency vehicles and shall have all of the rights-of-way and exemptions from traffic regulations that are provided by State law.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

3-709 May Blockade Streets

Whenever a fire shall occur, it shall be lawful for the Fire Chief or the officer in command to blockade any street, avenue, alley, sidewalk, or other place if in his/her judgment it is necessary to secure the efficient working of the men, hose, engines, or hook and ladder apparatus under his/her command, and to protect the hose of said Department from injury. It shall be unlawful for any person to break through said blockade.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

3-710 Right Of Entry

The members of the Fire Department shall have the right to enter upon any premises for the purpose of investigating, extinguishing, or controlling fires.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

3-711 Removal Of Obstructions

When a fire is in progress, the Fire Chief, or in his/her absence the officer in charge, may order the removal or destruction of any building, fence, or any telephone, telegraph or electric light poles or wires or any other obstruction in order to prevent the progress of the fire, but neither the Fire Chief nor any other officer or member of the Department shall unnecessarily or recklessly destroy or injure any building or other property.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

3-712 Use Of Water

The Fire Chief, or other officer in charge, shall have the right to use water from any source for the purpose of extinguishing fires or for saving property in danger of being destroyed by fire.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

3-713 Investigation Of Fire

The Fire Chief, or other officer in charge of the fire, shall, after its extinguishment, make a prompt and thorough investigation of the cause of the fire, the time of alarm, the amount of loss and insurance, a description of the affected building and premises, and shall secure all other useful information and data available and record the same, and shall report the same to the City Council at such times as it may direct. If the officer making this investigation determines that the fire appears to be of suspicious origin, he/she may notify the State Fire Marshal to that effect.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Title 4-000 ELECTIONS

Chapter 4-100 MUNICIPAL ELECTIONS; TERMS OF OFFICE

Chapter 4-100 MUNICIPAL ELECTIONS; TERMS OF OFFICE

Part 4-110 By Convention

Part 4-120 Conduct Of Elections

Part 4-110 By Convention

4-111 Nominations - Convention Defined

4-112 Certificate Of Nomination

4-113 Filing Certificates

4-114 Nomination By Certificate

4-115 Objections To Nomination

4-116 Declining Nominations

4-117 Filling Vacancy

4-118 Limited Number Of Names On Petition

4-119 Certificates Preserved

4-111 Nominations - Convention Defined

See U.C.A. § 20-5-1.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

4-112 Certificate Of Nomination

See U.C.A. § 20-5-2.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

4-113 Filing Certificates

See U.C.A. § 20-5-30.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

4-114 Nomination By Certificate

See U.C.A. § 20-5-4.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

4-115 Objections To Nomination

See U.C.A. § 20-5-9.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

4-116 Declining Nominations

See U.C.A. § 20-5-10.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

4-117 Filling Vacancy

See U.C.A. § 20-5-11.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

4-118 Limited Number Of Names On Petition

See U.C.A. § 20-5-5.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

4-119 Certificates Preserved

See U.C.A. § 20-5-6.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 4-120 Conduct Of Elections

[4-121 Designation Of Election Judges - Voting Places](#)

[4-122 Municipal Elections Conform To State Law](#)

[4-123 List Of Nominees Posted](#)

[4-124 Sample Ballots Posted](#)

4-121 Designation Of Election Judges - Voting Places

See U.C.A. § 20-12-3.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

4-122 Municipal Elections Conform To State Law

See U.C.A. §§ 20-12-1 et seq.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

4-123 List Of Nominees Posted

See U.C.A. § 20-5-7.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

4-124 Sample Ballots Posted

See U.C.A. § 20-5-8.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019



Title 5-000 COURTS

[Chapter 5-100 CITY COURT AND JUDGE](#)

[Chapter 5-200 JUSTICES COURT](#)

Chapter 5-100 CITY COURT AND JUDGE

[Part 5-101 Created](#)

[Part 5-102 Judge, Appointment, Term And Tenure Of Office](#)

[Part 5-103 Election Of City Judge](#)

[Part 5-104 Political Activity Forbidden](#)

[Part 5-105 City Court To Succeed Justices Of The Peace](#)

[Part 5-106 Qualifications](#)

[Part 5-107 Residence](#)

[Part 5-108 Absence Forfeits Office - Vacancy - Appointment](#)

[Part 5-109 Civil Jurisdiction](#)

[Part 5-110 Powers Of Judge](#)

[Part 5-111 Criminal Jurisdiction](#)

[Part 5-112 New Trial And Appeal](#)

[Part 5-113 Jury Trials](#)

[Part 5-114 Clerks' Fees](#)

[Part 5-115 Criminal Cases/Fees And Charges](#)

[Part 5-116 Disposition Of Fines](#)

[Part 5-117 Fees Of Judge Pro Tempore](#)

Part 5-101 Created

There hereby is created and established a city court, to be known as the city court of _____, and the office of Judge thereof. See U.C.A. § 78-4-1 for name of city court.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 5-102 Judge, Appointment, Term And Tenure Of Office

See U.C.A. § 78-4-2.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 5-103 Election Of City Judge

See U.C.A. § 78-4-4.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 5-104 Political Activity Forbidden

See U.C.A. § 78-4-5.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 5-105 City Court To Succeed Justices Of The Peace

See U.C.A. § 78-4-7.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 5-106 Qualifications

See U.C.A. § 78-4-8.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 5-107 Residence

Shall reside in Municipality. See U.C.A. § 78-4-10.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 5-108 Absence Forfeits Office - Vacancy - Appointment

See U.C.A. § 78-4-11.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 5-109 Civil Jurisdiction

See U.C.A. § 78-4-14.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 5-110 Powers Of Judge

See U.C.A. § 78-4-5.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 5-111 Criminal Jurisdiction

See U.C.A. § 78-4-16.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 5-112 New Trial And Appeal

See U.C.A. § 78-4-17.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 5-113 Jury Trials

See U.C.A. § 78-4-18.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019



Part 5-114 Clerks' Fees

See U.C.A. § 78-4-20.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 5-115 Criminal Cases/Fees And Charges

See U.C.A. § 78-4-22.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 5-116 Disposition Of Fines

See U.C.A. § 78-4-23.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 5-117 Fees Of Judge Pro Tempore

The fees of a Judge pro tempore in the city court, unless otherwise agreed by the party to the litigation and the person acting as Judge pro tempore, shall be \$10 per day, to be taxed as cost by the prevailing party.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Chapter 5-200 JUSTICES COURT

[Part 5-210 Administration And Qualifications](#)

[Part 5-250 Criminal Provision](#)

Part 5-210 Administration And Qualifications

[5-211 Appointments And Vacancies](#)

[5-212 Qualifications](#)

[5-213 Pro Tem Justices](#)

[5-214 Compensation](#)

[5-215 Residence - Place Of Holding Court](#)

[5-216 Trial Facilities](#)

[5-217 Laws And Ordinances Provided By Cities And Towns](#)

5-211 Appointments And Vacancies

See U.C.A. § 10-6-74.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

5-212 Qualifications

See U.C.A. § 10-6-74.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

5-213 Pro Tem Justices

See U.C.A. § 10-6-74.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

5-214 Compensation

See U.C.A. §§ 10-6-74, 78-5-29, 78-5-30.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

5-215 Residence - Place Of Holding Court

See U.C.A. § 78-5-1.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

5-216 Trial Facilities

See U.C.A. § 78-5-1.1.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

5-217 Laws And Ordinances Provided By Cities And Towns

See U.C.A. § 78-5-1.2.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 5-250 Criminal Provision

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Title 6-000 FINANCES AND TAXATION

[Chapter 6-100 SALES AND USE TAX \(RESERVED\)](#)

[Chapter 6-200 SPECIAL IMPROVEMENTS](#)

[Chapter 6-300 SPECIAL IMPROVEMENT GUARANTY FUND \(RESERVED\)](#)

[Chapter 6-400 IMPACT FEES AND HOOK-UP FEES FOR CULINARY WATER AND THE SEWER SYSTEM](#)

[Chapter 6-600 TELECOMMUNICATIONS RELATED TAXES AND FEES](#)

Chapter 6-100 SALES AND USE TAX (RESERVED)

Chapter 6-200 SPECIAL IMPROVEMENTS

[Part 6-210 Collection Of Special Improvement Taxes](#)

Part 6-210 Collection Of Special Improvement Taxes

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Chapter 6-300 SPECIAL IMPROVEMENT GUARANTY FUND (RESERVED)

Chapter 6-400 IMPACT FEES AND HOOK-UP FEES FOR CULINARY WATER AND THE SEWER SYSTEM

[Part 6-410 Impact Fees](#)

[Part 6-420 Culinary Water Impact Fees](#)

[Part 6-430 Residential Wastewater Aka Sewer Impact Fees](#)

[Part 6-440 Commercial And Industrial Wastewater Aka Sewer Impact Fees](#)

[Part 6-450 Payment Of Impact Fees](#)

[Part 6-460 Hook-Up Fees](#)

[Part 6-470 Payment Of Water And/Or Sewer Hook-Up Fees](#)

Part 6-410 Impact Fees

A. Based upon engineered data contained in the Final Water and Wastewater Impact Fees Analyses prepared by Emily S. Sim, Public Sector Economics and accepted by the Richmond City Council on March 18, 2014, the following base impact fee schedules for culinary water and wastewater are hereby established.

1. Detailed information relative to all calculations and formulas utilized in the preparation of the Final Water and Wastewater Impact Fees Analyses are on file and available at the Richmond City Office.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 6-420 Culinary Water Impact Fees

A. Engineering, including the use of a computerized culinary water model, has

ascertained that there is but a single culinary water service district within the bounds of Richmond City.

METER SIZE IN INCHES	CAPACIT Y, GPM	CAPACITY RATIO TO STANDARD METER	FOR CALENDAR YEAR 2014
3/4	30	1.0	\$3,791.00
1	50	1.67	\$6,318.00
1.5	100	3.33	\$12,635.00
2	160	5.33	\$20,216.00
3	450	15.0	\$56,859.00
4	1,000	33.33	\$126,340.00
			FOR CALENDAR YEAR 2015
3/4	30	1.0	\$4,069.00
1	50	1.67	\$1,795.00
1.5	100	3.33	\$6,795.00
2	160	5.33	\$21,688.00
3	450	15.0	\$61,035.00
4	1,000	33.33	\$135,620.00
			FOR CALENDAR YEAR 2016
3/4	30	1.0	\$4,364.00
1	50	1.67	\$7,288.00
1.5	100	3.33	\$14,532.00
2	160	5.33	\$23,260.00
3	450	15.0	\$65,460.00
4	1,000	33.33	\$145,452.00
			FOR CALENDAR YEAR 2017
3/4	30	1.0	\$4,675.00
1	50	1.67	\$7,807.00
1.5	100	3.33	\$15,568.00
2	160	5.33	\$24,918.00
3	450	15.0	\$70,125.00
4	1,000	33.33	\$155,818.00

			FOR CALENDAR YEAR 2018
3/4	30	1.0	\$5,005.00
1	50	1.67	\$8,358.00
1.5	100	3.33	\$16,667.00
2	160	5.33	\$26,677.00
3	450	15.0	\$75,075.00
4	1,000	33.33	\$166,817.00
			FOR CALENDAR YEAR 2019
3/4	30	1.0	\$5,348.00
1	50	1.67	\$8,931.00
1.5	100	3.33	\$17,809.00
2	160	5.33	\$28,505.00
3	450	15.0	\$80,220.00
4	1,000	33.33	\$178,249.00

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 6-430 Residential Wastewater Aka Sewer Impact Fees

A. Following extensive engineering, including computer modeling, it was determined that Richmond City currently supports two separate wastewater service areas based upon a combination of capacity and potential growth.

1. The east-west running division point between the North and South service areas, starting at the City Limits on the east side where a ninety-degree (90) change takes place about 500 East and 150 North, plus or minus, the division point then proceeds west to the west edge of the Richmond Heights subdivision then south to the Main Street sewer line, then essentially west to 100 West, then south to approximately 50 South then west to the railroad, then north to Main Street and west to the west City Limits.



2. Connections that will be made close to this general line must consult the engineers map found as [Appendix A](#) of this ordinance for exact service area determination.

	PIPE SIZE IN INCHES	GPM (at 2' per second velocity)	CAPACITY RATIO TO 4" SEWER PIPE	IMPACT FEE
NORTH WASTEWATER SERVICE AREA - 2014				
	4	79	1.00	\$5,609
	6	177	2.25	\$12,620
	8	12	4.00	\$22,436
	12	707	9.00	\$50,480
SOUTH WASTEWATER SERVICE AREA - 2014				
	4	79	1.00	\$2,358
	6	177	2.25	\$5,306
	8	314	4.00	\$9,432
	12	707	9.00	\$21,222
NORTH WASTEWATER SERVICE AREA - 2015				
	4	79	1.00	\$5,803
	6	177	2.25	\$13,057
	8	314	4.00	\$23,212
	12	707	9.00	\$52,227
SOUTH WASTEWATER SERVICE AREA - 2015				
	4	79	1.00	\$2,552
	6	177	2.25	\$5,742
	8	314	4.00	\$10,208
	12	707	9.00	\$22,968
NORTH WASTEWATER SERVICE AREA - 2016				
	4	79	1.00	\$6,007
	6	177	2.25	\$13,516

	8	314	4.00	\$24,028
	12	707	9.00	\$54,063
SOUTH WASTEWATER SERVICE AREA - 2016				
	4	79	1.00	\$2,756
	6	177	2.25	\$6,201
	8	314	4.00	\$11,024
	12	707	9.00	\$24,804
NORTH WASTEWATER SERVICE AREA - 2017				
	4	79	1.00	\$6,222
	6	177	2.25	\$14,000
	8	314	4.00	\$24,888
	12	707	9.00	\$55,998
SOUTH WASTEWATER SERVICE AREA - 2017				
	4	79	1.00	\$2,971
	6	177	2.25	\$6,685
	8	314	4.00	\$11,884
	12	707	9.00	\$26,739
NORTH WASTEWATER SERVICE AREA - 2018				
	4	79	1.00	\$6,448
	6	177	2.25	\$14,508
	8	314	4.00	\$25,792
	12	707	9.00	\$58,032
SOUTH WASTEWATER SERVICE AREA - 2018				
	4	79	1.00	\$3,198

				\$0,100
6	177	2.25		\$7,195
8	314	4.00		\$12,792
12	707	9.00		\$28,782
NORTH WASTEWATER SERVICE AREA - 2019				
4	79	1.00		\$6,689
6	177	2.25		\$15,050
8	314	4.00		\$15,050
12	707	9.00		\$60,201
SOUTH WASTEWATER SERVICE AREA - 2019				
4	79	1.00		\$3,438
6	177	2.25		\$7,735
8	314	4.00		\$13,752
12	707	9.00		\$30,942

B. Multiple Family connections will be computed using the following formula.

1. In Utah the accepted average Equivalent Residential Unit that would be served by a single 4" diameter sewer pipe is computed at an occupancy of 3.09 people per residence.
2. The accepted average for a multiple-family unit is computed at an occupancy of 2.0 people per unit.
3. To compute the impact fee for a multi-family building, the total number of units attached to a single sewer lateral will be multiplied by 2.0 with that sum being divided by 3.09.
 - a. The resultant number will be rounded off (less than .5 to the lower number, .5 or greater to the higher number) to determine the number of ERU's.
 - b. The impact fee will then be based upon the number of ERU's multiplied by the fee for the diameter of the sewer pipe.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 6-440 Commercial And Industrial Wastewater Aka Sewer Impact Fees

- A. Impact fees for commercial or industrial users will be calculated on an individual basis by the City Engineer.
 - 1. All such calculations will be based upon the current Equivalent Residential Unit and in compliance with existing regulations concerning Impact Fees as found in the most recent version of Utah Code Annotated.
 - 2. The determination of north or south service area is the same as for the residential fees per 6-430 of this ordinance.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 6-450 Payment Of Impact Fees

- A. Impact fees may not be paid prior to the satisfactory completion of the Richmond City Building Clearance form and determination of the correct impact fee schedule in the case of multi-family, commercial and industrial users.
- B. Impact fees must be paid prior to the issuance of the building permit.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 6-460 Hook-Up Fees

- A. Based upon engineered data, the following water and sewer hook-up fees which includes the cost of the specified water meter are established:

CULINARY WATER HOOK-UP FEES							
SERVICE	MEANS	2014	2015	2016	2017	2018	2019
3/4"	Bore	\$4,751	\$4,894	\$5,040	\$5,192	\$5,347	\$5,508
3/4"	Open Cut	\$5,204	\$5,360	\$5,521	\$5,686	\$5,857	\$6,033
1"	Bore	\$4,864	\$5,010	\$5,160	\$5,315	\$5,475	\$5,639
1"	Open Cut	\$5,317	\$5,476	\$5,641	\$5,810	\$5,984	\$6,164
1.5"	Bore	\$6,341	\$6,531	\$6,727	\$6,929	\$7,137	\$7,351
1.5"	Open Cut	\$6,794	\$6,997	\$7,207	\$7,424	\$7,646	\$7,876
2"	Bore	\$7,432	\$7,655	\$7,884	\$8,121	\$8,364	\$8,615
2"	Open Cut	\$7,524	\$7,750	\$7,982	\$8,222	\$8,469	\$8,723
3"	Bore	\$10,433	\$10,746	\$11,068	\$11,400	\$11,742	\$12,094
3"	Open Cut	\$9,765	\$10,058	\$10,360	\$10,671	\$10,991	\$11,321
4"	Bore	\$11,396	\$11,738	\$12,091	\$12,453	\$12,827	\$13,212
4"	Open Cut	\$10,129	\$10,433	\$10,746	\$11,068	\$11,400	\$11,742
6"	Bore	\$11,609	\$15,047	\$15,499	\$15,964	\$16,442	\$16,936
6"	Open Cut	\$12,741	\$13,124	\$13,518	\$13,923	\$14,341	\$14,771

SEWER HOOK-UP FEES						
MEANS	2014	2015	2016	2017	2018	2019
4" Bore	\$4,943	\$5,092	\$5,244	\$5,402	\$5,564	\$5,731
4" Open Cut	\$4,984	\$5,133	\$5,287	\$5,446	\$5,609	\$5,777
6" Bore	\$6,179	\$6,364	\$6,555	\$6,752	\$6,954	\$7,163
6" Open Cut	\$5,059	\$5,211	\$5,367	\$5,367	\$5,694	\$5,865



- B. Builders, contractors, and developers have the choice of paying the hook-up fee and have the City bring the respective water and sewer line from the water and/or sewer main to the property line of the property receiving the service or the builder, contractor, or developer may have the work performed by another Utah-licensed provider.
1. In the case of the latter, all work must be inspected by Richmond City prior to being covered, and the actual connection to the respective mains must be witnessed and supervised by an authorized representative of Richmond City .
 2. In the case of the latter, there will be a flat \$100 inspection fee plus the current actual cost of the appropriate water meter purchased and installed by the City.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 6-470 Payment Of Water And/Or Sewer Hook-Up Fees

- A. Payment of the hook-up fees, or alternate inspection and meter fee, must be made prior to commencing work on the project.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Chapter 6-600 TELECOMMUNICATIONS RELATED TAXES AND FEES

[Part 6-601 Definitions](#)

[Part 6-602 Levy Of Tax](#)

[Part 6-603 Rate](#)

[Part 6-604 Rate Limitation And Exemption Therefrom](#)

[Part 6-605 Effective Date Of Tax Levy](#)

[Part 6-606 Changes In Rate Or Repeal Of The Tax](#)

[Part 6-607 Interlocal Agreement For Collection Of The Tax](#)

Part 6-601 Definitions

As used in this ordinance the following definitions shall apply:

- A. "Commission" means the State Tax Commission.
- B.
1. Subject to Subsections B.2 and B.3, "customer" means the person who is obligated under a contract with a telecommunications provider to pay for telecommunications service received under the contract.
 2. For purposes of the ordinance, "customer" means:
 - a. The person who is obligated under a contract with a



- telecommunications provider to pay for telecommunications service received under the contract; or
- b. If the end user is not the person described in Subsection B.2.a, the end user of telecommunications service.
3. “Customer” does not include a reseller:
- a. Of telecommunications service; or
 - b. For mobile telecommunications service, of a serving carrier under an agreement to serve the customer outside the telecommunications provider’s licensed service area.
- C.
1. “End user” means the person who uses a telecommunications service.
 2. For purposes of telecommunications service provided to a person who is not an individual, “end user” means the individual who uses the telecommunications service on behalf of the person who is provided the telecommunications service.
- D. “Gross Receipts attributed to the municipality” means those gross receipts from a transaction for telecommunications services that is located within the municipality for the purposes of sales and use taxes under Utah Code Annotated Title 59, Chapter 12, Sales and use Tax Act and determined in accordance with Utah Code Annotated Section 59-12-207.
- E. “Gross receipts from telecommunications service” means the revenue that a telecommunications provider receives for telecommunications service rendered except for amounts collected or paid as:
1. A tax, fee, or charge:
 - a. Imposed by a governmental entity;
 - b. Separately identified as a tax, fee, or charge in the transaction with the customer for the telecommunications service; and
 - c. Imposed only on a telecommunications provider;
 2. Sales and use taxes collected by the telecommunications provider from a customer under Utah Code Annotated Title 59, Chapter 12, Sales and Use Tax Act; or
 3. Interest, a fee, or a charge that is charged by a telecommunications provider on a customer for failure to pay for telecommunications service when payment is due.

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

G. "Municipality" means Richmond City Corporation.

H. "Place of primary use":

1. For telecommunications service other than mobile telecommunications service, means the street address representative of where the customer's use of the telecommunications service primarily occurs, which shall be:

- a. The residential street address of the customer; or
- b. The primary business street address of the customer; or

2. For mobile telecommunications service, is as defined in the Mobile Telecommunications Sourcing Act, 4 U.S.C. Sec. 124.

I. Notwithstanding where a call is billed or paid, "service address" means:

1. If the location described in the Subsection I.1. is known, the location of the telecommunications equipment:

- a. To which a call is charged; and
- b. From which the call originates or terminates.

2. If the location described in Subsection I.1. is not known but the location described in this Subsection H.2. is known, the location of the origination point of the signal of the telecommunications service first identified by:

- a. The telecommunication system of the telecommunications provider; or
- b. If the system used to transport the signal is not a system of the telecommunications provider, information received by the telecommunications provider from its service provider; or

3. If the locations described in Subsection I.1. or I.2. are not known, the location of a customer's place of primary use.

J.

1. Subject to Subsections I.2. and I.3., "telecommunications provider" means a person that:

- a. Owns, controls, operates, or manages a telecommunications service; or
- b. Engages in an activity described in Subsection I.1.a for the shared use with or resale to any person of the telecommunications service.

2. A person described in Subsection I.1. is a telecommunications provider whether or not the Public Service Commission of Utah regulates:
 - a. That person; or
 - b. The telecommunications service that the person owns, controls, operates, or manages.
3. "Telecommunications provider" does not include an aggregator as defined in Utah Code Annotated Section 54-8b-2.

K. "Telecommunications service" means:

1. Telephone service as defined in Utah Code Annotated Section 59-12-102, other than mobile telecommunications service, that originates and terminates within the boundaries of this state; and
2. Mobile telecommunications service, as defined in Utah Code Annotated Section 59-12-102:
 - a. That originates and terminates within the boundaries of one state; and
 - b. Only to the extent permitted by the Mobile Telecommunications Sourcing Act, 4 U.S.C. Sec.116 et. seq.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 6-602 Levy Of Tax

- A. There is hereby levied a Municipal Telecommunications License Tax on the gross receipts from telecommunications service attributed to this municipality.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 6-603 Rate

- A. The rate of the tax levy shall be four percent (4%) of the telecommunication provider's gross receipts from telecommunications service that are attributed to the municipality subject to the following:
 1. If the location of a transaction is determined to be other than this municipality then the rate imposed on the gross receipts for telecommunications services shall be the lower of (1) the rate imposed by the taxing jurisdiction in which the transaction is located or (2) the rate for non-mobile telecommunication services shall be the rate imposed by the municipality in which the customers service address is located; or for



mobile telecommunications service, the rate imposed by the municipality of the customer's primary place of use.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 6-604 Rate Limitation And Exemption Therefrom

- A. The rate of this levy shall not exceed four percent (4%) of the telecommunication provider's gross receipts from telecommunication service attributed to the municipality unless a higher rate is approved by a majority vote of the voters in this municipality that vote in:
1. A municipal general election;
 2. A regular general election; or
 3. A local special election.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 6-605 Effective Date Of Tax Levy

- A. This tax shall be levied beginning on the earlier of July 1, 2004 or the first day of any calendar quarter after a seventy-five (75) day period beginning on the date the Commission received notice pursuant to Utah Code Annotated Section 10-1-403 that this municipality has enacted this ordinance.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 6-606 Changes In Rate Or Repeal Of The Tax

- A. Changes in rate or repeal of the tax are subject to the requirements of Utah Code Annotated 10-1-403. If the tax rate is changed or the tax is repealed, then the appropriate notices shall be given as provided in Utah Code Annotated Section 10-1-403.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 6-607 Interlocal Agreement For Collection Of The Tax

- A. On or before the effective date of the enabling ordinance, the municipality shall enter into the uniform interlocal agreement with the Commission as described in Utah Code Annotated 10-1-405 for the collection, enforcement, and administration of this municipal telecommunications license tax;



- B. Passage of this ordinance shall be both the implementation of the above addition to Title 6-000 of the Code of Revised Ordinances of Richmond (1975, adopted 1976) and the enactment of the Municipal Telecommunications License Tax at a rate of four percent (4%) as described herein.
- C. Upon passage of this ordinance, and effective the implementation date, Section 11 entitled "Franchise Payments" of Richmond City Ordinance 80-4 is declared historic and repealed.

In addition:

1. Any tax or fee previously enacted by this municipality under authority of Utah Code Annotated Section 10-1-203 or Utah Code Annotated Title 11, Chapter 26, Local Taxation of Utilities Limitation is hereby repealed.
2. Nothing in this ordinance shall be interpreted to repeal any municipal ordinance or fee which provides that the municipality may recover from a telecommunications provider the management costs of the municipality caused by the activities of the telecommunications provider in the rights-of-way of the municipality, if the fee is imposed in accordance with Utah Code Annotated Section 72-7-102 and is not related to the municipality's loss of use of a highway as a result of the activities of the telecommunications provider in a right-of-way, or increased deterioration of a highway as a result of the activities of the telecommunications provider in a right-of-way nor does this ordinance limit the municipalities right to charge fees or taxes on persons that are not subject to the municipal telecommunications license tax under this ordinance and located telecommunications facilities, as defined in Utah Code Annotation Section 72-7-108, in this municipality.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019



[Title 7-000 MUNICIPAL IMPROVEMENTS AND PUBLIC SERVICE PROJECTS](#)

[Chapter 7-100 MUNICIPAL IMPROVEMENT DISTRICT ACT](#)

[Chapter 7-200 CONTRACTS FOR PUBLIC IMPROVEMENTS](#)

[Chapter 7-300 MUNICIPAL RESOURCES](#)

Chapter 7-100 MUNICIPAL IMPROVEMENT DISTRICT ACT

See U.C.A. §§ 10-16-1 et seq.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Chapter 7-200 CONTRACTS FOR PUBLIC IMPROVEMENTS

[Part 7-210 Bids On Public Improvements](#)

[Part 7-220 Public Contracts](#)

Part 7-210 Bids On Public Improvements

[7-211 Bids Required - Lowest Responsible Bidder - Exemptions - Preferred Bidders](#)

7-211 Bids Required - Lowest Responsible Bidder - Exemptions - Preferred Bidders

See U.C.A. § 10-7-20 for bids on municipal improvements. See U.C.A. § 63-2-50 as to "Preferred Bidders."

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 7-220 Public Contracts

[7-221 Performance Bond Required For Public Buildings](#)

[7-222 Claims For Labor Or Materials](#)

[7-223 Liability Of Governing Body On Failure To Require Bond](#)

7-221 Performance Bond Required For Public Buildings

See U.C.A. § 14-1-5.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

7-222 Claims For Labor Or Materials

See U.C.A. § 14-1-6.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

7-223 Liability Of Governing Body On Failure To Require Bond

See U.C.A. § 14-1-7.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Chapter 7-300 MUNICIPAL RESOURCES



[Part 7-310 Municipal Resource Development Board](#)

Part 7-310 Municipal Resource Development Board

See U.C.A. §§ 10-7-79 through 10-7-84.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Title 8-000 MUNICIPAL PROPERTY

[Chapter 8-100 REGULATION AND CONTROL](#)

[Chapter 8-200 CEMETERIES \(RESERVED\)](#)

[Chapter 8-300 TELECOMMUNICATIONS RIGHT-OF-WAY](#)

[Chapter 8-400 PARKS AND RECREATION LANDS AND FACILITIES](#)

Chapter 8-100 REGULATION AND CONTROL

[8-101 Control Of Municipal Property](#)

[8-102 Acquisition And Disposal](#)

[8-103 Erection And Care Of Buildings](#)

[Part 8-110 Control Of Municipal Property](#)

[Part 8-113 Prohibition Of Intoxicants Or Illegally Used Substances](#)

8-101 Control Of Municipal Property

Cities see U.C.A. §§ 10-8-1 and 10-8-2.

Towns see U.C.A. §§ 10-13-1 and 10-13-5.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

8-102 Acquisition And Disposal

Cities see U.C.A. § 10-8-2.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

8-103 Erection And Care Of Buildings

Cities see U.C.A. § 10-8-5.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 8-110 Control Of Municipal Property

[8-111 Unlawful Use](#)

[8-112 Repair Or Restoration](#)

[8-113 Franchise](#)

[8-114 Acts Exempted](#)

8-111 Unlawful Use

Unless authorized by permit or other written authorization issued by the municipality or unless authority is granted by provisions of this code or other ordinance of the municipality now or hereafter enacted, it shall be a class B misdemeanor for any person to:

- A. Construct, lay, excavate, erect, operate or maintain over, under, across, in or through any property owned or controlled by this municipality any utility, canal, ditch, construction or building.

- B. Enter upon any property of this municipality contrary to posting or marking restricting or prohibiting use of the area.
- C. Intentionally use or perform acts upon property of the municipality which materially impairs, alters, or damages the property.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

8-112 Repair Or Restoration

The governing body, in addition to any other penalty which may be imposed, may order any person who has damaged, altered or changed any property of this municipality to repair or restore the property to its original condition prior to the damage, alteration or change.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

8-113 Franchise

- A. The governing body may grant to any person a franchise or easement on such terms and conditions as it deems reasonable, for the purpose of entering upon, constructing, building, operating and maintaining any business or for other use of the property of this municipality, and the provisions of sections 8-111 and 8-112 shall not apply to the extent such provisions are waived, qualified or made inapplicable to the rights or privileges granted in the franchise ordinance or easement.
- B. Any franchise or easement granted by this municipality shall be in writing and any franchise or easement not in writing shall be void.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

8-114 Acts Exempted

It shall not be a violation of this part where any person uses the public property of this municipality in the manner or for the purpose or purposes for which such property has been made available for public use.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 8-113 Prohibition Of Intoxicants Or Illegally Used Substances

The use of intoxicants or illegally obtained controlled substances by any person or persons utilizing or occupying land owned by the City of Richmond, or within buildings owned and/or operated by the City of Richmond is hereby prohibited.

- A. Violation of this Section shall be considered a Class B misdemeanor and subject to the maximum punishment as allowed by State of Utah statute.



- B. The term “intoxicant” shall refer to any beverage containing alcohol.
- C. The phrase or term “illegally used” or “illegally obtained” shall be construed as any controlled substance that is either:
 - 1. Obtained in an illegal manner in accordance with current and accepted Federal, State, and/or County laws, or
 - 2. Used in violation of otherwise legally obtained prescriptions from appropriate competent medical authority.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

[Chapter 8-200 CEMETERIES \(RESERVED\)](#)

Chapter 8-300 TELECOMMUNICATIONS RIGHT-OF-WAY

See Ordinance 99-1.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Chapter 8-400 PARKS AND RECREATION LANDS AND FACILITIES

[Part 8-401 Statement Of Establishment](#)

[Part 8-402 Hours Of Operation](#)

[Part 8-403 Utilization Of Facilities](#)

[Part 8-404 Reservation Of Facilities](#)

[Part 8-405 Prohibitions](#)

[Part 8-406 Animals](#)

[Part 8-407 Fires](#)

[Part 8-408 Restrictions On Certain Recreational Activities](#)

[Part 8-409 Restrictions Relating To Motor Vehicles Including Motorcycles, ATV's, Or Similar Motorized Vehicles](#)

[Part 8-410 Vandalism](#)

[Part 8-411 Enforcement](#)

Part 8-401 Statement Of Establishment

- A. The provisions of this Chapter will apply to land and facilities owned by the City of Richmond and dedicated for recreational purposes, to wit:
 - 1. The area of land found within the City block surrounded by Main Street, 200 West, 100 South, and on the east by the property boundaries of land owned by the Cache School District and The Church of Jesus Christ of Latter-Day Saints and commonly referred to as “the City Park.”

2. The area of land found within the City block surrounded by Main Street, 100 West, 100 South, and State Street excluding all privately owned property and commonly referred to as the "Soccer Field" and the "Baseball Diamond."
3. Any and all such lands acquired in whatsoever manner by the City of Richmond within the official City limits of Richmond and designated as any type of park, e.g., neighborhood park, etc.
4. Excluded is the Cub River Sports Complex which is co-managed with Lewiston City and which is governed by its own set of ordinances and regulations.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 8-402 Hours Of Operation

- A. Unless otherwise provided, parks and recreation lands and facilities shall be open to public use between one hour before dawn and midnight of the same day unless occupants would be in violation of current ordinances governing curfew and/or truancy.
 1. In such instances the curfew and/or truancy ordinance time provisions shall prevail.
- B. No overnight camping or gathering shall be permitted unless prior written permission has been obtained from Richmond City and signed by the Mayor or other designated official.
 1. Such exception by written permission is limited to a maximum of seventy two hours duration with dates and times included in the written document.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 8-403 Utilization Of Facilities

- A. The citizens of, and visitors to, Richmond are encouraged to make full utilization of all facilities provided under this Chapter and Title with the expectation that they will respect and assist in the maintenance of the facilities.
 1. Restrooms are provided at the Park and at the Soccer/Baseball field.
 - a. The restrooms on an annual basis will be open from such time when the weather is consistently warm enough to prevent the

- freezing of water in the pipes and fixtures until the season changes sufficiently that freezing is a danger.
- b. No person over the age of six (6) years shall enter into or use any restroom facilities designated for members of the opposite gender.
 - i. The sole exception to this will be in the case of those physically or mentally handicapped and requiring assistance from a legitimate parent, guardian or authorized care-giver.
 - c. It is unlawful for any person to put any object in sinks, urinal, commodes or drinking fountains which is not normally used by such facilities and/or which is reasonably likely to clog or plug the plumbing of such.
 - d. Urination or defecation in public is prohibited and subject to appropriate legal action and penalty.
2. Park pavilions have been equipped with tables, lights, and electrical outlets.
- a. Users are expected to use reasonable care in avoiding the breaking of lights or overloading of electrical circuits.
 - b. Users are expected to clean off tables and benches as best they are able, and to deposit all trash, litter, and garbage in the containers provided.
3. Other tables have been placed away from the pavilions and users are expected to tender the same care and respect as to those within a pavilion proper.
4. Children's play equipment has been placed in the Park proper. Parents and guardians are sole caretakers of children and the City does not accept any responsibility for injuries or other damage incurred when such playground equipment is being utilized.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 8-404 Reservation Of Facilities

- A. Park pavilion, soccer field, baseball diamond or other designated area may be reserved in advance by contacting the Richmond City Office.
- 1. By separate ordinance or resolution, the Richmond City Council may establish rental/reservation rates.

2. Parties who have formally reserved areas will have sole right to the use of such an area, i.e., pavilion, tennis court, soccer field, etc., for the duration designated in the reservation authorization issued by the Richmond City Office but must share common facilities such as lawn, playground area and equipment, restrooms, etc.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 8-405 Prohibitions

- A. Public parks and recreations facilities are designated “No Smoking” areas throughout within the City limits of Richmond, Utah.
- B. It shall be unlawful for any person to consume illegal drugs, beer, or any other alcoholic beverage within or upon any public park or recreation facility within the City limits of Richmond, Utah.
- C. It shall be unlawful for any person to carry, unless exempted by Utah Code Annotated, any firearm; however, it shall be unlawful for any person to discharge any firearm, firecrackers, rockets, torpedoes, powder or any other firework or explosives within the boundaries of a park or recreational facility unless licensed and authorized by Richmond City.
- D. It shall be unlawful for any person to play or cause to be played amplified sound in any public park or recreational facility that will intrude upon the tranquility of other citizens.
 1. In the case of a special event or circumstances, written permission may be sought from the Mayor or Council member over parks and recreation to allow amplified music or sound for a specified time period.
- E. It is unlawful for any person not affiliated with Richmond City to adjust or tamper with any sprinkler, sprinkler valves, controls or irrigation system utilized in the park or recreation area.
- F. No person shall engage in fighting or in riotous, boisterous, threatening or indecent conduct or use any abusive, threatening, profane language.
- G. It is unlawful for any person to 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, table or other structure.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 8-406 Animals



- A. Any person entering a park or recreational area with a pet must be able to keep the pet under control in accordance with the Richmond City Animal Control Ordinance.
- B. Any person having a pet within a park or recreation facility per 8-406.A above must properly recover and dispose of in a proper waste receptacle any waste material left by the pet.
- C. No person shall at any time let loose any of the bovine species, any horse, mule, goat, sheep, pig, cat, reptile or fowl of any kind within a park or recreational facility.
- D. It shall be unlawful for any person to ride or drive any horse, horse-drawn vehicle, or other animal onto the grass in any park or recreational facility unless previously authorized by the Mayor or other designated official.
- E. It shall be unlawful for any person to hitch or fasten any dog, horse, or other animal to any tree or other place or structure in any park or recreation facility not especially designated and provided for such purpose.
- F. It shall be unlawful for any person to annoy, injure, or in any way interfere with any bird or animal in any public park or recreational facility.
- G. It shall be unlawful to drop or deposit any live or dead animal, bird, or fish in any park or recreational facility.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 8-407 Fires

- A. Fires, including hot charcoal or any other heating substance, shall only be utilized in designated areas designed for such a purpose.
 - 1. Under no circumstances shall any type of fire or heat generating device be placed directly on the grass.
- B. No hot ashes, coals, or briquettes are to be placed in any type of garbage can or receptacle.
- C. Gas grills and other self-contained barbecues may be used within the park or recreational facility provided that such grills and self-contained barbecues not be placed directly upon any table.
 - 1. The sole exception is should there be sufficient air space between the bottom of the unit and the top of the table that a radiant heat will be dissipated so no damage can occur to the table surface.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019



Part 8-408 Restrictions On Certain Recreational Activities

- A. Unless otherwise specifically authorized by Richmond City, it shall be unlawful for any person within a park or recreational facility to:
1. Hit or throw balls or other hard objects against fences, buildings, or baseball, soccer, or other backstops.
 2. Golf or drive golf balls.
 3. Shoot any projectile, paint ball, or participate in archery.
 - a. Organized groups may obtain permission from the Richmond City Office for an exception to 8-408.A.3 when in conjunction with adult supervised teaching activities.
 4. Play on or otherwise use an athletic field or ball diamond that has been prepared for a scheduled game or tournament.
- B. Damage to any of the facilities within or associated with a park or recreational facility caused by actions of users, whether deliberate or unintentional, shall render the user subject to charges sufficient to restore the facility to its normal state.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 8-409 Restrictions Relating To Motor Vehicles Including Motorcycles, ATV's, Or Similar Motorized Vehicles

- A. No person shall operate a motor vehicle within a park or recreational facility unless on a street or other specifically designated area for that purpose.
1. Vehicles used in the maintenance and up-keep of the area by City employees or contract employees are excepted as long as the usage is in keeping with official duties.
- B. It is unlawful for any person to operate or drive a motor vehicle within any park or recreational facility upon any designated road, trail or pathway at a speed in excess of ten (10) miles per hour.
- C. No person shall operate a motor vehicle within a park or recreational facility in a careless or reckless manner, or in a manner which causes significant hazard to life, safety or property no matter the speed of operation.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 8-410 Vandalism

A. Any act of vandalism is prohibited.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 8-411 Enforcement

A. Any person found to be in violation of any portion of this Chapter and its subsequent Titles may be evicted from the park or recreational facility by any law enforcement officer or official.

B. It shall be unlawful for any person to remain in and/or return to any park or recreational facility covered by this Chapter after such person has been given direction to leave by authorized authority.

C. The violation of any portion of this Chapter shall constitute a Class C Misdemeanor.

1. Specific punishment shall be left to the discretion of the Court.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Title 9-000 LICENSING, CONTROL, AND REGULATION OF BUSINESS AND CONSTRUCTION

[Chapter 9-100 PROVISIONS RELATING TO THE LICENSING, CONTROL AND REGULATION OF BUSINESSES](#)

[Chapter 9-200 BUSINESSES LICENSED ON AN ANNUAL FEE](#)

[Chapter 9-300 BUSINESS LICENSED ON THE BASIS OF GROSS RECEIPTS](#)

[Chapter 9-400 LICENSING AND REGULATING SPECIFIC BUSINESSES](#)

[Chapter 9-500 BUILDING REGULATIONS](#)

[Chapter 9-600 OTHER BUILDING OR CONSTRUCTION CODES](#)

[Chapter 9-800 LICENSING OF SEXUALLY ORIENTED BUSINESSES AND EMPLOYEES](#)

Chapter 9-100 PROVISIONS RELATING TO THE LICENSING, CONTROL AND REGULATION OF BUSINESSES

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Part 9-110 General Provisions

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[9-123 Reciprocal Recognition Of Licenses](#)

[9-124 Exemptions To License](#)

[9-125 Fee Not To Constitute Undue Burden On Interstate Commerce](#)

9-111 Definitions

As used in chapters 9-200, 9-300 and 9-400:

- A. "Business" means and includes all activities engaged in within this municipality carried on for the purpose of gain or economic profit, except that the acts of employees rendering service to employers shall not be included in the term business unless otherwise specifically provided.

- B. "Engaging in business" includes, but is not limited to, the sale of tangible personal property at retail or wholesale, the manufacturing of goods or property and the rendering of personal services for others for a consideration by persons engaged in any profession, trade, craft, business, occupation or other calling, except the rendering of personal services by an employee to his employer under any contract of personal employment.
- C. "Place of business" means each separate location maintained or operated by the licensee within this municipality from which business activity is conducted or transacted.
- D. "Employee" means the operator, owner or manager of a place of business and any persons employed by such person in the operation of said place of business in any capacity and also any salesman, agent or independent contractor engaged in the operation of the place of business in any capacity.
- E. The term "wholesaler" means a person doing a regularly organized wholesale or jobbing business and selling to retail merchants, jobbers, dealers or other wholesalers, for the purpose of resale.
- F. The term "wholesale" means a sale of tangible personal property by wholesalers to retail merchants, jobbers, dealers or other wholesalers for resale, and does not include a sale by wholesalers or retailers to users or consumers not for resale, except as otherwise specified.
- G. "Each separate place of business" shall mean each separate establishment or place of operation, whether or not operating under the same name, within the municipality. including a home or other place of lodging if the same is held out by advertisements, listings or otherwise as the establishment or place of operation of a person engaging in the business of selling tangible, personal property at either retail or wholesale, or both, in the municipality.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

9-112 Business License Required

It shall be a class B misdemeanor for any person to transact, engage in or carry on any business, trade, profession, calling or to operate a vending, pinball or coin-operated machine without first receiving the class or type of license required by the municipality.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

9-113 License Assessor And Collector

The recorder/clerk is designated and appointed as ex officio assessor of license fees for this municipality. On receipt of any application for a license, the recorder/clerk shall assess the amount due thereon and shall collect all license fees based upon the rate established by ordinance. He shall enforce all provisions of this title, and shall cause to be filed complaints against all persons violating any of the provisions of this title.



HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

9-114 Payments Dates

All license fees shall be due and payable as follows, except as may be otherwise provided in the applicable ordinance:

- A. Annual fees shall be payable before each calendar year in advance. The annual license shall date from the first day of January of each year and shall expire on December 31 of each year.
- B. Annual fees shall be due on the first day of each calendar year and shall become delinquent if not paid by February 1 each year.
- C. One-half of annual fee shall be payable for all licenses issued by the municipality pursuant to applications made after July 1 of each year, and licenses issued after July 1 shall expire on the first day of the following January. Payment shall be due upon the date of application approval.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

9-115 Penalty For Late Payment

If any license fee is not paid within thirty days of the due date, a penalty of ten percent of the amount of such license fee shall be added to the original amount thereof. No license shall be issued until all penalties legally assessed have been paid in full.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

9-116 Applications For License

- A. All applications for license shall include:
 - 1. The name of the person desiring a license.
 - 2. The kind of license desired, stating the business, calling, trade or profession to be performed, practiced or carried on.
 - 3. The class of license desired, if such licenses are divided into classes.
 - 4. The place where such business, calling, trade or profession is to be carried on, giving the street number if the business calling, trade or profession is to be carried on in any building or enclosure having such number.
 - 5. The period of time for which such license is desired to be issued.



- B. In the event that the license application relates to a coin-operated machine or device, the application shall identify the machine or device to which it applies and the location thereof.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

9-117 Certificate

All certificates of license shall be signed by' the mayor, attested by the recorder/clerk, and shall contain the following information:

- A. The name of the person to whom such certificate has been issued.
- B. The amount paid.
- C. The type of license and the class of such license if licenses are divided into classes.
- D. The term of the license with the commencing date and the date of its expiration.
- E. The place where such business, calling, trade or profession is to be conducted.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

9-118 Display

- A. Every certificate of license issued under this title shall be posted by the licensee in a conspicuous place upon the wall of the building, room or office of the place of business so that the same may be easily seen. When such certificate of license has expired, it shall be removed by the licensee from such place in which it has been posted, and no certificate of license which is not in force and effect shall be permitted to remain posted upon the wall or any part of any room within the place of business. If the licensee's business is such that a license cannot be displayed due to the transient or mobile nature of the business, then the licensee shall carry the license on his person ready to be shown on request by an authorized officer during all such time or times while the licensee is engaged in or pursuing the business for which a license is granted.
- B. In the event the license is for a coin-operated machine or device, the certificate shall be attached or displayed in the immediate vicinity of the machine for which it has been issued.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

9-119 Transfer Of License Prohibited

No license granted or issued under any ordinance of this municipality shall be assigned or transferred to any other person. It shall not be deemed to authorize any person other



than therein named to do business or to authorize any other business, calling, trade or profession than is therein named unless by permission of the governing body.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

9-120 Revocation Or Denial Of Business License

- A. Any license issued pursuant to the provisions of this code or of any ordinance of this municipality may be revoked and any application denied by the governing body because of:
 - 1. The failure of the licensee or applicant to comply with the conditions and requirements of this code or any ordinance of the municipality.
 - 2. Unlawful activities conducted or permitted on the premises where the business is conducted.

- B. Prior to the revocation of a license or denial of an application to renew business license, the licensee or applicant shall be given a notice which shall state in substance that the governing body intends to revoke the business license or deny the application to renew, together with the reason or reasons therefor, at a regular or special meeting of the governing body (which shall be at least ten days and not more than 30 days from the date notice is sent) and that the licensee or applicant has a right to appear, to be represented by counsel, to hear the evidence against him, to cross-examine witnesses and to present evidence as to why the license should not be revoked or the application denied.

- C. The preceding subsection shall not apply to applications for licenses for businesses which have not previously been licensed by the municipality, and such applicants need only be informed that their application has been denied.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

9-121 Branch Establishments

A separate license must be obtained for each separate place of business in the municipality and each license shall authorize the licensee to engage only in the business licensed thereby at the location or in the manner designated in such license, provided, that warehouses and distributing places used in connection with or incident to a business licensed under this part shall not be deemed to be separate places of business or branch establishments.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

9-122 Joint License

Whenever any person is engaged in two or more businesses at the same location within the municipality, such person shall not be required to obtain separate licenses for conducting each of such businesses, but shall be issued one license which shall specify



on its face all such businesses. The license tax to be paid shall be computed at the highest license fee applicable to any of the businesses being conducted at such location. The sale of beer or any other product or service requiring an additional license shall be subject to such additional licensing requirement. Where two or more persons conduct separate businesses at the same location, each such person shall obtain a license for such business and pay the required license tax for such business.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

9-123 Reciprocal Recognition Of Licenses

- A. No license shall be required for operation of any vehicle or equipment in this municipality when:
 - 1. Such vehicle is merely passing through the municipality.
 - 2. Such vehicle is used exclusively in inter-city or inter-state commerce.

- B. No license shall be required by chapters 9-200, 9-300 or 9-400 of any person whose only business activity in this municipality is the mere delivery in the municipality of property sold by him at a regular place of business maintained by him outside the municipality where:
 - 1. Such person's business is at the time of such delivery licensed by the Utah municipality or county in which such place of business is situated, and,
 - 2. The authority licensing such business grants to licensees of this municipality making deliveries within its jurisdiction the same privileges, upon substantially the same terms, as are granted by this section, and,
 - 3. Neither the property delivered nor any of the facilities by which it was manufactured, produced or processed are subject to inspection by authority of this municipality for compliance with health or sanitary standards prescribed by this municipality, and,
 - 4. The truck or other conveyance by which such delivery is made prominently displays at all times a license plate or symbol issued by the said licensing authority to evidence such business license. Such plate or symbol shall identify the licensing authority by which it is issued, shall indicate that it evidences a license issued thereby, and shall specify the year or term for which it is effective.

- C. The recorder/clerk shall at the request of any person certify a copy of this section to any municipality or county of the state of Utah to which a copy has not previously been certified.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019



9-124 Exemptions To License

- A. No license fee shall be imposed under chapters 9-200 or 9-300 on any person engaged in business for solely religious, charitable, eleemosynary or other types of strictly non-profit purpose which is tax exempt in such activities under the laws of the United States and the state of Utah, nor shall any license fee be imposed on any person engaged in a business specifically exempted from municipal taxation and fees by the laws of the United States of the state of Utah; nor shall any license fee be imposed upon any person not maintaining a place of business within this municipality who has paid alike or similar license tax or fee to some other taxing unit within the state of Utah and which taxing unit exempts from its license tax or fee, by reciprocal agreement or otherwise, businesses domiciled in _____ and doing business in such taxing unit.
- B. The license assessor and collector may, with approval of the governing body, enter into reciprocal agreements with the proper officials of other taxing units, as may be deemed equitable and proper in effecting the exemption provided for in subsection A of this section.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

9-125 Fee Not To Constitute Undue Burden On Interstate Commerce

None of the license taxes provided for by chapters 9-200 and 9-300 shall be applied as to occasion an undue burden on interstate commerce. In any case, where a license tax is believed by a licensee or applicant for license to place an undue burden upon such commerce, he may apply to the license assessor and collector for an adjustment of the tax so that it shall not be discriminatory, unreasonable or unfair as to such commerce. Such application may be made before, at or within six months after payment of the prescribed license tax. The applicant shall, by affidavit and supporting testimony show his method of business and the gross volume or estimated gross volume of business and such other information as the license assessor and collector may deem necessary in order to determine the extent, if any, of such undue burden on such commerce. The license assessor and collector shall then conduct an investigation, comparing applicant's business with other businesses of like nature and shall make findings of facts from which he shall determine whether the tax fixed by chapters 9-200 and 9-300 is discriminatory, unreasonable or unfair as to applicant's business and shall recommend to the governing body a license tax for the applicant in an amount that is nondiscriminatory, reasonable and fair, and if the governing body is satisfied that such license tax is the amount that the applicant should pay, it shall fix the license tax in such amount. If the regular license tax has already been paid, the governing body shall order a refund of the amount over and above the tax fixed by the governing body. In fixing the fee to be charged, the license assessor and collector shall have the power to base the fee upon a percentage of gross sales, or employees, or may use any other method which will assure that the fee assessed shall be uniform with that assessed on businesses of like nature.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Chapter 9-200 BUSINESSES LICENSED ON AN ANNUAL FEE
Part 9-210 Fee Levied

Part 9-210 Fee Levied
9-211 Schedule

9-211 Schedule

The business, location, trade, calling or profession of every person engaged in a business in this municipality listed below shall pay an annual license fee as follows:

AUTOMOTIVE TRADES		
Service Stations		
	4 dispensers or fewer	\$ _____
	Each dispenser over 4	\$ _____
Garage		
	Repairs cars, trucks and farm machinery	\$ _____
	Sells parts, accessories, tires, tubes	\$ _____
	Gasoline and oil	\$ _____
New Car Dealer		
	Has new car franchise, sells new and used cars and parts, accessories, tires, tubes and operates garage to repair the above	\$ _____
Trucking Firm, Establishment or Business		\$ _____
Parts and Accessory Store		
	Sells automobile parts and accessories	\$ _____
Tires, Repairs and Recapping		
	Sells and Repairs all kinds of tires and tubes	\$ _____
Used Car Dealer		\$ _____
Wholesale Oil Company		\$ _____
BUILDING TRADES		
	Lumber Yard	\$ _____
	Cabinet Shop	\$ _____
DRUG STORE		
	Sells drugs, candy, prescriptions, toiletries, sundries, fountain and other items not specifically designated in any other fields	\$ _____
	1 - 2 employees	\$ _____
	3 - 4 employees	\$ _____
	Each employee over 4	\$ _____
FOODS		
	Bakery	\$ _____

Cafe		
	Up to 10 seats	\$
	10 seats and over	\$
Dairy or Creamery		\$
Grocery Store		
	Sells meats, groceries, soft drinks, ice cream, candy, wrapped bakery goods	
	1 - 5 employees	\$
	6 or more employees	\$
Frozen Food Locker Business		\$
FINANCIAL ESTABLISHMENTS		
Bank		\$
Small Loan Business		\$
HOME FURNISHINGS		
Furniture Store		
	Sells furniture, carpets, drapes, home furnishings and appliances	\$
Appliance Sale and Repair		\$
INDUSTRIAL, LIVESTOCK AND AGRICULTURAL TRADES		
Coal Dealer		\$
Hardware and Implements		
	Sells hardware, implements and farm machinery, new and used parts, accessories, tires and tubes for the same and operates repair garage	\$
Foundry, Milling and Elevators		
	Feed, grain and coal	\$
Salvage Dealer		\$
PERSONAL SERVICE		
Assayers		\$
Accountant (C.P.A.)		\$
Barber (each barber)		\$
Beautician, Cosmetologist, Manicurist		
	(each operator)	\$

Each additional operator	\$
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Chiropractor	\$
Dentist	\$
Dry Cleaning (cleaning and pressing)	\$
Florist	\$
Laundries (including self-service)	\$
Lawyer	\$
Masseur, Masseur (massage parlors)	\$
Plus per operator	\$
Mortician	\$
Optician	\$
Optometrist	\$
Osteopath	\$
Pharmacist	\$
Photo Shop	\$
Physician and Surgeon	\$
Professional Engineers	\$
Real Estate Salesman	\$
Plus per salesman	\$
Securities Dealers and Brokers	\$
Soft Water Service	\$
Taxi Service	\$
Veterinarian	\$
Tree Trimmers (surgeon and gardeners)	\$
Spray Service	\$
Any other personal service	\$
RECREATION	
Tavern	\$
Bicycle Shop	\$

Boxing and Wrestling (per day)	\$
Circus or Carnival (per day)	\$

Skating Rink (ice and roller)	\$
Theater	\$
Set-up License	\$
Billiard Parlor	\$
Bowling Alley	\$
Pin Ball Machines, used for amusement only, wholesale distributor (per machine)	\$
Dance Halls	\$
Dance Studios and Dancing Schools	\$
WEARING APPAREL	
Dry Goods, Ready-to-wear Clothing, Shoes	\$
Jewelry Store and Watch Repair	\$
Men's, Ladies and Boys' Clothing	\$
Shoe Store	\$
OTHER	
Auctioneer	\$
Cosmetic Salesman	\$
Hotel or Motel or Apartments	
10 units and under	\$
Over 10 units	\$
Rest Home	\$
Solicitor or Peddler	\$
Sporting Goods Store	\$
Propane Gas Dealer	\$
Television Sales	\$
Television Repair	\$
Garage, in connection with service station repairs, cars, trucks, but does not sell parts	\$

Auto Body Shop	\$
Machine Shop	\$
Sheet Metal Shop	\$

Upholstery Shop	\$
Monuments	\$
Trailer Court (mobile home parks, see zoning) 10 units and under	\$
Over 10 units	\$
Furnace Cleaning and Repair	\$
Septic Tank Cleaner	\$
Cold Storage	\$
Carpet and Rug Cleaning and Repair	\$
Collection Agency	\$
Day Nurseries	\$
House Cleaning Services	\$
Tailors	\$
Vending Machine	\$
Plus for each machine	\$
Fruit Stands	\$
Book Store	\$
Printing Shop	\$
Gas Company	
Telephone Company	\$
Cigarette and/or Tobacco (except vending machines)	\$
The license fee for all other businesses for which no license fee is otherwise stated in this section is	\$

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

[Chapter 9-300 BUSINESS LICENSED ON THE BASIS OF GROSS RECEIPTS](#)

[Part 9-310 Administration And Imposition Of Tax](#)

Part 9-310 Administration And Imposition Of Tax



[9-311 Terms Defined](#)

9-311 Terms Defined

As used in this chapter:

- A. The term "retailer" means a person doing a regularly organized retail business in tangible personal property, and selling to the user or consumer and not for resale, and includes commission merchants, auctioneers, and all persons regularly engaged in the business of selling to users or consumers within the municipality; but the term "retailer" does not include farmers, gardeners, stockmen, poultrymen or other growers or agricultural producers producing and doing business on their own premises, except those who are regularly engaged in the business of buying or selling for a profit.
- B. The term "retail sale" means every sale within the municipality by a retailer or wholesaler to a user or consumer, except sales defined as wholesale sales or otherwise exempted by the terms of this chapter; but the term "retail sale" is not intended to include isolated nor occasional sales by persons not regularly engaged in business, nor seasonal sales of crops, seedling plants, garden or farm or other agricultural produce by the producer thereof, or the return to the producer thereof of processed agricultural products, but no sale of a vehicle of a type required to be registered under the provisions of the motor vehicle laws of this state shall be deemed isolated or occasional for the purposes of this chapter, except that any transfer of any motor vehicle in a business reorganization where the ownership of the transferee organization is substantially the same as the ownership of the transferor organization shall be considered an isolated or occasional sale. Any farmer or other agricultural producer who sells poultry, eggs or dairy products to consumers will be deemed to be a retailer making retail sales and such sales will not be exempt under the provisions of this chapter if such sales have an average monthly sales value of \$125 or more.
- C. The term "sale" or "sales" includes installments and credit sales, and the exchange of properties as well as the sale thereof for money, every closed transaction constituting a sale. A transaction whereby the possession of property is transferred but the seller retains the title as security for payment of the price shall be deemed a sale.
- D. The term "purchase price" means the price to the consumer exclusive of any tax imposed by the federal or state government by this chapter.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Chapter 9-400 LICENSING AND REGULATING SPECIFIC BUSINESSES

[Part 9-410 Intoxicants](#)

[Part 9-430 Construction Contractors](#)

[Part 9-440 Public Dances And Cabarets](#)

Part 9-450 Solicitors, Canvassers, Peddlers And Itinerant Merchants

Part 9-410 Intoxicants

[9-411 License To Sell Beer At Retail](#)

[9-412 Definitions](#)

[9-413 Retail Licenses](#)

[9-414 Beer License Fees](#)

[9-415 License Fees To Accompany Application](#)

[9-416 Purchase Of Beer For Resale](#)

[9-417 Application For License](#)

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[9-421 Bond Required](#)

[9-422 Department Of Health Permit](#)

[9-423 Transfer Of License](#)

[9-424 Restrictions](#)

[9-425 Sunday Sales Prohibited](#)

[9-426 Inspection](#)

9-411 License To Sell Beer At Retail

- A. It shall be a class B misdemeanor for any person to engage in the business of selling light beer at retail, in bottles or draft, without first having procured a license therefor from the governing body and paid the license fee required by this part.
- B. It shall be a class B misdemeanor for any person to sell beer after the revocation of the license issued pursuant to this part.
- C. A separate license shall be required for each place of sale and the license shall at all times be conspicuously displayed in the place to which it shall refer or for which it shall be issued. All licensees shall comply with the Utah Liquor Control Act and the regulations of the Liquor Control Commission.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

9-412 Definitions

The words and phrases used in this part shall have the meanings specified in the Utah Liquor Control Act unless a different meaning is clearly evident.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

9-413 Retail Licenses

Retail licenses issued hereunder shall be of the following three kinds and shall carry the following privileges and be known as class "A," class "B," class "C," and "seasonal licenses."

- A. Class "A" retail licenses shall entitle the licensee to sell beer on the premises licensed in original containers for consumption off the premises in accordance with the Utah Liquor Control Act and the ordinances of this municipality.
- B. Class "B" retail licenses shall entitle the licensee to sell beer in the original containers on the premises for consumption on or off the premises in accordance with the Utah Liquor Control Act and the ordinances of this municipality.
- C. Class "C" licenses for retail shall entitle the licensee to sell draft beer for consumption on or off the premises and to sell beer in accordance with the Utah Liquor Control Act and the ordinances of this municipality.
- D. "Seasonal licenses" of any class may be issued for a period of time not to exceed one year which period shall be determined by the governing body.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

9-414 Beer License Fees

In addition to any other business license fee which any person or place of business may be required to pay, there is hereby imposed on the business location of every person engaged in the sale or dispensing of beer the following annual license fees:

Class "A" Beer License	\$ _____
Class "B" Beer License	\$ _____
Class "C" Beer License	\$ _____
Seasonal Beer License	\$ _____
	For each 30-day period or fraction thereof.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

9-415 License Fees To Accompany Application

Applications provided for in this part shall be accompanied by the fees provided in this part. The fee shall be returned to the applicant if the application is denied.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

9-416 Purchase Of Beer For Resale



It is a class B misdemeanor for any licensee to purchase or acquire or to have or possess for the purpose of sale or distribution any beer except that which he shall have lawfully purchased from a brewer or wholesaler licensed under the provisions of the Utah Liquor Control Act.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

9-417 Application For License

- A. All applications for licenses authorized by this part shall be verified and shall be filed with the recorder/clerk. The applications must state the applicant's name in full and that he understands and has read and complied with the requirements and possesses the qualifications specified in the Liquor Control Act and this part. If the applicant is a copartnership, the names and addresses of all partners, and if a corporation, the names and addresses of all officers and directors, must be stated.
- B. The application must be subscribed by the applicant who shall state under oath that the facts therein contained are true.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

9-418 Application Referred To Chief Of Police

All applications filed in accordance with the provisions of this part shall be referred to the chief of police for inspection and report. The chief of police shall when possible within 20 days after receiving such application make report to the governing body of the general reputation and character of the persons who habitually frequent such place; the nature and kind of business conducted at such place by the applicant or by any other person or by the applicant at any other place; whether the place is or has been conducted in a lawful, quiet and orderly manner; the nature and kind of entertainment, if any at such place; whether gambling is or has been permitted on the premises or by the applicant at any other place; and the proximity of such premises to any school or church. The chief of police shall also add to such report his recommendation as to whether or not the application should be granted.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

9-419 Renewals

All applications for renewal licenses filed by the holders of existing licenses shall be filed with the recorder/clerk at least thirty days prior to the expiration date of the then issued license. Any person who fails to file such application within the time limit shall close his licensed premises on the expiration date of the then issued license and shall keep the premises closed for any and all business for the sale of beer until the date of his new license is issued by the governing body.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019



9-420 Qualifications

No license shall be granted to any retailer to sell light beer within the municipality unless he shall be of good moral character, over the age of twenty-one years, and a citizen of the United States, or to anyone who has been convicted of a felony or of any violation of any law of the state of Utah or provision of the ordinances of this municipality relating to intoxicating liquors, or of keeping a gambling or disorderly house, or who has pleaded guilty to or has forfeited his bail on a charge of having committed a felony or of having violated any such law or ordinance, or to any partnership, any member of which lacks any of the qualifications set forth in this section, or to any corporation, of which any director or officer lacks any such qualifications.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

9-421 Bond Required

No license required by this part shall be granted by the governing body until the applicant shall have filed with the recorder/clerk a bond in a sum and us required by Section 32-4-4. Utah Code Annotated, 1953. The bond shall be made in favor of this municipality.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

9-422 Department Of Health Permit

No license under this part shall be issued until the applicant therefor shall have first procured from the department of health of the municipality a permit which shall show that the premises to be licensed are in a sanitary condition and that the equipment used in the storage, distribution or sale of light beer complies with all the health regulations of this municipality and the state of Utah.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

9-423 Transfer Of License

Licenses issued pursuant to this part shall not be transferable, and if revoked by the governing body. the fee paid by the licensee to the municipality for the license shall be forfeited to the municipality.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

9-424 Restrictions

- A. The licensee having a class "C" or seasonal license shall not permit to licensed premises where beer is sold to remain open to patrons between the hours of 12:00 o'clock p.m. and 6:00 o'clock a.m., except on the day following Friday and Saturday when the premises may remain open until 12:00 o'clock p.m. The licensee shall remove or cause to be removed from the licensed premises all patrons within 30 minutes following the closing time above stated.

- B. The number of class "C" licenses issued by the municipality shall not exceed one in any one license year, provided that this section shall not reduce the number of holders of licenses now issued by the municipality and that in the event this section affects the right of any person to continue in business by reason of the annexation of that person's property into the municipality, the governing body may authorize a class "C" or seasonal license to be issued to such person in addition to the number of licenses permitted by this section.
- C. No Class "C" or seasonal license shall be issued to any person to sell beer where the licensed premises would be located within 100 yards of a church or within 100 yards of a school.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

9-425 Sunday Sales Prohibited

It shall be unlawful for any person having a license for the sale of beer to sell, barter, distribute, give away, exchange, dispense, or serve beer on the first day of the week commonly known as "Sunday."

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

9-426 Inspection

- A. All licensed premises shall be subject to inspection by any officer, agent, or peace officer of the municipality or the liquor control commission, or the state board of health, and every licensee shall, at the request of the board of health furnish to it samples of beer which he shall have for sale.
- B. Any license granted pursuant to this part may be revoked on a finding by the governing body that the licensee has had ten days or more notice from the board of health that the licensee is violating one or more health ordinances, rules or regulations of this municipality or of the Utah Division of Health and has failed to comply with such health ordinance, rule or regulation.
- C. The governing body may direct the chief of police to close down any business licensed under this part where the board of health has determined that continued operation of the business presents an imminent danger to the health of the community or persons who may eat or drink at the business.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 9-430 Construction Contractors

[9-431 Purpose](#)

[9-432 Definitions](#)

[9-433 Doing Business Without Registration And A License Unlawful](#)

[9-434 Registration](#)

[9-435 Job License For Each Contract](#)



- [9-436 Job License Fee](#)
- [9-437 Records - Inspection](#)
- [9-438 Regulations](#)

9-431 Purpose

The purpose of this part is to establish a system of imposing license fees upon persons engaging in business within the limits of the municipality as contractors. The licenses are designed to be determined upon the basis of each contractor job being performed. It is the opinion of the governing body that this method of determining the amount of fee will result in fair taxation and will not discriminate against the contractor who performs only a few jobs within the municipal limits as distinguished from the contractor who performs many.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

9-432 Definitions

- A. "Contractor" means any person, firm, copartnership, corporation, association, or other organization, or any combination thereof, who for a fixed sum, price, fee, percentage, or other compensation other than wages, undertakes any building, highway, road, railroad, excavation or other structure, project, development, or improvement, other than to personality, or any part thereof; provided, that the term contractor, as used in this part, shall include anyone who builds more than one structure on his own property during anyone year for the purpose of sale and shall include subcontractors, but shall not include anyone who merely furnishes materials or supplies without fabricating the same into, or consuming the same in the performance of the work of the contractors as herein f defined.
- B. Types of Contractors: As an illustrative list of contractors subject to the provisions of this part, but not in limitation thereof, the following occupations are subject to this part: general contractors, specialty contractors of all kinds, such as, but not limited to those engaged in the business of installing, repairing or otherwise performing services in connection with: acoustical tile and roof decking; awnings, storm doors, and windows; air conditioning, dry-heating, sheet metal; boilers, steamfitting; carpentry; cement and concrete; ceramic tile; cabinet and mill work; composition floor, countertops, tile; carpet; drywall; elevator installation; electrical; excavating and grading; fencing; floor coverings; fire prevention (structural); furnaces and burners; glazing; industrial piping; iron and bronze (ornamental); insulation; landscaping; lathing; lawn sprinklers; masonry; mosaic tile and terazzo; overhead doors; painting and paper hanging; pest control (structural); plastering; plumbing and wet heating; roofing and siding; swimming pool; signs, stone masonry; sewer installation; steel reinforcing and erection; tanks (structural); waterproofing; weatherstripping; welding; wrecking and demolition; wood floor laying and finishing.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

9-433 Doing Business Without Registration And A License Unlawful

Any person desiring to engage in business as a contractor within the corporate limits of this municipality must comply with the two following requirements:

- A. Prior to engaging in any subject business activity during any calendar year, he must register for the calendar year as a contractor by completing and filing a registration form in the office of the recorder/clerk.
- B. Prior to the performance of any services in connection with any specific contract or job, the person shall secure a license to engage in the performance of service connected with said specific job or contract from the office of the recorder/clerk.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

9-434 Registration

- A. Any person desiring to engage in business as a contractor shall complete and file in the office of the recorder/clerk a registration form provided to him by the municipality which shall show:
 - 1. The name of the contractor.
 - 2. The address and telephone number of the contractor.
 - 3. The type of organization, e.g., corporation, partnership, or sole proprietor.
 - 4. If a partnership or a corporation or other artificial person, the name, address, and telephone number of the person responsible for the functions of the organization:
 - a. Whether or not licensed under the contractor's license law of the state of Utah; if so, the license number of the contractor.
 - b. Type of business in which registrant seeks to engage, e.g., general contractor or one of the specialty contractors.
 - c. Such other information as the governing body may by regulation require.
- B. Any person seeking to register for the privilege of doing business as a contractor within the limits of this municipality for any calendar year, or any part thereof, shall pay an annual registration fee of \$_____.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

9-435 Job License For Each Contract

- A. Any person desiring to perform services as a contractor shall, in addition to

registering, as above required, secure a job license granting to him the privilege of performing the services required of him for each contract or job which he proposes to complete.

- B. Any person seeking said job license for a contract or job shall complete an application therefor, on forms provided him by the municipality. The application shall set forth:
1. The name and address of the contractor.
 2. His municipal registration number.
 3. The number of his state contractor's license.
 4. The person by whom he is engaged to perform services as a contractor.
 5. The address of said person.
 6. The location at which the said contractor's services are to be performed.
 7. The type of services that are to be performed, e.g., as a general contractor, as one of the specialty contractors.
 8. The contract amount.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

9-436 Job License Fee

Every contractor, for the privilege of engaging in the business of performing said services, shall pay the following job license fees based upon the contract amount as follows:

SCHEDULE OF JOB LICENSE FEES

CONTRACT AMOUNT	FEE
Less than \$20	No fee
More than \$100 - to and including \$400	\$_____
More than \$400 - to and including \$700	\$
More than \$700 - to and including \$1,000	\$
Each additional \$1,000 or fraction, to and including \$25,000	\$
Each additional \$1,000 or fraction, to and including \$50,000	\$
Each additional \$1,000 or fraction, to including \$100,000	\$
Each additional \$1,000 or fraction, more than \$100,000	\$



HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

9-437 Records - Inspection

All persons registered pursuant to this part for the privilege of doing business as contractors and all persons who engage in doing business as contractors, shall maintain records of all services performed by them as contractors within the corporate limits of this municipality. The records shall disclose the person for whom the services are performed and the contract price or charge made for the services and such other information as the governing body may, by regulation, require. The persons shall maintain such records at their office or principal place of business and shall permit officials or agents of the municipality to inspect said records for the purpose of determining whether or not said persons have complied with the requirements of this license part.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

9-438 Regulations

The governing body may adopt such regulations as in its opinion are necessary to implement this part and the objectives thereof.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 9-440 Public Dances And Cabarets

[9-441 Definitions](#)

[9-442 License Fees](#)

[9-443 Unlawful To Conduct Unlicensed Dance](#)

[9-444 Licensing Conditions](#)

[9-445 Displaying License](#)

[9-446 License Issuance - Police To Investigate](#)

[9-447 Dance Regulations](#)

[9-448 Cabaret Regulations](#)

9-441 Definitions

- A. "Public dance" shall mean any dance to which the public generally may gain admission with or without the payment of a fee, but shall not include any dance conducted on or in any public park, street or public grounds by permission of the governing body.
- B. "Public dance hall" shall mean any room, place or space in which a public dance is held or in which classes in dancing are held and instruction in dancing is given for hire.

- C. "Cabaret" shall mean duly licensed restaurants which permit their patrons to dance and restaurants or premises which entertain their patrons with live performers who sing or dance or which permit their patrons to dance, shall be deemed to be a "cabaret" and such places shall be subject to cabaret licensing provisions and regulations as hereinafter provided.
- D. "Club" shall mean dances conducted and sponsored by private non-profit clubs organized pursuant to Chapter 6 of Title 16, Utah Code Annotated, 1953, for members and their guests only, shall be subject to the club licensing provisions as hereinafter provided, but such dances shall not be deemed to be public dances.
- E. "Non-public dances" shall mean dances conducted and sponsored by public or private schools and churches for the students or members thereof, even though an admission fee is charged, and dances conducted in private homes on a private basis, shall not be deemed to be public dances and shall be exempt from the licensing provisions of this part.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

9-442 License Fees

- A. Public dance hall license fees. The license fee required for a public dance hall license shall be:
 - 1. On a daily basis regardless of size or capacity \$_____ per day.
 - 2. On an annual basis \$_____ for public dance halls which have facilities to accommodate up to and including people; provided, however, that dance schools or studios with facilities limited in size to permit instruction of no more than students at the same time may receive an annual license upon the payment of a fees of \$_____; provided, further, that this reduced fee shall be applicable only if the school or studio is solely used for dance instructional purposes at all times and never for other public dancing.
- B. Cabaret license fee. The license fee required for a cabaret license shall be \$_____ per day or \$_____ per year.
- C. Club license fee. The license fee required for a club dance license shall be \$_____ per day or \$_____ per year.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

9-443 Unlawful To Conduct Unlicensed Dance

- A. It shall be unlawful to conduct or operate any dance until the place in which the dance may be held shall first have been duly licensed except as otherwise



herein provided.

- B. If at any time a license under the provisions of this part is denied or revoked, it shall thereafter be unlawful for any person to operate, open, maintain, manage or conduct a dance at the same premises until a new license shall be granted by the governing body.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

9-444 Licensing Conditions

No license shall be issued pursuant to this part unless that place for which it is issued complies with and conforms to all laws, ordinances, health and fire regulations applicable thereto, is properly ventilated, has available separate and sufficient toilet conveniences for each sex, and is a safe and proper place for the purposes for which it is to be used.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

9-445 Displaying License

Every person to whom a license is issued under this part shall post the same in a conspicuous place on the premises covered by such license.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

9-446 License Issuance - Police To Investigate

The police chief shall examine and investigate all applicants for licenses and the premises to be licensed under this part. Following such examination the recommendations of the police chief shall be made in writing to the governing body. The police chief shall be permitted to have access to all premises licensed or applying for licenses under this part, and shall make periodic inspections of the premises and report its findings to the governing body.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

9-447 Dance Regulations

A. Person under prohibited at public dance.

1. Except as provided in subparagraph (2) hereof it shall be unlawful to permit any person who has not reached the age of years to attend or remain at any public dance or cabaret unless such person be accompanied by his parent.
2. It shall be lawful to permit persons who have attained the age of years to attend a public dance without being accompanied by their parents only where such public dance is held under all of the following conditions:



- a. The dance is sponsored or held primarily for groups of persons between years of age.
 - b. No cigarettes, beer or liquor is sold, consumed or used upon the dance hall premises.
 - c. The dance closes not later than o'clock p.m.
 - d. The dance is under police supervision to be furnished at the expense of the management of the dance.
 - e. The dance is conducted in an atmosphere and environment and under controls conducive to the proper behavior and conduct of all persons in attendance.
 - f. A permit to conduct the dance has first been obtained from the governing body.
 - g. When, in the opinion of the governing body, the circumstances justify it, the governing body may permit dances at a definite location to continue for an extended period of time without requiring a permit for each separate dance, subject to the right to revoke such permit at anytime in the discretion of the governing body.
- B. Prohibition extended to if beer is sold. Exception. If any licensed cabaret premises are also licensed for the sale of beer, no person under the age of years may enter or be permitted to remain on the premises, except as provided in section 9-448(A).
- C. Misrepresentation of age or family status prohibited. It shall be unlawful for any person to misrepresent his or her age for the purpose of gaining admission to a public dance or cabaret or falsely to represent himself or herself to be a parent or legal guardian of any person in order that such person may attend or remain at any public dance or cabaret.
- D. Proscribed hours. It shall be unlawful for any person to conduct or maintain a dance within a dance hall licensed pursuant to this part 9-440 or, for any person in charge or control of such dance hall, to allow or permit any such dance or dancing between the hours of ____ o'clock __.m, and _____ o'clock __.m., during daylight standard time, and _____ o'clock __.m., and _____ o'clock __.m., during daylight savings time; provided, however, dancing is permitted until _____ _ o'clock a.m. on new years day.
- E. Pass-out and return checks prohibited. No pass-out or return checks shall be issued for use by persons who leave licensed dance premises, anterooms thereof, and such portions of the grounds immediately adjacent to such premises as are well lighted and under the immediate control of the dance hall management, and all persons leaving the licensed dance premises, anterooms thereof and well lighted grounds immediately adjacent thereto shall be required to pay the regular admission fee in case of return to such dance.

- F. Light required. Premises licensed pursuant to this part shall be luminated throughout the licensed premises and during business hours at a minimum of one candle power light measured at a level five feet above the floor.
- G. Walkathons prohibited. It shall be unlawful for any person to conduct or maintain any walkathon, marathon or any other exhibition or human endurance to which the public is admitted as spectators, and it shall be unlawful for any person to attend any walkathon, marathon or any other exhibition of human endurance.
- H. Smoking and drinking while dancing prohibited. It shall be unlawful to smoke or drink any liquid while dancing on any licensed dance premises or to permit the same.
- I. Allowance of disorderly conduct prohibited. It shall be unlawful for any person to whom a license under this part has been issued to allow or permit on the licensed premises any indecent act to be committed or any disorder or conduct of a gross, violent or vulgar character, or to permit prostitutes, pimps or procurers to enter and remain on the premises.
- J. Minimum space required. No dancing shall be permitted in any premises licensed as a cabaret nor shall any license there is at least square feet of suitable dancing area in addition to the walkways and aisles required by this part.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

9-448 Cabaret Regulations

- A. Prohibition to person under _____ if beer is sold.Exception. If any licensed cabaret premises are also licensed for the sale of beer, no person under the age of _____ years may enter or be permitted to remain on the premises, except that such person may enter and remain on premises licensed for the sale of beer with other than a class "C" or "seasonal" license, if such person is accompanied by his parent and leaves the premises before _____ p.m. or at least one hour prior to the time dancing is permitted, whichever time is earlier, and except that a person between the ages of _____ and _____ may enter and remain upon the licensed cabaret premises licensed to sell beer other than it under a class "C" or "seasonal" license at the premises, solely as an entertainer and during the time only that such person performs his entertainment; provided such person is under proper supervision while on the premises and has first procured the approval of the governing body. It shall be unlawful for such person to circulate among the patrons or guests of such place of business.
- B. Seating area and dance floor separation. The dance area in a licensed cabaret must be separated from the seating area by a minimum aisle or areaway of three feet.



- C. Rest room requirements. Access to rest rooms must be by an aisle or areaway of at least three feet in width and in no event shall a cabaret license be issued if it is necessary to cross directly over the dance area to have access to rest rooms.
- D. Bar and dance floor separation. If the dance area is adjacent to or in front of a bar where beer or food is served or consumed there must be a minimum aisle or areaway of five feet between the bar and the dance area.
- E. Itinerant and impromptu entertainment prohibited. Impromptu audience performers or itinerant walk-in guitar players or entertainers are prohibited.
- F. Live entertainment in licensed cabarets only. It shall be unlawful to furnish live entertainment for patrons of restaurants or premises licensed pursuant to part 9-430, unless the premises are licensed as a cabaret pursuant to this part.
- G. Hot food must be available. A variety of hot foods must be available to guests and clientele of a cabaret during all hours it is open for business.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 9-450 Solicitors, Canvassers, Peddlers And Itinerant Merchants

[9-451 License Required](#)

[9-452 Definitions](#)

[9-453 Application For License](#)

[9-454 Investigation And Issuance Of License](#)

[9-455 Fees](#)

[9-456 License, Badges, Revocation, Expiration, Appeal](#)

[9-457 Additional Requirements](#)

[9-458 Exceptions](#)

9-451 License Required

- A. A transient merchant, itinerant merchant or itinerant vendor to engage in such business without first obtaining a license therefor in compliance with the provisions of this part.
- B. Any person to engage in the business of peddler without first obtaining a permit and license therefor as provided in this part.
- C. Any solicitor or canvasser to engage in such business without first obtaining a permit and license therefor in compliance with the provisions of this part.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

9-452 Definitions

- A. "Transient merchant," "itinerant merchant" or "itinerant vendor" is defined as any



person, firm or corporation, whether as owner, agent, co-signee or employee, whether or not a resident of the municipality, who engages in a temporary business of selling and delivering goods, wares and merchandise within the municipality, and who, in furtherance of such purpose, hires, leases, uses or occupies any building, structure, motor vehicle, tent, railroad boxcar, public room in any hotel, motel, lodging house, apartment, shop or any street, alley, or other place within the municipality, for the exhibition and sale of such goods, wares and merchandise, either privately or at public auction. The person, firm or corporation so engaged shall not be relieved from complying with the provisions of this part merely be reason of associating temporarily with any local dealer, trader, merchant or auctioneer, or by conducting such transient business in connection with, as a part of, or in the name of any local dealer, trader, merchant or auctioneer.

- B. "Peddler" as used in this part shall not include any person, whether or not a resident of the municipality, traveling by foot, wagon, motor vehicle, or any other type of conveyance, from place to place, from house to house, or from street to street, carrying, conveying, or transporting goods, wares, merchandise, meats, fish, vegetables, fruits, garden truck, farm products or provisions, offering and exposing the same for sale, or making sales and delivering articles to purchasers, or who, without traveling from place to place, shall sell or offer the same for sale from a wagon, motor vehicle, railroad car, or other vehicle or conveyance, and further provided that one who solicits orders and as a separate transaction makes deliveries to purchasers as part of a scheme or design to evade the provisions of this part shall be deemed a peddler subject to the provisions of this part. The word "peddler" shall include the words "hawker" and "huckster".
- C. "Canvasser" or "solicitor" means any individual whether or not a resident of the municipality, traveling either by foot, wagon, motor vehicle, or other type of conveyance, from place to place, from house to house, or from street to street, taking or attempting to take orders for the sale of goods, wares and merchandise, personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future, whether or not such individual has, carries, or exposes for sale a sample of the subject of such sale, or whether he is collecting advance payments on such sales, provided that such definition shall include any person who, for himself, or for another person, firm or corporation, hires, leases uses or occupies any building, structure, tent, railroad boxcar, hotel or motel room, lodging house, apartment, shop or any other place within the municipality for the sole purpose of exhibiting samples and taking orders for future delivery.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

9-453 Application For License

- A. Applicants for permits and licenses under this part, shall file a sworn application in writing signed by the applicant, if an individual, by all partners, if a partnership,

and by the president if a corporation, with the recorder/clerk which shall give the following information:

1. The name of the applicant, and if the applicant is an employee or agent of a corporation, the name of the corporation.
2. The address of the applicant, and if the applicant is an agent or employee of a corporation, the address of the corporation.
3. A brief description of the nature of the business and the goods to be sold and from whom or where the applicant obtains the goods to be sold.
4. If the applicant is employed by or an agent of another person, the name and permanent address of such other person or persons.
5. The length of time for which the applicant desires to engage in business within the municipality.
6. The place or places within the municipality where the applicant proposes to carry on his or her business.
7. A list of the other municipalities in which the applicant has engaged in business within the six month period preceding the date of the application.
8. A photograph of the applicant, taken within six months immediately prior to the date of filing the application, which photograph shall be two inches by two inches showing the head and shoulders of the applicant in a clear and distinguishing manner.
9. A statement as to whether or not the applicant, or any of his employers have been convicted of any crime, misdemeanor or violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed therefor.
10. If the applicant desires to sell fresh vegetables, fruits, meats, or other foodstuffs, a statement by a reputable position of the state of Utah, dated not more than 10 days prior to submission of the application, certifying the applicant to be free of infectious, contagious , or communicable diseases.
11. If the applicant is employed by another .person, firm or corporation, documents showing that the person, firm or corporation for which the applicant proposes to do business is authorized to do business within the state of Utah.

B. At the time of filing the application, a fee of \$ _____, which shall be deposited with the recorder/clerk, is required.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

9-454 Investigation And Issuance Of License



- A. On receiving the application, the recorder/clerk shall refer it to the chief of police who shall cause such investigation of the applicant's business and moral character to be made as he deems reasonable and necessary for the protection of the public good.
- B. If as a result of the investigation the applicant's character or business responsibility is found to be unsatisfactory, the chief of police shall endorse such upon the application together with a statement of his reasons therefor and return the application to the recorder/clerk who shall notify the applicant that his application has been disapproved and that no permit and license will be issued.
- C. If as a result of such investigation, the character and business responsibility of the applicant if found to be satisfactory, the chief of police shall endorse such upon the application and return it to the recorder/clerk who shall upon payment of the prescribed license fee deliver to the applicant his permit and issue a license. Such license shall contain the signature of the issuing officer and shall show the name, address and photograph of the licensee and the kind of goods to be sold pursuant to the application together with an expiration date.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

9-455 Fees

- A. The license fee which shall be charged by the recorder/clerk for any license issued pursuant to this part shall be \$_____ per day, \$_____ per week, \$_____ per month, or \$_____ per year.
- B. None of the license fees provided for by this part shall be applied so as to engage an undue burden upon interstate commerce. In any case where a license fee is believed by the licensee or applicant for license to place an undue burden upon interstate commerce, he or she may apply to the mayor for an adjustment of the fee so that it will not be discriminatory, unreasonable, or unfair to interstate commerce. Such application may be made before, at or within six months after paying the prescribed license fee.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

9-456 License, Badges, Revocation, Expiration, Appeal

- A. A recorder/clerk shall issue to each licensee at the time of delivery of his license a badge which shall contain the words "Licensed Solicitor," "Licensed Transient Merchant," or "Licensed Peddler" as the case may be, for which the application was made and the license issued, and the number of the license, in letters and figures easily discernible from a distance of five feet. Such badge shall, during the time peddlers or solicitors are engaged in the business for which they are



licensed, be worn constantly by them on the front of their outer garment in such a way as to be conspicuous.

- B. Any person licensed pursuant to this part shall exhibit their license at the request of any citizen of the municipality.
- C. It shall be the duty of any police officer of this municipality to require any person seen soliciting, canvassing or peddling, and who is not known by such officer to be duly licensed, to produce his or her license and to enforce the provisions of this part.
- D. Revocation of license.
 - 1. Permits and licenses issued pursuant to this part may be revoked by the chief of police or the recorder/clerk, after notice and hearing, for any of the following causes:
 - a. Fraud, misrepresentation or a false statement contained in the application for the license.
 - b. Fraud, misrepresentation for false statement made in the course of carrying on his business as solicitor or canvasser.
 - c. Any violation of this part.
 - d. Conviction of any crime or misdemeanor involving moral turpitude.
 - e. Conducting the business of soliciting, or of canvassing in an unlawful manner as to constitute a breach of the peace or to constitute a menace to the health, safety or general welfare of the public.
 - 2. Notice of the hearing for revocation of a license shall be given in writing, setting forth specifically the grounds of complaint and the time and place of hearing. Such notice shall be mailed, postage prepaid, to the licensee at I his last known address or at the address shown on his application. The hearing and notice shall in all other aspects substantially comply with Chapter 1-400.
- E. Any person aggrieved by the action of the chief of police or the recorder/clerk in the denial of a permit of a license issued pursuant to this part, or by the action of the city council of the municipality. Such appeal shall be taken by filing with the council within 14 days after notice of the action complained of has been mailed to such person's last known address or address on the business application, a written statement setting forth fully the grounds for the appeal. The council shall set a time and place for the hearing on such appeal and notice of such hearing shall be given to the applicant in the same manner as above proved in section D.
- F. All licenses issued pursuant to this part shall expire on the date specified on the license.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

9-457 Additional Requirements

This part shall not be construed so as to waive the provisions and requirements of any other ordinance of this municipality and the requirements and fees required herein shall be in addition to any other requirements and fees of any other ordinance of this municipality.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

9-458 Exceptions

The provisions of this part shall not apply to any individual who at the time he is engaged in any activity which would otherwise require licensing by this part, engaged in an activity which is authorized by any church which has a permanent structure located within the state of Utah, provided such church has had such permanent for at least six months prior to the date when the individuals engaged in the activity which would otherwise require licensing by this part.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Chapter 9-500 BUILDING REGULATIONS

[Part 9-510 Building Official](#)

[Part 9-520 General Provisions](#)

[Part 9-530 Building Code](#)

[Part 9-540 Electrical Code](#)

[Part 9-550 Electrical Installations](#)

[Part 9-560 Plumbing Code](#)

Part 9-510 Building Official

[9-511 Building Official](#)

[9-512 Stop Order](#)

[9-513 Entry Powers](#)

[9-514 Additional Duties Of Building Inspector](#)

9-511 Building Official

There is hereby created the position of building official who shall also be known as the municipal building inspector.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

9-512 Stop Order

The building inspector shall have the power to order all work stopped on construction, alteration or repairs of buildings in the municipality when such work is being done in violation of any provisions of any ordinance relating thereto, or in violation of the subdivision or zoning ordinance. Work shall not be resumed after the issuance of such order except on the written permission of the inspector, provided that if the stop order is



an oral one, it shall be followed by a written stop order within one hour. Such written stop order may be served by any peace officer or other authorized person.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

9-513 Entry Powers

The building inspector shall have the power to enter into any building or the premises where the work of altering, repairing or constructing any building or structure is going on, for the purpose of making inspections at any reasonable hour, pursuant to any of the provisions of chapters 9-500 and 9-600 and title 10-000 of this code.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

9-514 Additional Duties Of Building Inspector

The building official (inspector) shall in addition to all other duties imposed on him by this municipality:

- A. Enforce the provisions of the Uniform Building Code.
- B. Inspect all building;, structures ,ditches, signs, fences and objects to determine their safety and effect on the persons who are within this municipality.
- C. Until such time as a plumbing inspector is appointed or designated, the building inspector shall be responsible for enforcing part 9-560 of this title.
- D. Review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a location that has a flood hazard, any proposed new construction or substantial improvement (including prefabricated and mobile homes) must (i) be designed (or modified) and anchored to prevent flotation, collapse, or lateral movement of the structure, (ii) use construction materials and utility equipment that are resistant to flood damage, and (iii) use construction methods and practices that will minimize flood damage.
- E. Review subdivision proposals and other proposed new developments to assure that (i) all such proposals are consistent with the need to minimize flood damage, (ii) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located, elevated, and constructed to minimize or eliminate flood damage, and (iii) adequate drainage is provided so as to reduce exposure to flood hazards.
- F. Require new or replacement water supply systems and/or sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and require on-site waste disposal systems to be located so as to avoid impairment of them or contamination from them during flooding.



HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 9-520 General Provisions

[9-521 Permit Required - Exceptions](#)

[9-522 Application For Permit](#)

[9-523 Approval Of Plan](#)

[9-524 Variations Of Plan Prohibition](#)

[9-525 Fee Schedule](#)

9-521 Permit Required - Exceptions

- A. It shall be a class C misdemeanor for any homeowner and a class B misdemeanor for any person who receives payment or anything of value to construct or alter any building or structure, except a fence, without first securing the permit required by this chapter.
- B. This section shall not apply where the retail cost of the materials used in the construction or alteration is less than \$_____, except that it shall apply in all cases where the construction or alteration results in an enlarged structure or affects the walls of the building or structure.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

9-522 Application For Permit

A building permit shall be secured from the recorder/clerk on written application accompanied by plans and specifications in duplicate which must state the specific nature of the construction or alterations to be made. The plan must be verified by the person who will perform or be in charge of the construction or alteration.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

9-523 Approval Of Plan

The application and plans shall be forwarded from the recorder/clerk to the building inspector, who shall review the plan to determine whether the proposed construction or alteration conforms to the building codes and ordinances of this municipality. The building inspector shall return the plans to the recorder/clerk within ten days with the statement "approved" if the plans do conform or "disapproved" if the plans do not conform. If the plans are disapproved, the reasons therefor shall be annexed to the plans. On receipt of an approved plan, the recorder/clerk shall issue a permit to the applicant together with one set of the approved plan. One set of the plans shall be retained by the building inspector. The building inspector may revoke at any time a permit which has been issued for any building constructed or being constructed or which would be or result, if constructed, in a violation of any ordinance of this municipally.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019



9-524 Variations Of Plan Prohibition

No material variation from the approved plan shall be allowed unless such variations shall first have been approved in writing by the building inspector.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

9-525 Fee Schedule

The clerk/recorder shall collect a fee for the application of a permit in the following amounts:

ESTIMATED COST OF WORK	FEE
\$501 to \$1,000	\$
\$1,001 to \$5,000	\$
\$5,001 to \$10,000	\$
Over \$10,001	\$

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 9-530 Building Code

[9-531 Adoption Of Building Code](#)

[9-532 \(Reserved\)](#)

[9-533 Establishment Of Fire Districts Or Zones](#)

9-531 Adoption Of Building Code

The Uniform Building Code, 1973 Edition, published by the International Conference of Building Officials and printed as a code in book form, three copies of which have previously been filed with the recorder/clerk for use and examination by the public, hereby is approved and adopted as the building code of this municipality.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

9-532 (Reserved)

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

9-533 Establishment Of Fire Districts Or Zones

The areas described in the appropriate appendix are hereby established as fire districts or zones.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 9-540 Electrical Code



- [9-541 Electrical Inspection](#)
- [9-542 Permits And Inspections](#)
- [9-543 Permit Fees](#)
- [9-544 Electrical Disturbances](#)

The National Electrical Code " 1975 Edition, published by the National Electrical Contractors Association and approved by the National Board of Fire Underwriters, American Standards Association and the National Fire Protection Association and printed as a code in book form, three copies of which have been previously filed with the recorder/clerk for use and examination by the public, hereby is approved and adopted as the electrical code of this municipality.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

9-541 Electrical Inspection

The building inspector shall perform all functions of electrical inspection and shall, among other things, inspect and supervise the construction, installation, and repairs of all electric light and power wiring, fixtures, appliances, or apparatus installed within the limits of the municipality and shall require compliance with the provisions of the electrical code. Wiring, fixtures, and apparatus heretofore installed need not necessarily be made to conform strictly to all the provisions of the electrical code. The building official shall require the correction of such defects as he deems actually dangerous to life or property. Those same enforcement standards established in the Uniform Building Code shall be followed by the building inspector for all electrical work.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

9-542 Permits And Inspections

No alterations or additions shall be made in existing wiring, nor shall any wiring or any apparatus which generates, transmits, transforms or utilizes any electricity be installed without first obtaining a permit therefore except minor repair work such as repairing flush and snap switches, replacing fuses, changing lamp sockets and receptacles, taping bare joints and repairing drop cords. Applications for such permit describing such work shall be made in writing and shall conform as far as practicable to the requirement set forth in section 9-522 of this title. This section shall not apply to installations in power houses and substations belonging to electric light companies. No permit shall be issued to any applicant for a permit during the time that he shall fail to correct any defective electrical installations after he has been duly notified to correct such defective work by the building inspector.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

9-543 Permit Fees

The electrical permit fees applicable in this municipality for use under the National Electrical Code - 1975 Edition shall be \$_____ for the permit and _____ cents



for each outlet. No fee shall be charged where the total cost of the work is less than \$____.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

9-544 Electrical Disturbances

- A. Electrical installations for signs, equipment, or other facilities which create electrical disturbances that cause interference with normal radio or television reception beyond the immediate vicinity of such electrical installations are hereby declared to be a nuisance. The owners or operators thereof shall so install and maintain such installations as to avoid or eliminate such interference, using all known means and devices for such purpose, such as proper grounding, connections, condensers, resistors, and live chokes.
- B. The building official shall withhold or withdraw approval of any electrical installation causing the above disturbance, and is hereby authorized to take all steps necessary for the abatement of such conditions.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 9-550 Electrical Installations

[9-551 Electrical Installations - Business License Required](#)

[9-552 Notification](#)

[9-553 Inspection](#)

[9-554 Unlawful Installation - Disconnection](#)

[9-555 Notification To Inspect](#)

9-551 Electrical Installations - Business License Required

No person shall engage in the installation, alteration, repair, or construction of any electrical work, wiring, fixtures, appliances, or equipment inside or outside of any building, except work done for or on the property of the municipality, without first securing a business license and paying the fee therefor as provided in section 9-543 of this chapter.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

9-552 Notification

It shall be unlawful for any person to do or cause to be done any electrical wiring or other electrical installation in the building or structure within the municipality without first notifying the building inspector of the kind and nature of such electric wiring or other electrical installation and the location of the building or structure in which the same is to be installed.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019



9-553 Inspection

All electric wiring or other electrical installations shall be subject to supervision and inspection by the building inspector. It shall be unlawful for any person to do or cause to be done any electrical wiring or electrical installations without first obtaining the permit required by 9-542 of this chapter.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

9-554 Unlawful Installation - Disconnection

- A. If the building inspector shall find any part of any electric light or power wiring, appliances, apparatus, or fixtures in or upon any building in the municipality to have been installed without permit, or installed not in accordance with the provisions of the Electrical Code or to be dangerous to life or property, the inspector shall have the right and power to disconnect such defective work, fixtures, appliances, or apparatus and place a seal upon the same, and shall at the same time give written notice of such disconnection to the owner or occupant of the building.
- B. After such disconnected wiring, fixtures, appliances, or apparatus have been put in the condition required by this part, the seal so placed shall be removed by order of the inspector.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

9-555 Notification To Inspect

- A. Upon completion of the installation of any electrical wiring, fixtures, appliances or apparatus in or on any building, it shall be the duty of the person doing the work to notify the building inspector who shall cause the same to be inspected and, if approved, to issue a certificate of inspection which shall contain the date of such inspection and a statement that the installation is approved.
- B. It shall be unlawful for any person to turn on or connect the current with such installation until such certificate shall be issued and it shall also be unlawful to make any change, alteration, or extension in or to the installation of any electrical wiring, fixtures, appliances, or apparatus in or on any building after inspection without notifying the municipal wiring inspector and securing a permit to do so.
- C. The requirement of permits, inspection, and supervision shall not apply to minor repair work such as repairing flush and snap switches, replacing fuses, changing lamp sockets and receptacles, taping bare joints, and repairing drop cords, and wiring for appliances and devices operating at less than 25 volts.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 9-560 Plumbing Code

[9-561 Plumbing Code Adopted](#)

[9-562 Application And Scope](#)

[9-563 Plumbing Inspector - Duties](#)

[9-564 Allowance For Exception To Ordinance](#)

[9-565 Right Of Entry Granted](#)

[9-566 Power To Condemn Granted](#)

[9-567 Interest In Sale Or Installation Of Equipment Prohibited](#)

[9-568 Permits Required](#)

[9-569 Revocation Of Permit](#)

[9-570 Expiration Of Permit](#)

[9-571 Denial Of Permit](#)

[9-572 Permits Not Required](#)

[9-573 Home Owner Permit](#)

[9-574 Permit Fees](#)

[9-575 Reinspection Charge](#)

[9-576 Refusal To Comply With Order Of Inspector](#)

[9-577 Penalty](#)

9-561 Plumbing Code Adopted

The Utah Plumbing Code of 1964, as revised June 21, 1972, and published by the Utah state division of health as a code in book form, three copies of which have been filed for use and examination by the public in the office of the recorder/clerk, hereby is approved and adopted as the plumbing code of this municipality except as otherwise altered or modified by the ordinances of this municipality.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

9-562 Application And Scope

The provisions of this part shall apply to, but not be limited to, all new construction, relocated buildings, and to any installation, alteration, repair or reconstruction of a plumbing system within the municipality except as otherwise provided for in this part.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

9-563 Plumbing Inspector - Duties

- A. There is hereby created the position of plumbing inspector.
- B. The plumbing inspector shall issue permits to properly licensed, bonded and registered persons. Licensing should be for work to be done within the scope of this part. The plumbing inspector:
 1. Shall order changes in workmanship and/or materials essential to enforce compliance with all provisions of the plumbing code.

2. Shall investigate any construction or work regulated by this part and issue such notices and orders as are necessary to prevent or correct dangerous or unsanitary conditions.
3. May recommend the revocation of any license to the state department of business regulation for cause, and report to the department of business regulation all violations of this part by journeymen, apprentices or contractors.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

9-564 Allowance For Exception To Ordinance

Where structural conditions impose extreme difficulty in fully complying with the plumbing regulations of this part, any aggrieved party may apply in writing to the plumbing inspector for special permission to deviate from the regulations. If in the judgment of the plumbing inspector such deviation is reasonable and does not create an unsanitary or unsafe condition, he shall recommend to the governing body that the request for deviation be approved or disapproved, or that approval is subject to such conditions as the governing body may require. The governing body, on review, may approve or disapprove the application or vary the conditions on which approval is granted.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

9-565 Right Of Entry Granted

The plumbing inspector shall have the right of entry within reasonable hours to any building or premise for the purpose of inspection or to investigate any work or conditions governed by this part.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

9-566 Power To Condemn Granted

The plumbing inspector is hereby empowered to condemn and order repaired, removed, replaced or changed any plumbing found in any unsanitary condition or not in accordance with this part. Failure to comply with the order within a reasonable time is an infraction.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

9-567 Interest In Sale Or Installation Of Equipment Prohibited

The plumbing inspector and his assistants shall not in any way engage in the sale or installation of plumbing equipment upon which they are required to make inspection hereunder.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019



9-568 Permits Required

No plumbing shall be installed, nor additions or alterations made in existing plumbing, except as provided in section 9-572 without first obtaining a permit. Application for such permits shall be in writing to the recorder/clerk and shall describe the nature of the work to be done and affirm that the plumbing will conform to the plumbing code. No permit shall be issued to any applicant during the time that he shall fail to correct any defective plumbing installed by him after he has been notified in writing by the plumbing inspector of the defective work.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

9-569 Revocation Of Permit

The plumbing inspector may revoke any permit when the person to whom the permit is issued fails, neglects, or refuses to do the work thereunder in conformance with this part, or when the permit is issued in error.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

9-570 Expiration Of Permit

Every permit issued by the plumbing inspector shall expire and become null and void if the work authorized by such permit is not commenced within sixty days from the date such permit is issued, or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of one hundred and twenty days or more.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

9-571 Denial Of Permit

The plumbing inspector may refuse to issue permits for any plumbing work to any person who has had a permit revoked in accordance with this part during such time as such person fails to perform plumbing work in conformance with this part.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

9-572 Permits Not Required

- A. Repairs which involve only the working parts of a faucet or valve, the clearance of stoppages, the repairing of leaks or the replacement of defective faucets or valves may be made without a permit provided that the permits shall be procured to replace fixtures, traps, soil, waste, and vent pipes unless waived by the plumbing inspector.
- B. Any person regularly employed by an owner or lessee of property, or his agents, for the sole purpose of operating and maintaining such property and to make minor repairs thereof, and any owner or lessee of property shall be exempt from the provisions of this part when doing work for which permits are not required.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

9-573 Home Owner Permit

Any permit required by this part may be issued to any person to do any plumbing or drainage work regulated by this part in a single family dwelling used exclusively for living purposes, including the usual accessory buildings and quarters in connection with such buildings in the event that any such person is the bona fide owner of any such dwelling and accessory buildings and quarters and that the same are occupied by or designed to be occupied by the owner, and further provided that the owner shall furnish the plumbing inspector with a complete layout drawing of the proposed work, satisfies the plumbing inspector that he has a working knowledge of the requirements contained in this part, pays the necessary fees, and calls for all inspections required by this part.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

9-574 Permit Fees

Before a permit shall be issued, permit fees as follows shall be paid to the treasurer:

Each permit issued, unless waived by inspector	\$ — -
Each plumbing fixture or trap roughed-in installed or changed in location	\$
Change, altering or replacement of soil, waste or vent pipe	\$
Each roof drain installed inside building	\$
Each mechanical refrigeration drain and each safe drain discharging directly or indirectly into the building drainage system	\$
Each air conditioning apparatus discharging into the building drainage system	\$
Water softener or water conditioning equipment	\$
Electric water heaters	\$
Septic tank connections from house	\$
Pools for roof drains	\$
each store, restaurant or home appliance or apparatus connected to the culinary water supply and/or building drainage system	\$
Installation, alteration or repair of water piping	\$
Each lawn sprinkler control valve system on any one meter including backflow devices therefor	\$
Vacuum breakers or backflow protective devices on tanks, vats, etc., or installation of unprotected plumbing fixtures, including necessary water piping	\$



HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

9-575 Reinspection Charge

After notice that any plumbing work is ready for inspection if the plumbing inspector calls at the place designated to make such inspection and finds the work not ready for inspection, he shall charge an additional fee of _____ dollars for each additional inspection required, except that the governing body may from time to time change the inspection fee required in this part by resolution.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

9-576 Refusal To Comply With Order Of Inspector

It shall be unlawful for any owner, agent or occupant of any building or premises to fail, neglect or refuse to repair, remove, replace or change within ten days after written notice to do so from the plumbing inspector, any plumbing condemned by such inspector, provided that this section shall not apply to any occupant not responsible for the installation or repair of the condemned plumbing.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

9-577 Penalty

- A. The violation of any provision of this part by any homeowner, building owner or manager of any building, apartment, hotel, motel or other structure shall be an infraction.
- B. The violation of any provision of this part by any person who receives payment or anything of value for performing such work shall be a class 8 misdemeanor.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Chapter 9-600 OTHER BUILDING OR CONSTRUCTION CODES

[Part 9-610 Individual Wastewater \(Sewage\) Disposal Code Adopted](#)

[Part 9-620 Small Underground Wastewater Disposal System Code Adopted](#)

[Part 9-630 Code For Installation Gas Piping And Appliance Adopted](#)

[Part 9-640 Uniform Sign Code Adopted \(Reserved\)](#)

[Part 9-650 Uniform Housing Code](#)

[Part 9-660 Fallout Shelters](#)

[Part 9-700 Construction Standards](#)

Part 9-610 Individual Wastewater (Sewage) Disposal Code Adopted

Part IV, "Individual Wastewater Disposal Systems," of the Code of Waste Disposal Regulations, adopted by Utah division of health and Utah state committee on water pollution in May, 1965, as revised by action of the Board in June, 1967, and issued and published as a code in book form, three copies of which have been filed for use and examination by the public in the office of the recorder/clerk, and which established rules



and regulations relating to the disposal of domestic waste water discharge from single homes, multiple dwellings containing not more than four individual family units, and commercial installations serving not more than 50 persons per day, is hereby adopted by the municipality as the ordinance relating to individual waste water disposal systems within the municipality except as such code may be altered or modified by the provisions of this part.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 9-620 Small Underground Wastewater Disposal System Code Adopted

Part V, "Small Underground Wastewater Disposal Systems" of the Code of Waste Disposal Regulations, adopted by the Utah division of health and Utah state committee on water pollution in May, 1965, as revised by action of the Board June 2, 1967 and June 21, 1967, and issued and published as a code in book form, three copies of which have been filed for use and examination by the public in the office of the recorder/clerk, is hereby adopted by the municipality as the small underground wastewater disposal systems code within the municipality, except as it may be altered or modified by the provisions of this or the preceding chapter. Occupancies in existing buildings may be continued as provided in section I04(g) of the Uniform Building Code, except as to those structures which are found to be substandard as defined in the Housing Code.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 9-630 Code For Installation Gas Piping And Appliance Adopted

[9-631 Code Adoption](#)

[9-632 Sections Of Code Not Adopted](#)

[9-633 Construction Of Gas Code](#)

[9-634 Violations Declared Nuisance](#)

9-631 Code Adoption

Recommended good practices for gas piping, appliance installation and venting, 1976 revision, published by Mountain Fuel Supply in book form, three copies of which have been filed for use and examination by the public in the office of the recorder/clerk, is hereby adopted by this municipality.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

9-632 Sections Of Code Not Adopted

Section I of the Gas Code is not adopted.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

9-633 Construction Of Gas Code

The practices recommended, suggested or described by the word "should" are hereby made mandatory unless the building inspector or the gas company determine that it is in the best interests of and safe for the gas user and municipality to vary the requirements



of the gas code, provided that such variation shall be in accordance with generally accepted gas use standards.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

9-634 Violations Declared Nuisance

Violation of this part is hereby made a nuisance and shall be abated in the manner provided in Part 10-350, provided that conditions which present an immediate danger to life may be abated by causing the gas to be immediately turned off.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 9-640 Uniform Sign Code Adopted (Reserved)

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 9-650 Uniform Housing Code

[9-651 Adoption Of A Housing Code](#)

[9-652 Application](#)

[9-653 Alteration](#)

[9-654 Relocation](#)

[9-655 Establishment Of A Housing Advisory And Appeals Board](#)

[9-656 Violations](#)

[9-657 Permits And Inspections](#)

[9-658 Pre-Occupancy Checklist](#)

9-651 Adoption Of A Housing Code

The "Uniform Housing Code," 1973 Edition, printed as a code in book form by the International Conference of Building Officials (providing minimum requirements for the protection of life, limb, health, safety, and welfare of the general public and the owners and occupants of residential buildings), three copies of which have been filed for use and examination by the public in the office of the recorder/clerk of this municipality, is hereby approved and adopted as the Housing Code of this municipality.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

9-652 Application

The provisions of the Housing Code shall apply to all buildings or portions thereof used, designed for or intended to be used for human habitation. Occupancies in existing buildings may be continued as provided in section 104(g) of the Uniform Building Code, except for such structures as are found to be substandard as defined in the Housing Code.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

9-653 Alteration

Existing buildings which are altered or enlarged shall be made to conform to the housing code insofar as the new work is concerned, in accordance with Section 104 (a), (b), (c), (d), (e), and (i) of the Uniform Building Code.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

9-654 Relocation

Existing buildings which are moved or relocated shall be considered as new buildings and shall comply with all requirements of the Housing Code.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

9-655 Establishment Of A Housing Advisory And Appeals Board

In order to interpret the provisions of the Housing Code and to hear appeals provided for hereunder, there is hereby established the housing advisory and appeals board consisting of five members who shall not be employees of the municipality. The building official shall be an ex officio member of and shall act as secretary to the board. The housing advisory and appeals board may adopt reasonable rules and regulations for conducting its business. Its decisions and findings shall be in writing, copies of which shall go to the appellant and to the building official. Appeals to the board shall be processed in accordance with the provisions contained in Section 1201 of the Housing Code. Copies of all rules or regulations adopted by the board shall be delivered to the building official who shall make them available to the public without cost.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

9-656 Violations

It shall be unlawful for any person, firm, or corporation, whether as owner, lessee, sublessee, or occupant, to erect, construct, enlarge, alter, repair, move, improve, remove, demolish, equip, use, occupy, or maintain any building or premises, or cause or permit the same to be done, contrary to or in violation of any of the provisions of the Housing Code or any order issued by the building official pursuant thereto.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

9-657 Permits And Inspections

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure, cause or allow the same to be done, without first obtaining a separate building permit for each such building or structure from the building official in the manner and according to the applicable conditions prescribed in the Housing Code.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

9-658 Pre-Occupancy Checklist

Prior to the issuance of a Certificate of Building Occupancy or other similarly titled document that legally authorizes the human habitation of a structure, a [check-list](#) will be reviewed and signed off by a designated representative of Richmond City.

A. The check list will include, but is not limited to, the following:

1. Name of owner, developer, or contractor as is applicable.
2. Address of the structure.
3. Readily visible sewer clean-out anywhere prior to the property line.
4. Water meter installed plumb and between sixteen (16) and twenty (20) inches beneath the meter barrel lid.
5. Water meter sensing device properly connected to the meter.
6. Rough grading/landscaping such that the water meter is readily accessible.
7. Porch(es) or entry-way(s) permanently attached to the structure.
8. Vehicle access must be of an all weather surface and so designed as to prevent water run-off from any source running down driveway directly onto the street.
9. Sidewalks providing access to the structure completed and made of a durable, long-lasting material.
10. Any public sidewalk damaged during the construction process fully repaired to City specifications.
11. Curb or engineered barrow pit properly installed to City specifications.
12. Any open ditch or culvert clear of any obstructions.
13. Parking strip graded to prevent flow of water from any source going directly upon the pavement of any City, County, or State street or road.
14. If storm drain is present, proper connection has been made between property run-off and the storm drain.
15. Cuts through, or edge damage to, street or road repaired to City specifications.
16. Address number readily visible from the street or road affixed to structure.

B. In the event that seasonal or other uncontrollable conditions prevent the fulfillment of items 8, 9, 10, and/or 15, owner/developer/contractor will be required to establish an escrow utilizing the standard Richmond City Corporation Escrow Agreement for Postponed Exterior Onsite Improvement form.

1. The amount of the escrow will be determined by obtaining three bids from three independent parties as to cost of completion of these items.

The escrow amount will be the greater of the bids plus fifty percent (50%) of said amount.

2. The City will be furnished the escrow amount in cash, certified check or cashiers check. The Standard Richmond City Corporation Escrow Agreement for Postponed Exterior Onsite Improvement form will state the date by which all improvements are to be completed.
 3. Improvements must be signed off by the Mayor, the designated member of the City Council, or the City Engineer.
 - a. Upon sign off by the authorized individual, the amount of the escrow shall be returned to the owner/developer/contractor as appropriate without interest.
 4. In the event that any or all of the improvements cited in the escrow are not satisfactorily completed on or before the agreed date, including any extensions that may be granted, the City shall have the right to enter into a contract with a third party for the completion of the improvements, with third party expenses being taken from the escrow funds.
 - a. In the event that the amount deposited into the escrow proves insufficient for costs of satisfactory completing of said improvements, the City shall make demands upon the owner/developer/contractor as appropriate to deposit additional funds to reach the sum needed to satisfy all expenses.
- C. It is the responsibility of the owner/developer/contractor to make contact with the City Office a minimum of three (3) working days prior to the desired inspection time to have the above items checked for proper completion, less escrow items. Once certified by an authorized representative of Richmond City, one copy of the check-sheet will be included with the building clearance/permit on file with the City, one copy will be furnished to the authorized Building Inspector who issues the Certificate of Building Occupancy or other similarly titled document that legally authorizes the human habitation of a structure, and one copy will be provided to the owner/developer/contractor.
- D. A Certificate of Building Occupancy or other similarly titled document that legally authorizes the human habitation of a structure will not be issued unless and until the properly signed check list has been provided to the authorized Building Inspector who issues said Certificate.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 9-660 Fallout Shelters

[9-661 Exemption From Building Code Requirements](#)

[9-662 Definition](#)

[9-663 Design](#)

9-664 Construction

9-665 Administrative Application Of Building Code

9-661 Exemption From Building Code Requirements

Due to the specialized purpose of emergency nature for which family fallout shelters are designed, any such shelter which complies with the provisions of this chapter is hereby exempt from the provisions of the Building Code, except as otherwise provided herein.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

9-662 Definition

For the purpose of this part, a family fallout shelter is a structure designed and constructed for emergency use only, to afford minimum protection from nuclear radiation, commonly known as fallout, resulting from a nuclear incident which recently has been or is likely to be of catastrophic proportions.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

9-663 Design

A family fallout shelter shall be of a design conforming to that recommended or accepted by the Federal Department of Defense, Office of Civil Defense.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

9-664 Construction

A family fallout shelter shall, in all matters relating to construction and structural stability, comply with not less than the equivalent of the provisions relating to design loads and general building requirements specified in the Uniform Building Code.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

9-665 Administrative Application Of Building Code

Notwithstanding the foregoing, the provisions contained in the Building Code relating to administration, permits and inspections shall be applicable to family fallout shelters.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 9-700 Construction Standards

- A. All construction undertaken for Richmond City will follow the standards contained within the latest edition of the Manual of Standard Specifications, and the Manual of Standard Plans as approved and published under the auspices of the Utah Chapter of the American Public Works Association and the Utah Chapter of the Associated General Contractors of America supplemented by the Richmond City Manual of Design and Construction Standards.

- B. Any and all construction undertaken by private developers, contractors, agents, or citizens which connects with, attaches to, or in any manner influences or will be influenced by Richmond City infrastructure will also be required comply with the standards contained within subsection (A).
- C. Failure to comply with said standards will constitute a Class A misdemeanor at minimum, and may be up-graded should the severity impose a condition of harm upon Richmond City or the citizens thereof.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Chapter 9-800 LICENSING OF SEXUALLY ORIENTED BUSINESSES AND EMPLOYEES

[Part 9-801 Purpose Of Provisions](#)

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[Part 9-813 License - Premises Location And Name](#)

[Part 9-814 License - Issuance Conditions](#)

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[Part 9-818 License - Display](#)

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[Part 9-820 Regulations And Unlawful Activities](#)

[Part 9-821 Out Call Services - Operation Requirements](#)

[Part 9-822 Adult Business - Design Of Premises](#)

[Part 9-823 Semi-Nude Entertainment Business - Design Of Premises](#)

[Part 9-824 Semi-Nude Entertainment Business Location Restriction](#)

[Part 9-825 Semi-Nude Dancing Agencies](#)

[Part 9-826 Performers - Prohibited Activities](#)

[Part 9-827 Patrons - Prohibited Activities](#)

[Part 9-828 Nudity - Defenses To Prosecution](#)

[Part 9-829 Existing Businesses - Compliance Time Limits](#)

[Part 9-830 Violation - Injunction When](#)

[Part 9-831 Violation - License Suspension Or Revocation](#)

[Part 9-832 Effect Of License Revocation](#)

[Part 9-833 Revocation And Denial Of License](#)

[Part 9-834 Violation - Penalty](#)

Part 9-801 Purpose Of Provisions

It is the purpose and object of this Chapter that the City establish reasonable and uniform regulations governing the time, place, and manner of operation of sexually-oriented businesses and their employees in the City. This Chapter shall be construed to protect the governmental interests recognized by this Chapter in a manner consistent with constitutional protections provided by the United States Constitution and the Constitution of the State of Utah.

- A. This Chapter imposes regulatory standards and license requirements on certain business activities which are characterized as sexually-oriented businesses, and certain employees of those businesses characterized as sexually-oriented business employees. Except where the context or specific provisions require, this Chapter does not supersede or nullify any other related ordinances.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 9-802 Definitions

For the purpose of this Chapter, the following words shall have the following meanings:

- A. "Adult Bookstore, Adult Novelty Store or Adult Video Store" means a commercial establishment which has a significant or substantial portion of its stock-in-trade or derives a significant or substantial portion of its revenues or devotes a significant or substantial portion of its interior business or advertising to the sale or rental for any form of consideration, of anyone or more of the following:
 1. Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes, slides, or other visual representations which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas";
 2. Instruments, devices, or paraphernalia which are designed for use or marketed primarily for stimulation of human genital organs or for sadomasochistic use or abuse of themselves or others;
 3. An establishment may have other principal business purposes that do not involve the offering for sale, rental or viewing of materials depicting or describing "specified sexual activities" or "specified anatomical areas", and still be categorized as adult bookstore, adult novelty store, or adult video store. Such other business purposes will not serve to exempt such establishments from being categorized as an adult bookstore, adult novelty store or adult video store so long as one of its principal business purposes is offering for sale or rental, for some form of consideration, the specified materials which depict or describe "specified anatomical areas" or "specified sexual activities."

- B. "Adult Business" means an adult motion picture theater, adult bookstore, or adult video store.
- C. "Adult Motion Picture Theater" means a commercial establishment which:
1. Excludes minors from the showing of two (2) consecutive exhibitions (repeated showings of any single presentation shall not be considered a consecutive exhibition); or
 2. As its principal business, shows, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions which are primarily characterized by the depiction or description of specified sexual activities or specified anatomical areas.
- D. "Adult Theater" means a theater, concert hall, auditorium, or similar commercial establishment which:
1. Holds itself out as such a business; or
 2. Excludes minors from the showing of two (2) consecutive exhibitions (repeated performance of the same presentation shall not be considered a consecutive exhibition); or
 3. As its principal business, features persons who appear in live performances in a state of semi-nudity or which are characterized by the exposure of specified anatomical areas or by specified sexual activities.
- E. "Employ" means hiring an individual to work for pecuniary or any other form of compensation, whether such person is hired on the payroll of the employer, as an independent contractor, as an agent, or in any other form of employment relationship.
- F. "Escort" means any person who, for pecuniary compensation, dates, socializes, visits, consorts with, or accompanies or offer to date, consort, socialize, visit, or accompany another or others to or about social affairs, entertainment, or places of amusement, or within any place of public or private resort or any business or commercial establishment or any private quarters. Escort shall not be construed to include persons who provide business or personal services, such as licensed private nurses, aides for the elderly, or handicapped, social secretaries or similar service personnel whose relationship with their patron is characterized by a bona fide contractual relationship having a duration of more than twelve hours and who provide a service not principally characterized as dating or socializing. Escort shall also not be construed to include persons providing services such as singing telegrams, birthday greetings, or similar activities characterized by appearances in a public place, contracted for by a party other than the person for whom the service is being performed and of a duration not longer than one hour.

- G. "Escort Service" means an individual or entity who, for pecuniary compensation, furnishes or offers to furnish escorts, or provides or offers to introduce patrons to escorts.
- H. "Escort Service Runner" means any third person, not an escort, who, for pecuniary compensation, acts in the capacity of an agent or broker for an escort service, escort, or patron by contacting or meeting with escort services, escorts or patrons at any location within the City, whether or not such third person is employed by such escort service, escort, patron, or by another business, or is an independent contractor or self-employed.
- I. "Nudity" means a state of dress in which the female breast, below a point immediately above the top of the areola or male or female genitals, pubic region, or anus are covered by less than the covering required in the definition of semi-nude.
- J. "Outcall Services" means services of a type performed by a sexually-oriented business employee outside of the premises of the licensed sexually-oriented business, including but not limited to escorts, models, dancers and other similar employees.
- K. "Patron" means any person who contracts with or employs any escort services or escort or the customer of any business licensed pursuant to this Chapter.
- L. "Pecuniary Compensation" means any commission, fee, salary ,tip, gratuity, hire, profit, reward, or any other form of consideration.
- M. "Person" means any person, unincorporated association, corporation, partnership, or other legal entity.
- N. "Semi-nude" means a state of dress in which opaque clothing covers no more than the female breast below a point immediately above the top of the areola; and the male or female genitals, pubic region, and anus shall be fully covered by an opaque covering no narrower than four inches (4") wide in the front and five inches (5") wide in the back, which shall not taper to less than one inch (1") wide at the lowest point.
- O. "Semi-nude Dancing Agency" means any person, agency, firm, corporation, partnership, or any other entity or individual which furnishes, books, or otherwise engages or offers to furnish, book, or otherwise engage the service of a professional dancer licensed pursuant to this Chapter for performance or appearance at a business licensed for adult theaters.
- P. "Semi-nude Entertainment Business" means a business, including adult theater, where employees perform or appear in the presence of patrons of the business in a state of semi-nudity. A business shall also be presumed to be a semi-nude establishment business if the business holds itself out as such a business.
- Q. "Sexually-Oriented Business" means semi-nude entertainment businesses, sexually-oriented outcall services, adult businesses, and semi-nude dancing agencies, as defined in this Chapter.

- R. "Sexually-Oriented Business Employees" means those employees who work on the premises of a sexually-oriented business in activities related to the sexually-oriented portion of the business. This includes all managing employees, dancers, escorts, models, and other similar employees, whether or not hired as employees, agents, or as independent contractors. Employees shall not include individuals whose work is unrelated to the sexually-oriented portion of the business, such as janitors, bookkeepers, and similar employees. Sexually-oriented business employees shall not include cooks, serving persons, and similar employees, except where they may be managers or supervisors of the business. All persons making outcall meetings under this Chapter, including escorts, models, guards, escort runners, drivers, chauffeurs, and other similar employees, shall be considered sexually-oriented business employees.
- S. "Specified Anatomical Areas" means the human male or female pubic area or anus with less than a full opaque covering, or the human female breast from the beginning of the areola, papilla, or nipple to the end thereof with less than full opaque covering.
- T. "Specified Sexual Activities" means:
1. Acts of:
 - a. Masturbation,
 - b. Human sexual intercourse,
 - c. Sexual copulation between a person and a beast,
 - d. Fellatio,
 - e. Cunnilingus,
 - f. Bestiality,
 - g. Pederasty,
 - h. Buggery, or
 - i. Any anal copulation between a human male and another human male, human female, or beast.
 2. Manipulating, caressing or fondling by any person of:
 - a. The genitals of a human,
 - b. The pubic area of a human,
 - c. The uncovered female nipple and areola;
 3. Flagellation or torture by or upon a person clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of the one so clothed.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 9-803 Obscenity And Lewdness - Statutory Provisions

Notwithstanding anything contained in this Chapter, nothing in this Chapter shall be deemed to permit or allow the showing or display of any matter which is contrary to other applicable Federal or State statutes prohibiting obscenity.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 9-804 Location And Zoning Restrictions

It is unlawful for any sexually-oriented business to do business at any location within the City not zoned for such business. Sexually-oriented businesses licensed as adult business or semi-nude entertainment businesses pursuant to this Chapter shall only be allowed in areas zoned for their use pursuant to the current Land Use Development and Management Ordinance for Richmond City.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 9-805 Business License Required

It is unlawful for any person to operate a sexually-oriented business, as specified herein without first obtaining a sexually-oriented business license. The business license shall specify the type of business for which it is obtained. Said license shall not be transferable.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 9-806 Exemptions From License Requirements

The provisions of this Chapter shall not apply to any sex therapist or similar individual licensed by the State to provide bona fide sexual therapy or counseling, licensed medical practitioner, licensed nurse, psychiatrist, psychologist, nor shall it apply to any educator licensed by the State for activities in the classroom.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 9-807 Legitimate Artistic Modeling

The City does not intend to unreasonably or improperly prohibit legitimate modeling which may occur in a state of nudity for purposes protected by the First Amendment or similar State protections. The City does intend to prohibit prostitution and related offenses occurring under the guise of nude modeling. Notwithstanding the provisions of this Chapter prohibiting nudity, a licensed outcall employee may appear in a state of nudity before a customer or patron, providing that a written contract for such appearance was entered into between the customer or patron and the employee and signed at least twenty-four (24) hours before the nude appearance. All of the other applicable provisions of this Chapter shall still apply to such nude appearance.

- A. In the event of a contract for nude modeling or appearance signed more than forty-eight (48) hours in advance of the modeling or appearance, the individual to appear nude shall not be required to obtain a license pursuant to this Chapter. During such unlicensed nude appearance, it is unlawful to:
1. Appear nude or semi-nude in the presence of persons under the age of eighteen (18);
 2. Allow, offer, or agree to any touching of the contracting party or other person by the individual appearing nude;
 3. Allow, offer, or agree to commit prostitution, solicitation of prostitution, solicitation of a minor, or committing activities harmful to a minor;
 4. Allow, offer, commit, or agree to any sex act as validly defined by City ordinances or State statute;
 5. Allow, offer, agree, or permit the contracting party or other person to masturbate in the presence of the individual contracted to appear nude;
 6. Allow, offer, or agree for the individual appearing nude to be within five feet (5') of any other person while performing or while nude or semi-nude.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 9-808 Business Categories - Number Of Licenses

- A. It is unlawful for any business premises to operate or be licensed for more than one category of sexually-oriented business, except that a business may have a license for both outcall services and a semi-nude dancing agency on the same premises.
- B. The categories of sexually-oriented businesses are:
1. Outcall services;
 2. Adult businesses;
 3. Semi-nude entertainment businesses;
 4. Semi-nude dancing agency.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 9-809 Employee Licenses

It is unlawful for any sexually-oriented business to employ or for any individual to be employed by a sexually-oriented business in the capacity of a sexually-oriented business employee, unless that employee first obtains a sexually-oriented business employee license.



HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 9-810 License - Application - Disclosures Required

Before any applicant may be licensed to operate a sexually-oriented business or as a sexually-oriented business employee pursuant to this Chapter, the applicant shall submit, on a form to be supplied by the City license authority, the following:

- A. The correct legal name of each applicant, corporation, partnership, limited partnership, or entity doing business under an assumed name;
- B. If the applicant is a corporation, partnership, or limited partnership, or individual or entity doing business under an assumed name, the information required below for individual applicants shall be submitted for each partner and each principal of an applicant, and for each officer, director, and any shareholder (corporate or personal) of more than ten percent (10%) of the stock of any applicant. Any holding company, or any entity holding more than ten percent (10%) of an applicant, shall be considered an applicant for purposes of disclosure under this Chapter;
 1. The shareholder disclosure requirements above shall only be applicable for outcall service licenses.
- C. All corporations, partnerships, or non-corporate entities included on the application shall also identify each individual authorized by the corporation, partnership, or non-corporate entity to sign the checks for such corporation, partnership, or non-corporate entity;
- D. For all applicants or individuals, the application must also state:
 1. Any other names or aliases used by the individual,
 2. The age, date, and place of birth,
 3. Height,
 4. Weight,
 5. Color of hair,
 6. Color of eyes,
 7. Present business address and telephone number;
 8. Present residence and telephone number;
 9. Utah drivers license or identification number, and
 10. Social security number;

- E. Acceptable written proof that any individual is at least eighteen (18) years of age or, in the case of employees to be employed in businesses where a different age is required, proof of the required age;
- F. Attached to the form, as provided above, two (2) color photographs of the applicant clearly showing the individual's face and the individual's fingerprints on a form provided by the Cache County Sheriff's Department or other law enforcement agency. For persons not residing in the City, the photographs and fingerprints may be on a form from the law enforcement jurisdiction where the person resides. Fees for the photographs and fingerprints shall be paid by the applicant directly to the issuing agency;
- G. For any individual applicant required to obtain a sexually-oriented business employee license as an escort or a semi-nude entertainer, a certificate from the Bear River Health Department stating that the individual has, within thirty (30) days immediately preceding the date of the application, been examined and found to be free of any contagious or communicable diseases.
- H. A statement of the business, occupation, or employment history of the applicant for three (3) years immediately preceding the date of the filing of the application;
- I. A statement detailing the license or permit history of the applicant for the five (5) year period immediately preceding the date of the filing of the application, including whether such applicant previously operating or seeking to operate, in this or any other county, city, state, or territory, has ever had a license, permit, or authorization to do business denied, revoked, or suspended, or has had any professional or vocational license or permit denied, revoked, or suspended. In the event of any such denial, revocation, or suspension, state the date, the name of the issuing or denying jurisdiction, and state in full the reasons for the denial, revocation, or suspension. A copy of any order of denial, revocation, or suspension shall be attached to the application;
- J. All criminal convictions or pleas of nolo contendere, except those which have been expunged, and the disposition of all such arrests for the applicant, individual, or other entity subject to disclosure under this Chapter, for five (5) years prior to the date of the application. This disclosure shall include identification of all ordinance violations, excepting minor traffic offenses (any traffic offense designated as a felony shall not be construed as a minor traffic offense), stating the date, place, nature of each conviction or plea of nolo contendere, and sentence of each conviction or other disposition, identifying the convicting jurisdiction and sentencing court, and providing the court identifying case numbers or docket numbers. Application for a sexually- oriented business or employee license shall constitute a waiver of disclosure of any criminal conviction or plea of nolo contendere for the purposes of any proceeding involving the business or employee license;

- K. In the event the applicant is not the owner of record of the real property upon which the business or proposed business is or is to be located, the application must be accompanied by a notarized statement from the legal or equitable owner of the possessory interest in the property specifically acknowledging the type of business for which the applicant seeks a license for the property. In addition to furnishing such notarized statement, the applicant shall furnish the name, address, and phone number of the owner of record of the property, as well as the copy of the lease or rental agreement pertaining to the premises in which the service is or will be located;
- L. A description of the services to be provided by the business, with sufficient detail to allow reviewing authorities to determine what business will be transacted on the premises, together with a schedule of usual fees for services to be charged by the licensee, any rules, regulations, or employment guidelines under or by which the business intends to operate. This description shall also include:
1. The hours that the business or service will be open to the public, and the methods of promoting the health and safety of employees and patrons and preventing them from engaging in illegal activity,
 2. The methods of supervision preventing the employees from engaging in acts of prostitution or other related criminal activities,
 3. The methods of supervising employees and patrons to prevent employees and patrons from charging or receiving fees for services or acts prohibited by this Chapter or other statutes or ordinances,
 4. The methods of screening employees and customers in order to promote the health and safety of employees and customers and prevent the transmission of disease, and prevent the commission of acts of prostitution or other criminal activity.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 9-811 License - Fees

Each applicant for a sexually-oriented business or employee license shall be required to pay regulatory license fees as set forth in separate ordinance or resolution by the Richmond City Council.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 9-812 License - Bond

Each application for a sexually-oriented business license shall post, with the Richmond City Office, a cash or corporate security bond payable to Richmond City in the amount of two thousand dollars (\$2,000). Any fines assessed against the business, officers, or managers for violations of City ordinances shall be taken from this bond if not paid in cash within ten (10) days after notice of the fine, unless an appeal is filed as provided by this Chapter. In the event the funds are drawn against the cash or surety bond to pay

such fines, the bond shall be replenished to two thousand dollars (\$2,000.00) within fifteen (15) days of the date of notice of any draw against it.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 9-813 License - Premises Location And Name

- A. It is unlawful to conduct business under a license issued pursuant to this Chapter at any location other than the licensed premises. Any location to which telephone calls are automatically forwarded by such business shall require a separate license.
- B. It is unlawful for any sexually-oriented business to do business in the City under any name other than the business name specified in the application.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 9-814 License - Issuance Conditions

The Richmond City Council shall approve the issuance of a license to the applicant within forty-five (45) days after receipt of an application, unless the City finds one or more of the following:

- A. The applicant is under eighteen (18) years of age, or any higher age if the license sought requires a higher age;
- B. The applicant is overdue in payment to the City of taxes, fees, fines, or penalties assessed against the applicant or imposed on the applicant in relation to a sexually-oriented business;
- C. The applicant has falsely answered a material question or request for information as authorized by this Chapter;
- D. The applicant has been convicted of a violation of a provision of this Chapter within two (2) years immediately preceding the application; however, the fact that a conviction is being appealed shall have no effect on the denial;
- E. The premises to be used for the business have been disapproved by the Richmond City, the Bear River Health Department, the Fire Department, the building officials, or the zoning officials as not being in compliance with applicable laws and ordinances of the City. If any of the foregoing reviewing agencies cannot complete their review within the forty-five (45) day approval or denial period, the agency or department may obtain from the Richmond City Council an extension of time of no more than fifteen (15) days of their review. The total time for the City to approve or deny a license shall not exceed sixty (60) days from the receipt of an application.

- 1. Upon receipt of an application, all departments required to review the application shall determine within ten (10) working days whether or not



the application is incomplete in items needed for processing. Incomplete applications shall immediately be returned to the applicant with a specification of the items which are incomplete;

2. The time for processing applications specified in this Section shall begin to run from the receipt of a complete application;
3. In the event that a license for semi-nude entertainment, semi-nude dancing agencies, adult businesses, or semi-nude entertainment businesses has not been disapproved within forty-five (4) days or the sixty (60) days allowed after an extension, the City shall issue the license pending completion of the City's review.
4. Any license issued pursuant to 3. above may be revoked by the City, pursuant to the revocation procedures provided for herein, if the completed review determines that the license should have been denied.

F. The required license fees have not been paid;

G. All applicable sales and use taxes have not been paid;

H. An applicant for the proposed business is in violation of or not in compliance with this Chapter;

I. An applicant has been convicted or pled no contendere to a crime:

1. Involving prostitution; exploitation of prostitution; aggravated promotion of prostitution; aggravated exploitation of prostitution; solicitation of sex acts; sex acts for hire; compelling prostitution; aiding prostitution; sale, distribution, or display of material harmful to minors; sexual performance by minors; possession of child pornography; lewdness; indecent exposure; any crime involving sexual abuse or exploitation of a child; sexual assault or aggravated sexual assault; rape; forcible sodomy; forcible sexual abuse; incest; harboring a runaway child; criminal attempt, conspiracy, or solicitation to commit any of the foregoing offenses or offenses involving similar elements from any jurisdiction, regardless of the exact title of the offense; for which:
 - a. Less than two (2) years have elapsed from the date of conviction, if the conviction is of a misdemeanor offense, or less than five (5) years if the convictions are of two (2) or more misdemeanors within the five years (5), or
 - b. Less than five (5) years have elapsed from the date of conviction, if the offense is of a felony;
2. The fact that a conviction is being appealed shall have no effect on the disqualification pursuant to this Section.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 9-815 License - Term

Sexually-oriented business and employee licenses issued pursuant to this Chapter shall be valid from the date of issuance through midnight of December 31st each succeeding year. The license fees required under the current Richmond City License Fee schedule shall not be prorated for any portion of a year, but shall be paid in full for whatever portion of the year the license is applied for.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 9-816 License - Notice Of Change Of Information

Any change in the information required to be submitted under this Chapter for either a sexually-oriented business license or sexually-oriented business employee license shall be given, in writing, to the Richmond City Office no more than fourteen (14) days after such change.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 9-817 License - Transfer Limitations

Sexually-oriented business licenses granted under this Chapter shall not be transferable. It is unlawful for a license held by an individual to be transferred. It is unlawful for a license held by a corporation, partnership, or other noncorporate entity to transfer any part in excess of ten percent (10%) thereof, without filing a new application and obtaining prior City approval. If any transfer of the controlling interest in a business license occurs, the license is immediately null and void, and the business shall not operate until a separate new license has been properly issued by the City as provided in this Chapter.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 9-818 License - Display

It is unlawful for any sexually-oriented business location within the boundaries of the City to fail to display the license granted pursuant to this Chapter in a prominent location within the business premises. It is unlawful for any individual licensed pursuant to this Chapter to fail to carry, at all times while engaged in licensed activities within the corporate boundaries of the City, their employee license on their person. If the individual is nude, such license shall be visible displayed within the same room the employee is performing. When requested by law enforcement, City licensing or other enforcement personnel or health official, it is unlawful to fail to show the appropriate licenses while engaged in licensed activities within the corporate boundaries of the City.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 9-819 License - Statement In Advertisements

It is unlawful for any advertisement by the sexually-oriented business or employee to fail to state that the business or employee is licensed by the City, and shall include the City license number.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 9-820 Regulations And Unlawful Activities

It is unlawful for any sexually-oriented business or sexually-oriented business employee to:

- A. Allow persons under the age of eighteen (18) year's on the licensed premises, except that in adult businesses which exclude minors from less than all of the business premises, minors shall not be permitted in excluded areas;
- B. Allow, offer, or agree to conduct any outcall business with persons under the age of eighteen (18) years;
- C. To allow, offer, or agree to allow any alcohol to be stored, used, or consumed on or in the licensed premises;
- D. Allow the outside door to the premises to be locked while any customer is in the premises;
- E. Allow, offer, or agree to gambling on the licensed premises;
- F. Allow, offer, or agree to any sexually-oriented business employee touching any patron or customer; except that outcall employees and customers may touch, except that any touching of specified anatomical area, whether clothed or unclothed, is prohibited;
- G. Allow, offer, or agree to illegal possession, use, sale, or distribution of controlled substances on the licensed premises;
- H. Allow sexually-oriented business employees to possess, use, sell, or distribute controlled substances while engaged in the activities of the business;
 - I. Allow, offer, or agree to commit prostitution, solicitation of prostitution, solicitation of a minor, or committing activities harmful to a minor to occur on the licensed premises or, in the event of an outcall employee or business, the outcall employee committing, offering, or agreeing to commit prostitution, attempting to commit prostitution, soliciting prostitution, soliciting a minor, or committing activities harmful to a minor;
- J. Allow, offer, commit, or agree to any sex act as validly defined by City ordinances or State statute in the presence of any customer or patron;
- K. Allow, offer, or agree to any outcall employee appearing before any customer or patron in a state of nudity;
- L. Allow, offer, or agree to allow a patron or customer to masturbate in the presence of a sexually-oriented business employee or on the premises of a sexually-oriented business.
- M. Allow, offer, or agree to commit an act of lewdness as defined in this Title.



HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 9-821 Out Call Services - Operation Requirements

It is unlawful for any business or employee to provide outcall services contracted for in the City to fail to comply with the following requirements:

- A. All businesses licensed to provide outcall services pursuant to this Chapter shall provide to each patron a written contract in receipt of pecuniary compensation for services. The contract shall clearly state the type of services to be performed, the length of time such services shall be performed, the total amount such services shall cost the patron, and any special terms or conditions relating to the services to be performed. The contract need not include the name of the patron. The business licensee shall keep and maintain a copy of each written contract entered into pursuant to this Section for a period not less than one year from the date of provision of services thereunder. The contracts shall be numbered and entered into a register listing the contract number, date, names of all employees involved in the contract, and pecuniary compensation paid.
- B. All outcall businesses licensed pursuant to this Chapter shall maintain an open office or telephone at which the licensee or licensee's designated agent may be personally contacted during all hours outcall employees are working. The address and phone number of the license location shall appear and be included in all patron contracts and published advertisements. For outcall businesses which premises are licensed within the corporate limits of the City, private rooms or booths where the patrons may meet with the outcall employee shall not be provided at the open office or any other location by the service, nor shall patrons meet outcall employees at the business premises.
- C. Outcall services shall not advertise in such a manner that would lead a reasonably prudent person to conclude that specified sexual activities would be performed by the outcall employee.
- D. All employees of outcall services who provide outcall services within the City shall be licensed in accordance with this Chapter, regardless of the primary location of the business.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 9-822 Adult Business - Design Of Premises

- A. In addition to the general requirements of disclosure for a sexually-oriented business, any applicant for a license as an adult business shall also submit a diagram, drawn to scale, of the premises of the license. The design and construction, prior to granting a license or opening for business, shall conform to the following:

- 1. The interior of the premises shall be configured in such a manner that



there is an unobstructed view from the manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms.

2. Restrooms may not contain any video reproduction equipment or any of the business merchandise. Signs shall be posted requiring only one person being allowed in the restroom per stall, and only one person in any stall at a time, and requiring that patrons shall not be allowed access to manager's station areas.
 3. For businesses which exclude minors from the entire premises, all windows, doors and other apertures to the premises shall be darkened or otherwise constructed to prevent anyone outside the premises from seeing the inside of the premises. Businesses which exclude minors from less than all of the premises shall be designed and constructed so that minors may not see into the area from which they are excluded.
 4. The diagram required shall not necessarily be a professional engineer's or architect's blueprint; however, the diagram must show marked internal dimensions, all overhead lighting fixtures, and ratings for illumination capacity.
- B. It shall be the duty of the licensee and the licensee's employees to insure that the views from the manager's station in subsection (A) of this Section remain unobstructed by any doors, walls, merchandise, display racks, or any other materials at all times that any patron is present in the premises, and to insure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted.
- C. The premises shall at all times be equipped and operated with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than one footcandle, measured at floor level. It shall be the duty of the licensee and the licensee's employees present on the premises to insure that the illumination described above is maintained at all times that any patron is present in the premises.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 9-823 Semi-Nude Entertainment Business - Design Of Premises

- A. It is unlawful for business premises licensed for semi-nude entertainment to:
1. Permit a bed, sofa, mattress, or similar item in any room on the premises, except that a sofa may be placed in a reception room open to the public or in any office to which patrons are not admitted, and except that in an adult theater such items may be on the stage as part of a performance;

2. Allow any door on any room used for the business, except for the door to an office to which patrons shall not be admitted, outside doors, and restroom doors to be lockable from the inside;
3. Provide any room in which the employee or employees and the patron or patrons are alone together without a separation by a solid physical barrier at least three feet (3') high and six inches (6") wide. The patron or patrons shall remain on one side of the barrier and the employee or employees shall remain on the other side of the barrier.

B. Adult theaters shall also require that the performance area shall be separated from the patrons by a minimum of three feet (3'), which separation shall be delineated by a physical barrier at least three feet (3') high.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 9-824 Semi-Nude Entertainment Business Location Restriction

It is unlawful for any business licensed for semi-nude entertainment to be located within five hundred feet (500') of a business licensed for the sale or consumption of alcohol.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 9-825 Semi-Nude Dancing Agencies

- A. It is unlawful for any individual or entity to furnish, book, or otherwise engage the services of a professional dancer, model, or performer to appear in a state of semi-nudity for pecuniary compensation in or for any semi-nude entertainment business or adult theater licensed pursuant to this Chapter, unless such agency is licensed pursuant to this Chapter.
- B. It is unlawful for any individual or entity to furnish, book, or otherwise engage or permit any person to perform as a professional dancer, model, or performer in a state of semi-nudity or nudity, either gratuitously or for compensation, in or for any business licensed pursuant to this Chapter, unless such person is licensed pursuant to this Chapter.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 9-826 Performers - Prohibited Activities

It is unlawful for any professional dancer, model, or performer, while performing in any business licensed pursuant to this Chapter, to:

- A. Touch in any manner any other person;
- B. Throw any object or clothing off the stage area;



- C. Accept any money, drink, or any other object directly from any person; or
- D. Allow another person to touch such performer or to place any money or object on the performer or within the costume or person of the performer; or
- E. Place anything within the costume or adjust or move the costume while performing so as to render the performer in a state of nudity.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 9-827 Patrons - Prohibited Activities

It is unlawful for any person or any patron of any business to touch in any manner any performer; to place any money or object on or within the costume or person of any performer; or to give or offer to give any such performer any drinks, money, or object while such performer is performing; except that money may be placed on the stage, which shall not be picked up by the performer except by hand.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 9-828 Nudity - Defenses To Prosecution

It is a defense to prosecution or violation under this Chapter that a person appearing in a state of nudity did so in a modeling class operated:

- A. By a proprietary school licensed by the state, or a college, junior college, or university supported entirely or partly by taxation;
- B. By a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college, or university supported entirely or partly by taxation.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 9-829 Existing Businesses - Compliance Time Limits

- A. The provisions of this Chapter shall be applicable to all persons and businesses described herein, whether the herein-described activities were established before or after the effective date of the provisions codified in this Chapter and regardless of whether such persons and businesses are currently licensed to do business in the City.
 - 1. All such persons and businesses requiring outcall service licenses shall have forty-five (45) days from the effective date of the ordinance codified in this Chapter, or until their current license expires, whichever is first in time, to comply with the provisions of this Chapter.



2. All semi-nude dancing agency licenses shall have seventy-five (75) days from the effective date of the ordinance codified in this Chapter, or until their license must be renewed, whichever is first, to comply with the provisions of this Chapter.
3. All adult businesses and semi-nude entertainment businesses shall have one hundred thirty-five (135) days from the effective date of the ordinance codified in this Chapter, or until their current license must be renewed, whichever is first, to comply with the provisions of this Chapter.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 9-830 Violation - Injunction When

An entity or individual who operates or causes a sexually-oriented business to be operated without a valid license, or who employs or is employed as an employee of a sexually-oriented business, or who operates such a business or functions as such an employee in violation of the provisions of this Chapter is subject to a suit for injunction in addition to the civil and criminal violations provided herein, and any other remedy available at law or in equity.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 9-831 Violation - License Suspension Or Revocation

- A. The City may issue a notice suspending or revoking a sexually-oriented business or employee license granted under this Chapter if a licensee or an employee of the licensee has:
 1. Violated or is not in compliance with this Chapter;
 2. Refused to allow any inspection of the premises of the sexually-oriented business specifically authorized by this Chapter or by any other statute or ordinance;
 3. Failed to replenish the cost bond as provided in this Chapter (such a suspension shall extend until the bond has been replenished);
 4. Given materially false or misleading information in obtaining the license;
 5. Knowingly operated the sexually- oriented business or worked under the employee license during the period when the business license or employee licensee's license was suspended;
 6. A licensee has committed an offense which would be grounds for denial of a license for which the time period required has not elapsed;

7. On two or more occasions within a twelve-month period, a person or persons committed in or on, or solicited for on the licensed premises, or an outcall employee solicited or committed on or off the premises, an offense which would be grounds for denial of a license for which a conviction has been obtained, and the person or persons were employees, whether or not licensed, of the sexually-oriented business at the time the offenses were committed;
8. A licensee is delinquent in payment to the City for ad valorem taxes, or sales taxes related to the sexually-oriented business.

- B. Suspension or revocation shall take effect within fifteen (15) days of the issuance of notice, unless an appeal is filed as provided by this Chapter.
- C. The fact that a conviction is being appealed shall have no effect on the revocation of the license.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 9-832 Effect Of License Revocation

When a license issued pursuant to this Chapter is revoked, the revocation shall continue for one year from its effective date; and the licensee shall not be issued a sexually-oriented business or employee license for one year from the date of such revocation.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 9-833 Revocation And Denial Of License

The denial, suspension, or revocation of any license issued pursuant to this Chapter shall be in accordance with the general provisions for business licenses set forth in this Title.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 9-834 Violation - Penalty

In addition to revocation or suspension of a license, as provided in this Chapter, each violation of this Chapter shall, upon citation by the Richmond City Council or duly authorized official of Richmond City, require the licensee to pay a civil penalty in the amount of five hundred dollars (\$500). Such fines shall be deducted from the cost bond posted pursuant to this Chapter, unless paid within ten (10) days of notice of the fine or the final determination after any appeal. In addition to the civil fines provided in this Chapter, the violation of any provision of this Chapter shall be a class "B" misdemeanor. Each day of a violation shall be considered a separate offense.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019





Title 10-000 FIRE, HEALTH, SAFETY AND WELFARE

[Chapter 10-100 FIRES; DEPARTMENT; CODE](#)

[Chapter 10-200 HEALTH](#)

[Chapter 10-300 NUISANCES](#)

[Chapter 10-400 GARBAGE AND LITTER](#)

[Chapter 10-500 WELFARE](#)

[Chapter 10-600 FLOOD DAMAGE PREVENTION](#)

Chapter 10-100 FIRES; DEPARTMENT; CODE

[Part 10-110 Department](#)

[Part 10-120 Personnel And Duties](#)

[Part 10-130 Powers Of Fire Department](#)

[Part 10-150 Uniform Fire Code](#)

[Part 10-170 Standard Firefighting Equipment](#)

Part 10-110 Department

[10-111 Creation](#)

10-111 Creation

There is hereby created a fire department to be known as the Fire Department.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 10-120 Personnel And Duties

[10-121 Creation Of Position Of Chief](#)

[10-122 Powers And Duties Of Chief](#)

[10-123 Employees](#)

10-121 Creation Of Position Of Chief

There is hereby created the position of chief of the fire department.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

10-122 Powers And Duties Of Chief

- A. The chief shall have responsibility for the general supervision of the department.
- B. During a fire, the chief shall have full authority to take all measures as he shall deem necessary, subject to state law, to control and extinguish the fire and for that purpose he is hereby made a special peace officer.

- C. The chief shall at least quarterly report to the governing body the condition of the fire equipment, the number of fires and their causes and the estimated loss therefrom together with such other information as the governing body may request or as he shall deem appropriate.
- D. The chief shall strictly enforce all of the provisions of the ordinances of this municipality relating to the protection against and prevention of fire.
- E. The chief shall maintain the equipment of the department in good repair and order and ready for use.
- F. The chief, subject to the approval of the mayor and governing body, shall establish rules and regulations for the operation of the department.
- G. The chief may delegate his duties to any person employed by the department, but such delegation shall not relieve the chief of his responsibility for the performance thereof.
- H. The chief shall cause all fires to be promptly investigated to determine the cause of the fire and report the cause of the fire, the time originated and such other information as may be relevant to prevent other fires.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

10-123 Employees

The chief may make recommendations to the mayor relating to the employment of firemen and such other personnel as may be necessary to enforce the provisions of this chapter. The chief may employ such additional personnel as the mayor and governing body may direct or authorize.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 10-130 Powers Of Fire Department

[10-138 Males Present At Fire Subject To Orders](#)

[10-139 False Alarm](#)

10-138 Males Present At Fire Subject To Orders

Every male person eighteen years or older present at a fire shall be subject to the orders of the officer in command and shall render assistance in the manner directed by the officer in command.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

10-139 False Alarm

It shall be unlawful for any person to turn in or report to the fire department a false alarm or report of a fire or to tamper or remove any part of the fire alarm system.



HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 10-150 Uniform Fire Code

[10-151 Uniform Fire Code Adopted](#)

[10-152 Establishment And Duties Of Bureau Of Fire Prevention](#)

[10-153 Definitions](#)

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10-151 Uniform Fire Code Adopted

There is hereby adopted as the fire code by this municipality, for the purpose of prescribing regulations governing conditions hazardous to life and protecting property from fire or explosion, that certain code known as the Uniform Fire Code recommended by the Western Fire Chiefs Association and the International Conference of Building Officials being particularly the 1973 edition and the 1975 supplement thereto, except to the extent it is hereinafter modified or amended by section 10-156 of this part, of which not less than three copies have been and are now filed in the office of the recorder/clerk for use and inspection by the public.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

10-152 Establishment And Duties Of Bureau Of Fire Prevention

- A. The Uniform Fire Code shall be enforced by the bureau of fire prevention in the fire department of the municipality which is hereby established and which shall be operated under the supervision of the chief of the fire department.
- B. The chief of the fire department may detail such members of the fire department as inspectors as shall from time to time be necessary. The chief of the fire department shall recommend to the mayor the employment of technical inspectors, who, when such authorization is made, shall be selected through an examination to determine their fitness for the position. The examination shall be open to members and nonmembers of the fire department, and appointments made after examination shall be for an indefinite term with removal only for cause.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

10-153 Definitions



- A. The word "jurisdiction to as used in the Uniform Fire Code, shall mean the boundaries of this municipality.
- B. The term "corporation counsel" as used in the Uniform Fire Code shall mean the attorney for this municipality.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

10-154 Establishment Of Limits Of Districts In Which Storage Of Flammable Or Combustible Liquids In Outside Above Ground Tanks Is To Be Prohibited

- A. The limits referred to in Section 15.201 of the Uniform Fire Code in which storage of flammable or combustible liquids in outside aboveground tanks is prohibited, are hereby established in an appendix to this code.
- B. The limits referred to in Section 15.601 of the Uniform Fire Code, in which new bulk plants for flammable or combustible liquids are prohibited, are hereby established in an appendix to this code.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

10-155 Establishment Of Limits In Which Bulk Storage Of Liquefied Petroleum Gases Is To Be Restricted

The limits referred to in Section 20.105(a) of the Uniform Fire Code, in which the bulk storage of liquefied petroleum gas is restricted, are hereby established in the appropriate appendix attached to this code.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

10-156 Establishment Of Limits Of Districts In Which Storage Of Explosives And Blasting Agents Is Prohibited

The limits referred to in Section 11.106(b) of the Uniform Fire Code, in which the storage of explosives and blasting agents is prohibited, are hereby established in the appropriate appendix attached to this code.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

10-157 Amendments Made In The Uniform Fire Code

Any amendments to the Uniform Fire Code shall be set forth in the appropriate appendix to this code.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

10-158 Appeals



Whenever the chief shall disapprove an application, refuse to grant a permit for which application has been received, or when it is claimed that the provisions of the fire code do not apply or that the true intent and meaning of the fire code have been misconstrued or wrongly interpreted, the applicant may appeal the decision of the chief to the governing body within 30 days from the date of such decision.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

10-159 New Materials, Processes Or Occupancies Which May Require Permits

The building inspector and the chief of the bureau of fire prevention shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies, which shall require permits in addition to those now enumerated in the fire code. The chief of the bureau of fire prevention shall post such list in a conspicuous place in his office and distribute copies thereof to interested persons.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 10-170 Standard Firefighting Equipment

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Chapter 10-200 HEALTH

[Part 10-210 Board Of Health And Health Officer](#)

[Part 10-220 Health Director](#)

[Part 10-230 Offensive Business And Facilities \(Reserved\)](#)

[Part 10-243 Existing Offensive Business And Facilities](#)

[Part 10-250 Prohibition Of Tobacco Smoking In City Parks, Recreational Areas, And Near Mass Gatherings](#)

Part 10-210 Board Of Health And Health Officer

[10-211 Board Of Health Established](#)

[10-212 Duties And Powers Of Board Of Health](#)

[10-213 Permits](#)

10-211 Board Of Health Established

The Bear River District Health Department is hereby designated as the board of health of this municipality.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

10-212 Duties And Powers Of Board Of Health

- A. The municipality may contract with the Bear River District Health Department on such terms and conditions as the parties may agree to enforce the provisions of

this chapter and such other ordinances of this municipality which authorize or require action or impose any duty on the board of health.

- B. The board of health shall adopt such rules and regulations as it shall deem necessary to govern its meetings and conduct.
- C. The board of health shall review and approve all applications for permits to operate any business or engage in any construction for which a permit is required from the board of health pursuant to any ordinances or regulations of this municipality.
- D. The board of health shall recommend to the mayor for promulgation by the governing body such health rules, regulations, and ordinances as it deems necessary for the health of the persons within this municipality.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

10-213 Permits

It shall be unlawful for any person to engage in any of the following businesses or activities without first obtaining a permit from the board of health.

- A. Handling, selling, offering for sale, preparing or serving any food or food products or beverages or water intended for human consumption.
- B. Operating or permitting public access to any public swimming pool.
- C. Commercially operating any public dump, garbage or refuse collection or disposal facility, or cleaning out or installing any privy, cesspool or septic tank.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 10-220 Health Director

[10-223 Unwholesome Food](#)

[10-224 Vacating Premises](#)

[10-225 Discharge Of Sewage Pollution](#)

[10-226 Inadequate Plumbing](#)

10-223 Unwholesome Food

It is a class B misdemeanor for any person to sell or offer for sale any unwholesome food or beverage which has been condemned by any government food inspector.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

10-224 Vacating Premises

- A. It shall be unlawful for any person, upon vacating or moving from any dwelling, storeroom, or other building, to fail to remove all garbage, rubbish, or ashes from



such building or premise and the grounds appurtenant thereto, or to fail to place the same in a thoroughly sanitary condition within 24 hours after the premises are vacated.

- B. In situations where rental property is so vacated, the owner of the property shall be concurrently responsible with the tenant thereof for compliance with this section.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

10-225 Discharge Of Sewage Pollution

- A. It shall be unlawful for any person to discharge or permit the discharge of any sewage or filth from any premises into and upon any public highway, stream, water course, or public place, or into any drain, cesspool, or private wastewater disposal system which does not conform to standards established by the state division of health or by this municipality.
- B. The health director may order a connection for sewage disposal to be made with the public sewer system provided by the municipality if such is available, provided that the public sewer system is within 300 feet of the premises.
- C. The health director shall use all due measures to prevent the fouling of any streams, watercourses, reservoirs, or any source furnishing water to any of the inhabitants of this municipality.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

10-226 Inadequate Plumbing

The health director shall have power to require the prompt repair of all leaks or other defects in plumbing throughout the municipality. He shall have power to condemn and abate all plumbing which is deficient under the plumbing ordinances. When, in the opinion of the health officer, a change in occupants, type of business or other cause requires changes in plumbing, he shall have the power to compel the installation of an increased number of plumbing fixtures and a change in their type or capacity, and to make such other alterations or increases as may be necessary for the health and safety of the occupants of the building and of the public generally.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 10-230 Offensive Business And Facilities (Reserved)

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 10-243 Existing Offensive Business And Facilities



- A. The governing body may require an investigation of any existing offensive business or facility to determine whether or not it should be permitted to remain in existence in or within one mile of the municipal limits. If the governing body determines that the continuation of the business or facility has become a nuisance to persons situated within the municipal limits or that ample control is not being exercised to minimize the creation of excessive odors, fumes, smoke, gases, and noise, it shall notify the owner or operator thereof that the governing body is considering revoking or modifying the operator's license.
- B. If the governing body decides to require a modification of the manner in which the business or facility is to be maintained, it shall specify the standards or specifications to which the enterprise must conform or otherwise lose its license to engage thereafter in the business or activity.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 10-250 Prohibition Of Tobacco Smoking In City Parks, Recreational Areas, And Near Mass Gatherings

[10-251 Definitions](#)

[10-252 Prohibitions](#)

[10-253 Exceptions](#)

[10-254 Posting Of Signs](#)

10-251 Definitions

- A. "City park" means and includes city-owned parks, public squares, ball diamonds, soccer fields, and other recreation areas and trails, but not designated smoking areas specified by the City.
- B. "Mass gatherings" means an outdoor assembly of 100 or more people on City owned property than can reasonably be expected to continue for two or more hours.
- C. "Smoke" or "smoking" means and includes: possession, carrying, or holding a lighted pipe, cigar, or cigarette of any kind, or any other lighted tobacco smoking equipment, or the lighting or emitting or exhaling of smoke of a pipe, cigar, or cigarette of any kind, or of any other lighted tobacco smoking equipment.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

10-252 Prohibitions

Smoking is hereby prohibited in City parks, within twenty-five (25) feet of bus stops, and within fifty (50) feet of mass gatherings. A violation of this ordinance is an infraction punishable by a fine not to exceed twenty-five dollars (\$25.00) but not by imprisonment. Law enforcement officers shall have the discretion to issue a "warning" if they deem it is in the best interests of the City for the first offense.



HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

10-253 Exceptions

A. American Indian/Alaska Native Ceremonies.

1. A person is exempt from the restrictions of this chapter if the person:

- a. Is a member of an American Indian/Alaska Native tribe whose members are recognized as eligible for the special programs and services provided by the United States to American Indians/Alaska Natives who are members of those tribes;
- b. Is an American Indian/Alaska Native who actively practices an American Indian/Alaska Native religion, the origin and interpretation of which is from a traditional American Indian/Alaska Native culture;
- c. Is smoking tobacco using the tradition pipe of an American Indian/Alaska Native tribal religious ceremony, of which tribe the person is a member, and is smoking the pipe as part of that ceremony; and
- d. The ceremony is conducted by a pipe carrier, American Indian/Alaska Native spiritual person, or medicine person recognized by the tribe of which that person is a member and by the American Indian/Alaska Native community.

2. A religious ceremony using a tradition pipe under this section is subject to any applicable state or local law, except as provided in this section.

B. First Amendment Activities. A person is exempt from the restriction of this chapter if the person is smoking or using smoking materials to exercise protected First Amendment activity, such as smoking or use of materials for bona fide religious purposes.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

10-254 Posting Of Signs

“No Smoking” signs or the international “No Smoking” symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar crossing it) shall be clearly and conspicuously posted in every City park.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Chapter 10-300 NUISANCES

[Part 10-310 Nuisances Generally](#)

[Part 10-320 Abatement Of Weeds And Deleterious Objects](#)



[Part 10-330 Nuisance On Property](#)

[Part 10-340 Dangerous Buildings](#)

[Part 10-350 Administrative Notice - Hearings - Disposal Of Nuisance - Lien - Penalty For Violation](#)

Part 10-310 Nuisances Generally

[10-311 Nuisance Defined](#)

[10-312 Public Nuisance](#)

[10-313 Nuisances Generally; Author Of Nuisance Defined](#)

[10-314 Nuisances Generally; Declaration Of Nuisance](#)

[10-315 Nuisances Generally; Enumeration Of Nuisances](#)

10-311 Nuisance Defined

For the purposes of this Chapter, a nuisance is defined as:

- A. Whatever is dangerous to human life or health and whatever renders soil, air, water or food impure or unwholesome is declared to be a nuisance and unlawful. It is unlawful for any person either as an owner, agent, or occupant to create, or aid in creating or contributing to or maintaining a nuisance.
- B. Further a nuisance is any item, thing, manner, condition whatsoever that is dangerous to human life or health or renders soil, air, water or food impure or unwholesome.
- C. Any person, whether as owner, agent, or occupant who creates, aids in creating or contributes to a nuisance, or who supports, continue or retains a nuisance is guilty of a class B misdemeanor.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

10-312 Public Nuisance

A crime against the public order and economy of this municipality and consists in unlawfully doing any act or omitting to perform any duty, which act or omission, either:

- A. Annoys, injures, or endangers the comfort, repose, health or safety of three (3) or more persons;
- B. Offends public decency;
- C. Unlawfully interferes with, obstructs or tends to obstruct, or renders dangerous for passage, any lake, stream, canal or basin, or any public park, square, street or highway; or
- D. In any way renders three (3) or more persons insecure in life or the use of property. An act which affects three (3) or more persons in any of the ways specified in this definition is still a nuisance regardless of whether the extent of annoyance or damage inflicted on individuals is unequal.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

10-313 Nuisances Generally; Author Of Nuisance Defined

Where a nuisance exists upon property and is the outgrowth of the usual, natural or necessary use of the property, the landlord or his agent, the tenant or his agent, and all other persons having control of the property on which such nuisance exists shall be deemed to be the authors thereof and shall be equally liable and responsible. Where any such nuisance shall arise from the unusual or unnecessary use of such property or from the business thereon conducted, then the occupants and all other persons contribution to the continuance of such nuisance shall be deemed the authors.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

10-314 Nuisances Generally; Declaration Of Nuisance

- A. Every act or condition made, permitted, allowed or continued in violation of section 10-311 of this Part is declared to be a nuisance and may be abated and punished as provided in the Part.
- B. Nuisances include, but are not limited to:
 - 1. Befouling water in any spring, stream, well or water source supplying water for culinary purposes;
 - 2. Allowing any privy, vault or cesspool or other individual wastewater disposal system to become a menace to health or a source of odors to air or water;
 - 3. Permitting any garbage container to remain on premises when it has become unclean and offensive;
 - 4. Allowing vegetable waste (other than acceptable compost), garbage, litter, filth or refuse of any nature to accumulate within or upon any private alley, yard or area except when it is temporarily deposited for immediate removal;
 - 5. Permitting the accumulation of manure in any stable, stall, corral, feed yard, yard or in which any animals are kept;
 - 6. Permitting any slaughter house, market, meat shop, stable, feed yard or other place or building wherein any animals are slaughtered, kept, fed or sold to remain unclean or in any state or condition detrimental to health or creating a nuisance because of odors, or in which flies or rodents breed;



7. Discharging or placing any offensive water, liquid waste or refuse of any kind into any street, alley, sidewalk, gutter, stream, wash, natural watercourse, ditch, canal or any vacant lot or which as the result of continued discharge will render the place of discharge offensive or likely to become so;
8. Keeping or collecting any stale or putrid grease or other offensive matter;
9. Having or permitting upon any premises any fly or mosquito producing condition;
10. Keeping any drinking vessel for public use without providing a method of decontamination between uses;
11. Permitting or performing any ablutions in or near any public drinking fountain;
12. Failing to furnish any dwelling house, boarding house or factory or other place of employment with such privy vaults, water closets, sinks or other facilities as may be required to maintain the same in sanitary condition;
13. Neglecting or refusing to discontinue use of, clean out, disinfect and fill up all privy vaults and cesspools or other wastewater disposal systems within twenty (20) days after notice from an enforcement officer or official of the municipality;
14. Permitting any lot or excavation to become the repository of stagnant water or any decaying or offensive substances;
15. Obstructing or tending to obstruct or interfere with or render dangerous for passage any street or sidewalks, lake, stream, drainage, canal or basin, or any public park without first obtaining the written permission of the Richmond City Council.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

10-315 Nuisances Generally; Enumeration Of Nuisances

The types of nuisances stated in Section 10-314 of this Part shall be deemed in addition to and in no way a limitation of the nuisances subject to the Part

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 10-320 Abatement Of Weeds And Deleterious Objects

[10-321 Nuisances Generally; Toilet Or Sewer Facilities](#)

[10-322 Nuisances Generally; Restrictions On Blocking Water](#)

[10-323 Nuisances Generally; Befouling Waters](#)

10-321 Nuisances Generally; Toilet Or Sewer Facilities



All toilet or sewer facilities shall be constructed and maintained in accordance with the ordinances of this municipality. All such facilities that do not comply with such provisions are declared to be a nuisance and are subject to abatement as prescribed in the Part 10-350 and 10-360.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

10-322 Nuisances Generally; Restrictions On Blocking Water

- A. It is unlawful for any person or persons to permit any drainage system, canal, ditch conduit or other watercourse of any kind or nature, natural or artificial, to become so obstructed as to cause the water to back up and overflow therefrom, or to become unsanitary.
- B. Maintenance of any such watercourse in such condition shall constitute a nuisance and the same shall be subject to abatement.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

10-323 Nuisances Generally; Befouling Waters

A person is guilty of a class B misdemeanor if he/she:

- A. Constructs or maintains a corral, sheep pen, goat pen, stable, chicken coop or other offensive yard or outhouse where the waste of drainage therefrom shall flow directly into the waters of any stream, well or spring of water used for domestic purposes;
- B. Deposits, piles, unloads or leaves any manure heap, offensive rubbish or the carcass of any dead animal where the waste or drainage therefrom will flow directly into the waters of any stream, well or spring of water used for domestic purposes;
- C. Dips or washes sheep, or any other domestic animals, in any stream, or constructs, maintains, or uses any pool or dipping vat for dipping or washing sheep in such close proximity to the stream located within this municipality or over which this municipality may exercise its jurisdiction and used by the inhabitants of this municipality for domestic purposes as to make the waters thereof impure or unwholesome;
- D. Constructs or maintains any corral, yard or vat to be used for the purpose of shearing or dipping sheep within twelve (12) miles of the municipality, where the refuse or filth from the corral or yard would naturally find its way into any stream of water used by the inhabitants of this municipality for domestic purposes; or



- E. Establishes and maintains any corral, camp or bedding place for the purpose of herding, holding or keeping any cattle, horses, sheep, goats or hogs, within seven (7) miles of this municipality where the refuse or filth from the corral, camp or bedding place will naturally find its way into any stream of water used by the inhabitants of this municipality for domestic purposes.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 10-330 Nuisance On Property

[10-331 Nuisances On Property; Definitions Of Nuisance](#)

[10-332 Nuisances On Property; Duty Of Maintenance Of Property](#)

[10-333 Nuisances On Property; Storage Of Personal Property](#)

[10-334 Nuisances On Property; Abatement Of Nuisance By Owners](#)

10-331 Nuisances On Property; Definitions Of Nuisance

For the purpose of Sections 10-332, 10-333 and 10-334 of this Part, “nuisance” means any condition of use of premises or of building exteriors which are deleterious or injurious, noxious or unsightly which includes, but is not limited to, keeping or depositing on, or scattering over the premises any of the following:

- A. Lumber, junk, trash or debris;
- B. Abandoned, discarded or unused objects or equipment such as furniture, stoves, refrigerators, freezers, cans or containers.
- C. Notwithstanding any other provision of this code, it shall be permissible for any person to keep not more than two (2) inoperable, junked or unused vehicles on his or her property, but only so long as such vehicles are kept behind and are surrounded by a six (6) foot opaque fence or structure which shall block the view of such vehicles from the public and private property; and provided further that such vehicles, motorized or non-motorized, are in the process of being restored to an operable and/or exhibition condition by the owners thereof. The owners of such vehicles shall be required to demonstrate, upon the request of the Inspector or other appropriate city official, what steps have been taken and work accomplished in the restoration of such vehicle or vehicles during the three (3) months immediately prior to such requests. If the Inspector or other appropriate official is not satisfied that progress is being made in the restoration of such vehicle or vehicles, such facts shall be reported to the city council which may direct the removal of such vehicles from the property of the owner. A failure to comply with the direction of the city council shall be dealt with under the nuisance provisions of this code.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

10-332 Nuisances On Property; Duty Of Maintenance Of Property



No person owning, leasing, occupying or having charge of any premises shall maintain or keep any nuisance thereon, nor shall any such person keep or maintain such premises in a manner causing substantial diminution of the value of the other property in the neighborhood in which such premises are located.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

10-333 Nuisances On Property; Storage Of Personal Property

Unsheltered storage of old, unused, stripped and junked machinery, implements, equipment or personal property of any kind which is no longer safely useable for the purposes of which it was manufactured, for a period of thirty (30) days or more (except in licensed junkyards) within this municipality, is declared to be a nuisance and dangerous to the public safety.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

10-334 Nuisances On Property; Abatement Of Nuisance By Owners

The owner, owners, tenants, lessees or occupants of any lot within this municipality on which such storage as defined in Section 10-333 of the Part 10-330 is made, and also the owner, owners or lessees of the above described personal property involved in such storage shall jointly and severally abate such nuisance by its prompt removal into completely enclosed and secured building to be used for such purposes, or otherwise to remove such property from the municipality.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 10-340 Dangerous Buildings

- A. There is established the position of Nuisance Inspector whose duties it shall be to enforce the provisions of this chapter. More than one person may be appointed to act as Inspector under this section. The Nuisance Inspector shall be appointed by the Richmond City Council for a term of two years, which appointment may be renewed an indefinite number of times at the Councils' pleasure.
- B. The Nuisance Inspector is authorized to:
 - 1. Perform all functions necessary to enforce the provisions of the chapter.
 - 2. Inspect or cause to be inspected, as often as needed, all buildings, structures, lots or places for the purpose of determining whether such are in compliance with the provisions of this chapter.
- C. If he/she/they concludes there exists an objectionable condition in violation of this chapter, the Inspector shall:
 - 1. Ascertain the names of the owners and occupants and descriptions of the premises where such objects and conditions exist;



2. Serve notice in writing upon the owner and occupant of such premises, either personally or by mailing notice, postage prepaid, addressed to the owner and occupant at their last known post office addresses as disclosed by the records of the county assessor or as otherwise ascertained, requiring such owner or occupant, or both, as the case may be, to eradicate or destroy and remove the same within such time as the Inspector may designate, provided that any person notified pursuant to this subsection shall be given at least ten (10) but not more than twenty (20) days, as determined by the Inspector following the date of service of such notice, to correct the objectionable condition. The notice shall:
 - a. Contain a specific statement of the nature of the violation and generally describe the premises on which the violation exists,
 - b. Inform the owner, occupant or other person that in the event he/she disagrees with the determination of the Inspector and does not wish to comply with the provisions of the notice or that he/she objects to the factual or legal basis for the notice, he/she may request in writing a hearing before the Richmond City Council at a time and place to be set by the Richmond City Council. A written application for a hearing shall stay the time within which the person must conform to the provisions of the notice,
 - c. Inform the person that in the event he/she fails or neglects to correct the objectionable condition, the municipality will correct the objectionable condition and will collect the costs of so correcting the objectionable condition by either a court action, in which case he/she will be assessed such costs together with reasonable attorney fees and court costs, or will charge the cost of correcting the violation against the property as a tax;
3. In the event the owner or occupant makes such request for a hearing, the Richmond City Council shall set the time and place for hearing objections and the recorder/clerk shall notify the owner, occupant or other persons in writing of the time and place at which they may appear and be heard. The hearing shall not be heard within less than five (5) days from the date of service or mailing of the notice of hearing.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 10-350 Administrative Notice - Hearings - Disposal Of Nuisance - Lien - Penalty For Violation

[10-351 Hearing](#)

[10-352 Failure To Comply](#)

[10-353 Itemized Statement](#)

[10-354 Failure To Make Payment](#)

[10-355 Collection By Lawsuit](#)

[10-356 Collection Through Taxes](#)

[10-357 Criminal Proceeding](#)

[10-358 Penalty For Failure To Comply](#)

[10-359 Maintaining, Committing Or Failing To Remove Public Nuisance; Classification Of Offense](#)

[10-360 Carcass Or Offal; Prohibitions Relating To Disposal; Classification Of Offense](#)

[10-361 Chapter Not To Affect Other Provisions Of Municipal Ordinances](#)

[10-362 Action For Abatement Of Public Nuisances](#)

10-351 Hearing

- A. At the written request of an owner, occupant or other person having an interest in property which is subject of a notice to remove or abate weeds, objectionable conditions or objects from the property, the Richmond City Council shall conduct an informal hearing which will be recorded per the provisions of Utah Code Annotated (1953) wherein such person may present such evidence and argument as is pertinent to the question of whether or not the removal or abatement of the objects or conditions is properly within the purview of this chapter. The Richmond City Council shall also permit the presentation of evidence and argument by the Inspector and other interested parties. Thereafter, within not less than five (5) nor more than ten (10) days, the Richmond City Council shall, over the signature of the Mayor or such other member of the Richmond City Council as it may designate, render its written decision, a copy of which shall be mailed to or served upon the owner or other person to whom the original notice was given by the Inspector.
- B. In the event the decision of the Richmond City Council upholds the determination of the Inspector, the notice originally given by the Inspector as provided in this section shall be deemed to be sufficient to require the owner or occupant to remove or abate the objectionable objects or conditions, and he/she shall have up to ten (10) days from the date of notice of the decision within which to conform thereto, unless additional time, not to exceed thirty (30) days, is authorized by the Inspector.
- C. In the event that the decision of the Richmond City Council either overrules or modifies the determination of the Inspector, the written decision of the Richmond City Council shall apprise the owner or occupant of that fact and set forth the details and extent to which the owner or occupant must make removal or other abatement of the objectionable objects or conditions, if any. The owner or occupant shall be required to confirm to the decision of the Richmond City Council within ten (10) days after service or mailing of a copy of the decision, and the decision shall be deemed to be the modified decision of the Inspector unless additional time is authorized by the Richmond City Council.
- D. The Inspector shall file an amended notice and proof of service of notice and file the same in the office of the Cache County Treasurer.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

10-352 Failure To Comply

If any owner, occupant or other person having an interest in land described in such notice or decision to whom the notice was given shall fail or neglect to conform to the requirements thereof relating to the eradication, destruction or removal of such weeds, garbage, refuse, objects or structures, the Inspector shall employ all necessary assistance to cause such objectionable objects or conditions to be removed or destroyed at the expense of the municipality after obtaining the concurrence of the Richmond City Council.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

10-353 Itemized Statement

The Inspector shall prepare an itemized statement of all expenses incurred in the removal and destruction of nuisances, and shall mail a copy thereof to the owner or occupant or both or to persons having an interest in the property, demanding payment within twenty (20) days of the date of mailing. The notice shall be deemed delivered when mailed by registered mail addressed to the last known address of the property owner, occupant or persons having an interest in the property.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

10-354 Failure To Make Payment

In the event the owner, occupant or person having an interest in the property fails to make payment of the amount set forth in the statement to the municipal treasurer within the twenty (20) days, the Inspector, after consulting with the Richmond City Council, either may cause suit to be brought in an appropriate court of law or may refer the matter to the Cache County Treasurer as provided in this chapter.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

10-355 Collection By Lawsuit

In the event collection of expenses of destruction and removal are pursued through the courts, the municipality shall sue for and receive judgment for all of said expenses of destruction and removal, together with reasonable attorney fees, interest and court costs, and shall execute such judgment in the manner provided through law.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

10-356 Collection Through Taxes

In the event that the Inspector, after consultation with the Richmond City Council, elects to refer the expenses of destruction or removal to the Cache County Treasurer for inclusion in the tax notice of the property owner, he/she/they shall make in triplicate an itemized statement of all expenses incurred in the destruction and removal of the same,



and shall deliver the three (3) copies of the statement to the Cache County Treasurer within ten (10) days after the completion of the work of destroying or removing such weeds, refuse, garbage, objects or structures. Thereupon, the cost of the work shall be pursued by the Cache County Treasurer in accordance with the applicable provisions of the Utah Code Annotated, 1953, as amended, and the recalcitrant owner shall have such rights and shall be subject to such powers as are thereby granted.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

10-357 Criminal Proceeding

The commencement of criminal proceedings for the purpose of imposing penalties for violations of this chapter shall not be conditioned upon prior issuance of a notice or the granting to the defendant of an opportunity to abate or remove the nuisance. The provisions of this chapter relating to notice and abatement shall be deemed merely alternative and additional methods of securing conformity to the provisions of this chapter.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

10-358 Penalty For Failure To Comply

- A. Any owner, occupant or person having an interest in the property subject of this chapter who shall fail to comply with the notice or order given pursuant to this chapter shall be guilty of a class C misdemeanor for each offense and further sum of up to ninety nine dollars (\$99.00) for each and every day such failure to comply continues beyond the date fixed for compliance. The fine stated shall be the only punishment and no imprisonment shall be imposed.
- B. Compliance by any owner, occupant or person to whom a notice has been given as provided in this chapter shall not be admissible in any criminal proceeding brought pursuant to the section.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

10-359 Maintaining, Committing Or Failing To Remove Public Nuisance; Classification Of Offense

Every person who maintains or commits any public nuisance, the punishment for which is not otherwise prescribed, or who willfully omits to perform any legal duty relating to the removal of a public nuisance, is guilty of a class C misdemeanor. No imprisonment shall be imposed for nuisance ordinance violations.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

10-360 Carcass Or Offal; Prohibitions Relating To Disposal; Classification Of Offense



Every person who puts the carcass of any dead animal, or the offal from any slaughter pen, corral or butcher shop into any river, creek, pond, street alley or public highway, or road in common use or who attempts to destroy it by fire, within one-fourth (1/4) of a mile of this municipality is guilty of a class B misdemeanor.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

10-361 Chapter Not To Affect Other Provisions Of Municipal Ordinances

Nothing contained in this chapter shall affect any other provisions of this municipality's ordinances, rules or regulations which regulate, prohibit or effect nuisances or public nuisances.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

10-362 Action For Abatement Of Public Nuisances

The municipal attorney is empowered to institute an action in the name of this municipality to abate a public nuisance.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Chapter 10-400 GARBAGE AND LITTER

[Part 10-410 Garbage Regulation](#)

[Part 10-428 Trash Containers](#)

[Part 10-430 Litter - Handbills](#)

Part 10-410 Garbage Regulation

[10-412 Collection Of Garbage](#)

[10-415 No Accumulation Of Garbage](#)

[10-416 Containers](#)

[10-417 Closing Of Garbage Containers Required](#)

[10-418 Time And Place Of Pickup](#)

10-412 Collection Of Garbage

- A. The municipality or its agent shall collect, remove and dispose of all residential, commercial garbage the removal of which is not otherwise provided for by the establishment or institution as herein provided. All garbage and refuse shall be collected, removed and disposed of with such frequency and in such manner as the governing body may from time to time establish by regulation.
- B. Except as otherwise expressly permitted by this part, no garbage or refuse shall be moved or hauled away or transported upon the streets or public ways of the municipality except by the municipality or its agent and except by authorized persons hauling commercial garbage or refuse as hereinafter provided.
It is hereby declared to be unlawful for any person, except as permitted in this part, to haul or remove garbage or refuse in the municipality.



- C. Commercial establishments, public or quasi-public, institutions and establishments creating commercial garbage, may remove commercial garbage themselves or may employ the services of authorized contractors to remove commercial garbage. Authorized garbage haulers must apply for and receive permission to do so from the recorder/clerk. Haulage of refuse must be done in the manner, at such times and in such vehicles as may be approved for such purposes as the governing body may from time to time by regulation provide.
- D. Nothing contained in this section shall preclude persons from hauling their own garbage, trash or community waste over the streets and alleys of the municipality in vehicles and containers approved by a sanitary inspector or such other personnel of the municipality as the governing body may authorize.
- E. Nothing in this section shall be construed as eliminating the charge made for garbage service.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

10-415 No Accumulation Of Garbage

It shall be unlawful for any person to accumulate garbage or refuse or cause garbage or refuse to be deposited upon any street or alley or upon any premises in the municipality without express permission from the municipal health officer. The health officer may permit the feeding or processing of garbage or refuse upon premises properly equipped and maintained so as to prevent the creation of a nuisance or a hazard to health. or permit the depositing of ashes and other dry material for filling purposes at such places as the health officer may designate and under such restrictions as the governing body may by regulation impose. Additionally, the health officer may grant to any person permission for sorting, bailing and marketing trade waste upon premises properly equipped and maintained.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

10-416 Containers

- A. All garbage and refuse shall be placed in suitable and sufficient garbage receptacles, either receptacles with tight fitting lids or properly and sufficiently treated water resistant paper bags manufactured specifically for use in garbage and refuse collection, or plastic bags manufactured specifically for use in garbage and refuse collection.
- B. Containers shall not exceed a 30 gallon capacity for receiving and holding garbage, market waste or other refuse which may accumulate.
- C. Receptacles shall not be filled to exceed 75 pounds in weight including the weight of the receptacle. Metal receptacles shall be provided with handles for convenient lifting.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

10-417 Closing Of Garbage Containers Required

All garbage and market waste must be placed in rainproof and fly proof receptacles of the type herein required, and the receptacle shall be tightly closed in such manner as to prevent offensive odors or flies.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

10-418 Time And Place Of Pickup

- A. All garbage and refuse subject to garbage collection by the municipality shall be placed at a pickup point at or near the premises designated from time to time by regulations adopted by the governing body and at such time or times as shall be designated by regulations of the governing body.
- B. Until otherwise provided by regulation, garbage and refuse must not be set out upon the street for collection prior to the evening of the day before collection and must be set out on the day of collection before the hour of collection designated by regulations of the governing body.
- C. All empty receptacles must be removed from the street as soon as practicable after being emptied, and in every case, must be removed from the street the same day they are emptied. Receptacles shall not be permitted to remain on any street longer than may be necessary for the removal of the contents.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 10-428 Trash Containers

[10-424 Permits](#)

[10-425 Enforcement, Service Of Notices And Orders, Hearings](#)

[10-426 Inspection](#)

[10-427 Equipment](#)

10-424 Permits

It shall be unlawful for any person who does not possess an unrevoked permit from the Cache County Service Area #1 in addition to any business license required by the municipality to engage in the business of refuse collection or refuse disposal for compensation in the municipality. The Cache County Service Area #1 shall issue permits for such applicants; provided that such permits shall be limited to persons having proper equipment and personnel to collect and dispose of refuse in accordance with the provisions of this part; and that no permit shall be required of any agency acting under contract with the municipality.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019



10-425 Enforcement, Service Of Notices And Orders, Hearings

- A. Whenever the Cache County Service Area #1 has determined that there are reasonable grounds to believe that there has been a violation of any provision of this part, notice of such alleged violation shall be given to the person or persons responsible therefore, as hereinafter provided. Such notice shall:
1. Be put into writing;
 2. Include a statement of the reasons why it is being issued;
 3. Allow a reasonable time for the performance of any act it requires;
 4. Be served upon the holder of a permit issued under this part or upon the owner or agent or the occupant of any premises within the municipality; provided, that such notice shall be deemed to have been properly served when a copy thereof has been served personally or in accordance with any other method authorized or required under the laws of this state for commencement of civil actions.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

10-426 Inspection

Any authorized employee or agent of Cache County Service Area #1, after identifying himself, shall have the power to enter at reasonable times upon private or public property for the purpose of inspecting and investigating conditions relating to the enforcement of the provisions of this part and where necessary shall obtain a search warrant from a court having jurisdiction.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

10-427 Equipment

- A. All public or private vehicles used for the collection or disposal of refuse shall have enclosed bodies or suitable provision for covering the body. Provision and use of tarpaulin or canvas cover to enclose open bodies of collection vehicles may be permitted. when specifically approved by the Cache County Service Area #1.
- B. Vehicles used for the collection or disposal of garbage, or of refuse containing garbage, shall have watertight, metal bodies of easily cleanable construction, shall be cleaned at sufficient frequency to prevent nuisance or insect-breeding and shall be maintained in good repair.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 10-430 Litter - Handbills

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Chapter 10-500 WELFARE

Part 10-510 Indigents

Part 10-510 Indigents

10-511 Burial Of Indigents

10-511 Burial Of Indigents

- A. The governing body may by resolution designate a portion of the municipal cemetery to the burial of indigents. Whenever it is made to appear to the mayor by proof submitted to him by the recorder/clerk that any person who has died does not have an estate sufficient to pay the purchase price of a lot in the cemetery, and that the nearest relative or representative of such deceased person desires to have the body of such deceased interred in the cemetery, the mayor may grant burial space for such deceased person at the request made to him by the recorder/clerk.
- B. The mayor shall communicate his decision to both the recorder/clerk and the cemetery superintendent. The mayor shall give report of his decision, whether affirmative or negative, to the governing body at its next regular meeting. All strangers without funds or other persons who may die in the municipality may be granted the privilege granted herein.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Chapter 10-600 FLOOD DAMAGE PREVENTION

Title 11-000 TRANSPORTATION, STREETS AND PUBLIC WAYS

Chapter 11-100 (RESERVED)

Chapter 11-200 (RESERVED)

Chapter 11-300 STREETS AND PUBLIC WAYS

Chapter 11-100 (RESERVED)

Chapter 11-200 (RESERVED)

Chapter 11-300 STREETS AND PUBLIC WAYS

Part 11-310 Superintendent Of Streets

Part 11-321 Adoption Of Uniform Traffic Code

Part 11-323-327 Streets-Traffic Control

Part 11-330 Animals On Streets

Part 11-340 Parking Regulations (Reserved)

Part 11-345 Winter Parking Restrictions

Part 11-350 Construction And Repair Of Streets And Sidewalks

Part 11-360 Sidewalk Regulations

Part 11-370 Playing On Sidewalks

Part 11-380 Excavations (Reserved)

Part 11-390 All Terrain-Type Vehicles On Richmond City Streets And Roads

Part 11-310 Superintendent Of Streets

11-311 Department - Superintendent Of Streets

11-312 Powers And Duties Of Street Department

11-311 Department - Superintendent Of Streets

- A. There is hereby created a department of streets which shall have general supervision of streets, sidewalks, bridges, and other public ways.
- B. The department shall be under the direction and control of the superintendent of streets.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

11-312 Powers And Duties Of Street Department

The department shall:

- A. Have charge of the construction, maintenance and repair of streets, sidewalks, bridges, curbs, gutters, culverts, drains, waterways and other public ways. It shall have control of all waters flowing on the streets, sidewalks and public ways whether originating from storm, flood, drainage or irrigation waters.

- B. Keep a record of and promptly investigate all complaints of defective streets, culverts, drains, ditches, sidewalks, and other public ways and, when proper, repair, replace or take such action as deemed best, and shall record the action taken on each complaint.
- C. Enforce the provisions of this chapter 11-300 and all other ordinances relating to the maintenance and use of streets, culverts, drains, ditches, waterways, curbs, gutters, sidewalks and other public ways.
- D. Repair, or cause to be repaired, all defects coming to the department's attention and take reasonable precautions to protect the public from injuries due to such defects pending their repair.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 11-321 Adoption Of Uniform Traffic Code

The State of Utah Traffic Rules and Regulations, 1999 Edition, and subsequent editions, as compiled, prepared and published as a code in book form by the Utah Department of Public Safety and as they may be subsequently amended by legislative act or executive order, three (3) copies of which have been filed for use and examination by the public in the office of the municipal recorder/clerk, hereby are approved and adopted as the traffic code for this municipality except as such code may be altered or modified by the ordinances of this municipality. Three copies of any subsequent editions shall be filed for use and examination by the public in the office of the municipal recorder/clerk upon receipt by the city, and shall at that time become the traffic code as herein provided.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 11-323-327 Streets-Traffic Control

[11-323 Prima Facie Speed - Posted Streets](#)

[11-234 Angle Parking](#)

[11-235 Through Streets - Stop And Yield Intersections](#)

[11-236 Designation Of Streets And Intersections To Be Posted](#)

[11-237 Penalties](#)

11-323 Prima Facie Speed - Posted Streets

- A. When appropriate traffic control or regulatory signs giving notice of speeds are posted, the prima facie maximum speed limits designated upon said signs shall apply to the appropriate streets or portions of streets so posted.
- B. In the absence of any speed limit sign designating a speed limit applicable thereto, the prima facie speed limit shall be 30 miles per hour.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019



11-234 Angle Parking

When appropriate traffic control or regulatory signs are posted permitting angle parking, angle parking shall be permitted on the streets or parts of streets so posted at the angle designated by the sign.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

11-235 Through Streets - Stop And Yield Intersections

When appropriate traffic control or regulatory signs are posted at entrances to intersections identifying them as stop or yield entrances, such streets are hereby declared to be stop entrances and yield entrances as designated by said signs.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

11-236 Designation Of Streets And Intersections To Be Posted

The governing body shall designate the places at which appropriate traffic control devices or regulatory signs shall be placed relating to maximum speed limits, angle parking, through streets, stop and yield intersections and other regulations governing traffic.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

11-237 Penalties

Any person violating, causing or permitting violation of any provision of this part shall be guilty of a misdemeanor. Notwithstanding other language or provisions in the State of Utah Traffic Rules and Regulations, 1999 Edition, and subsequent editions, hereby adopted, any violator of this part, upon conviction, shall be punished by a fine of not more than \$1,000.00, or by a jail sentence not to exceed six (6) months, or by both a fine and jail sentence, provided that minimum sentences and all other sanctions consistent with the aforementioned guidelines and contained in said 1999 Code Edition, and subsequent editions, are incorporated here in this section 11-327 by reference.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 11-330 Animals On Streets

[11-331 Driving Animals On Streets](#)

11-331 Driving Animals On Streets

- A. Every person who drives any herd of sheep or band of horses, cattle or other animals upon any public street or highway without first obtaining a permit from the chief of police so to do is guilty of an infraction.
- B. The streets described in the appropriate appendix attached to this code are hereby designated as livestock driveways for the purpose of driving livestock.

- C. No person shall drive livestock through this municipality upon streets not designated for that purpose except upon permission and according to the direction of the chief of police.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 11-340 Parking Regulations (Reserved)

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 11-345 Winter Parking Restrictions

It shall be unlawful for the owner or operator of any motor vehicle, or any vehicle towed, pulled, or otherwise associated with motor vehicles, to park such a vehicle on any street or road of Richmond City between ten (10) p.m. and seven (7) a.m. between November 1st and March 31st. Drivers may park for no longer than five (5) minutes in the event of loading or unloading passengers only if the vehicle is plainly marked with operating four-way flashing lights. Vehicles loading or unloading property at a commercial facility may park up to a maximum of thirty (30) minutes only if the vehicle is plainly marked with operating four-way flashing lights and active loading or unloading is taking place.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 11-350 Construction And Repair Of Streets And Sidewalks

[11-351 Construction By Persons](#)

[11-352 Permit Required - Supervision](#)

[11-353 Construction Of Driveways Or Changes Of Construction](#)

11-351 Construction By Persons

It shall be unlawful for any person either as owner, agent, servant, contractor, or employee to construct a street or sidewalk which does not conform to specifications established by the municipal engineer or other authorized representative of the municipality, unless special permission to deviate from such specification is first obtained from the governing body.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

11-352 Permit Required - Supervision

- A. No person, either as owner, agent, servant, contractor, or employee, shall construct any permanent sidewalk without first obtaining from the recorder/clerk a permit so to do. The permit shall specify that the sidewalk be constructed of cement, the character and quality of the cement, the consistent parts of the mixture, and the thickness of the walk.

- B. It shall be unlawful to construct a sidewalk in violation of the specifications given by a proper municipal official.
- C. All sidewalks shall be constructed under the inspection of the superintendent of streets or his duly authorized representative.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

11-353 Construction Of Driveways Or Changes Of Construction

It shall be unlawful for any person to construct a driveway across a sidewalk, or cut or change the construction of sidewalk, curb, or gutter without first making written application and obtaining from the recorder/clerk a permit to do so. The acceptance of such permit shall be deemed an agreement on the part of such person to construct said driveway in accordance with specifications furnished by the municipality.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 11-360 Sidewalk Regulations

[11-361 Removal Of Snow](#)

[11-362 Placing Trash Or Other Obstruction In Streets, Gutters, Sidewalks](#)

[11-363 Openings In Street](#)

11-361 Removal Of Snow

- A. It shall be unlawful for the owner, occupant, lessor, or agent of any property, abutting on a paved sidewalk to fail to remove, or have removed from such paved sidewalk, all hail, snow, or sleet thereon within a reasonable time after such snow, hail, or sleet has fallen. In the case of a storm between the hours of 5 p.m. and 6 a.m. such sidewalks shall be cleaned before 9 a.m. of the same day.
- B. It shall be unlawful for any person removing snow from the sidewalk, to deposit snow, dirt, leaves, or any other material in the gutter so as to clog or prevent the free flow of water therein.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

11-362 Placing Trash Or Other Obstruction In Streets, Gutters, Sidewalks

It shall be unlawful for any person owning, occupying or having control of any premise to place, or permit to be placed upon or in the sidewalk, parking area, gutter, or on the half of the street next to such premise:

- A. Any broken ware, glass, filth, rubbish, sweepings, refuse matter, ice, snow, water, garbage, ashes, tin cans or other like substances.



- B. Any wagons, lumber, wood boxes, fencing, building material, dead trees, tree stumps, merchandise or other thing which shall obstruct such public street, gutter, parking area or sidewalk, or any part thereof, or the passage over and upon the same, or any part thereof, except as expressly authorized by ordinance, without the permission of the governing body first had and obtained.
- C. Any permanent or temporary structure, mechanism, device, vehicle, or other thing of any kind or character except trees planted pursuant to the provisions of applicable ordinances.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

11-363 Openings In Street

- A. It shall be unlawful for the owner or occupant of any building having a cellar which opens upon any street or sidewalk to fail to keep the door or other covering in good repair and safe for the passage of the customary traffic on the street or sidewalk. If the owner or occupant of any such building shall neglect or refuse to repair properly any such door or covering within 24 hours after notice from the superintendent of streets to do so, the superintendent shall forthwith cause such repairs to be made at the expense of the owner or occupant.
- B. It shall be unlawful to construct or maintain coal holes or other openings in streets or sidewalks, except with the special permission of the governing body, and under the direction and supervision of the superintendent of streets.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 11-370 Playing On Sidewalks

[11-371 Congregating On Sidewalks](#)

Every person who obstructs the sidewalk or street by playing any game or engaging in any activity which obstructs the free travel thereon is guilty of an infraction.

11-371 Congregating On Sidewalks

It is an infraction for any person or persons to congregate about or upon any sidewalks, stairway, doorway, window or in front of any business or dwelling house, theater, lecture room, church or elsewhere and by so doing to obstruct or interfere with the free passage of persons entering, leaving or occupying such building or premises.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 11-380 Excavations (Reserved)

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 11-390 All Terrain-Type Vehicles On Richmond City Streets And Roads



- [11-391 Definitions](#)
- [11-392 Exclusions](#)
- [11-393 License, Insurance, And Registration](#)
- [11-394 Licensing](#)
- [11-395 Designated OHV Routes Within Richmond City](#)
- [11-396 Stipulations](#)
- [11-397 Restrictions On Privately-Owned Land](#)
- [11-398 Prohibited Uses](#)

11-391 Definitions

- A. "All-terrain type I vehicle" means any motor vehicle 50 inches or less in width, having an unladen dry weight of 800 pounds or less, traveling on three or more low pressure tires, having a seat designed to be straddled by the operator, and designed for or capable of travel over unimproved terrain.
- B. "All-terrain type II vehicle" (ATV) means any other motor vehicle, not a motorcycle or a snowmobile in the commonly accepted terms, designed for or capable of travel over unimproved terrain.
 - 1. "All-terrain type II vehicle" does not include golf carts, any vehicle designed to carry a disabled person, any vehicle not specifically designed for recreational use, or farm tractors.
- C. "Utility-type vehicle" (UTV) shall mean any vehicle falling into the general wheel description of an All-terrain vehicle but usually with the addition of a cab-type roof and a utility bed, and utilizing a traditional vehicular seating arrangement.
- D. "Low pressure tire" means any pneumatic tire six inches or more in width designed for use on wheels with rim diameter of 14 inches or less and utilizing an operating pressure of ten pounds per square inch or less as recommended by the vehicle manufacturer.
- E. "Manufacturer" means a person engaged in the business of manufacturing off highway vehicles.
- F. "Motor vehicle" means every vehicle which is self-propelled.
- G. "Off-highway vehicle" means any snowmobile, all-terrain type I vehicle, all-terrain type II vehicle, or motorcycle.
- H. "Off-highway implement of husbandry" means every all-terrain type I vehicle, motorcycle, or snowmobile that is used by the owner or his agent for agricultural operations.
- I. "Operate" means to control the movement of or otherwise use an off-highway vehicle.
- J. "Operator" means the person who is in actual physical control of an off-highway vehicle.

- K. "Owner" means a person, other than a person with a security interest, having a property interest or title to an off-highway vehicle and entitled to the use and possession of that vehicle.
- L. "Roadway" is used as defined in Section 41-6a-102 of Utah Code Annotated (1953).
- M. "Street or highway" means the entire width between boundary lines of every way or place of whatever nature, when any part of it is open to the use of the public for vehicular travel.
- N. "Street-legal all-terrain vehicle" or "street-legal ATV" has the same meaning as defined in Section 41-6a-102 of Utah Code Annotated (1953).

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

11-392 Exclusions

All snowmobiles of any type and any motorcycle-type vehicle and any miniaturized ATV-style vehicle that measures twenty-eight (28") inches or less from the ground to the upper-most portion of said vehicle are excluded from the provisions of this Chapter.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

11-393 License, Insurance, And Registration

The operator of an OHV in Richmond City is required to have:

- A. A valid state driver's license;
- B. Proof by the owner/operator of liability insurance;
- C. Proof that the owner/operator has a current state registered tag, sticker, or license visibly placed on the OHV in keeping with current Division of Motor Vehicles regulations.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

11-394 Licensing

Drivers of OHV as designated by this Chapter shall adhere to the following licensing stipulations:

- A. Age sixteen (16) years and older:
 - 1. No person sixteen (16) years of age or older shall operate an OHV on the designated streets or roads of Richmond City unless such person is in possession of a valid state driver's license.



2. No person sixteen (16) years of age or older shall operate a motorcycle on the designated streets or roads of Richmond City without a valid state driver's license bearing a motorcycle endorsement.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

11-395 Designated OHV Routes Within Richmond City

Off-Highway Vehicles (OHV) may utilize all Richmond City streets and roads with the exception of:

- A. Two Hundred (200) West, a.k.a. U.S./S.R. 91.
- B. Main Street west of Two Hundred (200) West, a.k.a. S.R. 142.
- C. OHV's may cross in the most direct manner both 200 West and S.R. 142 to proceed from City street or road to another City street or road.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

11-396 Stipulations

The following stipulations must be observed by all OHV drivers when operating under the provisions of this Chapter:

- A. Speed Limits. The OHV shall not be operated at speeds in excess of posted speed limits applicable to the respective street or road.
 1. Unless posted otherwise, residential streets and roads shall have a maximum speed limit of twenty-five (25) miles per hour.
 2. Violation of such speed limits shall be treated with such bail or other punishment as would be applicable to any street-legal vehicle.
- B. Vehicle equipment. All OHV's shall have the following minimal equipage:
 1. Brakes adequate to control the movement of and to stop and hold the vehicle under normal operating conditions;
 2. Headlights and taillights when operated between sunset and sunrise;
 3. A noise control device, as per manufacturer specifications;
 4. A spark arresting device.



C. Personal safety equipment. A person under the age of eighteen (18) may not operate or ride an OHV on the streets of Richmond unless the person is wearing a properly fitted and fastened, United States Department of Transportation safety-rated protective head gear designed for motorized vehicle use.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

11-397 Restrictions On Privately-Owned Land

No person shall operate or accompany a person operating an OHV upon privately owned land of any other person, firm, or corporation in Richmond City without permission from the owner or person in charge.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

11-398 Prohibited Uses

No person may operate an OHV within the limits of the City of Richmond in connection with acts of vandalism, harassment of wildlife or domestic animals, burglaries or other crimes, or damage to the environment which includes excessive pollution of air, water, or land, abuse of the watershed, impairment of plant or animal life, or excessive mechanical noise.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Title 12-000 LAND USE, DEVELOPMENT AND MANAGEMENT (LUDMO)

Chapter 12-100 AUTHORITY AND PURPOSE

Chapter 12-200 SUMMARY OF CONTENTS

Chapter 12-300 DEFINITIONS

Chapter 12-400 ESTABLISHMENT AND PROCEDURAL MATTERS

Chapter 12-500 ADMINISTRATION

Chapter 12-600 VEHICULAR TRANSPORTATION AND PEDESTRIAN CIRCULATION

Chapter 12-700 SIGNS

Chapter 12-800 ZONING ESTABLISHMENT

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Chapter 12-100 AUTHORITY AND PURPOSE

Part 12-101 Land And Water Use Authority

Part 12-102 Purpose

Part 12-101 Land And Water Use Authority

- A. The duly elected City Council of Richmond City, County of Cache, State of Utah is hereby designated the Land and Water Use Authority for all land use, development, and management issues pertaining to land currently within the legal boundaries of said City as well as any and all lands annexed into said boundaries in the future.
1. The authority and provisions of this ordinance shall be in keeping with the intent of the provisions contained in Utah Code (Annotated) Title 10, Chapter 9a, Section 102 (2).
- B. In accordance with the provisions of Utah Code (Annotated) Title 10, Chapter 9a, Section 103.(23), the Richmond City Council is hereby and herewith designated the Water Authority and the Sanitary Sewer Authority for the City of Richmond, County of Cache, State of Utah.
1. Being the designated Water Authority, the Richmond City Council is responsible for both City owned and operated culinary and secondary water system(s) with the obligation to review and approve the feasibility of the culinary water system and applicable associated secondary water application and sources for all proposed development(s). The applicant shall provide all information and materials, required by the Richmond City Council, necessary to review and approve or disapprove the feasibility of a culinary water system and applicable associated secondary water for any proposed development.

2. Being the designated Sanitary Sewer Authority, the Richmond City Council is responsible for all sewer systems with the obligation to review and approve the feasibility of the sewer system for a all proposed development(s). The applicant shall provide all information and materials, required by the Richmond City Council, necessary to review and approve or disapprove the feasibility of a sewer system for any proposed development.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 12-102 Purpose

To provide for the health, safety, and welfare, and promote the prosperity, improve the morals, peace and good order, comfort, convenience, and aesthetics of Richmond City and its present and future inhabitants and businesses, to protect the tax base, to secure economy in governmental expenditures, to foster both agricultural and other industries, to protect both urban and non-urban development, to protect and ensure access to sunlight for solar energy devices, to provide fundamental fairness in land use regulation, and to protect property values while maintaining local control and accountability insofar as allowed by the provisions of Utah Code (Annotated) Title 10 and Title 11 and such other Titles and Chapters as may prove applicable.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

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HISTORY
 Adopted by Ord. [2019-2](#) on 2/19/2019

Chapter 12-300 DEFINITIONS

For the purpose of this ordinance, certain words and terms are defined as follows: Words used the present tense include the future; words in the singular number include the plural and the plural the singular; words not included herein but defined in the Building Code shall be construed as defined herein. Certain case-specific definitions are found in appropriate sub-sections. Unless defined further within subsequent Chapter and Section within this ordinance, the definition shall carry the weight of law insofar as interpreting applicability to Richmond City land use.

- A. "Accessory building or use". Something subordinate or supplemental deemed necessary and/or compatible with the primary use or function of the primary structure, business, or use.
- B. "Adjacent". Nearby but not necessarily touching.
- C. "Affected Entity" means a local district, special service district, school district, interlocal cooperation entity, specified public utility, a property owner, a property owners association, or the Utah Department of Transportation if:
 - 1. the entity's services or facilities are likely to require expansion or significant modification because of an intended use of land;
 - 2. the entity has filed with the municipality a copy of the entity's general or long-range plan; or
 - 3. the entity has filed with the municipality a request for notice during the same calendar year and before the municipality provides notice to an affected entity in compliance with a requirement imposed under this chapter.
- D. "Agriculture". The tilling of the soil, the raising of crops, horticulture and gardening, but not including the keeping or raising of domestic animals and fowl, except household pets, and not including any agricultural industry or business such as fruit packing plant, fur farms, animals hospitals or similar uses.



- E. "Alley". A public thoroughfare, twenty-six (26) feet or less in width, providing a secondary means of access to abutting property but not intended for general traffic circulation.
- F. "Animal Unit". A piece of ground of not less than ten thousand (10,000) square feet in size, which shall be in addition to the lot area requirement for the zone in which it is located, where the owner may keep not more than two (2) horses, two (2) bovines, two (2) sheep, two (2) goats, fifteen (15) rabbits, fifteen (15) chickens, fifteen (15) ducks, fifteen (15) pheasants, fifteen (15) turkeys, fifteen (15) geese, fifteen (15) pigeons, provided that not more than one (1) of the above listed kinds of animals or fowl are permitted at any one time or any combination of animals excluding rabbits, equal to one (1) of the above animal units or any combination of rabbits or fowl equal to one (1) of the above rabbit or fowl units.
1. a mix of horses, bovines, sheep and goats is allowable but cannot exceed a total of two (2) animals per animal unit.
 2. pigs within the City Limits are approved only through a Conditional Use Permit.
- G. "Appeal Authority" means the person, board, commission, agency, or other body designated by ordinance to decide an appeal of a decision of a land use application or a variance.
- H. "Applicant". The owner of land proposed to be subdivided or such owner's duly authorized agent. Any agent must have written authorization from the owner.
- I. "Basement". A story partly underground. A basement shall be counted as a story for purposes of height measurement if its height is one-half (2) or more above grade.
- J. "Bench Mark". A mark affixed to a permanent or semi-permanent object along a line of survey to furnish a datum level.
- K. "Billboard" means a freestanding ground sign located on industrial, commercial or residential property if the sign is designed or intended to direct attention to a business, product, or service that is not sold, offered, or existing on the property where the sign is located.
- L. "Block". The land surrounded by streets and other rights of way other than an alley or land which is designated as a block on any recorded subdivision plat. See also City Block.
- M. "Building". Any structure having a roof supported by columns or walls, for the housing or enclosure of persons, animals or chattels.
- N. "Building, Height of". The vertical distance from the grade to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or the mean height level between ridge and eaves of a gable, hip or gambrel roof.
- O. "Building, Main". The principle building housing the principle use upon a lot.

- P. "Building, Public". A building owned and operated or owned and intended to be operated by a public agency of the United States of America, or the State of Utah, or any of its subdivisions.
- Q. "Canal". Waterways used for the transporting of water throughout the community to allow for secondary water use and crop irrigation.
- R. "Carport". A private garage not completely enclosed by walls or doors. For the purposes of this ordinance, a carport shall be subject to all of the regulations prescribed for a private garage.
- S. "Cemetery". A place for burying the dead; graveyard.
- T. "Charter School" includes:
1. an operating charter school;
 2. 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
 3. an entity who is working on behalf of a charter school or approved charter applicant to develop or construct a charter school building.
- U. "Church". A building for public worship; a religious service.
- V. "City Block". A square of land surrounded by roads within 660 feet on each side.
- W. "Club, Private". An organization, group or association supported by the members thereof, the sole purpose of which is to render a service customarily rendered for members and their guests but shall not include any service, the chief activity of which is customarily carried on as a business, and does not include labor union organizations or similar labor or business organizations.
- X. "Common Areas and Facilities". Unless otherwise provided in the declaration of a Planned Unit Development or other development involving a Home Owners Association, shall mean and include:
1. All land, other than the individual private lots, within the PUD or HOA boundaries.
 2. Any buildings or structures intended for the joint use of the residents of the PUD or HOA.
 3. Installations of central services such as power, light, gas, water, sewer and roads, etc.
 4. Such community and commercial facilities as may be provided for in the declaration of the PUD or HOA.
 5. All other parts of the PUD or HOA necessary for or normally in common use.

- Y. "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.
- Z. "Constitutional Taking" means a governmental action that results in a taking of private property so that compensation to the owner of the property is required by the:
1. Fifth or Fourteenth Amendment of the Constitution of the United States; or
 2. Utah Constitution Article I, Section 22.
- AA. "Contiguous". In contact with or bordering.
- AB. "Court". An open, unoccupied space, other than a yard, on the same lot with a building or group of buildings and which is bounded on two (2) or more sides by such building or buildings. The width of a court is its least horizontal dimension, measured between opposite sides in the same general direction as the yard or lot line on which the court opens. The length of a court is its least horizontal dimension measured at right angles to its width.
- AC. "Coverage" refers to any land area, the surface of which is covered by any man-made or manufactured material. These areas shall include among others:
1. Buildings and structures.
 2. Patios.
 3. Decks.
 4. Streets, roads, and sidewalks.
 5. Recreational courts.
 6. Any other areas as defined herein.
- AD. "Culinary Water Authority" means the department, agency, or public entity with responsibility to review and approve the feasibility of the culinary water system and sources for the subject property.
- AE. "Dairy". A commercial establishment for manufacture or processing of dairy products.
- AF. "Dairying". The keeping of milk producing animals, offspring and breeding stock primarily for the production of milk, the processing of milk products which are produced on the premises, and accessory buildings related to the above activities.
- AG. "Density" the average number of dwelling units per acre.

AH. "Density Bonus". An allowance given to a developer to build more units within a project than would otherwise be permitted under normal density limits in exchange for additional provisions provided for in the development.

AI. "Developer". As the case may be:

1. an applicant for subdivision approval,
2. the owner of any right, title, or interest in real property for which subdivision approval is sought;
3. may be used interchangeably with "subdivider".

AJ. "Development". Includes any application for any development approval including, but not limited to conditional use permits, rezoning, subdivision, PUD, or annexation. This shall not include any building permits associated with construction within an approved subdivision or on an existing platted lot.

AK. "Development Activity" means:

1. any construction or expansion of a building, structure, or use that creates additional demand and need for public facilities;
2. any change in use of a building or structure that creates additional demand and need for public facilities; or
3. any change in the use of land that creates additional demand and need for public facilities.

AL. "Disability" means:

1. a physical or mental impairment that substantially limits one or more of a person's major life activities, including a person having a record of such an impairment or being regarded as having such an impairment.
2. does not include current illegal use of, or addiction to, any federally controlled substance, as defined in Section 102 of the Controlled Substances Act, 21 U.S.C. 802.

AM. "Dissolve". A mode of message transition on an Electronic Message Device accomplished by varying the light intensity or pattern, where the first message gradually appears to dissipate and lose legibility simultaneously with the gradual appearance and legibility of the second image.

AN. "District". A portion of the area of Richmond, Utah, shown on a map attached to this zoning ordinance and given a district name.

AO. "Dormitories". Any building arranged or designed for two (2) or more dwelling units and with three (3) or more sleeping rooms per unit.

- AP. "Drip Line". The point where water impacts with the ground, whether natural or man-made material, after falling directly from the eaves of a building or structure of any type.
- AQ. "Dwell Time". The period of time a message or advertising copy is displayed on an Electronic Message Device.
- AR. "Dwelling". Any building or portion thereof, which is designed for use for residential purposes, except the following: hotels, apartment hotels, boarding houses, lodging house, motels, apartment motels, fraternities, sororities, trailers, mobile homes or dormitories.
- AS. "Dwelling, Single-family". A building arranged or designed to be occupied by one (1) family, the structure having only one (1) dwelling unit.
- AT. "Dwelling, Two (2)-family". A building arranged or designed to be occupied by two (2) families, the structure having only two (2) dwelling units.
- AU. "Dwelling, Three (3)-family" A building arranged or designed to be occupied by three (3) families, the structure having only three (3) dwelling units.
- AV. "Dwelling, Four (4)-family". A building arranged or designed to be occupied by four families, the structure having only four (4) dwelling units.
- AW. "Dwelling, Multiple-family". A building arranged or designed to be occupied by more than one (1) family and can be substituted for the two (2) or more when desirable.
- AX. "Dwelling, Group". Two (2) or more dwelling structures, occupying the same lot and having yards and open spaces in common.
- AY. "Dwelling Unit". One (1) or more rooms in a dwelling designed for or occupied by one (1) family for living, sleeping, and eating purposes and having a kitchen and an individual bathroom for the use of not more than one (1) family.
- AZ. "Easement". 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.
- BA. "Educational Facility". A building where students assemble to receive instruction, a structure on the same property that supports the instructional building including office and other administration space, space for recreation and/or sporting events.
- BB. "Elder Living Center". Apartment-style residential dwellings for older people, whether assisted or unassisted living.
- BC. "Elderly Person". A person who is sixty (60) years old or older, who desires or needs to live with other elderly persons in a group setting, but who is capable to living independently.

- BD. "Electronic Message Display (EMD)". A sign capable of displaying words, symbols, figures, or images that can be electronically or mechanically changed by remote or automatic means. This includes, but is not limited to Electronic Message Centers and Electronic Reader Boards.
- BE. "Erosion". The loss or shifting of soil caused by wind, water runoff, natural disasters, the removal of ground cover, and steep slopes.
- BF. "Family". A traditional family unit (related by blood, marriage, or adoption) or up to three unrelated adults living as:
1. a single housekeeping unit,
 2. a more or less permanent living arrangement,
 3. a stable, rather than transient, living arrangement,
 4. a group headed by a householder caring for a reasonable number of children as one would be likely to find in a biologically unitary family,
 5. and in all cases may include one or more unrelated care-givers when occupants have need of assistance.
- BG. "Farm Building". An agricultural structure assembled for a purpose related to livestock or crops.
- BH. "Final Plat". 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 and which can be placed on record in the office of the County Recorder.
- BI. "Fire Authority". The department, agency, or public entity with responsibility to review and approve the feasibility of fire protection and suppression services for the subject property.
- BJ. "Flag Lot" any interior lot whose access is via a non-conforming road or lane, construction of habitable buildings upon which is prohibited due to possible inaccessibility or ease of exit by emergency vehicles.
1. possible exception to the building prohibition may be granted by the Richmond City Council if the lot as defined by the Property Tax Number can provide a one hundred foot (100') diameter paved cul-de-sac turn-around area with an all-weather paved access road or lane.
- BK. "Flood, 100-year". A flood having a one percent (1%) chance of being equaled or exceeded in any given year.
- BL. "Flood, 10-year". A flood having a ten percent (10%) chance of being equaled or exceeded in any given year.
- BM. "Flood Plain". Land that:
1. is within the 100-year flood plain designated by the Federal Emergency

Management Agency; or

2. has not been studied or designated by the Federal Emergency Management Agency but presents a likelihood of experiencing chronic flooding or catastrophic flood event because the land has characteristics that are similar to those of a 100-year flood plain designated by the Federal Emergency Management Agency; or
3. has been studied through a physical survey by an individual qualified and licensed to do so, with such determination approved by the Federal Emergency Management Agency.

BN. "Forest Industry". A place or building where timber and logs are processed into finished wood or wood-based raw materials.

BO. "Frame" a complete static display screen on an Electronic Message Display.

BP. "Frame Effect". A visual effect on an Electronic Message Display applied to a single frame to attract the attention of viewers.

BQ. "Fur Farm". A land area devoted to the raising, breeding, or production of fur-bearing animals.

BR. "Frontage". All property fronting on one (1) side of the street between intersecting or intercepting streets, or between a street and a right-of-way, waterway, end of dead end street, or political subdivision boundary, measured along the street line. An intercepting street shall determine only the boundary of the frontage on the side of the street which it intercepts.

BS. "Front Lot Line". The side part of the lot which is designated as the front of the lot and along which frontage is measured, as frontage is defined in Definition (BR), above.

BT. "Garage, Private". An accessory building designed or used for the storage of vehicles of any type 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 two (2) 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 dwelling have a roof or wall in common.

BU. "General Plan". A document that a municipality adopts that sets forth general guidelines for proposed future development of the land within the municipality as required by Utah Code Annotated Title 10, Chapter 9a, Section 401.

BV. "Geologic Hazard". Any area where geologic conditions would pose a threat to persons or property if developed as residential property. Specific examples are:

1. a surface fault rupture;
2. shallow groundwater;
3. liquefaction;

4. a landslide;
5. a debris flow;
6. unstable soil;
7. a rock fall; or
8. any other geologic condition that presents a risk:
 - a. to life;
 - b. of substantial loss of real property; or
 - c. of substantial damage to real property.

BW. "Grade".

1. For buildings adjoining one (1) street only, the elevation of the sidewalk at the center of that wall adjoining the street.
2. For buildings adjoining more than one (1) street, the average of the elevations of the sidewalks at the centers of all walls adjoining the street.
3. For buildings having no wall adjoining the street, the average level of the ground (finished surface) adjacent to the exterior walls of the buildings. All walls approximately parallel to and not more than five (5) feet from a street line are to be considered as adjoining a street.

BX. "Gravel Pit". An open excavation or pit from which gravel is obtained by digging, cutting, or blasting.

BY. "Grazing Land". Land used for pasturage of livestock.

BZ. "Home Occupation". Any use conducted entirely within a dwelling and carried on by persons 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 thereof and in connection with which there is no display, nor stock in trade.

1. The home occupation may include the sale of commodities and shall not involve the use of any accessory building or yard space or activity outside of the main building, not normally associated with residential use.
2. Home occupation shall include the use of the home by a beautician, physician, surgeon, dentist, lawyer, clergyman, engineer, or other professional person for consultation or emergency treatment, but not for the general practice of his trade or profession.
3. Home occupation shall include the care of not more than six (6) children other than members of the family residing in the dwelling.

4. A home occupation in a multiple dwelling unit (two [2] or more units) shall be considered as one (1) of the units in determining the allowable number of units.
- CA. "Hookup Fee". A fee for the installation and inspection of any pipe line, meter, or appurtenance that connects to a municipal water, sewer, storm water, power or other utility system.
- CB. "Hospital". An institution providing medical or surgical care and treatment for the sick and injured.
- CC. "Hotel". A building designed or occupied as the more or less temporary abiding place of fifteen (15) or more individuals who are, for compensation, lodged, with or without meals, and in which no provision is made for cooking in any individual room or suite.
- CD. "Household pets". Domesticated animals or fowl ordinarily permitted in the house and kept for company or pleasure.
- CE. "Identical Plans". Building plans submitted to a municipality that are substantially identical to building plans that were previously submitted to and reviewed and approved by the municipality and describe a building that is:
1. located on land zoned the same as the land on which the building described in the previously approved plans is located;
 2. subject to the same geological and meteorological conditions and the same law as the building described in the previously approved plans.
- CF. "Impact Fee". A payment of money imposed under Title 11, Chapter 36 of Utah Code Annotated.
- CG. "Improvement Assurance". A surety bond, letter of credit, cash, or other security:
1. to guaranty the proper completion of an improvement;
 2. that is required as a condition precedent to:
 - a. recording a subdivision plat; or
 - b. beginning development activity; and
 3. that is offered to a land use authority to induce the land use authority, before actual construction of required improvements, to:
 - a. consent to the recording of a subdivision plat; or
 - b. issue a permit for development activity.
- CH. "Improvement Assurance Warranty". A promise that the materials and workmanship of improvements:

1. comport with standards that the municipality has officially adopted; and
 2. will not fail in any material respect within a warranty period.
- CI. "Infill Development". Development that takes place on land within built-up, developed areas that has been passed over for various reasons during previous development phases and has remained vacant or under-utilized.
- CJ. "Internal Lot Restriction". A platted note, platted demarcation, or platted designation that:
1. runs with the land; and
 2. creates a restriction that is enclosed within the perimeter of a lot described on the plat; or
 3. designates a development condition that is enclosed within the perimeter of a lot described on the plat.
- CK. "Kennel". The keeping of three (3) or more dogs at least four (4) months old.
- CL. "Landscape Lighting". Artificial lighting used primarily to illuminate for the purpose of safe passage of people and vehicles, enhance the effects of landscaping, and/or the outside of structures in a manner to avoid light pollution.
- CM. "Landscaping". Maintenance and/or improvement of a given portion of land to provide a pleasing reception in the eyes of the beholder to include, but not limited to, the planting/maintenance of flora, sculpting or otherwise shaping of the soils, utilization of natural materials to establish specific proportions or designs, xeriscaping, and the utilization of artificial substances that can and must be maintained.
1. In the development of landscaping, it must be in keeping with the fact that Richmond City is in a semi-arid climate and that the City actively participates in a Water Conservation Plan.
- CN. "Land Use Application". An application required by a municipality's land use ordinance.
- CO. "Land Use Authority". A person, board, commission, agency, or other body designated by the local legislative body to act upon a land use application.
- CP. "Land Use Ordinance". A planning, zoning, development, or subdivision ordinance of the municipality, but does not include the General Plan.
- CQ. "Land Use Permit". A permit issued by a land use authority.
- CR. "Legislative Body". The Richmond City Council.
- CS. "Library". A repository for literary and artistic materials, such as books, periodicals, newspapers, pamphlets, prints kept for reading or reference, and such electronic media or technological devices utilized with a library system as is currently available.

- CT. "Light Industry". Is defined as a business wherein no manufacture, compounding, processing, or treating of products other than that which is clearly incidental and essential to retail stores or business and where all such products are sold at retail on the premises. Further, no use or storage shall be conducted that is not within a closed building. Bulk materials storage, waste piles, and storage ponds are specifically prohibited.
- CU. "Light Pollution". Any lighting that results in illumination being directed skyward.
- CV. "Livestock". Domestic animals such as cattle, horses, sheep, hogs, or goats, raised for home use or profit.
- CW. "Local District". An entity under Title 17B, Utah Code Annotated, and any other governmental or quasi-governmental entity that is not a county, municipality, school district, or the state.
- CX. "Lodging House". A building where lodging only is provided for compensation to five (5) or more persons.
- CY. "Lot". A parcel of land occupied or to be occupied by a main building, or group of buildings (main and accessory, together with such yards, open spaces, lot width and lot area as are required by this ordinance and having frontage upon a street, or upon a right-of-way as approved by the Board of Adjustment or Appeals Judge.
1. Except for group dwellings, not more than one (1) dwelling structure shall occupy any one (1) lot.
 2. A portion of a subdivision or parcel of land intended as a unit for building development or transfer of ownership.
- CZ. "Lot, Corner". A lot abutting on two (2) intersections or intercepting streets, where the interior angle or intersection or interception does not exceed one hundred thirty-five (135) degrees.
- DA. "Lot, Interior". A lot other than a corner lot.
- DB. "Lot Line Adjustment". The relocation of the property boundary line in a subdivision between two adjoining lots with the consent of the owners of record.
- DC. "Lot Width". The width of the lot measured along the minimum building setback line.
- DD. "Maintenance". Keeping a trail surface and surrounding area in a safe condition for public use, including, but not limited to, resurfacing, filling holes, and pruning vegetation.
- DE. "Manufacturing". A location wherein a product is produced.

- DF. "Master Street Plan". That portion of the general plan which defines the future alignments of major streets and their right of way, including maps or reports or both, which have been approved by the Planning and Zoning Commission and City Council as provided in Utah Code Annotated Title 10, Chapter 9a, Section 403.
- DG. "Maximum Extent Feasible". No prudent, practical and feasible alternative exists, and all possible planning to minimize potential harm has been undertaken.
1. Economic considerations may be taken into account but shall not be the overriding factor in determining a maximum extent feasible.
- DH. "Medical and Dental Clinics". A building where the medical or dental professions are practiced.
- DI. "Message Change Sequence". the change of messages/copy of an Electronic Message Display must be accomplished immediately, unless the approval body permits fade or dissolve transition.
1. In such cases the transition shall require no less than two seconds between messages copy.
- DJ. "Minimum Display (Dwell) Time". each Electronic Message Display message (spot) must be displayed for a minimum of six (6) seconds.
- DK. "Mobile Home". A movable or portable dwelling constructed to be towed on its own chassis and designed to be installed for human occupancy as a dwelling.
1. For the purposes of this ordinance, a mobile home constructed so as to meet the building code requirements of Richmond, Utah as established by separate ordinance for single-family dwellings shall be considered a single-family dwelling.
- DL. "Moderate Income Housing". Housing occupied or reserved for occupancy by households with a gross household income equal to or less than eighty percent (80%) of the median gross income for households of the same size in the county in which the city is located.
- DM. "Mortuary". A place where human dead bodies are prepared or kept prior to burial or cremation.
- DN. "Motel". A group of attached or detached buildings containing individual sleeping rooms designed for or used temporarily by automobile tourists or transients, with garage attached or parking space conveniently located to each unit.
- DO. "Motorized Home". A self-propelled vehicle designed and functioning as a residence which can be driven from place to place.
1. Unless parked in an authorized Mobile Home Court, a motorized home can only be utilized as a residence while parked within Richmond City for a maximum period of thirty (30) days per year.

2. A motorized home cannot be connected to the Richmond City sewer system.
 3. The contents of the septic tank of a motorized home cannot be discharged into the Richmond City sewer system due to the damage such systems inflict upon the biological process of the Richmond City sewage treatment facility.
 4. Permanent water connection must not be made between the Richmond City culinary water system and the motorized home.
- DP. "Multiple-family Dwelling". One (1) building structure housing two (2) or more families in separate dwelling units on one (1) individual lot.
- DQ. "Natural Drainage Course". Any natural watercourse which is open for the continuous or potential flow of water in a definite direction or course.
- DR. "Natural Waterways". Those areas, varying in width, along streams, creeks, springs, gullies, washes which are natural drainage channels as determined by the Building Inspector or competent engineers under contract to the City, in which areas no buildings shall be constructed.
- DS. "NIT Measurement". A measurement of luminance (one NIT is equal to one candela per square meter (1 cd/m²)) one meter by one meter of display, measured one meter from the display running at maximum display intensity.
- DT. "Nominal Fee". A fee that reasonably reimburses a municipality only for time spent and expenses incurred in:
1. verifying that building plans are identical plans; and
 2. reviewing and approving those minor aspects of identical plans that differ from the previously reviewed and approved building plans.
- DU. "Noncomplying Structure". A structure that:
1. legally existed before its current land use designation; and
 2. 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.
- DV. "Nonconforming Building or Structure". A building or structure or portion thereof, lawfully existing at the time this ordinance became effective, which does not conform to all the height, area and yard regulations herein prescribed in the zone in which it is located.
- DW. "Nonconforming Lot". A parcel of land with a separate legal description and property identification number at the time of adoption of this ordinance which did not then meet the lot area or lot width requirements, and whose size or shape has not been diminished or changed by sale or lease since the time of adoption of this ordinance.

- DX. "Nonconforming Use". A use which lawfully occupied a building or land at the time this ordinance became effective and which does not conform with the use regulations of the zone in which it is located.
- DY. "Nurseries" and "Greenhouses". A place or an enclosed structure where plants and/or their produce are grown and/or sold on the premises.
- DZ. "Nursing Home". An institution providing residence and care for the aged; A building for the care and keeping of elderly or infirm people.
- EA. "Official Map". Under the provisions of Utah Code Annotated Title 10, Chapter 9a, Section 103.(33 ff), a map drawn by municipal authorities and recorded in a county recorder's office that:
1. shows actual and proposed rights-of-way, centerline alignments, and setbacks for highways and other transportation facilities;
 2. provides a basis for restricting development in designated rights-of-way or between designated setbacks to allow the government authorities time to purchase or otherwise reserve the land; and
 3. has been adopted as an element of the municipality's general plan.
- EB. "Open Space" a portion of a development site that is permanently set aside for public or private use that includes sensitive lands per 12-1010-7 and 12-1070-5, common areas and facilities, useable open space, and other undeveloped portions of the development
- EC. "Operational Characteristics of an Electronic Message Display" there are four identified types or levels of operational characteristics:
1. Level One - Static only, no transitions utilized.
 2. Level Two - Static with subtle transitions (dissolve or fade).
 3. Level Three - Static message with moving text (scroll, travel, etc).
 4. Level Four - Animation video or any combination of effects, transitions, etc. that create the illusion of animation or video.
- ED. "Operational Limitations of Electronic Message Display" such displays shall contain static messages only, unless in compliance with the provisions of 12-700.
- EE. "Ordinary High Water Mark". The line on the bank to which the high water ordinarily rises annually in season as indicated by changes in the characteristics of soil, vegetation, or other appropriate means which consider the characteristics of the surrounding areas.
1. Where the ordinary high water mark cannot be found, the top of the channel bank shall be substituted.
- EF. "Outbuilding". Any structure not intended for primary habitation or business

purposes located on property already containing a residence, business, or agricultural endeavor.

1. Refer also to Shed.

EG. "Outbuilding, Agricultural". Falls into the same category as 136 above but designed primarily for the storage of agricultural implements, agricultural products, and the housing of animals related to an agricultural or recreational purpose.

EH. "Outbuilding, Residential Area". Falls into the same category as 136 above but designed primarily for storage of maintenance-type materials supportive of an urban or semi-urban situation.

1. Play houses for children/youth will fall into this category.

EI. "Overlay or Overlay Zone". A zone whose development regulations supplement or supercede those of the underlying zone.

EJ. "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.

EK. "Parcel of Land". A contiguous quantity of land, in the possession of, or owned by, or recorded as the property of, the same claimant or person and bearing one county tax number.

EL. "Park Strip". The strip of land located within the public right of way between the sidewalk and the curb and gutter.

EM. "Parking Lot". An open area, other than a street, used for the temporary parking of more than four (4) automobiles and available for public use, whether free, for compensation, or as an accommodation for clients and customers.

EN. "Parking Space". Space within a building, lot or parking lot for the parking or storage of one (1) automobile.

EO. "Parks and Playgrounds". A tract of land set aside for public use for recreation.

EP. "Person". An individual, corporation, partnership, organization, association, trust, governmental agency, or any other legal entity.

EQ. "Physical Boundaries". Topographic or other physical conditions which are included in a parcel of land and which may be considered to constitute a barrier sufficient to break a piece of ground into two (2) or more separate and distinct lots.

1. Such lots, if otherwise undiminished or unchanged by sale or lease since the time of adoption of this ordinance shall be treated as nonconforming.
2. Physical boundaries may include but not be limited to: public streets, rights-of-way established prior to April 8, 1970, railroad tracks and natural waterways.

3. Physical boundaries shall not include cliffs, irrigation canals and ditches without deeded rights-of-way established since April 8, 1970.

ER. "Plan for Moderate Income Housing". A written document adopted by a city legislative body that includes:

1. an estimate of the existing supply of moderate income housing located within the city;
2. an estimate of the need for moderate income housing in the city for the next five years as revised biennially;
3. a survey of total residential land use;
4. an evaluation of how existing land uses and zones affect opportunities for moderate income housing; and e. a description of the city's program to encourage an adequate supply of moderate income housing.

ES. "Planned Unit Development (P.U.D.)" a development of land consisting of separate residential lots and/or multiple dwelling units plus adjacent land held and maintained in common by the residents through a legal device of their own design that complies with any rules and restrictions established by the laws of the State of Utah, the County of Cache, or Richmond City.

ET. "Planning Administrator". The person appointed by the City to perform duties and responsibilities of administering planning responsibilities as contained within this Title.

EU. "Plat". A map or other graphical representation of lands being laid out and prepared in accordance with Utah Code Annotated Title 10, Chapter 9a, Section 603, Title 17, Chapter 23, Section 17, or Title 57, Chapter 8, Section 13.

EV. "Potential Geologic Hazard Area". An area that:

1. is designated by a Utah Geological Survey map, county geologist map, or other relevant map or report as needing further study to determine the area's potential for geologic hazard; or
2. has not been studied by the Utah Geological Survey or a county geologist but presents the potential of geologic hazard because the area has characteristics similar to those of a designated geologic hazard area.

EW. "Preliminary Approval". An approval, with or without alterations, given to a preliminary plat by the Planning and Zoning Commission and provides the necessary authority to proceed with the preparation and presentation of the final plat relative to any development.

EX. "Preliminary Plat". A map or plan of a proposed land division or subdivision prepared in accordance with this Title.

- EY. "Project" shall be synonymous with any sub-division, Planned Unit Development, or other development requiring on-going communication or coordination prior to completion.
- EZ. "Protection Strip". A strip of land bordering a subdivision, or a street within a subdivision, which serves to bar access of adjacent property owners to required street improvements installed within the subdivision until such time as the adjacent owners share in the cost of such improvements.
- FA. "Public Agency" means:
1. the federal government;
 2. the state;
 3. a county, municipality, school district, local district, special service district, or other political subdivision of the state; or
 4. a charter school
- FB. "Public Hearing". A hearing at which members of the public are provided a reasonable opportunity to comment on the subject of the hearing.
- FC. "Public Improvements". Work objectives, devices, facilities or utilities required to be constructed or installed in a subdivision. Such improvements may include, but are not limited to, water facilities, sewer facilities, sidewalks, curbs and gutters, drainage facilities, secondary irrigation system, streets, trees, street signs, streetlights, traffic control or safety devices, fire hydrants and such other facilities or construction required by this Title.
- FD. "Public Meeting". A meeting that is required to be open to the public under Title 52, Chapter 4, Section 101 and following: Open and Public Meetings Act.
- FE. "Qualified Professional". A professionally trained person with the requisite academic degree, experience, and professional certification or license in the field or fields relating to the subject matter being studied or analyzed.
- FF. "Quasi-public Land". Privately owned property which, through formal agreement with the City, allows common public access. An example would be a public walking trail that legally crosses private property.
- FG. "Record of Survey Map". A map of a survey of land prepared in accordance with Utah Code Annotated Title 17, Chapter 23, Section 17.
- FH. "Receiving Zone". An area of a municipality that the municipality's land use authority designates as an area in which an owner of land may receive transferrable development rights.
- FI. "Recreational Use". Any area, structure, or location designed for the recreation of humans.
- FJ. "Recreational Vehicle". A vehicular type unit, forty (40) feet or less in length and eight (8) feet or less in width, primarily designed as temporary living quarters for

recreational, camping, or travel use which either has its own mode of power or is mounted on or drawn by another vehicle.

1. See Motorized Home: All restrictions cited apply to Recreational Vehicle.

FK. "Residential". An area primarily devoted to the establishment of residences designed for human occupation.

FL. "Residential Facility for Elderly Persons". A single-family or multiple-family dwelling unit that meets the requirements of Utah Code Annotated Title 10, Chapter 9a, Section 516, but does not include a health care facility as defined by Utah Code Annotated Title 26, Chapter 21, Section 2.

FM. "Residential Facility for Persons With a Disability". This is a residence:

1. in which more than one person with a disability resides; and
2. is licensed or certified by the Department of Human Services or the Department of Health under Utah Code Annotated Title 26, Chapter 21.

FN. "Residential Health Care Facility". A home or a residence occupied by the owner that provides protected living arrangements plus nursing care and services on a daily basis for individuals unrelated to the owner of the facility.

FO. "Restricted Lots". A parcel of land severed or placed in separate ownership after April 8, 1970, and which does not meet all area, width, yard and other requirements of this Title for a lot, or a parcel of land which does meet all the requirements of this Title for a lot, but the creation of which has caused any adjacent or contiguous lot from which it was severed to be insufficient in area, width, setback, yard, or coverage requirements, when such adjacent lot has a structure on it, or a building permit issued for such structure.

FP. "Right-of-Way". Land or property usually in a strip acquired by the public, a corporation, or persons for trails, roads, canals, railroad tracks, or other similar uses.

FQ. "Roomer". One who occupies a hired room in another's house.

FR. "Sanitary Sewer Authority". The department, agency, or public entity with responsibility to review and approve the feasibility of sanitary sewer services or onsite wastewater systems.

FS. "Scroll". A mode of message transition on an Electronic Message Display where the message appears to move vertically across the display surface.

1. See also definition of Travel.

FT. "Secondary Water System". Any system which is designed and intended to provide, transport, store, distribute, divert, clean, filter and measure water from a stream or other source for watering of crops, lawns, shrubberies, flowers and other non-culinary uses.

- FU. "Sending Zone". An area of a municipality that the municipality's land use authority designates as an area from which an owner of land may transfer transferrable development rights to an owner of land in a receiving zone.
- FV. "Sensitive Lands" the physical environment of the city and its surroundings which are important for visual quality, wildlife, open space, land buffers, and the health, safety, and welfare of the public including open space on steep slopes, sensitive soils, geologic hazard areas, wetlands, rivers and streams, water recharge areas, wellhead protection zones, and wildlife corridors.
- FW. "Separate Ownership". A condition where the ownership of a parcel of land is recorded under or being conveyed to a different name from all contiguous parcels.
- FX. "Setback". Commonly referred to as the distance a structure will be established through ordinance from the property line to the closest wall or support of a building to the property line.
- FY. "Shed". A small, rough-built shelter, often open on one or more side, and not intended for human habitation.
1. The term may also be applied to an outbuilding of any type.
- FZ. "Sign". Any device used for visual communication to the general public and displayed out-of-doors, including signs painted on exterior walls, and interior illuminated signs to be viewed from out-of-doors, but not including any flag, badge or ensign of any governmental agency.
- GA. "Sign, Advertising". A sign which directs attention to a use, product, commodity or service not related to the premises.
- GB. "Sign, Business". A sign which directs attention to a use conducted, product or commodity sold, or service performed upon the premises.
- GC. "Sign, Community Bulletin Board". A sign used for notifying the public of an event or occurrence of public interest, such as a church service, political rally, civic meeting or other similar event.
1. The sign must be set back two (2) feet from the sidewalk and have not more than nine square feet of area.
- GD. "Sign, Construction". A sign announcing construction or other improvements being made by a person furnishing services, materials or labor to a property under construction.
- GE. "Sign, Directional". A sign which identifies and indicates the route to some legally conducted activity.
- GF. "Sign, Election". A sign promoting a political campaign.

- GG. "Sign, Government". A sign posted by government officials in the performance of their duties; such as signs to control traffic or for other regulatory purposes, or to identify streets or to ward off danger.
- GH. "Sign, Home Business or Home Occupation". A sign located on the residential property of a licensed home business in a residential district that directs attention to a commodity sold or service performed by the occupant on the premises for financial gain.
- GI. "Sign, Identification". A sign indicating the name or nature of buildings or uses, other than commercial or industrial uses, located upon the same premises as the sign.
- GJ. "Sign, Institutional". A sign identifying a school, church, hospital, or other institution.
- GK. "Sign, Landmarks". A sign which identifies an area which, by reason of development, natural features, or historical occurrences has or shall become a landmark in the city.
- GL. "Sign, Name Plate". A sign indicating the name and/or occupation of a person or persons residing on the premises or legally occupying the premises, or indicating a home occupation legally existing on the premises.
- GM. "Sign, Occupant". A sign which establishes the identity of an occupant in a combined business or professional building, plaza, or mall by listing name, and/or address.
- GN. "Sign, Off-premises commercial sign". See definition of Billboard.
- GO. "Sign, On-premises commercial sign". A sign which relates solely to a use, business, profession, or service provided or offered upon the premises where the sign is located.
- GP. "Sign, Property". A sign related to the property on which it is located and offering such property for sale or lease, or advertising contemplated improvements, or announcing the name of the builder, owner, designer, or developer of the project, or warning against trespassing.
- GQ. "Sign, Public Information". A sign erected by a public or nonprofit agency, service club, etc., giving information to direct the public to both public and private facilities and major uses.
- GR. "Sign, Real Estate". A sign indicating the availability for sale, rent, or lease of a specific lot or building upon which the sign is erected or displayed.
- GS. "Sign, Street". A sign identifying the name and number of a street.
- GT. "Sign, Temporary". A sign intended for a temporary time period of less than thirty days for the purpose of announcing an activity, event, election, or directing persons to a specific place.
- GU. "Slope". The level of inclination of land from the horizontal determined by

dividing the horizontal run of the slope into the vertical rise of the same slope and converting the resulting figure into a percentage value.

1. For purposes of regulation and measurement, slopes must cover at least twenty five (25) feet vertically and fifty (50) feet horizontally.

GV. "Specified Public Agency". Means:

1. the state;
2. a school district; or
3. a charter school.

GW. "Specified Public Utility". An electrical corporation, gas corporation, or telephone corporation.

GX. "Spot" an advertiser's display message whether a symbol, picture, text message, or combination thereof.

GY. "Stable, Private". A detached accessory building for the keeping of horses owned by the occupants of the premises and not kept for remuneration, hire or sale.

GZ. "Stable, Public". A stable other than a private stable.

HA. "State". Includes any department, division, or agency of the State of Utah.

HB. "Steep slopes". Slopes greater than thirty (30) percent.

HC. "Story". The space within a building included between the surface of any floor and the surface of the ceiling next above.

HD. "Story, Half". A story with at least two (2) 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.

HE. "Street". A public thoroughfare which affords principle means of access to abutting property, and is more than twenty-six (26) feet wide and may fall into one of the following classifications:

1. Arterial - A street which serves or is intended to serve as a major traffic way providing through traffic movement in the most efficient manner.
2. Collector - An intermediate street which is intended to serve both through and land access functions equally.
3. Cul-De-Sac - A minor street of limited length which terminates in a turnaround of a minimum radius. It provides only minimum access to abutting properties.
4. Local - A minor street which provides access to abutting properties.
5. Major Collector - A street, similar to a collector street except it carries a greater through traffic load.

6. Private - A thoroughfare within a subdivision which has been reserved by dedication unto the subdivider or lot owners to be used as a private access to serve the lots platted within the subdivision and complying with an approved street cross section and maintained by the subdivider or other private agency.

HF. "Structure, Permanent". Anything constructed or erected, which requires location on or in the ground or attached to something having a location on the ground.

HG. "Structure, Temporary". Anything constructed or erected that is not attached to or beneath the ground and is not intended for long-term usage.

1. Examples would include a temporary automobile shelter, temporary swimming pool, a tent, etc.

HH. "Structural Alterations". Any change in supporting members of a building such as bearing walls, columns, beams or girders.

HI. "Sub-divider". Any person who: a) having an interest in land, causes it, directly or indirectly, to be divided into a subdivision or who b) directly or indirectly, sells, leases, or develops, or offers to sell, lease, or develop or advertises for sale, lease or development, any interest, lot, parcel, site, unit, or plat in a subdivision, or, who c) engages directly, or through an agent, in the business of selling, leasing, developing or offering for sale, lease, or development of a subdivision, or who d) is directly or indirectly controlled by, or under direct or indirect common control with any of the foregoing, and may be used interchangeably with developer.

HJ. "Subdivision". Any land that is divided, re-subdivided or proposed to be divided into two or more 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.

1. Subdivision includes:

- a. the division or development of land whether by deed, metes and bounds description, devise and testacy, map, plat or other recorded instrument; and
- b. divisions of land for all residential and nonresidential uses, including land used or to be used for commercial and industrial purposes, but not for agricultural purposes.

2. Subdivision does not include:

- a. a bona fide division or partition of agricultural land for the purpose of joining one of the resulting separate parcels to a contiguous parcel of unsubdivided agricultural land, if neither the resulting

- combined parcel nor the parcel remaining from the division or partition violates an applicable land use ordinance;
 - b. a recorded agreement between owners of adjoining unsubdivided properties adjusting their mutual boundary if:
 - i. no new lot is created; and
 - ii. the adjustment does not violate applicable land use ordinances;
 - c. a recorded document, executed by the owner of record:
 - i. revising the legal description of more than one contiguous unsubdivided parcel of property into one legal description encompassing all such parcels or property, or
 - ii. joining a subdivided parcel of property to another parcel of property that has not been subdivided, if the joinder does not violate applicable land use ordinances;
 - d. a recorded agreement between owners of adjoining subdivided properties adjusting their mutual boundary if:
 - i. no new dwelling lot or housing unit will result from the adjustment; and
 - ii. the adjustment will not violate any applicable land use ordinance; or
 - e. a bona fide division or partition of land by deed or other instrument where the land use authority expressly approves in writing the division in anticipation of further land use approvals on the parcel or parcels.
3. The joining of a subdivided parcel of property to another parcel of property that has not been subdivided does not constitute a subdivision under this subsection 146 as to the unsubdivided parcel of property or subject the unsubdivided parcel to the municipality's subdivision ordinance.

HK. "Trailer" or "Camper".

1. General definition: A vehicle with or without motive power or wheels, designed to be used for human habitation.
2. Specific definitions:
 - a. Camper - A small vehicle which may be towed or placed upon the bed of a wheeled powered or unpowered vehicle and generally

used for temporary recreational purposes and not intended for extended habitation.

b. Trailer - A vehicle intended for and used for extended human habitation in the form of a residence that can be moved from location to location by means of utilizing a towing vehicle. Trailers may be single or double-wide; however, to qualify as a trailer the gear supporting the wheels upon which the trailer is moved must be a permanent part of the vehicle.

i. Trailers whose carriage gear is removed or removable will be treated as a regular residential unit and fall under all appropriate construction codes for permanent or pre-built housing.

HL. "Trailer", "Camper", or "Mobile Home Park". Any area or tract of land used or designed to accommodate two (2) or more trailers, mobile homes, or camping parties.

HM. "Transferrable Development Right". The entitlement to develop land within a sending zone that would vest according to the municipality's existing land use ordinances on the date that a completed land use application is filed seeking the approval of development activity on the land.

HN. "Transition" is a visual effect used on an Electronic Message Display to move from one presentation to another.

HO. "Travel" is a mode of message transition on an Electronic Message Display where the message appears to move horizontally across the display surface.

1. See also definition of Scroll.

HP. "Unincorporated". The area outside of the incorporated area of a city or town.

HQ. "Unstable soils". Those areas where soil instability would be a hazard to development and cannot be mitigated without massive grading and site modification, as identified in the general plan.

HR. "Use, Accessory". A subordinate use customarily incidental to and located upon the same lot occupied by a main use.

HS. "Useable Open Space" open space areas that are physically situated so as to be readily accessible, available to, and usable by all residents of a Planned Unit Development, sub-division, or other formal development so authorized by the City for active and passive recreation activities.

HT. "Vegetation". Native or reclamation grasses, forbs, shrubs and trees that protect topsoil from erosion, prevent or slow storm runoff, provide wildlife habitat and beautify the community.

- HU. "Veterinary or Animal Hospital". A building and runs where both large and small animals are kept and/or treated by a licensed veterinarian.
- HV. "Water Interest". Any right to the beneficial use of water including:
1. each of the rights listed in Utah Code Annotated Title 73, Chapter 1, Section 11; and
 2. an ownership interest in the right to the beneficial use of water represented by:
 - a. a contract;
 - b. a share in a water company; or
 - c. any determination in compliance with Utah Code Annotated Title 73, Chapter 4.
- HW. "Water recharge area". The upper bench and mountainous areas of the city's watershed where snow and rainwater enter the ground to recharge the valley's aquifers.
- HX. "Wellhead protection zone". Means the protection area surrounding drinking water sources as required by the State of Utah.
- HY. "Wetlands". Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions.
- HZ. "Width of Lot". The distance between the side lot lines at the distance back from the front lot line required for the depth of the front yard.
- IA. "Wildlife corridors". Those areas identified by a qualified authority as important, regular routes taken by wildlife that should be left unobstructed.
- IB. "Yard". A space on a lot, other than a court, unoccupied and unobstructed from the ground upward, by buildings, except as otherwise provided herein.
- IC. "Yard, Front". A space on the same lot with a building between the front line of the building (exclusive of steps) and the front lot line and extending across the full width of the lot.
- ID. "Yard, Rear". A space of the same lot with a building between the rear line of the building (exclusive of steps and chimneys) with the rear line of the lot extending the full width of the lot.
- IE. "Yard, Side". A space on the same lot with a building, between the side line of the building (exclusive of steps or open stairways) and the side line of the lot and extending from the front yard line to the rear yard line.

- IF. "Zero Lot Line Development". Housing development technique in which adjacent houses are sited along a lot line or share a wall along a lot line in order to create more yard space and allow for higher density development; however, such development must not violate either fire or building codes.
- IG. "Zoning Map". A map, adopted as part of a land use ordinance, that depicts land use zones, overlays, or districts.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

[Chapter 12-400 ESTABLISHMENT AND PROCEDURAL MATTERS](#)

[Part 12-401 Planning And Zoning Commission Established](#)

[Part 12-402 Term Of Office](#)

[Part 12-403 Organization](#)

[Part 12-404 Duties And Powers](#)

[Part 12-405 Decision Appeal Process](#)

[Part 12-406 Establishment Of Appeal Authority](#)

[Part 12-407 Land Use, Development And Management Appeals Judge](#)

[Part 12-408 Board Of Adjustment](#)

[Part 12-409 Appeals](#)

[Part 12-410 Variances](#)

[Part 12-411 Applicability Of The State Of Utah Property Rights Ombudsman](#)

[Part 12-412 District Court Review Of Appeals/judge/board Of Adjustment Decision](#)

Part 12-401 Planning And Zoning Commission Established

There is hereby created a Planning and Zoning Commission to be composed of six (6) members. Members of the Planning and Zoning Commission shall serve without compensation, except for reasonable expenses incurred in the performance of their duties as members of the Commission. The Richmond City Council shall appoint, upon at least a simple majority vote, each member of the Commission.

- A. A member of the Richmond City Council shall be assigned as direct liaison between the Council and the Commission, but said Council member shall have no vote on any action brought before the Commission while being actively discussed or decided upon by the Commission.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 12-402 Term Of Office

Each member of the Planning & Zoning Commission shall be appointed for a term of four years, with the opportunity for a second, consecutive term of four years should the City Council and the Commissioner so desire.

- A. Terms of appointment shall be staggered so that one-half of the Commission



membership will be eligible for reappointment/replacement every odd-numbered year.

1. Should a Commissioner leave prior to the conclusion of said Commissioner's term, the new Commissioner will be initially appointed to complete the original Commissioner's term after which the position shall be subject to reappointment/replacement on the regular schedule.
 - a. No Commissioner may receive more than two consecutive appointments.
2. Due to past circumstances, it shall be the goal of the Richmond City Council to bring the Planning & Zoning Commission appointments into harmony with the above schedule by December 31, 2016.

- B. Commission members term of office shall become effective and expire on odd-numbered years.
- C. Commission members may be removed from their position early only through voluntary resignation or for cause by the Richmond City Council following proper due process.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 12-403 Organization

- A. The members of the Planning and Zoning Commission shall select from within their own membership a Chairperson and such other officers as deemed necessary, and shall adopt rules and regulations for their organization and for the transaction of business and the conduct of their proceedings.
 1. The Chair shall not vote except in the instance of a tie vote within the other members of the Commission.
- B. The Planning and Zoning Commission shall meet on the first Tuesday of each month and at such other times as the Planning and Zoning Commission may determine necessary.
 1. All meetings shall be open to the public, announced in advance by agenda posted in three public locations within Richmond City, and published on the State of Utah Public Meeting Notice Site.
 2. A recording of all such meetings shall be kept in accordance with the most recent directive of Utah Code Annotated and written minutes reflecting the matters of presentation, discussion and decision shall be kept.
 - a. One copy of the approved minutes, signed by the Chair, from each meeting shall be deposited with, and kept on file at, the

Richmond City office.

- C. Reports of official acts and recommendations of the Planning and Zoning Commission shall be public and made by the Chairperson in writing to the Richmond City Council and shall indicate how each member of the commission voted with respect to such act or recommendation in the event of a split vote.
 - 1. A signed copy of the approved minutes of the P&Z Commission meeting involved shall accompany any recommendation(s) or decision(s) forwarded from the Commission to the Richmond City Council.
 - 2. Any member of the Commission may also make a concurring or dissenting report or recommendation to the Richmond City Council.
- D. Four (4) members of the Planning and Zoning Commission shall constitute a quorum required for official action at any meeting of the Commission.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 12-404 Duties And Powers

The Planning and Zoning Commission is an advisory Commission to the Richmond City Council in all matters dealing with land use matters and shall have all of the powers and duties explicitly given Planning and Zoning Commissions by Richmond City ordinance in keeping with the laws of the State of Utah save those as Land Use Authority which is reserved to the Richmond City Council. At a minimum, the Planning and Zoning Commission shall:

- A. Conduct regular, advertised meetings at least once each month and at such other times as the Planning and Zoning Commission may determine to be necessary.
- B. Prepare or review the General Plan and recommend the General Plan, and Amendments of the General Plan, to the Richmond City Council.
- C. Prepare or review and recommend Land Use, Development and Management ordinances, zoning maps, and amendments thereto to the Richmond City Council.
- D. Administer provisions of the Land Use, Development, and Management Ordinance where specifically authorized by said Ordinance.
- E. Review, gather data, and recommend approval or denial of subdivisions and planned unit development (PUD) applications to the Richmond City Council.
- F. Review, gather data, compare with the intentions of the General Plan, and recommend approval or denial of requests to rezone land within the boundary of Richmond City to the Richmond City Council.
 - 1. A public hearing on a rezone request will not be held by the Commission.



2. The public hearing process shall be reserved to the Land Use Authority.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 12-405 Decision Appeal Process

- A. Decisions of the Planning and Zoning Commission may first be appealed to the Richmond City Council.
- B. Decisions of the Richmond City Council based only upon recommendations or decisions handed down by the Planning and Zoning Commission may be further appealed to either a Land Use, Development, and Management Appeals Judge (hereafter referred to as Appeals Judge) or to a Board of Adjustment.
- C. Appeals of the decision of the Appeals Judge or Board of Adjustment shall go to the First District Court.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 12-406 Establishment Of Appeal Authority

The Richmond City Council shall establish either a Land Use, Development, and Appeals Judge, commonly referred to simply as the Appeals Judge, or a Board of Adjustment.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 12-407 Land Use, Development And Management Appeals Judge

- A. The Appeals Judge need not hold a legal or paralegal degree, nor shall said Judge be required to be a member of the bar.
- B. The appointment of the Appeals Judge will be based upon the best judgment of the Richmond City Council in keeping with the most accurate current knowledge relative to the character and abilities of the candidate.
 1. The appointment of the Appeals Judge shall be made, through open vote, at a regularly scheduled, agenda meeting of the Richmond City Council.
- C. The Richmond City Council may enter into an agreement with other cities relative to utilizing a single Appeals Judge for multiple municipalities.
- D. The Appeals Judge will be appointed to a term of five (5) years.
 1. Subsequent appointments are allowable without restriction.

2. The Appeals Judge may be removed from the position through resignation, mutual agreement to discontinue in the position, elimination of the position by the Richmond City Council, or for cause following due process.
- E. The Richmond City Council may opt to establish a payment schedule for the Appeals Judge.
 - F. The Appeals Judge will be expected to remain current and abreast of all relative ordinances, changes in Utah Code Annotated, and the results of judicial review relative to Land Use, Development, and Management.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 12-408 Board Of Adjustment

- A. The Board of Adjustments shall be comprised of five (5) citizens living within the Richmond City limits.
- B. The appointment of each of the individual members of the Board of Adjustment shall be made, through open vote, at a regularly scheduled, agenda meeting of the Richmond City Council.
- C. Members of the Board of Adjustment shall serve without compensation, except for the reimbursement of reasonable expenses incurred in performing their duties as members of the board.
- D. Each member of the Board of Adjustment shall serve for a term of five (5) years.
- E. The first Board of Adjustment organized following the passage of this ordinance shall consist of one member appointed for a period of five years, one member appointed for a period of four years, one member appointed for a period of three years, one member appointed for a period of two years, and one member appointed for a single, one-year term.
 1. As the original board members term expires, a replacement member shall be appointed for a period of five years.
 - a. Should a board member leave the Board of Adjustment prior to the completion of his/her term, the replacement member shall be appointed only to complete the departing members term.
 2. Board members may be appointed to a single consecutive term, no Board member serving for more than ten (10) years.
- F. A Board of Adjustment member may be removed from the position through resignation, mutual agreement to discontinue in the position, elimination of the position by the Richmond City Council, or for cause following due process.

- G. The Board of Adjustment shall elect a chairperson and may adopt such rules for its own proceedings as are deemed necessary; however, all such rules must be in keeping with the provisions of this Title and Utah Code Annotated Title 10, Chapter 9a, Section 701.
- H. Meetings of the Board shall be held at the call of the chairperson and at such other times as the board may determine.
 - 1. The Chairperson, or in his/her absence the Acting Chairperson, may administer oaths and compel the attendance of witnesses.
 - 2. The Board will designate a Secretary from within their body, and shall keep minutes of its proceedings, showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall immediately be filed in the Richmond City Office, which shall be the office of the Board, and shall be a public record.
- I. The Board of Adjustment shall hear and decide:
 - 1. Appeals from zoning decisions applying the zoning ordinance;
 - 2. Special exceptions to the terms of the zoning ordinance; and
 - 3. Variances from the terms of the zoning ordinance.
 - 4. The Board of Adjustment may make determinations regarding the existence, expansion, or modification of nonconforming uses if that authority is delegated to them by the Richmond City Council through separate ordinance.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 12-409 Appeals

- A. The applicant or any other person or entity adversely affected by a decision administering or interpreting a zoning ordinance may appeal that decision applying to the zoning ordinance by alleging that there is error in any order, requirement, decision, or determination made by an official in the administration or interpretation of the zoning ordinance.
- B. A verbal notice of appeal must be given to the Mayor or any member of the Richmond City Council by the appellant or his/her authorized representative no later than forty-eight (48) hours following the decision in meeting of the Richmond City Council or Planning & Zoning Commission in the instance where the latter has been designated authority to make such a final decision.

- C. A formal written decision relative to any land use matter must be available to the public no later than thirty (30) days following the decision in meeting by the Richmond City Council or Planning & Zoning Commission in the instance where the latter has been designated to make such a final decision.
- D. A written notice of appeal including all relevant details and signed by the appellant(s) must be received by the Richmond City Office no later than fifteen (15) working days following the publication of the formal written decision as cited in subsection (C) above.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 12-410 Variances

- A. Any person or entity desiring a waiver or modification of the requirements of the zoning ordinance as applied to a parcel of property that he owns, leases, or in which he holds some other beneficial interest may apply to the Appeals Judge/Board of Adjustment for a variance from the terms of the zoning ordinance.
- B. The Appeals Judge/ Board of Adjustment may grant a variance only if:
 - 1. Literal enforcement of the ordinance would cause an unreasonable hardship for the applicant that is
 - 2. There are special circumstances attached to the property that do not generally apply to other properties in the same zone;
 - 3. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same zone;
 - 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 land use ordinance is observed and substantial justice done.
- C. In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under 12-410-2, the appeal authority may not find an unreasonable hardship unless the alleged hardship:
 - 1. Is located on or associated with the property for which the variance is sought; and
 - 2. Comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood.
- D. In determining whether or not enforcement of the land use ordinance would cause unreasonable hardship under 12-410-2, the appeal authority may not find an unreasonable hardship if the hardship is self-imposed or economic.



- E. In determining whether or not there are special circumstances attached to the property under 12-410-2, the appeal authority may find that special circumstances exist only if the special circumstances:
 - 1. Relate to the hardship complained of; and
 - 2. Deprive the property of privileges granted to other properties in the same zone.
- F. The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.
- G. Variances run with the land.
- H. The appeal authority may not grant use variances.
- I. In granting a variance, the appeal authority may impose additional requirements on the applicant that will:
 - 1. Mitigate any harmful effects of the variance; or
 - 2. Serve the purpose of the standard or requirement that is waived or modified.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 12-411 Applicability Of The State Of Utah Property Rights Ombudsman

- A. Utah Code Annotated Title 13, Chapter 43 established the Office of the Property Rights Ombudsman.
 - 1. As established in Title 13, Chapter 43, Section 203 the duties of the Office of the Property Rights Ombudsman include but are not limited to:
 - a. assisting local government in analyzing actions with potential takings implications or other land use issues;
 - b. advising real property owners who:
 - i. have a legitimate potential or actual taking claim against a local government entity or have questions about takings, eminent domain, and land use law; or
 - ii. own a parcel of property that is landlocked, as to the owner's rights and options with respect to obtaining access to a public street.
 - 2. Under the provisions of Title 13, Chapter 43, Section 203 the Office of the Property Rights Ombudsman may not represent private property owners or local governments in court or in adjudicative proceedings.

- B. Under the provisions of Title 13, Chapter 43, Section 204, the Office of Property Rights Ombudsman may, if requested, mediate or conduct or arrange arbitration for disputes between private property owners and government entities that involve eminent domain issues, actions for eminent domain, and/or disputes about relocation assistance.
1. The conduct of all such arbitration shall be in accordance with the provisions of Title 13, Chapter 43, Section 204.
 2. Both the private party and the local government entity shall treat such arbitration process as outlined in Title 13, Chapter 43, Section 204 as though it were ordered by a court.
- C. It is noted that under Title 13, Chapter 43, Section 204.(4), quote: “The filing with the Office of the Property Rights Ombudsman of a request for mediation or arbitration of a constitutional taking issue does not stay any county or municipal land use decision, including the decision of a board of adjustment.”
- D. At any time before a final decision on a land use application by the Appeals Judge/Board of Adjustment, a local government or a potentially aggrieved person may request a written advisory opinion from a neutral third party in keeping with the provisions of Title 13, Chapter 43, Section 206.
1. Certain limitations are contained in Title 13, Chapter 43, Section 205.
 2. Any party seeking a written advisory must comply with the current provisions found in Title 13, Chapter 43, Section 205 and Title 13, Chapter 43, Section 206.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 12-412 District Court Review Of Appeals/judge/board Of Adjustment Decision

- A. Any person adversely affected by any decision of the Appeals Judge/Board of Adjustment may petition the District Court for a review of the decision.
1. Such appeal shall not take place unless all administrative remedies as set forth above have been exhausted in keeping with Utah Code Annotated Title 10, Chapter 9a, Section 801.(1).
- B. In the petition, the plaintiff may only allege that the Appeals Judge/Board of Adjustment's decision was arbitrary, capricious, or illegal.
- C. The petition is barred unless it is filed within 30 days after the Appeals Judge/Board of Adjustment's decision is final per Utah Code Annotated Title 10, Chapter 9a, Section 801.(2)(a).
1. The time to file a petition is tolled from the date a property owner files a request for arbitration of a constitutional taking issue with the property

rights ombudsman under Utah Code Annotated Title 13, Chapter 43, Section 204 until 30 days after:

- a. The arbitrator issues a final award; or
 - b. The property rights ombudsman issues a written statement under Utah Code Annotated Title 13, Chapter 43, Section 204.(3)(b) declining to arbitrate or to appoint an arbitrator.
- D. The Appeals Judge/Board of Adjustment shall transmit to the reviewing court the record of proceedings including minutes, findings, orders and, if available, a true and correct transcript of its proceedings.
1. If the proceeding was recorded, a transcript of that recording is a true and correct transcript for purposes of this subsection.
- E. If there is a record, the district court's review is limited to the record provided by the Appeals Judge/Board of Adjustment.
1. The court may not accept or consider any evidence outside the Appeals Judge/Board of Adjustment record unless that evidence was offered to the Appeals Judge/Board of Adjustment and the court determines that it was improperly excluded by the Appeals Judge/Board of Adjustment.
 2. If there is no record, the court may call witnesses and take evidence.
- F. The court shall affirm the decision of the Appeals Judge/Board of Adjustment if the decision is supported by substantial evidence in the record.
- G. The filing of a petition does not stay the decision of the Appeals Judge/Board of Adjustment.
1. Before filing a petition under this section or a request for mediation or arbitration of a constitutional taking issue under Utah Code Annotated Title 13, Chapter 43, Section 204, the aggrieved party may petition the Appeals Judge/Board of Adjustment to stay its decision.
 2. Upon receipt of a petition to stay, the Appeals Judge/Board of Adjustment may order its decision stayed pending district court review if the Appeals Judge/Board of Adjustment finds it to be in the best interest of Richmond City.
 3. After a petition is filed under this section or a request for mediation or arbitration of a constitutional taking issue is filed under Utah Code Annotated Title 13, Chapter 43, Section 204, the petitioner may seek an injunction staying the Board of Adjustment's decision.

HISTORY
Adopted by Ord. [2019-2](#) on 2/19/2019

Chapter 12-500 ADMINISTRATION

[Part 12-501 General Plan](#)

[Part 12-502 Annexation Of Land Into Richmond City](#)

[Part 12-503 Rezoning Of Land](#)

[Part 12-504 Official Map](#)

[Part 12-505 Notification And Public Hearings](#)

[Part 12-506 Inner-Block Development](#)

[Part 12-507 Survey Required Prior To Issuance Of Building Permit For Human Inhabitable Buildings](#)

[Part 12-508 Building Permits](#)

[Part 12-509 Adherence To Construction And Design Standards](#)

[Part 12-510 Building Inspector And Inspections](#)

[Part 12-511 Certificate Of Occupancy](#)

[Part 12-512 Land Entitlement](#)

[Part 12-513 Conditional Uses](#)

[Part 12-514 Nonconforming Uses And Noncomplying Structures](#)

[Part 12-515 Fees](#)

[Part 12-516 Financial Assignment And Responsibility](#)

[Part 12-517 Water Exaction](#)

[Part 12-518 Changes And Amendments To Ordinance](#)

[Part 12-519 Penalties](#)

[Part 12-520 Validity](#)

Part 12-501 General Plan

- A. By separate resolution a General Plan will be established for Richmond City.
1. By definition “general plan” means a document that a municipality adopts that set forth general guidelines for proposed future development of the land within the municipality.
- B. The General Plan is to be used as a guideline and does not require mandatory adherence to the provisions contained therein.
1. The Planning and Zoning Commission and the Richmond City Council are encouraged to utilize the General Plan for direction but are also authorized to make recommendations that are harmonious to the general well-being and proper management of Richmond City.
- C. A General Plan established for Richmond City shall be reviewed periodically to ensure current applicability to existing conditions.
1. It is recommended that such a review take place every five years or following any major acquisition of lands through annexation or change in actual or potential resources, whichever comes first.
- D. The content of the General Plan shall include, but is not limited to, the following:
1. Present and future needs of the City.

2. Growth and development of all or any part of the land within the City.
 3. The health, general welfare, safety, energy conservation, transportation, prosperity, civic activities, aesthetics, and recreational, education, and cultural opportunities for the City and its citizens.
 4. Reduction of waste of physical, financial, or human resources that result from either excessive congestion or excessive scattering of population.
 5. Efficient and economical use, conservation, and production of the supply of:
 - a. Food and water.
 - b. Drainage, sanitary, and other facilities and resources.
 6. Use of energy conservation and solar and renewable energy resources.
 7. Protection of urban development.
 8. Protection or promotion of moderate income housing.
 9. Historic preservation.
 10. Identifying future uses of land that are likely to require an expansion or significant modification of services or facilities provided by each affected entity.
 11. An official map.
- E. Due to the provisions of 3.a. above, the Richmond City General Plan shall not include any type of pre-planning for lands currently outside of the Richmond City limits although so allowed by Utah Code Annotated Title 10, Chapter 9a, Section 403.(1) (c).
1. It is hereby deemed that a wiser course will be to review the current General Plan upon the application and acceptance of actual lands annexed into Richmond City due to the over-run between municipalities as allowed by Utah Code Annotated Title 10, Chapter 2, Section 401.5.
- F. At a minimum, a General Plan proposed by the Planning Commission, with the accompanying maps, charts, and descriptive and explanatory matter, shall include the following:
1. Designation of the long-term goals and the proposed extent, general distribution, and location of land for housing, business, industry, agriculture, recreation, education, public buildings and grounds, open space, and other categories of public and private uses of land as appropriate.

2. May include a statement of the projections for and standards of population density and building intensity recommended for various land use categories covered by the plan.
3. A transportation and traffic circulation element consisting of the general location and extent of existing and proposed highways, arterial and collector streets, mass transit, and any other modes of transportation that the Commission considers appropriate, all correlated with the population projections and the proposed land use element of the General Plan.
4. An estimate of the need for the development of additional moderate income housing within the City, and a plan to provide a realistic opportunity to meet estimated needs for additional moderate income housing if long-term projections for land use and development occur.
 - a. In drafting the moderate income housing element, the Commission shall:
 - i. Consider the State of Utah Legislature's determination that cities shall facilitate a reasonable opportunity for a variety of housing, including moderate income housing to meet the needs of people desiring to live there and to allow persons with moderate incomes to benefit from and fully participate in all aspects of neighborhood and community life.
 - ii. May include an analysis of why the recommended means, techniques, or combination of means and techniques provide a realistic opportunity for the development of moderate income housing within the planning horizon, which means or techniques may include a recommendation to:
 - (1) Rezone for densities necessary to assure the production of moderate income housing.
 - (2) Facilitate the rehabilitation or expansion of infrastructure that will encourage the construction of moderate income housing.
 - (3) Encourage the rehabilitation of existing uninhabitable housing stock into moderate income housing.
 - (4) Consider general fund subsidies to waive construction related fees that are otherwise generally imposed by the City.
 - (5) Consider utilization of State or Federal funds or tax incentives to promote the construction of moderate income housing.

- (6) Consider utilization of programs offered by the Utah Housing Corporation within that agency's funding capacity.
 - (7) Consider utilization of affordable housing programs administered by the Department of Community and Culture.
- 5. In drafting the land use element, the Commission shall identify and consider each agriculture protection area within the municipality and avoid proposing a use of land within an agriculture protection area that is inconsistent with or detrimental to the use of the land for agriculture.
- 6. The proposed General Plan may include an environmental element that addresses:
 - a. The protection, conservation, development, and use of natural resources, including the quality of air, forests, soils, rivers and other waters, harbors, fisheries, wildlife, minerals, and other natural resources.
 - i. The consideration of the "dark skies" concept is strongly encouraged when determining artificial lighting type and placement.
 - b. The reclamation of land, flood control, prevention and control of the pollution of streams and other waters, regulation of the use of land on hillsides, stream channels and other environmentally sensitive areas, the prevention, control, and correction of the erosion of soils, protection of watersheds and wetlands, and the mapping of known geological hazards.
- 7. The proposed General Plan will contain a public services and facilities element showing general plans for sewage, water, waste disposal, drainage, public utilities, right-of way, easements, and facilities for them, police and fire protection, emergency medical services, and other public services.
- 8. The proposed General Plan may contain a rehabilitation, redevelopment, and conservation element consisting of plans and program for:
 - a. Historic preservation.
 - b. Diminution or elimination of blight.
 - c. Redevelopment of land, including housing sites, business and industrial sites, and public building sites

9. The proposed General Plan may include an economic element composed of appropriate studies and forecasts, as well as an economic development plan, which may include review of existing and projected municipal revenue and expenditure, revenue sources, identification of basic and secondary industry, primary and secondary market areas, employment, and retail sales activity.
 10. Recommendations for implementing all of any portion of the General Plan, including the use of land use ordinances, capital improvement plans, community development and promotion, and any other appropriate action is a desirable portion of the proposed General Plan.
- G. Richmond City is exempt from the notification requirement contained in Utah Code Annotated Title 10, Chapter 9a, Section 203 relative to preliminary notification of the creation of a General Plan as Cache County is not a County of the First or Second Class.
- H. The development or modification of the Richmond City General Plan will require appropriate notification and public hearing(s) as outlined in 12-505 following.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 12-502 Annexation Of Land Into Richmond City

- A. By separate ordinance Richmond City will set forth a uniform annexation plan in accordance with the provisions of Utah Code Annotated Title 10, Chapter 2, Sections 402 through 408 inclusive.
- B. Land annexed into Richmond City shall automatically be zoned as one residence per ten (10) acres of land (A-10) unless:
 1. The land so annexed has already been developed for residential or commercial use while under the auspices of Cache County.
 2. The extent of such development would not make an A-10 zoning practical.
 - a. Under such circumstances, the proposed annexation will be zone designated as the most compatible current Richmond City zone standard.
 - i. Only the Richmond City Council, acting upon recommendation by the Richmond City Planning and Zoning Commission, is authorized to make such an exception.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 12-503 Rezoning Of Land

- A. The procedure to be followed relative to the rezoning of land shall be:
1. Party or parties involved shall present a petition to the Planning and Zoning Commission outlining a description of the property involved and the zone being sought for an initial determination of the practicality of such an action.
 - a. If the Commission feels such a rezone is not in keeping with the General Plan of the City, the party(ies) may either accept the decision or appeal the decision per 12-405.
 - b. If the Commission finds that such a rezone is compatible with the General Plan:
 2. After the initial meeting between the party(ies) involved and the Commission another meeting will take place wherein the party(ies) seeking the rezone must provide:
 - a. An accurate copy or drawing of the parcel involved including the Property Tax Number.
 - b. Dimensions of said parcel.
 - c. Any other information that the party(ies) may consider pertinent to their application.
 3. The Planning and Zoning Commission will, following standard procedures, take a public vote to either approve or disapprove the rezone request.
 - a. If the vote is to disapprove, the party(ies) may either accept the decision or appeal the decision per 12-405.
- B. If approved, the party(ies) will then be placed upon the agenda for the Richmond City Council.
1. The Council will review the official Planning and Zoning Commission minutes in the presence of the party(ies) desiring the rezone.
 2. After initial presentation, there will be at least one public hearing relative to input on the requested rezone.
 3. The Richmond City Council shall, in public and at an agenda meeting, either approve or disapprove the rezone with the motion to include the current Property Tax Number(s) of the land involved.
 - a. In the event of disapproval by the Richmond City Council, the party(ies) seeking the rezone may appeal the negative decision per 12-405.

- C. Highway Commercial (HC) zone shall be to a depth of three hundred thirty feet from the right-of-way frontage.
- D. Land currently zoned Highway Commercial upon which residences now exist will be taxed at the Residential Medium Density (RMD) or Agricultural 5 (A-5) or Agricultural 10 (A-10) rate, as applicable, until commercial development takes place upon a given parcel whereupon the new Highway Commercial zoning depth and taxation will take immediate effect for that parcel or extension thereof.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 12-504 Official Map

- A. Richmond City will establish and maintain an official map.
- B. The map, at minimum, will:
 - 1. Delineate the official and legal boundaries of Richmond City.
 - 2. Reflect all streets, roads, and alleys found within the City limits.
 - 3. Delineate all established zones within the City limits in a manner readily understandable by the general citizenry.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 12-505 Notification And Public Hearings

- A. Any action that creates, modifies, adjusts or amends land boundaries or utilization within the limits (or in the case of annexation, contiguous to the limits) of Richmond City requires public notification.
 - 1. Because Richmond City is not in a County of the First or Second Class, it is not required that public notification take place to announce the pending creation, modification, or adjustment of the Richmond City General Plan.
 - 2. Public notice will be:
 - a. Posted in at least three public locations within the Richmond City limits.
 - b. Posted on the Utah Public Notice Website.
 - c. Posted in a local newspaper that has access by the general public.
 - d. On the Richmond City Website.
 - e. In certain instances developed below notification in writing must be provided to certain residents, property owners, and/or entities.



- i. In the event of written notification being sent through the United States Postal System or other commercial mail deliverer, the notification must be turned over to the delivering source no less than ten (10) days before the event/action.
3. With the exception of subsection (2)(e)(1) above, the notification must be posted a minimum of forty-eight (48) hours before the event/action.
4. Specific requirements relative to public notice for sub-divisions or other specific land applications will be cited under the appropriate Chapter of this Title.

B. Public Hearings.

1. A public hearing will be conducted by the Richmond City Council prior to:
 - a. Any action that increases or decreases the size of the City.
 - b. Any action that establishes any type of zone within the City limits.
 - i. This would include both initial zone establishment and the rezoning of established zones.
 - c. Any official action that affects in any manner the utilization of land within the boundaries of Richmond City.
2. Unless specifically directed by the Richmond City Council, the Planning & Zoning Commission will not conduct public hearings.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 12-506 Inner-Block Development

- A. Inner-block development for residential or business purposes is encouraged within the following restrictions.
 1. The development must adhere to the existing land zoning designation.
 - a. Inner-block rezoning will not be allowed.
 2. Access to the inner-block development must include an access street a minimum of 48 feet in width, 24 feet of which is to be paved.
 3. A cul-de-sac must be established within the inner-block development with a minimum diameter of 100 feet, 75 feet of which is to be paved.

4. The establishment of flag-lot(s)to be used for any type of human habitable structure not in existence at the time of the passage of this ordinance is/are prohibited.
- B. Full infrastructure services must be established to serve any inner-block development.
1. Minimal infrastructure services for this purpose are deemed to be:
 - a. Paved street in accordance with 12-506(A)(2) and 12-506(A)(3) above.
 - b. Culinary water service.
 - c. Sewer service.
 - d. Sidewalk meeting the specifications of current Richmond City ordinance(s) governing design and construction standards.
 - i. By separate ordinance an escrow to cover the cost of a public sidewalk(s) associated with the residence or business will be established and payable at the time of other associated fees for new construction.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 12-507 Survey Required Prior To Issuance Of Building Permit For Human Inhabitable Buildings

- A. Prior to the issuance of any permit for the construction of a human habitable structure, whether residential, multiple family, business or other commercial building, an official survey of the property upon which the structure will be constructed or placed must be conducted by a licensed surveyor with an official copy being submitted to the City of Richmond.
1. Said survey must be completed within one calendar year prior to the submission in conjunction with the building permit request.
 - a. The official copy of the survey shall be affixed to the permanent record of application for the building permit retained by the City.
 2. The sole exception to this requirement will be for dwellings being constructed in a previously approved sub-division which has fully complied with the provisions of 12-2000 herein.
 - a. The City Office will affix a copy of the authorized sub-division plat, indicating the lot to which the building permit shall apply, to the permanent record of application for the building permit retained by the City.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 12-508 Building Permits

- A. A valid Building Permit is required to be in the possession of any builder, contractor, developer or other party or parties involved in any construction effort within the limits of Richmond City prior to any work beyond land surveying being engaged.
 - 1. Any permanent structure of less than two hundred (200) square feet and not intended for human habitation is exempt from this requirement.

- B. The authorized authority as designated by the Richmond City Council shall not issue any building permit for any building, construction, or repair of any building unless such effort fully conforms to all zoning regulations and/or ordinances of Richmond City in effect at the time of application.
 - 1. The Richmond City Council may designate and hire a licensed City Building Inspector to issue Building Permits with subsequent inspection(s), or
 - 2. The Richmond City Council may sub-contract to a fully licensed and authorized second party the duties and responsibilities of the City Building Inspector.

- C. No permit shall be issued for any building or structure or part thereof on any land located between the mapped lines of any street as shown on any official street map adopted by the Richmond City Council.
 - 1. However, the Appeals Judge/Board of Adjustment shall have the power, upon an appeal filed with it by the owner of any such land, to authorize the grant of a permit for a building or structure or any part thereof within any mapped street located in any case in which the Appeals Judge/Board of Adjustment upon the evidence finds:
 - a. that the property of the appellant of which such mapped street location forms a part shall not yield a reasonable return to the owner unless such permit be granted, or
 - b. that balancing the interest of Richmond City in preserving the integrity of the official map and the interest of the owner in the use and benefits of the property, the grant of such permit is required by consideration of justice and equity.



2. Before taking any such action, the Appeals Judge/Board of Adjustment decides to authorize a building permit, it shall have the power to specify the exact location, ground area, height, and other details and conditions of extent and character and also the duration of the building, structure, and part thereof to be permitted.
- D. A building permit shall expire on the one-year anniversary of the issuance of said permit unless active work has been started and continues under the terms of the permit.
1. As long as active work progresses the permit shall be automatically extended until the construction is completed or no construction takes place within a given twelve-month period, whichever should occur first.
 - a. In the event of the latter, the building permit shall expire.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 12-509 Adherence To Construction And Design Standards

- A. All construction of dwellings whether for residential or commercial/business purposes must adhere to the current manuals and technical instructions approved by the designated inspecting authority for such construction.
- B. All infrastructure construction taking place within the limits of Richmond City must adhere to the current official Manual of Design and Construction Standards published through separate ordinance by the Richmond City Council.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 12-510 Building Inspector And Inspections

- A. The position of Building Inspector is herewith designated and created.
 1. The Richmond City Council shall fill the position of Building Inspector in whatsoever manner the Council, through majority vote, deems the most efficient under current conditions.
 - a. The Council may opt to hire a qualified building inspector or may contract with another entity and utilize such entity's building inspector.
 - b. The Building Inspector shall periodically report to the City Council relative to any matters concerning the construction and inspecting of buildings within the limits of Richmond City.
 - i. At minimum such a report before the City Council shall

take place in a formal atmosphere on an annual basis.

- B. All construction authorized by the issuance of a Building Permit shall be appropriately inspected at the various stages of construction by the Building Inspector.
 - 1. The Building Inspector shall conduct all inspections in accordance with the latest and most up-to-date codes and has the delegated authority to place a “Stop Work” notice on any project found to be in any violation whatsoever.
 - a. Failure of a contractor or person(s) responsible for construction receiving a “Stop Work” notice to comply is a violation of law and will be prosecuted to the fullest extent.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 12-511 Certificate Of Occupancy

- A. Upon final inspection and approval, the Building Inspection will issue a “Certificate of Occupancy” to the contractor or party responsible for the building.
 - 1. No human occupancy in any manner shall be permitted unless a Certificate of Occupancy has been issued.
 - a. The safety of the occupants of a structure is deemed more important than any financial or personal inconvenience hence the prohibition of occupancy without the Certificate of Occupancy.
 - b. Any violation of 12-511(A)(1) will result in prosecution up to and including eviction from the designated structure with appropriate fines not to exceed the cost of such proceedings including legal fees.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 12-512 Land Entitlement

- A. An applicant who has filed a complete land use application, including the payment of all application fees, is entitled to all rights and is subject to all restrictions as outlined in Utah Code Annotated Title 10, Chapter 9a, Section 509.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019



Part 12-513 Conditional Uses

- A. Upon recommendation by the Planning and Zoning Commission, the Richmond City Council may grant conditional use permits not to exceed in duration five consecutive years without review.
1. The City Council is not required to conduct a public hearing relative to any given Conditional Use Permit but may opt to do so.
 2. Such Conditional Use Permits must be approved by open vote in an agenda meeting of the Richmond City Council by a simple majority of Council members present.
 3. A certificate of Conditional Use will be prepared and signed by the Mayor and the City Recorder with the City Seal affixed before said Conditional Use goes into effect.
 4. The Council shall set forth an automatic review time period; however, a review may be called for at any time in reaction to complaints received by the Council from other citizens of Richmond City or the Council having reasonable belief the conditions established by the permit are not be observed.
 5. The Council shall have to power to rescind any Conditional Use Permit issued following due process that provides reasonable certainty that the conditions established by the permit are not, in fact, being observed.
- B. A conditional use shall be approved if reasonable conditions are proposed, or can be imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards.
1. If the reasonably anticipated detrimental effects of a proposed conditional use cannot be substantially mitigated by the proposal or the imposition of reasonable conditions to achieve compliance with applicable standards, the condition use may be denied.
 2. A request for a Conditional Use Permit that is rejected may be appealed in accordance with the provisions of 12-405.
- C. Administrative process for application.
1. Application for a conditional use permit shall be made at the Richmond City Office on forms provided for that purpose.
 2. A conditional use permit fee may be established by separate Resolution by the Richmond City Council.
 3. The Planning and Zoning Commission may approve, modify and approve, or deny the conditional use application.
 - a. In approving any conditional use, the Commission shall impose regulations and conditions as are necessary to protect the public

welfare.

4. In approving a conditional use, the Planning and Zoning Commission and City Council shall find:
 - a. That the proposed use is necessary and/or desirable and shall contribute to the general well-being of the community.
 - b. That the use shall not 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.
 - c. That the proposed use shall comply with the regulations of this ordinance.
 - d. That the proposed use is in harmony with the intent of the Master Plan for Richmond City.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 12-514 Nonconforming Uses And Noncomplying Structures

- A. Except as provided for in this Section, a nonconforming use or nonconforming structure may be continued by the present owner or a future property owner.
 1. A nonconforming use may be extended through the same building, provided no structural alteration of the building is proposed or made for the purpose of the extension.
 2. The addition of a solar energy device to a building will not be considered a violation of 12-513(A)(1).
- B. Upon recommendation of the Planning & Zoning Commission, the Richmond City Council may grant to the property owner the establishment, restoration, reconstruction or internal expansion or substitution of a nonconforming structure insofar as the original structure footprint is not substantially changed or modified.
 1. Under no circumstances may the footprint of a nonconforming structure be modified in any manner that would violate codes intended to provide for the safety of the occupants or adjacent structures or occupants.
 2. Under no circumstances may an existing nonconforming structure due to height be modified to expand the height violation.
- C. A non-conforming building or structure or a building or structure occupied by a non-conforming use which is damaged by fire, flood, wind, earthquake, or other calamity or Act of God or the public enemy, may be restored or replaced by a structure of equal size, adequate to meet the level of use at the time of destruction, and which conforms to the adopted building codes.

1. The occupancy or use of such building, structure, or part thereof, which was existing at the time of such damage or destruction may be continued or resumed, provided that such restoration is started within a period of six (6) months from the date of damage and is diligently pursued to completion.
 2. A nonconforming or noncomplying structure may not be reconstructed or restored if:
 - a. The structure is allowed to deteriorate to a condition that the structure is rendered uninhabitable and is not repaired or restored within six months after written notice to the property owner that the structure is uninhabitable and that the noncomplying structure or nonconforming use will be lost if the structure is not repaired or restored within six months; or
 - b. The property owner has voluntarily demolished a majority of the noncomplying structure or the building that houses the nonconforming use.
- D. A building or structure or portion thereof occupied by a non-conforming use, which is, or hereafter becomes, vacant and remains unoccupied for a continuous period of one (1) year, except for dwellings, shall not thereafter be occupied except by a use which conforms to the use regulations of the zone in which it is located.
1. Any party claiming that a nonconforming use has been abandoned shall have the burden of establishing the abandonment.
 2. Abandonment may be presumed to have occurred if:
 - a. A majority of the primary structure associated with the nonconforming use has been voluntarily demolished without prior written agreement with the Richmond City Council regarding an extension of the nonconforming use;
 - b. The use has been discontinued for a minimum of one year; or
 - c. The primary structure associated with the nonconforming use remains vacant for a period of one year.
 3. The property owner may rebut the presumption of abandonment per subsection (D)(4), and shall have the burden of establishing that any claimed abandonment has not in fact occurred.
- E. Richmond City may terminate any nonconforming status of a public or charter school use or structure when the property associated with the Cache School District or charter school use or structure ceases to be used by the Cache School District or a charter school for a period of two years.

- F. A vacant building or structure may be occupied by a use for which the building or structure was designed or intended if it is so occupied within a period of one (1) year after the use became nonconforming.
- G. The nonconforming use of a building or structure may be changed to another nonconforming use which would be more in character with the zone in which it is located upon recommendation by the Planning & Zoning Commission and approval by the Richmond City Council.
 - 1. The Planning & Zoning Commission and/or Richmond City Council may impose requirements relative to health, safety and welfare as deemed necessary.
 - a. Where such a change is made, the use shall not thereafter be changed back to the previous nonconforming use.
- H. The nonconforming use of land, existing at the time this ordinance became effective, may be continued and may be expanded on the same but not adjoining property as permitted by the Richmond City Council.
 - 1. If such nonconforming use of land, or any portion thereof, is abandoned or changed for a period of one (1) year or more, any future use of such land shall be in conformity with the provisions of this ordinance.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 12-515 Fees

- A. By separate Resolution, Richmond City shall establish a schedule of fees in accordance with the most recent provisions of Utah Code Annotated Title 10, Chapter 9a, Section 510.
- B. Richmond City will not assess any fees to a public agency other than hook-up and impact fees as established by Ordinance and as allowed by Utah Code Annotated Title 10, Chapter 9a, Section 510.(6).

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 12-516 Financial Assignment And Responsibility

- A. All expenses associated with the construction, development, establishment or otherwise entrance into the City structure of Richmond City, Utah shall be the responsibility of the builder, contractor, developer or such other party ultimately responsible for said structure or infrastructure unless otherwise assigned by current ordinance or ordinances.
 - 1. Such expenses may include, but are not limited to, the following:



- a. Processing of any required building clearance form prior to issuance of the building permit. Building permit fees and charges will be handled separately.
 - b. Review of building property plat(s), plan(s), and/or infrastructure whether by local authority or contracted engineer(s) in keeping with the provisions of Utah Code Annotated Title 10, Chapter 9a, Section 510.
 - c. Any engineering review of any nature required by the City prior to acceptance of or issuance of any type of occupancy or usage permit in keeping with the provisions of Utah Code Annotated Title 10, Chapter 9a, Section 510.
 - d. Any tests of any nature deemed necessary by the City, such as but not limited to pressure testing of culinary water and sewer pipes, acceptability tests of asphalt or other paving material used to cover City streets or roads, compaction tests of street or road sub-surface, sidewalk specification questions, or additional testing in questionable areas of any nature in keeping with the provisions of Utah Code Annotated Title 10, Chapter 9a, Section 510.
- B. All expenses shall be billed directly to the builder, contractor, developer or such other party ultimately responsible for said structure or infrastructure.
- C. Should Richmond City hold billings not paid by the builder, contractor, developer or such other party ultimately responsible for said structure or infrastructure, the City shall withhold approval and acceptance of infrastructure, issuance of a Certificate of Occupancy or other use, issuance of a Business License, or withhold services as shall be appropriate and proper for the individual situation.
1. Should the City be placed into a situation involving litigation, the City shall seek all payments due plus the cost of all legal expenses associated with such recovery efforts.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 12-517 Water Exaction

- A. Any proposed development in land use is subject to a water exaction if:
1. Richmond City shows an essential link between the demands of the development and the impact upon the culinary water supply of the City.
 2. Each exaction will be roughly proportionate, both in nature and extent, to the impact of the proposed development.
 - a. The latest water model calculations will be used when determining 12-517(A)(1) and (2) above with the foreknowledge

that the data provided to the water model will change over the course of time.

- B. Upon request Richmond City will provide the applicant for land development the data used in the water model along with all results.
- C. Under the provisions of Utah Code Annotated Title 10, Chapter 9a, Section 508, Richmond City will ensure, to the best of current knowledge and technology, that an exaction will be based upon the available culinary water against the foreseeable demands for culinary water.
 - 1. If the water model confirms that future culinary demands can be satisfied by current culinary water availability, no exaction will be initiated for a specific development; however, such an action does not preclude the need for an exaction against future development projects.
- D. If a proposed developer brings irrigation (secondary) water with a development, Richmond City desires that the irrigation water remains with the land concerned.
 - 1. Each development will be handled upon its own merits and circumstances, but whenever possible Richmond City encourages developers to retain irrigation water with the land in accordance with the rules and regulations of the Richmond Irrigation Company or such other secondary water supplier as applicable.
 - 2. The applicant for the development must assure the Richmond City Council that the Richmond Irrigation Company has sufficient water available for the number of shares the applicant will apply to the project.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 12-518 Changes And Amendments To Ordinance

- A. This Zoning Ordinance, including any maps, charts, or other appendices attached hereto, may be amended from time to time by the City Council after fifteen (15) days notice and public hearing but all proposed amendments shall be first proposed by the Planning and Zoning Commission or shall be submitted to the Planning and Zoning Commission for its recommendation, which shall be returned to the City Council for its consideration within thirty (30) days.
- B. Failure of the Planning and Zoning Commission to submit its recommendation within the prescribed time shall be deemed approval by such Commission of the proposed change or amendment.
- C. The City Council may overrule the Planning and Zoning Commission's recommendations by a majority vote of the City Council members.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 12-519 Penalties

- A. Any person, firm or corporation whether as principal, agent, employee or otherwise, violating or causing or permitting the violation of the provisions of this ordinance shall be guilty of a Class B misdemeanor.
- B. Such person, firm or corporation shall be deemed to be guilty of a separate offense for each and every day during which any portion of any violation of this ordinance is committed.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 12-520 Validity

Should any section, clause, or provision of this ordinance be declared by the courts to be invalid, the same shall not affect the validity of the ordinance as a whole or any part thereof, other than the part so declared to be invalid.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Chapter 12-600 VEHICULAR TRANSPORTATION AND PEDESTRIAN CIRCULATION

[Part 12-601 Parking Space For Dwellings](#)

[Part 12-602 Parking Space For Buildings Or Uses Other Than Dwellings](#)

[Part 12-603 Parking Lot Regulations](#)

[Part 12-604 Off-Street Truck Loading Space](#)

[Part 12-605 Motor Vehicle Access](#)

[Part 12-606 Pedestrian Circulation](#)

Part 12-601 Parking Space For Dwellings

- A. Residential dwellings in any zone will have a minimum hard-surfaced vehicle parking area located upon the residents' lot calculated by the square footage of the dwelling floor area.
 - 1. There will be one (1) parking area for the first six hundred (600) square feet, or fraction thereof, plus one
 - a. additional parking area for each additional eight hundred (800) square feet of gross floor area.
 - 2. There shall be no change of use of a residential dwelling without attendant hard surface space to accommodate any possible otherwise increased off-street parking.
 - 3. A parking space shall be a minimum of nine (9) feet by twenty (20) feet.



- B. Multiple family residential dwellings, e.g. apartments or condominiums, shall have hard surfaced parking areas based upon the same formula unless otherwise directed within this Title 12-000 or modified through due process via the Richmond City Planning and Zoning Commission and the Richmond City Council to enable a sub-surface parking garage and/or a parking terrace arrangement.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 12-602 Parking Space For Buildings Or Uses Other Than Dwellings

- A. For a new building, or for any enlargement or increase in seating capacity, floor area or guest rooms of any existing main building, there shall be at least one (1) permanently maintained parking space of not less than one hundred eighty (180) square feet net area (9' x 20') as follows:
1. For church, school, college and university auditoriums and theaters, general auditoriums, stadiums and other similar places of assembly, at least one (1) parking space for every five (5) fixed seats provided in said buildings or structures.
 2. For hospitals, at least one (1) parking space for each two (2) beds, including infants cribs and children's beds.
 - a. For medical and dental clinics at least fifteen (15) parking spaces, provided that three (3) additional parking spaces shall be provided for each doctor or dentist having offices in such clinic in excess of three (3) doctors or dentists.
 3. For tourist courts and apartment motels, at least one (1) parking space for each individual sleeping or living unit; for hotels and apartment hotels, at least one (1) parking space for each two (2) sleeping rooms up to and including the first twenty (20) sleeping rooms, and one (1) parking space for each three (3) sleeping rooms over twenty (20) sleeping rooms.
 4. For boarding houses, lodging houses, dormitories, fraternities or sororities, at least one (1) parking space for every one and one half (1½) persons for whose accommodation the building is designed or used.

5. For restaurants or establishments that serve meals, lunches, or drinks to patrons either in their cars or in the building at least one (1) space for each one hundred (100) square feet of floor space in the building.

For retail stores selling directly to the public, and recreational places of assembly at least one (1) space for each two hundred (200) square feet of floor space in the building.

“Floor space” is defined as the following: The actual occupied area not including unoccupied accessory areas such as; corridors, stairways, refrigerated storage, bulk goods and materials storage, restrooms, mechanical and IT rooms and closets. Display shelving shall be included in the net floor area.

6. For businesses providing services such as beauty shops, banks, and but not limited to, professional offices, the number of parking spaces will be designated by the Planning and Zoning Commission, with the ratification of the Richmond City Council, based upon the anticipated business demands of each respective service-oriented business, but not to be less than two (2) parking spaces.
7. For mortuaries, at least thirty (30) parking spaces.
8. For liquor stores, at least five (5) parking spaces.
9. For all business or industrial uses not listed above, not providing customer services on the premises, one (1) parking space for each two (2) employees working on the highest employment shift.
10. In no case shall a building be constructed, altered, or increased where, if the foregoing parking provisions are inadequate to provide sufficient spaces for all employees and customers combined, the provision of adequate parking spaces shall supersede any and all foregoing formulas.
11. Parking space as required above shall be on the same lot with the main building or, in the case of buildings other than dwellings, may be located not farther than five hundred (500) feet therefrom.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 12-603 Parking Lot Regulations

Every parcel of land hereafter used as a parking lot shall be paved with a surfacing material of oil, asphalt, concrete composition or other hard packed surface and shall have appropriate bumper guards where needed as determined by the Building Inspector.

- A. Any lights used to illuminate the lot shall be so arranged as to reflect the light away from adjoining premises in any residential zone and away from the night

sky.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 12-604 Off-Street Truck Loading Space

On the same premises with every building, structure or part thereof, erected and occupied or increased in capacity after the effective date of this ordinance, for manufacturing, storage, warehouse, goods display, retail sales or service, or other use similarly involving the receipt or distribution by vehicle of materials or merchandise, there shall be provided and maintained on the lot adequate space for standing, loading and unloading services in order to avoid undue interference with public use of streets or alleys.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 12-605 Motor Vehicle Access

- A. All structures, public or private, requiring access on 200 West, also known as U.S. 91 or S.R. 91, from the north City limit to the South City limit, and all structures, public or private, requiring access on Main Street, also known as S.R. 142, from the west side of 200 West to the westernmost City limit, shall seek and receive approval from the Utah Department of Transportation (UDOT), Region One for any access not in existence at the time of this ordinance being passed.
- B. Businesses and public parking lots seeking access to City streets not included in 12-605(A) above shall be determined in conjunction with their request to the Planning and Zoning Commission for establishment, and will be constructed in accordance with the current Richmond City Manual of Design and Construction Standards.
- C. Residential driveways will normally be limited to one access per lot; however, property owners may request additional access through the Planning & Zoning Commission.
 - 1. Prior to approval or denial, the Planning & Zoning Commission shall take into consideration the need of the petitioner, the impact upon neighboring property, and any potential hazards such as placing access dangerously close to an intersection plus any other considerations the Commissioners deem appropriate.
 - 2. The Commission will formally forward their recommendation to the Richmond City Council per the procedures outlined in Title 12-400.
- D. All driveways will be constructed in accordance with the provisions of the Manual of Design and Construction Standards.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019



Part 12-606 Pedestrian Circulation

- A. The purpose of this section is to facilitate pedestrian circulation throughout Richmond City by requiring new development to provide for new sidewalks as part of the development proposal.
- B. Pedestrian sidewalks, paths, and walkways shall be provided within the community and shall constitute an integral element of the overall site design.
 - 1. They shall provide safe, convenient and attractive connections to, from and among community focal points, residential neighborhoods, town and neighborhood centers, transit stops, schools, parks and recreational areas, municipal buildings, and other public facilities.
 - 2. Public sidewalks shall be constructed in compliance with the Richmond City Manual of Design and Construction Standards.
 - 3. All new construction designed for human habitation, occupation, or enterprise shall include a public sidewalk conforming to the standards set for in the current edition of the Richmond City Manual of Design and Construction Standards.
 - 4. Sidewalks and pedestrian paths shall be landscaped to provide scale, enclosure, and shade.
 - 5. Intersections of sidewalks and pedestrian paths with streets shall be designed with clearly defined edges.
 - a. Crosswalks shall be well-lit and defined with contrasting paving materials or striping.
 - 6. All sidewalks and pedestrian paths shall be designed to meet standards set forth by the Americans with Disabilities Act (ADA).
 - 7. Sidewalks and paths shall be a minimum of five (5) feet in width in residential areas, and ten (10) feet within town center and civic areas where practicable.
 - a. Where less space is available, maximum practicable width shall be used.
- C. Sidewalks extant at the time of the passage of this ordinance shall be upgraded to the standards set forth in 12-606(B)(1) whenever major repair and/or replacement takes place.
- D. Public Trail Right-of-way.
 - 1. Richmond City recognizes the contribution a city trail network can make to the overall health of the community.
 - a. A sound trail network can improve community interactions, enhance transportation systems, link the community to

surrounding public lands, and potentially enhance the local economy.

- b. The Richmond City Council may establish a Public Trail Right-of-way Ordinance which shall require all new development to provide for the protection, linkage, and enhancement and/or development of trail systems identified by the Richmond City General Plan.
2. Should a Public Trail Right-of-Way Ordinance be developed, it shall include the following provisions:
 - a. Richmond City may require all new development to incorporate a public trail right-of-way:
 - i. Along routes identified by the Richmond City General Plan.
 - ii. To provide for linkages to existing trail systems within the development site, adjacent to the development site, or as identified by the Richmond City General Plan.
 - iii. When determined to be of local or regional importance by Richmond City.
 3. Legal trail corridors shall be established by use of public trail right-of-way. A public trail right-of-way is a strip of land held by Richmond City, intended specifically for use in the development of a public trail system.
 - a. In the case of a public trail right-of-way Richmond City shall own the land directly beneath the trail corridor.
 - b. The developer shall dedicate the public trail right-of-way to Richmond City.
 4. In establishing an alignment for a proposed public trail right-of-way, Richmond City shall work with the developer to identify an alignment and dimensions that shall be most responsive to public needs and the developer.
 - a. This shall be accomplished by, but is not limited to the following:
 - i. Public trail right-of-ways may be used to fulfill open space requirements for the development.
 - ii. Trail corridor alignments may have a varying bearing. Corridor alignment shall be approved by the Richmond City Council.
 - iii. Corridor widths may vary as determined by the Richmond City Council.

- iv. Trail corridors shall provide linkages to points adjacent to the development site as determined by the Richmond City Council.
 - v. Trail Corridors may be aligned along or within required development setbacks, as approved by Richmond City.
 - vi. Public access into the trail corridor shall not be allowed from adjacent private property; Access to trail corridors shall be from designated public access points only.
5. Maintenance of trail systems within the development shall be accomplished by a written agreement with Richmond City of one of the following:
- a. Richmond City maintaining the trail as a public parkway, provided that such commitment is acceptable to the City Council, or
 - b. Maintenance being the responsibility of a Home Owner's Association established with articles of association and bylaws which are satisfactory to the Planning and Zoning Commission, or
 - c. Complying with the provisions of the Condominium Ownership Act found in Utah Code Annotated Title 57, Chapter 8, Section 7 and Title 57, Chapter 8, Section 7.5, which provides for the payment of common expenses for the upkeep of the common area and facilities, or
 - d. The developer may retain the responsibility for maintenance of the trail, and shall commit himself/herself through written agreement with all parties who subsequently acquire ownership of property within the development.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

[Chapter 12-700 SIGNS](#)

[Part 12-701 Purpose](#)

[Part 12-702 Types Of Signs](#)

[Part 12-703 Exemptions From Sign Regulations](#)

[Part 12-704 Enforcement](#)

[Part 12-705 Building Permit Required](#)

[Part 12-706 Violations](#)

[Sign Reference Chart](#)

Part 12-701 Purpose

- A. To regulate the location, size, placement and certain features of signs, in order



to protect the health, safety and general welfare of the public; to enable the public to locate goods, services, and facilities within Richmond City without difficulty or confusion; to allow signs that identify buildings, businesses, and services; to limit competition among businesses for attention; to prevent hazards to life and property; and to assure the continued attractiveness of Richmond, Utah.

1. It is unlawful hereafter to display, construct, erect, relocate, or alter any sign except in conformance with the following provisions.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 12-702 Types Of Signs

A. Usage of signs - The types of signs authorized for use within Richmond City are listed in 12-300 (Definitions) of this ordinance, and summarized in the chart at the end of this Chapter.

1. If a sign is not found in either location, it may only be used if added to this ordinance following the legal ordinance modification procedure for Richmond City.

B. Sign Designs Permitted in Richmond City

1. Awning - A sign applied to or painted on a moveable shelter supported entirely from the building and a type which can be retracted, folded, or collapsed against the face of the building. It must have a minimum height of seven feet and a maximum of twelve feet from the ground and not protrude more than four feet from the building.

- a. Graphic design and lettering may cover not more than forty percent of the awning.

2. Banner - A temporary sign applied to or painted on a flexible material hung from a pole which is projected from the face of a building, hung between poles, or across a street.

- a. It must have a minimum height of seven feet, except those hung across a public or private street must be fifteen feet above the road surface.

3. Billboard - An off-premise sign which directs attention to a use, business, profession or service, which is not erected upon the premises where the business is located.

- a. It must be a maximum size of 9 X 12 feet with a minimum height of eight (8) feet and a maximum height of seventeen (17) feet.

- b. It shall be a minimum of five hundred (500) feet from a residential zone and six hundred sixty (660) feet from any other billboard on either side of the road.
 - c. It shall be set back a minimum of forty (40) feet from the property line.
- 4. Canopy - A sign applied to or painted on a permanently roofed shelter extended from a building covering a sidewalk, driveway or similar area, which may be wholly or partially supported by columns, poles, or braces extended from the ground, provided, that in no event shall said canopy extend over the public street or roadway.
 - a. It must have a minimum height of eight feet and a maximum height of seventeen feet from the ground.
 - b. Graphic design and lettering may cover no more than forty percent of the canopy surface.
- 5. Electric - A sign using some type of electrical illumination.
 - a. The electric sign may be incorporated into a business sign but may not increase the sign's maximum size or height.
 - b. Electric signs require a building permit and design review.
- 6. Direct Illumination - Lighting by means of an unshielded light source such as neon tubing which is visible as part of the sign, where light travels directly from the source to the viewer's eye.
 - a. Not permitted without a conditional use permit and design review.
- 7. Indirect Illumination - Lighting by means of a light source which is directed at a reflecting surface in such a way as to illuminate the sign from the front, or the entire building facade upon which the sign is displayed.
- 8. Internal Illumination - Lighting by means of a light source which is within a sign having a translucent background silhouetting opaque letters or designs, or which is within letters or designs which are themselves made of translucent materials.
 - a. The light may not project beyond the surface of the sign so that it becomes direct light.
- 9. Electronic Message Display - A sign using a digital means of display, usually involving the utilization of light-emitting diodes (LED) to form the display.

10. Electronic Messaging Sign - A sign which rolls a message across it about the service or product of a business and may also have the time and temperature displayed.
11. Flat Wall Sign - A sign attached parallel to a building that extends a maximum of twelve inches beyond the surface of the building.
 - a. It may not extend above the roof line of the building or beyond the edges of the wall to which it is attached.
 - b. The surface area may not be more than two hundred (200) square feet or twenty (20) percent of the building wall surface it is attached to, whichever is less.
12. Free-standing sign - A sign which is supported by one (1) or more columns, uprights, poles, or braces extended from the ground or from an object on the ground, providing that no part of the sign is attached to any part of any building, structure or monument sign.
 - a. It must have a minimum height of seven (7) feet and a maximum height of seventeen (17) feet.
 - b. The sign may have a maximum of seventy-two (72) square feet.
13. Monument or ground sign - A permanent foundation sign either erected directly on the ground or supported by a fixed frame with a maximum clearance of one (1) foot and a maximum height of four (4) feet, usually incorporated into some form of landscape design.
 - a. It may have a maximum of forty-eight (48) square feet including frame.
14. Marquee sign - A permanently-roofed structure attached to and wholly supported by a building, and projecting outward from the building.
 - a. It may extend four (4) feet out from the building and may not cover more than twenty percent of the building surface.
 - b. The graphic or lettering may not cover more than forty (40) percent of the marquee surface.
 - c. It must have a minimum height of seven (7) feet and a maximum of four (4) feet of vertical height.
15. Projecting or Suspended sign - A sign suspended out from a building wall or down from a ceiling.
 - a. It must provide a minimum of seven (7) feet clearance above the walking level beneath it and be a maximum of twelve (12) square feet area.

16. Wind sign - A temporary sign consisting of one (1) or more banners, flags, pennants, ribbons, spinners, streamers, or captive balloons, or other objects or material fastened in such a manner as to move upon being subjected to pressure by wind or breeze.
17. Window sign - A sign which is painted on, applied, or attached to, or located within one (1) foot of the interior of a window; which can be seen through the window from the exterior of the structure.
 - a. It must be no more than twenty (20) percent of the window space.

C. Special Requirements for Electronic Message Display Signs.

1. Permitted Zones

- a. EMDs shall only be permitted in the Neighborhood Commercial (NC), Central Business District (CBD), and Highway Commercial (HC) zones.
 - i. The Planned Industrial Commercial Overlay will also accept EMDs.
- b. No EMDs shall be permitted in any Residential Zones, except for elementary, middle level and senior high schools, public and private shall be allowed one manual or electronic reader board regardless of the zoning district in which they are located; however if the school is located within a residential zoning district, the sign shall not be illuminated between nine thirty (9:30) p.m. and six thirty (6:30) a.m.
- c. EMDs shall not be permitted if the proposed sign location is within two hundred feet (200') measured in any direction from a residential zoning district unless they fall into the category of 12-700-2(C)(1)(b) above.

2. Transitions.

- a. Prohibited Transitions.
 - i. Scrolling.
 - ii. Any text that “moves” or “has the appearance of movement” not specified above.
- b. Permitted Transitions.
 - i. Dissolve, to require 6-8 seconds between spots.
 - ii. Fade, to require 6-8 seconds between spots.
 - iii. Travel.

3. Frame Effects.

a. Prohibited Effects.

- i. Flashing.
- ii. Starburst.
- iii. Animation.
- iv. New frame effects not identified herein.
- v. No sign shall utilize a white background for greater than or equal to fifty percent (50%) of the sign area.
- vi. No chasing, blinking, rotating or flashing shall be employed in displaying a message or image, or during the change from one message or image to another.
- vii. Text messages that are longer than the display area and do not contain any non-text graphics shall scroll in a consistent and predictable manner.

b. Permitted Effect(s).

- i. Static image (per spot).
- ii. Video.

4. Dwell Time Level One and Level Two shall be permitted; where Level Two is used, transitions shall require at least two (2) seconds and no more than four (4) seconds.

- a. Level Four Operation permitted where video is utilized; no animation permitted.

5. Sign Brightness/Intensity.

- a. All LED EMDs are required to comply with the intent of this section and the following LED sign illuminations standards:
 - i. EMD Sign Illumination Standards Photocell technology is required to be properly installed for all EMDs to allow for automatic dimming of the intensity of the sign illumination and accommodate varying light conditions.

- ii. LED Sign Illumination levels for EMD shall never, at maximum display intensity, exceed the following levels:

COLOR	INTENSITY LEVEL (NITS)	
	Daytime (6 a.m. - 7 p.m.)*	Nighttime (7 p.m. - 6 a.m.)**
Red Only	2,000	125
Amber Only	2,000	125
Full Color	4,000	125

*Two hours after sunrise

**Two hours after sunset

6. Sign Area.

a. Building Signs.

- i. EMD sign area shall be included as part of the total allowable sign area for a business (multi-tenant project) or building (single tenant project).
- ii. No increases in total allowable sign area are permitted where an EMD is utilized.

b. Free-standing Signs.

- i. The permitted size of an EMD shall not be more than:
 - (1) Monument signs: Sixty-six percent (66%) of the permitted free-standing sign area of a monument sign and shall never exceed forty-eight (48) square feet in area.
 - (2) Pole signs: Shall not exceed the allowable forty-eight (48) square feet unless otherwise permitted with a Design Review Permit in conjunction with replacement of an existing non-conforming sign.

D. Sign Designs Not Permitted in Richmond City.

- 1. Portable sign - A sign that is moveable and temporary, constructed for the purpose of display and advertisement, such as A-frame wheeled, and staked signs.

- a. Exceptions are granted for portable signs used in conjunction with Richmond City buildings, events, or temporary safety issues as approved by the City.
- 2. Roof sign - A sign projecting above the roof line of a building that is supported by poles, uprights or braces attached to the roof of a building, or a sign applied directly on the roof of a building.
- 3. Vehicle-mounted sign - A sign used solely for advertising purposes displayed upon a trailer, van, truck, automobile, bus, railroad car, tractor, semitrailer, or other vehicle, whether or not the vehicle is in operating condition.
 - a. This prohibition shall not apply to standard advertising or identification practices where such signs or advertising devices are painted on, attached with a magnetic back or permanently attached to a commercial or business vehicle used in the conduct of such business provided it is not parked on the site being advertised abutting public right-of-way, to bumper stickers, to placards identifying the vehicle itself as being for sale, or to window stickers or placards on vehicles in any vehicle sales lot.
- E. Sight Distance Triangle - No sign shall be erected within the sight distance triangle - the distance along public or private right-of-way as measured from the intersection of the curb, or where a curb would be located if there were a curb to a distance along each street forty (40) feet from the intersection.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 12-703 Exemptions From Sign Regulations

The provisions of this ordinance shall apply to all signs erected in Richmond, Utah except for the following signs which are exempt therefrom, except that such signs shall be subject to the safety regulations of the Utah Uniform Building Code:

- A. Official governmental notices and notices posted by governmental officers in the performance of their duties; governmental signs to control traffic or for other regulatory purposes, or to identify streets or to ward off danger.
 - 1. Identification or bulletin board signs accessory to governmental buildings or other governmental facilities shall be exempt from the provisions of this chapter.
- B. Flags of any nation, organization of nations, state, country or city, any religious, civic, or fraternal organization, or any educational institution; except when such are used in connection with a commercial promotion or as an advertising device.



- C. Temporary decorations or displays, when such are clearly incidental to and are customarily and commonly associated with any national, state, local or religious holiday or celebration.
- D. Warning Signs which are temporary or permanent signs erected by public utility companies or construction companies to warn of danger or hazardous conditions, including signs indicating the presence of underground cables, gas lines, and similar devices.
- E. House Identification Signs having an area of not more than two (2) square feet, and a message which is limited to conveying street numbers, the name of the premises, the name of the owner of the premises and the name of the occupant of the premises.
- F. Motor Vehicle Signs located on the rolling stock of common carriers or on motor vehicles or trailers bearing current license plates which are traveling or lawfully parked upon public highways, or lawfully parked upon any private premises where the primary purpose of such parking is not the display of any sign and where the number of vehicles bearing a sign or signs of any one (1) advertiser does not exceed one (1) vehicle plus one (1) more vehicle for each twenty-five thousand (25,000) square feet of area of the premises.
- G. Church Signs or institutional bulletin boards without interior illumination having an area not exceeding thirty-two (32) square feet.
- H. Election Signs displayed on any election day, advocating or opposing a candidate for public office or a position on an issue to be determined at the election located at least two hundred (200) feet from any entrance to a building in which a polling place is located.
 - 1. These signs may be erected four weeks prior to the election and must be taken down within seven (7) days after the election.
- I. Building Identification Signs indicating the name, date of erection, and history of a building not to exceed six (6) square feet and posted by public authorities.
- J. Traffic Signs - All signs as required for traffic control as prescribed in the manual of Uniform Traffic Control.
- K. New Construction Signs having an area not more than twenty-five (25) square feet, the message of which is limited to the notice of new construction, provided that the sign is temporary in nature and can be used for a period not exceeding thirty (30) days before initiating construction and must terminate fourteen (14) days after completion of construction.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 12-704 Enforcement

- A. It is the duty of the Richmond City Council to appoint an inspector for



enforcement of the Richmond City Sign Ordinance.

1. The inspector is authorized and directed to enforce all provisions of this ordinance and shall appear for and on behalf of the City in all matters regarding this ordinance.
2. The City Council may charge such City officers or officials with the enforcement of this chapter, in whole or in part, as may be necessary without amending this ordinance.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 12-705 Building Permit Required

- A. It is required that a written application be submitted to the City Office before the construction, alteration, or repair of any sign or any part thereof, as provided or restricted in this ordinance.
- B. The sign shall not be commenced or proceeded with, except after the issuance of a written permit for the same by the Building Inspector or Conditional Use Permit by the Planning and Zoning Commission as ratified by the City Council.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 12-706 Violations

- A. Any person, firm, corporation or other legal entity whether as principal, agent, employee or otherwise, violating or causing or permitting the violation of the provisions of this ordinance shall be guilty of a Class B misdemeanor.
- B. Upon written notice, such person, firm, or corporation shall be deemed to be guilty of a separate offense for each and every day during which any portion of any violation of this ordinance is committed, continues, or permitted unless reasonable action is being taken to remedy the violation.
- C. Upon conviction of any such violation, the punishment shall be a fine of not more than one thousand dollars (\$1000.00) for each day of violation.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Sign Reference Chart

ALLOWABLE SIGN QUICK REFERENCE CHART



SIGN DESIGN	PERMITTED ZONES	MAXIMUM SIZE in square feet	MINIMUM/MAXIMUM HEIGHT	SETBACK REQUIREMENTS	ILLUMINATION PERMITTED	PERMIT REQUIRED
Awning	Commercial	40% of Awning	8 feet/12 feet	Same as building and curb line	Indirect and Internal	Yes
Banner	Commercial	Appropriate for location	8 feet/18 feet	15 feet inside of property line	Indirect	Yes
Billboard	Commercial	9 feet x 12 feet	8 feet/17 feet	40 feet inside property line	Indirect	Yes
Canopy	Commercial	40% of vertical surface	8 feet/17 feet	Curb line	Indirect Internal	Yes
Electric	Commercial	As allowed as part of sign	As allowed as part of sign	As allowed as part of sign	Direct Indirect Internal	Yes
Flat Wall	Commercial	200 sq. ft. or 20% of wall space	8 feet to roof line	Setback is same as building	Indirect Internal Electronic Messaging	Yes
Free Standing	Commercial	72 sq. ft.	8 feet/17 feet	15 feet inside property line	Direct Indirect Electronic Messaging	Yes
Home Occupation	Residential and Agricultural	9 sq. ft.	Ground level to 5 feet	3 feet inside property line	Indirect until 10:00 p.m.	Yes
Monument	Commercial	48 sq. ft.	Ground level to 5 feet	15 feet inside property line	Indirect	Yes
Marquee	Commercial	40% of marquee vertical surface	8 feet/11 feet	Same as building	Indirect Internal	Yes

Projecte d or Suspend ed	Commerci al	12 sq. ft.	8 feet/10 feet	Same as building	Internal Indirect Electronic Messaging	Yes
Wind	Commerci al	30 sq. ft. in any combination	8 feet/17 feet	15 feet inside property line	Indirect	Yes
Window	Commerci al	20% of window space	Same as window	Same as window	Indirect Internal	Yes if illumina ted

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

[Chapter 12-800 ZONING ESTABLISHMENT](#)

[Part 12-801 Statement Of Purpose](#)

[Part 12-802 Interpretation](#)

[Part 12-803 Conflict](#)

[Part 12-804 Effect Upon Previous Ordinance And Map](#)

[Part 12-805 Supplementary And Qualifying Regulations](#)

Part 12-801 Statement Of Purpose

- A. This chapter shall establish the criteria to regulate by districts or zones the location, height, and bulk of buildings and other structures; the percentage of lot which may be occupied; the size of courts, lots and other open spaces; the density and distribution of population; the location and use of buildings and structure for trade, industry, residence, recreational public activities or other purposes; and the use of land for trade, industry, recreation or other purposes.
- B. It is designed and enacted for the purpose of promoting the health, safety, morals, convenience, order, prosperity and welfare of the present and future inhabitants of the City of Richmond, Utah, including amongst other things the lessening of congestion in the streets or roads, securing safety from fire and other dangers, providing adequate light and air, classification of land uses and distribution of land development and utilization, protection of the tax base, securing economy in governmental expenditures, fostering the city's commercial and industrial growth, and the protection of both residential and nonresidential development.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 12-802 Interpretation

In interpreting and applying the provisions of this ordinance, the requirements contained herein are declared to be the minimum requirements for the purposes set forth.



HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 12-803 Conflict

This ordinance shall not nullify the more restrictive provisions of covenants, agreements, other ordinances or laws, but shall prevail notwithstanding such provisions which are less restrictive.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 12-804 Effect Upon Previous Ordinance And Map

Prior zoning ordinances for the City of Richmond, Utah, including maps, are hereby superseded and amended to read as set forth herein; provided, however, that this shall be deemed a continuation of the previous ordinance, and not a new enactment, insofar as the substance of revisions of the previous ordinance is included, whether in the same or in different language; and this shall be so interpreted upon all questions of construction including but not limited to questions of conforming or nonconforming uses, buildings, or structures, and to questions as to dates upon which such uses, buildings, or structures became conforming and nonconforming.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 12-805 Supplementary And Qualifying Regulations

[12-805-1 Purpose](#)

[12-805-2 Lots In Separate Ownership - Nonconforming Lots](#)

[12-805-3 Yard Space For One \(1\) Building Only](#)

[12-805-4 Every Dwelling To Be On A "lot"](#)

[12-805-5 Wall, Fence Or Hedge](#)

[12-805-6 Area Of Accessory Buildings](#)

[12-805-7 Height Of Accessory Buildings](#)

[12-805-8 Minimum Height Of Main Buildings](#)

[12-805-9 Clear View Of Intersecting Streets](#)

[12-805-10 Sale Or Lease Of Required Space](#)

[12-805-11 Multiple Family Dwelling](#)

[12-805-12 Coverage Regulations](#)

[12-805-13 Mobile Home Court Aka Trailer Park](#)

[12-805-14 Public Utilities](#)

[12-805-15 Corner Lots](#)

[12-805-16 Agricultural Structures In Agricultural Zone](#)

[12-805-17 Landscaping](#)

[12-805-18 Financial Assignment And Responsibility](#)

12-805-1 Purpose

The regulations hereinafter set forth in this chapter qualify or supplement, as the case may be, the zone regulations appearing elsewhere in this ordinance.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

12-805-2 Lots In Separate Ownership - Nonconforming Lots

The requirements of this ordinance as to minimum lot area or lot width shall not be construed to prevent the use for a single-family dwelling, nor of any permitted use required in the initial phase of development and meeting all side yard and setback requirements of the zone it is in, of any lot or parcel of land in the event that such lot or parcel of land was held in separate ownership at the time of the adoption of the zoning ordinance.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

12-805-3 Yard Space For One (1) 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 ordinance, 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.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

12-805-4 Every Dwelling To Be On A "lot"

Every dwelling shall be located and maintained on a "lot" as defined in this ordinance.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

12-805-5 Wall, Fence Or Hedge

- A. Height of fences, hedges, or shrubs: No fence or wall or other similar structure shall be erected in any required front, rear or side yard to a height in excess of six (6) feet except for accessory buildings and structures permitted herein.
 - 1. Where there is a difference in the grade of the properties on either side of a fence or wall, the height of the fence or wall shall be measured from the average elevation of finished grades of the adjoining properties in question at the fence line, except that no fence need be less than forty-two (42) inches in height.
 - a. See 12-805-11 for regulations concerning view at corners and intersecting streets.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

12-805-6 Area Of Accessory Buildings

No accessory building or group of accessory buildings in an individual lot of any residential zone shall cover more than twenty-five (25) percent of the rear yard.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

12-805-7 Height Of Accessory Buildings

Penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, parapet walls, skylights, towers, steeples, flagpoles, chimneys, smoke stacks, water tanks, wireless or television masts, theater lofts, silos, or similar structures may be erected above the height limits herein prescribed, but no space above the height limit shall be allowed for the purpose of providing additional floor space.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

12-805-8 Minimum Height Of Main Buildings

No dwelling shall be erected to a height less than one (1) story above grade.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

12-805-9 Clear View Of Intersecting Streets

In all zones, no obstruction to view in excess of two (2) 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 forty (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 and pumps at gasoline service stations.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

12-805-10 Sale Or Lease Of Required Space

- A. The sub-division of an existing lot within a given zone that would result in the creation of one or more lots of a sub-standard size for that zone is prohibited.
- B. Building permits shall not be issued on restricted lots.
- C. Where a dwelling in the agricultural zone was of public record prior to April 8, 1970, the dwelling may be severed on a lot which meets the area, width and yard regulations of the RE-2 zone, and shall be treated as nonconforming.
 - 1. Land which is severed may be built on if it meets the requirements of area, width and yard regulations for the agricultural zone.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

12-805-11 Multiple Family Dwelling

Multiple Family Dwelling developments are permitted subject to the provisions found in 12-1030.



HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

12-805-12 Coverage Regulations

In no zone shall a building or group of buildings with their accessory buildings cover more than sixty (60) percent of the area of the lot.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

12-805-13 Mobile Home Court Aka Trailer Park

Refer to the Mobile Home Court aka Mobile Home Park Overlay 12-1040.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

12-805-14 Public Utilities

Public utilities may be permitted on less than the required size lots in a zone as approved by the Planning and Zoning Commission with their recommendation being forwarded to the City Council.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

12-805-15 Corner Lots

On corner lots, the set-back for the side of the structure where the main entrance is located shall be a minimum of thirty (30) feet unless the structure falls into a category contained within this ordinance allowing a reduced set back, and the other side facing a street shall have a set-back of a minimum of thirty (30) feet with all measurements being from the property line.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

12-805-16 Agricultural Structures In Agricultural Zone

The requirements of this ordinance as to minimum lot area or lot width shall not prevent the construction of structures used for agricultural or livestock purposes on a parcel of land in the agricultural zone as long as side yards, setback and coverage requirements are maintained, unless it is a restricted lot.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

12-805-17 Landscaping

A. A landscaping plan shall be required by all those applying to the Planning and Zoning Commission for a conditional use permit.

1. The purpose of landscaping is to protect and preserve a quality environment for the entire City.

2. Plant materials function in the protection of “public welfare”.

3. Their uses include:

- a. Noise control,
- b. Enhancement of the visual quality of a roadway through plant screening of parking lots, trash collection, outdoor storage, merchandising or service area,
- c. Erosion control,
- d. Filtering air quality,
- e. Reduction of glare and reflection for public safety,
- f. Wind control, and
- g. Temperature control.

B. Required Planting Screens. Wherever any parking lot, trash collection, outdoor storage, merchandising or service area requires a conditional use permit, a planting screen of sufficient length to interfere with the view thereof shall be required except where the view is blocked by change in grade or other natural or man-made features or otherwise determined by the Planning and Zoning Commission.

1. Where, because of soil conditions or other natural factors, the planting screen cannot be expected to thrive, a wooden fence or masonry wall may be substituted.

C. Required Tree Planting.

1. One (1) tree is required for each 5,000 square feet of such space or fraction thereof on each lot.
2. All trees required by this ordinance shall be at least five (5) feet high when planted, and shall be maintained in a healthy condition.
3. They shall not be pruned, except to remove deadwood, in such a manner as to prevent growth to a height of at least fifteen (15) feet or to reduce existing height below fifteen (15) feet.
4. Where new tree plantings are otherwise required, existing trees having a height of at least eleven (11) feet may be counted as required trees.

D. Parking Lot Plantings.

1. Where the provision of off-street parking for fifteen (15) or more vehicles is required, there shall be landscaped open space within the perimeter of the parking area, or areas, in the minimum amount of eighteen (18) square feet for each parking space, which shall be so located that no

parking space is more than one hundred twenty (120) feet from a portion of the landscaped open space required by this section.

2. The required landscaped open space need not be contiguous, but there shall be at least one (1) tree in each separate area.
3. Trees required by this section shall be included in computing any number required in the previous section, Required Tree Planting.
4. All plant materials shall be kept pruned to maximize visibility through them between heights of three (3) feet and eight (8) feet, except where located so as to create no hazard to drivers or pedestrians.

E. Time of Completion.

1. All tree plantings and planting screens required by this ordinance shall be installed prior to occupancy or commencement of use.
2. Where compliance with (E)(1) is not possible because of the season of the year, the zoning enforcer shall grant a delay (temporary Certificate of Occupancy not to exceed one [1] years time), but shall issue no permanent Certificate of Occupancy until completion of all required plantings.
3. Any Certificate of Occupancy may be revoked, after thirty (30) days written notice to the person assessed for taxes on the affected lot and to the occupant, whenever planting screens or required tree plantings are not maintained as required in this ordinance.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

12-805-18 Financial Assignment And Responsibility

- A. All expenses associated with the construction, development, establishment or otherwise entrance into the City structure of Richmond City, Utah shall be the responsibility of the builder, contractor, developer or such other party ultimately responsible for said structure or infrastructure unless otherwise assigned by current ordinance or ordinances. Such expenses may include, but are not limited to, the following:
 1. Processing of any required building clearance form prior to issuance of the building permit.
 - a. Building permit fees and charges will be handled separately by ordinance or resolution and in compliance with the current provisions of Utah Code Annotated Title 10, Chapter 9a, Section 510.

2. Review of building property plat(s), plan(s), and/or infrastructure whether by local authority or contracted engineer(s).
 3. Any engineering review of any nature required by the City prior to acceptance of or issuance of any type of occupancy or usage permit.
 4. Any tests of any nature deemed necessary by the City, such as but not limited to pressure testing of culinary water and sewer pipes, acceptability tests of asphalt or other paving material used to cover City streets or roads, compaction tests of street or road sub-surface, sidewalk specification questions, or additional testing in questionable areas of any nature.
- B. All expenses shall be billed directly to the builder, contractor, developer or such other party ultimately responsible for said structure or infrastructure.
- C. Should Richmond City hold billings not paid by the builder, contractor, developer or such other party ultimately responsible for said structure or infrastructure, the City shall withhold approval and acceptance of infrastructure, issuance of a Certificate of Occupancy or other use, issuance of a Business License, or withhold services as shall be appropriate and proper for the individual situation.
1. Should the City be placed into a situation involving litigation, the City shall seek all payments due plus the cost of all legal expenses associated with such recovery efforts.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

[Chapter 12-900 ZONES](#)

[Part 12-901 Establishment Of Zones](#)

[Part 12-902 Boundaries Of Zones](#)

[Part 12-903 Agricultural Zone "A-10" And "A-5"](#)

[Part 12-904 Residential Estate Zones "RE-1" And "RE-2"](#)

[Part 12-905 Residential Low Density And Residential Medium Density Zones "RLD" And "RMD"](#)

[Part 12-906 Commercial, Manufacturing, And Industrial Zones Site Design Guidelines And Site Plan Review](#)

[Part 12-907 Neighborhood Commercial Zone "NC"](#)

[Part 12-908 Central Business District Commercial Zone "CBD"](#)

[Part 12-909 Highway Commercial Zone "HC"](#)

[Part 12-910 Manufacturing/Light Industrial Zone "MLI"](#)

Part 12-901 Establishment Of Zones

For the purpose of this Title, the following zones and overlays are created to be applied as necessary to regulate the development of the land in the City of Richmond, Utah:

Basic Zones:



Agricultural Zones (See 12-903):

Ten (10) Acres.....	A-10
Five (5) Acres.....	A-5

Residential Zones (See 12-904 and 12-905):

Residential Estate.....	RE
Two (2) Acres.....	RE-2
One (1) Acre.....	RE-1
Residential Medium Density.....	RMD
Residential Low Density.....	RLD

Commercial Zones:

Neighborhood Commercial Zone (12-907).....	NC
Central Business District Commercial Zone (12-908).....	CBD
Highway Commercial Zone (12-909).....	HC
Manufacturing and Industrial Zones (See 12-910):	
Manufacturing/Light Industrial Zone.....	MLI

Overlay Zones:

Planned Unit Development

Overlay (See 12-903-3 & 12-1010).....	PUD
Planned Industrial/Commercial Overlay (See 12-1020).....	PIC
Multiple-family Dwelling Unit Overlay (See 12-1030).....	MF
Mobile Home/Trailer Court Overlay (See 12-1040).....	MHT
Commercial-Residential Multi-use Overlay (See 12-1050)...	CRMU
Moderate Income Housing Overlay (See 12-1060).....	MIH
Sensitive Lands Overlay (See 12-1070).....	SL
School, public.....	SCH
City owned property.....	CITY
Cemetery.....	CEM

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 12-902 Boundaries Of Zones

[12-902-1 Filing Of Ordinance And Map](#)

[12-902-2 Rules For Locating Boundaries](#)

The boundaries of each of the said zones are hereby established as described herein or shown on the map entitled “Richmond City Zoning Map”, and all boundaries, notations, and other data shown thereon are made by this reference as much a part of this Title as if fully described and detailed herein.

12-902-1 Filing Of Ordinance And Map



The establishing ordinance for this Title and map shall be duly filed at the Richmond City Office in the custody of the City Recorder of Richmond, Utah, and may be examined by the public subject to any reasonable regulations established by Richmond City Mayor, Recorder, and/or City Manager.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

12-902-2 Rules For Locating Boundaries

Where uncertainty exists as to the boundary of any zone, the following rules shall apply:

- A. Wherever the zone boundary is indicated as being approximately upon the center line of a street, alley or block, or along a property line, then, unless otherwise definitely indicated on the map, the center line of such street, alley, or block, or such property line, shall be construed to be the boundary of such zone.
- B. Whenever such boundary line of such zone is indicated as being approximately at the line of any river, stream, creek, irrigation canal or other waterway, or railroad right-of-way, or public park or other public land or any section line, then in such case the center of such river, stream, creek, canal or waterway, or of such railroad right-of-way or the boundary lines of such public land or such section line shall be deemed to be the boundary of such zone.
- C. Where the application of the above rules does not clarify the zone boundary location, the Board of Adjustment/Appeals Judge shall interpret the map.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 12-903 Agricultural Zone "A-10" And "A-5"

[12-903-1 Purpose](#)

[12-903-2 Permitted Uses](#)

[12-903-3 Conditional Uses](#)

[12-903-4 Height Regulations](#)

[12-903-5 Area, Width, And Yard Regulations](#)

[12-903-6 Modifying Regulations](#)

[12-903-7 Agricultural Lands Protection](#)

12-903-1 Purpose

- A. To preserve appropriate areas of Richmond, Utah, for permanent agricultural use.
- B. Uses normally and necessarily related to agriculture are permitted and uses detrimental to the continuance of agricultural activity are not allowed.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019



12-903-2 Permitted Uses

- A. Livestock, Poultry.
- B. Agriculture.
- C. Home Occupation.
- D. Household Pets.
- E. Accessory Buildings and Uses.
- F. Farm Buildings.
- G. Dairying.
- H. One Single Family Dwelling.
- I. Where a dwelling in the agricultural zone was of public record prior to April 8, 1970, the dwelling may be severed on a lot which meets the minimum area, width, and yard regulations of the A-zone.
 - 1. A single family dwelling may be permitted on the remaining parcel from which the existing dwelling was severed if the remaining parcel meets the minimum area, width, and yard regulations of the agricultural zone.
- J. For those owners actively engaged in the raising of livestock, agriculture, or dairying as a primary occupation, secondary dwellings for members of the owner's immediate family (related by blood, marriage, or adoption) or a hired worker may be permitted on an adjacent lot belonging to the owner which complies with the area, width, and yard requirements of the Residential Medium Density (RMD) zone.
 - 1. Any/all dwelling(s) not served by the Richmond City Sewer System are subject to approval of their respective sanitary sewer system by the Bear River Health Department or other authorized Board of Health and any and all other ordinances as established by Richmond City.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

12-903-3 Conditional Uses

- A. Cemeteries.
- B. Country clubs.
- C. Fur farms, livestock feed yards, corrals, silage pits, chicken coops, and such other animals not covered by definition in "Animal Unit."
- D. Stands for sale of produce grown on the premises.
- E. Gravel pits.

- F. Home occupation.
- G. Public utilities.
- H. Public school.
- I. Church.
- J. Planned Unit Development (PUD).
- K. Other uses similar to the above judged by the Planning and Zoning Commission to be in harmony with the character and intent of this zone.

HISTORY
 Adopted by Ord. [2019-2](#) on 2/19/2019

12-903-4 Height Regulations

No building shall be erected to a height greater than thirty-five (35) feet.

HISTORY
 Adopted by Ord. [2019-2](#) on 2/19/2019

12-903-5 Area, Width, And Yard Regulations

Area, Width, and Yard Regulations.

- A. Width shall be the width of the property, from property line to property line, on the surveyed property line edge running parallel to and abutting a formal street, road, or highway.
- B. Setback in feet shall be measured from the closest permanent portion of the structure to the nearest respective property line.
 - 1. An attached garage shall be considered a part of a residential structure and the closest permanent portion of said garage shall constitute the structure insofar as measuring setback.

DISTRICT	MINIMUM AREA	WIDTH	SETBACK in Feet		
			FRONT YARD	SIDE YARD	REAR YARD
A-10	10 acres	250'	30	100 & 20	30
A-5	5 acres	250'	30	20 & 20	30

HISTORY
 Adopted by Ord. [2019-2](#) on 2/19/2019

12-903-6 Modifying Regulations



- A. Side Yards - Main buildings shall have a minimum side yard of twenty (20) feet and the minimum total of the two (2) side yards shall be forty (40) feet.
 - 1. Private garages and other accessory buildings located at least ten (10) feet behind the main building may have a side yard of one (1) foot from the drip-line of the roof, except that the street side yard of a corner lot shall be a minimum of thirty (30) feet for main and accessory buildings.
- B. Rear Yards - Private garages and accessory buildings located at least ten (10) feet behind the main building may have a rear yard of one (1) foot from the drip line of the roof.
- C. Distance Between Buildings - No building, structure, or enclosure housing animals or fowl shall be constructed closer to a dwelling on the same or adjacent lot than one hundred (100) feet.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

12-903-7 Agricultural Lands Protection

- A. Utah Code Annotated Title 17, Chapter 41 specifies that agricultural protection areas may be established by the respective County governments within the State of Utah.
- B. Richmond City finds it in the public interest to work with the Cache County Agricultural Protection Area Advisory Board to establish agricultural protection areas within the City.
 - 1. Citizens owning agricultural areas as established by Richmond City zoning who desire to participate in the agricultural protection process will:
 - a. Complete an application for such protection and submit it to the office of the Cache County Executive.
 - b. Provide the Richmond City Planning and Zoning Commission a copy of the submitted application to enable the City's review by the Commission and the Richmond City Council.
 - 2. Actual issuance of the protective designation rests with Cache County.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 12-904 Residential Estate Zones "RE-1" And "RE-2"

[12-904-1 Purpose](#)

[12-904-2 Permitted Uses](#)

[12-904-3 Conditional Uses](#)

[12-904-4 Height Regulations](#)

[12-904-5 Area, Width, And Yard Regulations](#)



12-904-6 Modifying Regulations

12-904-1 Purpose

To provide areas for large lot residential estate neighborhoods of a semi-rural character together with the potential for a limited number of livestock for the benefit and enjoyment of the residents of the neighborhood.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

12-904-2 Permitted Uses

- A. Agriculture as defined herein.
- B. Animals and fowl for family food production.
- C. Household pets.
- D. Home occupation.
- E. Single family dwelling.
- F. Accessory buildings and use.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

12-904-3 Conditional Uses

- A. Church.
- B. Public school.
- C. Public park and playground.
- D. Public buildings.
- E. Stable, private (provided not more than two (2) horses per acre or as otherwise established by this Title).
- F. Public riding stables.
- G. Public utility.
- H. Planned Unit Development (PUD).

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

12-904-4 Height Regulations

No building shall be erected to a height greater than thirty-five (35) feet.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

12-904-5 Area, Width, And Yard Regulations

- A. Width shall be the width of the property, from property line to property line, on the surveyed property line edge running parallel to and abutting a formal street, road, or highway.
- B. Setback in feet shall be measured from the closest permanent portion of the structure to the nearest respective property line.
 - 1. An attached garage shall be considered a part of a residential structure and the closest permanent portion of said garage shall constitute the structure insofar as measuring setback.

DISTRICT	MINIMUM AREA	WIDTH	SETBACK in Feet		
			FRONT YARD	SIDE YARD	REAR YARD
RE-1	1 acre	120'	30	50 & 20	30
RE-2	2 acres	250'	30	100 & 20	30

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

12-904-6 Modifying Regulations

- A. Side Yards - Main buildings other than dwellings shall have a minimum side yard of twenty (20) feet and the total of the two (2) side yards shall be forty (40) feet.
 - 1. Private garages and other accessory buildings located at least ten (10) feet behind the main building may have a side yard of one (1) foot from the drip line of the structure, except that the street side yard of a corner lot shall be a minimum of twenty (20) feet for main and accessory buildings.
- B. Rear Yards - Private garages and accessory buildings located at least ten (10) feet behind the main building may have a rear yard of one (1) foot from the drip line of the structure provided that on corner lots rearing on the side yard of another lot, the minimum rear yard for all buildings shall be ten (10) feet.
- C. Distance Between Buildings - No building, structure, or enclosure housing animals or fowl shall be constructed closer to a dwelling on the same or adjacent lot than one hundred (100) feet.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 12-905 Residential Low Density And Residential Medium Density Zones "RLD" And "RMD"

12-905-1 Purpose

12-905-2 Permitted Uses

12-905-3 Conditional Uses

12-905-4 Height Regulations

12-905-5 Area, Width, And Yard Regulations

12-905-6 Modifying Regulations

12-905-1 Purpose

To provide appropriate locations where medium and low density residential neighborhoods may be established, maintained, and protected.

- A. The regulations also permit the establishment of, with proper controls, the public and semi-public uses such as churches, schools, libraries, parks and playgrounds, which serve the requirements of families.
 - 1. The regulations are intended to prohibit those uses that would be harmful to a single-family oriented neighborhood.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

12-905-2 Permitted Uses

- A. Agriculture, as defined herein.
- B. Single-family dwelling.
- C. Household pets.
- D. Home occupations.
- E. Animal unit.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

12-905-3 Conditional Uses

- A. Art museum, public.
- B. Church.
- C. Library, public.
- D. Parking lot for permitted use.
- E. Public building.

- F. Public park or playground.
- G. Public utility.
- H. Public school.
 - I. Planned Unit Development (PUD).
 - J. Multiple-Family Overlay Zone.
 - K. Neighborhood Commercial Zone.
 - L. Affordable Housing Overlay Zone.
- M. Accessory uses and directly related buildings.
- N. Any use determined by the Planning and Zoning Commission to be in harmony with the intent of this zone and which shall not impair the present or future use of adjacent properties.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

12-905-4 Height Regulations

No building shall be erected to a height greater than thirty-five (35) feet.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

12-905-5 Area, Width, And Yard Regulations

- A. Width shall be the width of the property, from property line to property line, on the surveyed property line edge running parallel to and abutting a formal street, road, or highway.
- B. Setback in feet shall be measured from the closest permanent portion of the structure to the nearest respective property line.
 - 1. An attached garage shall be considered a part of a residential structure and the closest permanent portion of said garage shall constitute the structure insofar as measuring setback.

DISTRICT	MINIMUM AREA	WIDTH	SETBACK in Feet		
			FRONT YARD	SIDE YARD	REAR YARD
RMD	10,000 - 14,500 sq. ft.	90'	30	10 & 15	30
RLD	14,500 sq. ft. - 1 acre	120'	30	10 & 15	30



2. In the case of RMD and RLD construction, the side yard shall be measured from the closest portion of the residential (including attached garage) structure to the property line.
 - a. The closest point shall apply to roof overhang, attached decks or porches, bay windows, and similar structural addition(s).

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

12-905-6 Modifying Regulations

- A. Side Yards - Main buildings other than dwellings shall have a minimum side yard of twenty (20) feet and the total of the two (2) side yards shall be forty (40) feet.
 1. Private garages and other accessory buildings located at least ten (10) feet behind or to the side of the main building may have a side yard of one (1) foot from the drip line.
- B. Rear Yards - Private garages and accessory buildings located at least ten (10) feet behind the main building may have a rear yard of one (1) foot from the nearest portion of the structure provided that on corner lots rearing on the side yard of another lot, the minimum rear yard for all buildings shall be ten (10) feet.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 12-906 Commercial, Manufacturing, And Industrial Zones Site Design Guidelines And Site Plan Review

[12-906-1 Conditional Use](#)

[12-906-2 Site Design Guidelines/Site Plan Review](#)

12-906-1 Conditional Use

All Commercial and Manufacturing/Light Industrial Zones are Conditional Uses subject to approval by the Planning and Zoning Commission and the City Council.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

12-906-2 Site Design Guidelines/Site Plan Review

- A. All Commercial, Manufacturing, and Industrial Zones in Richmond City shall meet the Site Design Guidelines and Site Plan Review requirements.

B. Site design guidelines are established to promote development that is compatible with nearby properties, neighborhood character, and natural features, to minimize pedestrian and vehicular conflict, to promote street life and activity, to reinforce public spaces, to promote public safety, and to visually enhance development.

C. Procedures.

1. Site design guidelines shall be applied through the site plan review process.

a. Site plan review shall apply to all new construction, remodeling or expansion of all permitted and conditional uses within the zone, with the exception of the following:

i. The use is in an existing storefront building.

b. The use is established in an existing building that has received site plan approval, and the establishment of the use does not alter the approved site plan for the property.

2. Site plans shall be submitted to Richmond City for review. The review process shall proceed as follows:

a. The developer shall submit complete site plans to Richmond City a minimum of ninety (90) days prior to anticipated starting date of construction. Incomplete site plans shall not be accepted.

b. Richmond City shall notify the developer of approval or rejection of site plan within seventy-five (75) days after submission of the site plan.

c. Site plans are initially submitted to the Richmond City Planning and Zoning Commission. The Planning and Zoning Commission shall then recommend action to the Richmond City Council for final approval.

d. All appeals shall be made to the Richmond City Board of Adjustments/Appeals Judge within thirty (30) days of receipt of the written finding of the Richmond City Council.

D. Site Plan Requirements. Site plan approval is required prior to issuance of a building permit for any proposed construction or issuance of a zoning certificate for any proposed use, except for activities specified in Section 12-906-1.

1. When a site plan is required in support of a request for a conditional use permit or variance approval, such plan shall also be subject to site plan review requirements.

2. Required information. All site plans shall be drawn to scale and contain the following information, unless otherwise specifically waived by

Richmond City Land Use Authority in writing:

- a. A vicinity map, to include locations of any public streets, railroads, major streams or rivers, sensitive lands and other major features within one hundred-fifty (150) feet of the site.
- b. Boundaries and dimensions shown graphically, along with written legal description of the property.
- c. Present and proposed topography of the site and adjacent areas within ten (10) feet by contour line of no more than five (5) feet, and directional arrows showing proposed flow of stormwater runoff from the site.
- d. The location of existing and proposed structures, with height and gross floor area noted.
- e. Elevation views of all proposed buildings and structures, with building materials and proposed colors noted.
- f. Phasing plans, where applicable.
- g. Location of existing and proposed curb cuts, alleys, off-street parking and loading spaces, and walkways.
- h. Location, height and material for screening walls and fences.
- i. Location of all existing and proposed water and sewer facilities and storm drainage systems.
- j. Existing and proposed public streets and rights-of-way, easements, or other reservations of land on the site.
- k. Location and method of screening of outdoor trash storage areas.
- l. Location and size of all proposed signs. (Refer to 12-700.)
- m. Location and height of all proposed lighting facilities.
- n. Location, size, and identification of all existing trees and shrubs, indicating which will remain and which will be removed, and method of protection, during construction, for remaining vegetation.
- o. Location, common name, botanical name, size, and quantity of all proposed landscape materials.
- p. Proposed seeding or sodding plans for all disturbed areas, including the type of ground cover and method of application.

E. Building and Site Design Guidelines.

1. The guidelines established in this Section are for the purpose of promoting quality development that is attractive, convenient, and

compatible with surrounding uses.

- a. These guidelines are intended to be general in nature and not to restrict creativity, variety, or innovation.
 - b. Unless site characteristics or conditions dictate otherwise, Richmond City's expectation is that these guidelines be adhered to.
2. Building placement. At least fifty (50) percent of the front facade of any building shall be located as close to the front lot line as allowed by the ordinance.
 - a. The placement of the building shall reinforce the street wall, maximize natural surveillance and visibility, enhance the character of the surrounding area and facilitate pedestrian access and circulation.
 3. Parking area location. Parking areas shall be located to the side or rear of the principal building or use served. Richmond City may approve alternatives to this requirement, provided that any adverse effects shall be mitigated by masonry wall, decorative fence, or planted materials that reinforce the street wall.
 4. Architectural plan. The use of a variety of architectural features and building materials is encouraged to give each building or group of buildings a distinct character.

F. Lighting Guidelines.

1. All roads, driveways, sidewalks, parking lots, and other common areas and facilities shall be sufficiently illuminated to insure the security of property and the safety of persons using such roads, driveways, sidewalks, parking lots, and other common areas and facilities.
2. Exterior lighting.
 - a. No spotlight or floodlight shall be installed in any way which will permit the direct rays of such a light to penetrate into any adjoining residential zone or onto any adjoining property used for residential purposes or into the night sky.
3. Lights shall not constitute a traffic hazard.
 - a. No light, sign, or other advertising structure shall be erected at the intersection of any street in such a manner as to obstruct free and clear vision; or at any location where, by reason of position, shape or color, it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device; or which makes use of the words "stop", "look", "danger" or any other word,

phrase, symbol or character in such a manner as to interfere with, mislead or confuse traffic.

G. Site layout and guidelines.

1. Building arrangement.

- a. When multiple buildings are proposed for a site, care should be taken to provide maximum feasible street exposure for all buildings.

2. Service and docking facilities.

- a. Loading, delivery, and service bays should be oriented away from existing residences and public streets.
- b. When this is impractical, service and docking areas shall be screened from view through the provision of walls, fencing, or landscaping.

- 3. Drive-through facilities, where permitted, shall be designed with safe and easily understood traffic patterns and shall provide sufficient stacking space.

H. Access and circulation guidelines.

1. Pedestrian access and circulation.

- a. Convenient and pleasant pedestrian access shall be provided through all development sites that consist of more than one (1) building, and shall connect all buildings to public sidewalks.
- b. Where feasible, any existing pedestrian route through the site shall be preserved and enhanced.
- c. Clear and well lighted walkways shall connect building entrances to the adjacent public sidewalk and to any parking areas located on the site.

2. Vehicular access and circulation.

- a. Vehicular access shall conform to the Richmond City Transportation Plan and be designed to minimize conflicts with pedestrian access and circulation and with surrounding residential uses.
- b. Access for service vehicles shall be provided that does not conflict with pedestrian use.
 - i. Access points for such vehicles should provide as direct a route as possible to service and loading dock areas, while

avoiding movement through parking areas.

c. Snow storage and removal.

- i. Site design shall provide areas for snow storage unless the applicant provides an acceptable snow removal plan.

I. Landscaping and screening.

1. Overall composition and location of landscape areas shall complement the scale of the development and its surroundings.

- a. In general, larger, well-placed, contiguous planting areas shall be preferred to small, disconnected areas.

2. Street trees.

- a. A total of one (1) tree per forty (40) feet of street frontage, or fraction thereof, shall be required.

- i. Trees should preferably be located between the sidewalk and curb, within a grass strip or tree wells.

- ii. If placement of street trees within the right-of-way will interfere with utility lines, trees may be planted within the front yard setback adjacent to the sidewalk.

- iii. Where street trees already exist any gaps shall be filled in.

- iv. A list of preferred street tree types is available from Richmond City.

3. Landscaped Yards.

- a. Where a landscaped yard is required by this ordinance, the requirement may be satisfied by one of the following:

- i. A minimum of one (1) tree for each one-thousand (1000) square feet and one (1) shrub for each five hundred (500) square feet, or fraction thereof.

- ii. The remainder of the landscaped yard shall be covered with low water use and “native” plant materials preferably.

- (1) Turf grass should be used minimally.

- (2) Xeriscaping is strongly encouraged.

- b. Richmond City encourages the use of drought tolerant plant species for water conservation.

4. Required screening.

- a. Where screening is required, it shall be a maximum of six (6) feet in height, except in required front yards where such screening shall be three (3) feet maximum in height.
 - i. Required screening shall be fifty (50) percent opaque throughout the year.
 - ii. Every development shall provide sufficient screening so that:
 - (1) Neighboring properties and public use areas are shielded from any adverse external effects of that development.
 - (2) The development is shielded from the negative impacts of adjacent uses such as streets or railroads.
 - (3) Richmond City recognizes that because of the wide variety of types of developments and relationships between them, it is neither possible nor prudent to establish inflexible screening requirements.
 - (4) Richmond City may either require more intensive or allow less intensive screening whenever it finds such deviations are more likely to satisfy the standard set forth without imposing unnecessary costs on the developer.

5. Required screening shall be satisfied by one of the following:

- a. A decorative fence.
- b. A masonry wall.
- c. A hedge.
- d. A decorative fence not less than fifty (50) percent opaque behind a continuous landscaped area.
- e. A combination of the above standards.

J. Parking area landscaping and screening.

1. All parking and loading areas (including drive-through facilities, pump island service areas, and stacking spaces) fronting public streets or sidewalks, and all parking and loading areas abutting residential zones or uses, shall provide:
 - a. A landscaped yard at least five (5) feet wide along the public

street or sidewalk.

- b. Screening consisting of either a masonry wall, fence, berm, or hedge, or combination that forms a screen three (3) feet maximum in height and not less than fifty (50) percent opaque.

- i. In instances where the business abuts a residence, a screening of six (6) feet may be required at the discretion of the Planning and Zoning Commission or the Richmond City Council.

- c. Should trees be used, care must be exercised that they are of a shallow root variety that will not present a hazard to buried infrastructure or cause "heaving" problems with sidewalks or other paved surfaces.

- 2. All parking areas and driveways shall be defined by a continuous concrete curb or wheel stops positioned two (2) feet from the boundary of the parking area.
- 3. The corners of parking lots and all other areas not used for parking or vehicular circulation shall be landscaped with turf grass, native grasses, or other perennial flowering plants, vines, shrubs, trees, or decorative mulch.
- 4. Should any landscaping or screening be adjacent to a road controlled by the State of Utah, any and all treatment of the State right-of-way must be cleared through the Utah Department of Transportation which has precedence over Richmond City regulations.

K. Installation and Maintenance of Landscape Materials.

- 1. All landscape materials shall be installed to current industry standards.
- 2. Maintenance and replacement of all landscape materials shall be the responsibility of the property owner, including the maintenance of any trees planted in the right-of-way.
 - a. An adequate water supply shall be provided. Landscape maintenance should incorporate environmentally sound management practices, including:
 - i. The use of water- and energy-efficient systems.
 - ii. Pruning for plant health and replacing dead materials.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 12-907 Neighborhood Commercial Zone "NC"



- [12-907-1 Purpose](#)
- [12-907-2 Conditional Uses](#)
- [12-907-3 Height Regulations](#)
- [12-907-4 Area, Width, And Yard Regulations](#)
- [12-907-5 Site Design Guidelines/Site Plan Review](#)

12-907-1 Purpose

To provide areas for convenient shopping by the residents of the neighborhood.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

12-907-2 Conditional Uses

- A. Grocery store.
- B. Drug store.
- C. Bakery.
- D. Dry cleaning and laundry pickup.
- E. Beauty shop.
- F. Barber shop.
- G. Ice cream store.
- H. Convenience store.
 - I. Variety store.
- J. Medical and/or dental offices.
- K. Professional office.
- L. Public utilities.
- M. Other uses approved by the Planning and Zoning Commission as being in harmony with the intent of the neighborhood commercial zone and similar in nature to the above listed uses.
- N. Accessory buildings and uses.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

12-907-3 Height Regulations

No building shall be erected to a height greater than thirty-five (35) feet.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

12-907-4 Area, Width, And Yard Regulations

DISTRICT	MINIMUM AREA	WIDTH	SETBACK in feet		
			FRONT YARD	SIDE YARD	REAR YARD
NC	< 1 acre	Variable as approved by Planning and Zoning Commission	30	Non, except 10 feet where side yard abuts an agricultural zone and 20 feet where side yard abuts a residential zone or street	None, except 10 feet where rear yard abuts an agricultural zone and 20 feet where rear yard abuts a residential zone

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

12-907-5 Site Design Guidelines/Site Plan Review

Refer to 12-906-2.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 12-908 Central Business District Commercial Zone "CBD"

[12-908-1 Purpose](#)

[12-908-2 Conditional Uses](#)

[12-908-3 Special Provisions](#)

[12-908-4 Height Regulations](#)

[12-908-5 Area, Width, And Yard Regulations](#)

[12-908-6 Site Design Guidelines/Site Plan Review](#)

12-908-1 Purpose

To provide for community retail and service activities in a centralized location to conveniently serve the residents, facilitate downtown revitalization efforts, and enhance the identity of the zone within the community.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

12-908-2 Conditional Uses

- A. Stores, shops and offices supplying commodities, such as food, clothing, etc. or performing services such as department stores, medical clinics, specialty shops, banks, business offices, and other financial institutions and personal service enterprises.
- B. Commercial recreation and entertainment facilities such as restaurants, taverns, pool halls, lounges, theaters, and similar enterprises provided that all uses be conducted within the buildings.



1. Adult oriented businesses aka sexually oriented businesses are to be located in a Manufacturing/Light Industrial zone only.
- C. Business and technical schools, and schools and studios for photography, art, music, and dance.
- D. Garages for storage of automobiles, commercial parking lots.
- E. Hotels and motels.
- F. Carpenter shops, electrical, plumbing, heating and air conditioning shops, mortuaries, and furniture upholstering shops, provided all uses shall be within and enclosed building.
- G. Automobile service stations.
- H. Manufacture of goods sold at retail on the premises.
 - I. Public buildings and services.
- J. Accessory buildings and uses customarily incidental to or subordinate to the above uses.
- K. Any use determined by the Planning and Zoning Commission to be in harmony with the intent of this zone and which will not impair the present or future use of adjacent properties or found to be of the same general character as the above uses.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

12-908-3 Special Provisions

The above uses shall be retail or service establishments only and shall be permitted only under the following conditions:

- A. Such businesses shall be conducted wholly within an enclosed building except for the parking of automobiles and service to persons in automobiles.
- B. All products whether primary or incidental shall be sold at retail on the premises; no entertainment except music shall be permitted in cafes, confectionaries, or refreshment stands.
- C. All uses shall be free from objections because of odor, dust, smoke, noise, vibration, or other causes.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

12-908-4 Height Regulations

No building shall be erected to a height greater than thirty-five (35) feet.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

12-908-5 Area, Width, And Yard Regulations

DISTRICT	MINIMUM AREA	WIDTH	SETBACK in Feet		
			FRONT YARD	SIDE YARD	REAR YARD
CBD	Variable, as approved by Planning and Zoning Commission	Variable, as approved by Planning and Zoning Commission	None	None, except 20 where side yard abuts a residential zone or when adjacent to a street	None, except 20 where abutting a residential zone

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

12-908-6 Site Design Guidelines/Site Plan Review

Refer to 12-906-2.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 12-909 Highway Commercial Zone "HC"

[12-909-1 Purpose](#)

[12-909-2 Conditional Uses](#)

[12-909-3 Height Regulations](#)

[12-909-4 Area, Width, And Yard Regulations](#)

[12-909-5 Site Design Guidelines/Site Plan Review](#)

12-909-1 Purpose

To provide commercial areas on major highways for the location of traveler services and highway appropriate commercial uses.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

12-909-2 Conditional Uses

- A. Stores, shops and offices supplying commodities, such as food, clothing, etc. or performing services such as department stores, medical clinics, specialty shops, banks, business offices, and other financial institutions and personal service enterprises.
- B. Restaurant or drive-in café.



- C. Motels and hotels.
- D. New and used automobile agency.
- E. Farm machinery and equipment sales.
- F. Nurseries and greenhouses.
- G. Mobile home sales.
- H. Drive-in theater.
 - I. Bowling alley, other commercial recreational facilities.
 - J. Automobile service station, auto accessories.
 - K. Garages for minor repair of automobiles.
 - L. Commercial trucking servicing, fueling, and rest area conditional upon sufficient City services and infrastructure being present or developable by the developer.
- M. Any other similar retail business or service establishment which the Planning and Zoning Commission finds to be consistent with the purpose of this chapter and which shall not impair the present or future use of adjacent properties.
- N. Accessory buildings and uses.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

12-909-3 Height Regulations

- A. Buildings over two and one-half (2 1/2) stories or thirty-five (35) feet high must have one (1) foot additional side yard on each side for every two (2) feet the building exceeds thirty-five (35) feet in height.
- B. In the instance of motels and hotels, height regulations will be compatible with the ground support capabilities, earthquake fault zone proximity, and supportive fire suppression infrastructure capability.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

12-909-4 Area, Width, And Yard Regulations

- A. Width shall be the width of the property, from property line to property line, on the edge running parallel to and abutting a formal street, road, or highway.



B. Setback in feet shall be measured from the closest permanent portion of the structure to the nearest respective property line.

DISTRICT	MINIMUM AREA	WIDTH	SETBACK in Feet		
			FRONT YARD	SIDE YARD	REAR YARD
HC	Variable, as approved by the Planning and Zoning Commission	Variable, as approved by the Planning and Zoning Commission	20 feet or otherwise determined by the Planning and Zoning Commission	10 feet or otherwise determined by the Planning and Zoning Commission	None, except 10 feet where rear yard abuts an agricultural or residential zone

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

12-909-5 Site Design Guidelines/Site Plan Review

Refer to 12-906-2.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 12-910 Manufacturing/Light Industrial Zone "MLI"

[12-910-1 Purpose](#)

[12-910-2 Conditional Uses](#)

[12-910-3 Environmental Quality](#)

[12-910-4 Height Regulations](#)

[12-910-5 Area, Width, And Yard Regulations](#)

[12-910-6 Site Design Guidelines/Site Plan Review](#)

12-910-1 Purpose

To provide areas where industries necessary and beneficial to the local economy may locate and operate.

A. The regulations of the zone are designed to protect and preserve the environment of the zone, adjacent areas and the entire county.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

12-910-2 Conditional Uses



- A. Any manufacturing, processing, assembling, research, wholesale, or storage use.
- B. Restaurants and automobile service stations.
- C. Accessory buildings and uses.
- D. Wholesale business, storage and warehousing.
- E. Automobile, truck trailer and farm and construction equipment sales, rental and service establishments.
- F. Building material sales yards, but not including ready-mix concrete or hot mix asphalt plants.
- G. Public utility buildings and service yards.
- H. Contractors storage yards.
 - I. Sexually oriented businesses.
- J. Commercial storage units and/or storage buildings.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

12-910-3 Environmental Quality

- A. Development within the MLI Manufacturing/Light Industrial Zone shall be required to maintain high standards of environmental quality and protection.
- B. Development within the MLI Manufacturing/Light Industrial Zone must be compatible with infrastructure capability and capacity, including but not limited to the prohibition of any injection into the City sewer system that will be detrimental to the maintenance and efficiency of the sewer treatment facility.
- C. Developments determined by competent authority to be detrimental to public health shall not be permitted.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

12-910-4 Height Regulations

None, except that within one hundred (100) feet of the boundary of any adjoining zone, no building shall exceed the height limit established for main buildings in the adjoining zone.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

12-910-5 Area, Width, And Yard Regulations

- A. Width shall be the width of the property, from property line to property line, on



the edge running parallel to and abutting a formal street, road, or highway.

- B. Setback in feet shall be measured from the closest permanent portion of the structure to the nearest respective property line.

DISTRICT	MINIMUM AREA	WIDTH	SETBACK in Feet		
			FRONT YARD	SIDE YARD	REAR YARD
MLI	Variable, as approved by Planning and Zoning Commission	Variable, as approved by Planning and Zoning Commission	100 or as otherwise determined by the Planning Commission	20 or as otherwise determined by the Planning Commission	10 where rear yard but an agricultural or residential zone or as approved by the Planning and Zoning Commission

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

12-910-6 Site Design Guidelines/Site Plan Review

Refer to 12-906-2.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Chapter 12-1000 OVERLAYS

[Part 12-1010 Planned Unit Development Overlay Zone "PUD"](#)

[Part 12-1020 Planned Industrial Commercial Overlay Zone "PIC"](#)

[Part 12-1030 Multiple-Family Dwelling Unit Overlay "MF"](#)

[Part 12-1040 Mobile Home Court Overlay Also Know As Trailer Park Overlay](#)

[Part 12-1050 Commercial-Residential Multi-Use Overlay](#)

[Part 12-1060 Moderate Income Housing Overlay](#)

[Part 12-1070 Sensitive Lands Regulations Overlay](#)

Part 12-1010 Planned Unit Development Overlay Zone "PUD"

[12-1010-1 Purpose](#)

[12-1010-2 Conditional Uses](#)

[12-1010-3 Height, Area, Width And Yard Regulations](#)

[12-1010-4 General Requirements](#)

[12-1010-5 Administration](#)

[12-1010-6 Site Plan](#)

[12-1010-7 Open Space](#)

[12-1010-8 Development In Phases And Time Of Approval](#)

[12-1010-9 Lost Development Alterations](#)



[12-1010-10 Fees](#)

12-1010-1 Purpose

A Planned Unit Development (P.U.D.) is intended to replace the rigid requirements of conventional zoning with general appearance and livability guidelines allowing flexibility and innovation in site planning, building arrangement and land-use relationships, while simultaneously insuring substantial compliance with the intent and purpose of this Title and it allows a developer to:

- A. Protect sensitive lands per 12-1070.
- B. Preserve open space.
- C. Encourage the efficient use of land.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

12-1010-2 Conditional Uses

- A. Planned Unit Developments.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

12-1010-3 Height, Area, Width And Yard Regulations

Minimum size is ten (10) acres per P.U.D, otherwise no restrictions, except that on the immediate periphery of the P.U.D. the height, area, width and yard requirements of the adjoining zone may be imposed as required by the Planning & Zoning Commission.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

12-1010-4 General Requirements

- A. Any P.U.D. or portion thereof, unless otherwise approved by the Planning and Zoning Commission, shall adhere to the standards set forth by all existing City ordinances and the Condominium Ownership Act found in Utah Code Annotated Title 57, Chapter 8 (available at the Richmond City offices or on the internet at www.le.utah.gov/code).
- B. No P.U.D. shall have an area of less than ten (10) acres.
 - 1. Development of a smaller tract adjacent to an existing P.U.D. may be permitted if the proposed development conforms to and extends the original development as if the new area had been part of the original development.

2. The adjacent, smaller tract P.U.D. must be within the Richmond City limits.
 3. Approval and adjustments to an adjacent, smaller tract P.U.D. must be made by the Richmond City Planning and Zoning Commission and the Richmond City Council.
- C. The development shall be in single or corporate ownership at the time of the application, or the subject of an application filed jointly by all owners of the property.
1. One (1) individual shall be designated to represent all of the property owners if the application is filed jointly.
- D. No piece of land shall be withdrawn from the P.U.D. without the consent of all the P.U.D. property developers and the Planning and Zoning Commission.
- E. The developer shall prepare and submit to the Planning and Zoning Commission, a development plan containing any special agreements, conveyances, easements, restrictions, conditions or covenants which shall govern the use, maintenance and continued protection of the P.U.D. and any of its common areas and facilities.
- F. The Planning and Zoning Commission shall require such an arrangement of structures and open space within the P.U.D. as necessary to assure that adjacent properties shall not be adversely affected:
1. Density. The number of residential units permitted in the P.U.D. may exceed the number of units which would result from a conventional subdivision of the tract.
 - a. The allowable density shall be determined by the Richmond City Planning and Zoning Commission.
 - b. All types of residential housing units may be permitted within a P.U.D., including single-family and multiple-family units; however, in the case of multiple-family units separation distance requirements by City ordinance must be observed.
 2. In no case shall total coverage by structures be greater than sixty (60) percent of the entire project area.
 - a. Total open space shall be no less than forty (40) percent of the entire project.
 - b. Usable open space for recreation activities shall not be less than ten (10) percent of the entire project area.
 3. Around the boundaries of the project, building height, architecture and coverage shall be arranged to enhance the livability and attractiveness of the adjacent land uses.

a. The yard and height requirements of the adjacent zone may be required on the immediate periphery of the PUD.

G. Proposed building uses, building locations, lot area, width, yard and height regulations, and landscaping plans shall be determined acceptable through approval of the site development plan.

H. Construction limitation.

1. Upon approval of the preliminary plan, and in accordance therewith, the developer may survey and stake the lots, roads, and other proposed areas on the PUD site, but may not commence any further development activity until final approval.

a. The completion of survey and staking work shall in no way obligate any City official or officials.

2. No plats or plans shall be recorded in the Office of the County Recorder until final approval has been given to the P.U.D. plan and to all construction plans and specifications for facilities and improvements within the P.U.D.

3. Construction shall proceed only in conformance with the approved development plan, construction plans, specifications, and any conditions attached by the Planning and Zoning Commission and/or the City Council.

I. All Planned Unit Developments (P.U.D.) shall comply with all applicable provisions of 12-2000 (Sub-divisions) provided:

1. The Planning and Zoning Commission may vary the requirements of the subdivision ordinance if, in its judgment, such variance is necessary or desirable.

2. The bonding requirements imposed by the applicable chapter of the subdivision portion of this Title shall apply to all facilities and improvements within a P.U.D. which are to be dedicated to public ownership or provided for the common use of residents and occupants.

J. Changes.

1. If required by engineering or other circumstances not foreseen at the time the final development plan was approved, changes in the location, siting, or character of buildings and structures may be authorized by the Council member over Planning & Zoning (or by joint action of two other Council members) and the City Engineer, providing such change does not increase the size of any building or structure by more than ten (10) percent, nor change the location of any building or structure more than ten (10) feet in any direction.

- a. No changes beyond the minimum or maximum requirements set forth in this ordinance may be permitted without Council approval.
2. All other changes in the project, including changes in the site plan and in the development schedule must be approved by the Planning and Zoning Commission and ratified by the City Council.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

12-1010-5 Administration

- A. Planned Unit Developments must be approved by the Planning and Zoning Commission and ratified by the Richmond City Council. P.U.D.'s of six (6) or more units, either per phase or total, shall require re-zoning per 12-800 prior to obtaining the approval as stated above.
- B. It is required that a detailed review and approval of the P.U.D. plan by the Planning and Zoning Commission before a project can begin. P.U.D. approval shall be secured through the following procedure:
 1. Pre-Application Conference. A pre-application conference shall be held with the Planning and Zoning Commission in order for the applicant:
 - a. To become acquainted with Planned Unit Development procedures and application requirements.
 - b. To acquaint the Planning and Zoning Commission with the property and development proposal.
- C. Introductory Session. The applicant shall introduce to the Planning and Zoning Commission at a formal meeting the general concept of his development indicating objectives, goals, etc.
- D. Application. The formal application for conditional use (five [5] units or less) or rezone (six [6] units or more) shall be made on the proper form supplied through the Richmond City Office.
 1. With any application, the Planning and Zoning Commission may approve, modify and approve, or deny the proposal.
- E. Preliminary Plan. The applicant shall submit a preliminary site plan to the Planning and Zoning Commission after approval of rezone or conditional use.
 1. The preliminary site plan shall include, but not be limited to:
 - a. An explanation of all intended uses.
 - b. A preliminary plat as defined and described in the Richmond City Sub-division Ordinance.

c. An inventory of resource statement.

i. Such a statement shall describe and identify in writing, maps, or other methods as are necessary:

- (1) All land included in the proposed P.U.D. area and all present land uses, including recreational and trails uses.
- (2) An inventory of the present and potential energy, mineral, hydrological, and agricultural resources in the P.U.D. area.
- (3) The land which shall best serve industrial, residential, commercial, recreational, public, and quasi-public land uses.
- (4) Data concerning the size and distribution of the population to be served by the P.U.D.
- (5) Sewer and water capabilities, soil types and composition, and a geologic analysis.
- (6) Other items the Planning and Zoning Commission deem necessary.
- (7) All undevelopable land as outlined in 12-800 - Sensitive Lands Overlay Zone.

d. A circulation capacity statement concerning roads, trails, walks, etc.

i. This statement shall describe to the Planning and Zoning Commission:

- (1) That the proposed circulation patterns are adequate for the volume of use expected at all phases of the development.
- (2) That pedestrian traffic is safe, separate, and functional.

e. If a Home Owners Association (HOA) is to be established, a preliminary copy of the HOA By-laws shall be provided.

F. Final Plan.

1. After receiving Planning and Zoning Commission approval of the preliminary plan, the developer shall, within one (1) year, submit a final plan including, but not limited to, the final draft of all that is listed in the

preliminary plan and a final plat as defined and described in the subdivision portion of this ordinance.

2. Additional information may be required at the discretion of the Planning and Zoning Commission.
3. The Planning and Zoning Commission may extend the one (1) year time limit for just cause.
4. Final ratification shall be the responsibility of the Richmond City Council who reserves the right to seek additional information and require additional revisions at their discretion.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

12-1010-6 Site Plan

The general site plan required as part of the final plan may require but not be limited to the following items:

A. Sketches and graphic displays, drawn to scale, depicting:

1. The use or uses, dimensions, heights, sketch elevations, and locations of proposed structures.
 - a. Building type in terms of appropriateness to density, site relationship and bulk.
 - b. Building design in terms of orientation, spacing, materials, color and texture, storage, signage, and lighting.
 - c. Architectural drawings and sketches outlining the general design and character of the proposed uses, the physical relationship of the uses, and any grading plans.
2. The location, height, and size of proposed signage, lighting, and advertising devices.
3. Functional open space in terms of optimum preservation of natural features including trees, drainage areas, recreation, views, density relief, convenience, and function.
4. 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.
5. Landscaping, fencing, and screening as part of a landscape plan showing existing and proposed tree, grass, shrubbery, and all other plantings for the entire site to be developed.

- 6. All un-developable land as outlined in 12-800 dealing with sensitive lands.
 - 7. Trails and footpaths that exist within the development area and/or are illustrated in the Richmond City General Plan.
- B. Any pertinent written information, including residential density, coverage, and open space characteristics, as may be necessary to determine that the contemplated arrangement of buildings and uses make it desirable to apply regulations and requirements differing from those ordinarily applicable under the standard development ordinance of the City.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

12-1010-7 Open Space

- A. Functional and aesthetic bodies of open space are an essential part of a P.U.D.
- B. Total open space must equal forty (40) percent of the entire project area.
- C. A minimum of ten (10) percent of the entire project area must be useable open space for recreation.
- D. The Planning and Zoning Commission may determine whether all or a part of stream areas, bodies of water, and slopes may or may not be included as usable open space.
 - 1. In making this determination, the Planning and Zoning Commission shall be guided by the following factors:
 - a. The relationship of these areas to other areas, structures, and uses within the planned unit.
 - b. The degree to which these areas contribute to the quality, livability, and aesthetics of the P.U.D.
- E. Common park areas are encouraged and may be counted as part of the required open space within a P.U.D. provided they meet the following requirements:
 - 1. They are to be used and are suitable for scenic, landscaping, or recreational purposes.
 - 2. They are on land which is accessible and available to all occupants of dwelling units for whose use the common park area is intended.
- F. Preservation, maintenance, and ownership of open spaces within the development shall be accomplished by:
 - 1. Dedication of land as a public park or parkway system, provided that such dedication is acceptable to the City Council, or



2. Granting to the City a permanent open space easement on and over the said open spaces to guarantee that they remain perpetually in recreational use, with ownership and maintenance being the responsibility of an Owners Association established with articles of association and bylaws which are satisfactory to the Planning and Zoning Commission, or
3. Jointly owned land or facilities in a Planned Unit Development must comply as though belonging to a condominium per Utah Code Annotated Title 57, Chapter 8, or
4. The developer may retain ownership and responsibility for maintenance of the designated open space, and shall commit himself/herself through written agreement with all parties who subsequently acquire ownership of property within the P.U.D.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

12-1010-8 Development In Phases And Time Of Approval

- A. If the Planned Unit Development is to be developed in phases, 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.
 1. Final approval shall be given only to one (1) phase at a time provided that preliminary approval of the entire P.U.D. has been given by the Planning and Zoning Commission and the Richmond City Council.
- B. No construction of any kind shall begin in the second or subsequent phases until sixty-five (65) percent of the total development of the preceding phase has been substantially completed.
- C. The applicant must begin and substantially complete the development of the planned unit or any phase thereof within two (2) years from the time of its final approval.
- D. If the applicant does not begin and substantially complete the planned unit, or any phase thereof, within the time limits imposed, the Planning and Zoning Commission, shall review the planned unit or phase thereof and may recommend that the time for completion be extended, that approval be revoked, or that the approved plan be amended.
 1. The Planning and Zoning Commission may act to impose such recommendations, with or without modification.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

12-1010-9 Lost Development Alterations

Any change in use, density, or design must first be approved by the Planning and Zoning Commission and ratified by the City Council.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

12-1010-10 Fees

- A. Any and all persons filing plats with the County Recorder shall first have paid all fees required.
- B. In addition, persons filing plats shall pay the Richmond City Office prior to recording, any fee established by separate ordinance applicable to plats, engineering, or associated requirements.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 12-1020 Planned Industrial Commercial Overlay Zone "PIC"

[12-1020-1 Purpose](#)

[12-1020-2 Standards For Planned Industrial Commercial Developments](#)

[12-1020-3 Applicable Zones](#)

[12-1020-4 Planned Industrial Commercial Development Approval Process](#)

[12-1020-5 Project Plan Approval Process](#)

12-1020-1 Purpose

- A. The purpose of the Planned Industrial Commercial (PIC) zone is to encourage imaginative and effective utilization of land through greater flexibility in zoning considerations, consolidation of open spaces, clustering of buildings, and the integration of compatible land uses.
- B. The Planned Industrial Commercial (PIC) zone is intended to provide an exclusive environment for the establishment of quality research laboratories, non-polluting light manufacturing uses, commercial uses, and professional office uses providing integrated and complimentary development in a park-type setting.
 - 1. The zone is more restrictive than the conventional manufacturing zone in order to provide buildings which have architectural excellence, grounds which have adequate landscaping and trees, and land uses which do not create air, light or noise pollution.
 - 2. The zone is intended to be located on the fringe areas of the City on open, readily developed land.
 - 3. The zone should always be located adjacent to major streets and other transportation areas.
 - 4. The zone must be suitable for development/expansion of infrastructure to include water and sewer service.

5. The zone is to be characterized by attractively designed buildings and off-street parking lots situated among spacious lawns, shrubs, and trees which give a "park-like" appearance.
6. Due to the planned integration of these uses, businesses that cause air or noise pollution are strictly prohibited.
7. The PIC zone should be applied only to large parcels of property where land use relationships can be planned, where an assurance can be made that adequate room for the various uses is provided, and where proper buffers are provided between the complimentary but not always compatible land uses.

C. In order to accomplish the purposes and objectives of the zone, the following regulations shall apply in a Planned Industrial Commercial (PIC) Zone.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

12-1020-2 Standards For Planned Industrial Commercial Developments

- A. The minimum size for any proposal shall be ten (10) acres.
- B. Each lot or parcel of land in the PIC zone shall abut on a public street.
- C. Internal traffic circulation must be provided.
- D. Access to arterial streets shall be limited.
- E. The uses of a PIC must be of a type and so located as to exercise no undue detrimental influence upon surrounding properties.
- F. No buildings greater than thirty five (35) feet in height shall be allowed.
- G. Yard setback, frontage, and width shall meet the same requirements contained in the applicable commercial, industrial, and manufacturing section of the Richmond City zoning ordinance.
- H. Adequate parking shall be provided.
 - I. Along arterial and collector streets, parking shall be located to the side and rear of buildings, allowing buildings to front the street.
- J. Signing shall meet the requirements of 12-700.
- K. Twenty (20) percent of the PIC site shall be landscaped.
- L. The PIC shall be fully served by adequate water and sewer service meeting the latest engineering standards for such infrastructure.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019



12-1020-3 Applicable Zones

- A. The PIC Overlay Zone may be applied to lands currently zoned Agriculture, Commercial, or Manufacturing.
- B. Any proposed PIC project shall meet the intent of the Richmond City General Plan.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

12-1020-4 Planned Industrial Commercial Development Approval Process

A five step procedure is prescribed for the approval of a PIC development.

- A. Pre-Application Conference shall be held with the Planning and Zoning Commission in order for the applicant:
 - 1. To become acquainted with the PIC procedures and application requirements.
 - 2. To acquaint the Planning and Zoning Commission with his/her the property involved and development proposal.
- B. Preliminary Plan. The applicant shall introduce to the Planning and Zoning Commission at a formal meeting the general concept of the development indicating objectives, goals, etc.
 - 1. A preliminary plan of the proposed development shall be provided and include the following information:
 - a. A land use plan designating which land areas are devoted to the following general land-use categories: manufacturing, light industrial; office, business, research; retail commercial; and public facilities.
 - b. Proposed vehicular and pedestrian circulation (including driveways, streets, and sidewalks).
 - c. General locations of all buildings and structures.
 - d. General locations of all parking areas.
 - e. General locations of all landscaped areas, including designating areas planted with grass, ground covers, shrubs, and trees.
 - f. A schematic utility plan showing the manner in which sewage disposal and water are to be provided to the site, including the point from which said services are to be extended.
 - g. Topographic maps of the entire site, including contour intervals no greater than five (5) feet.

Council may impose such conditions on a preliminary plan as it may be deemed appropriate to meet the purposes and objectives of this Chapter.

D. Final Plan.

1. Prior to the construction of any building or structure in the PIC zone, a project plan shall be submitted and approved.
2. Said project plan shall be drawn to scale and, in addition to the information required in this section, shall contain the architectural design of proposed signs per 12-700.
3. Said plans may be submitted in units or phases for any portions of the PIC zone which can independently meet the requirements and standards of the PIC zone and other applicable zoning standards.
4. Any failure to submit a project plan within two (2) years of the approval of the preliminary plan by the Richmond City Council shall terminate all proceedings and render the preliminary project plan null and void.
5. The Planning and Zoning Commission shall, in the process of project plan approval, pay particular attention to assuring that the quality of landscaping designated in the landscaping plan is at least equal to that established by the landscaping plan approved as an element of the preliminary project plan.
6. The Planning and Zoning Commission shall also assure that the appearance, quality, and durability of architectural materials used on the exterior elevations of all buildings shall be consistent with the purposes and objectives of the PIC zone, and shall be compatible with the general character of other buildings in the same PIC development.
7. Sixty five (65) percent of the current project phase under construction (building structures and their accompanying required landscaping) shall be complete prior to the beginning of another phase.

E. Project Plan Requirements will consist of a site plan of the specific building area and shall be required to include the following information:

1. Twenty four (24) by thirty six (36) inch sheets to a standard engineer's or architect's scale.
2. Legal description of the property.
3. Dimensions of existing and proposed property lines.
4. Distance from buildings to property lines.
5. Square footage of the footprint of all proposed structures.
6. Use of proposed structures.

7. Location of all fire hydrants.
8. Trash storage container location, size, and how enclosed.
9. Twelve (12) foot public utility easements along all property lines.
10. Location of existing easements or rights-of-way.
11. Location of power, telephone, and cable facilities, including poles, anchors, transformers, and connection pedestals.
12. Areas devoted to public or open space use.
13. Parking plan information, including:
 - a. Parking space count.
 - b. Parking space dimensions, including back up area.
 - c. Ingress and egress.
 - d. Parking for persons with disabilities.
14. Landscaping plan information, including:
 - a. Location of landscaped area, showing existing and proposed landscaping.
 - b. Types and sizes of existing and proposed landscaping materials.
 - c. Percent of landscaping.
 - d. Location and type of proposed and existing walls, hedges or fences.
 - e. Proposed and existing sprinkler/irrigation system.
15. Building design plan information, including:
 - a. Exterior elevations of proposed buildings, indicating roofing materials, type of construction, exterior materials and colors.
16. Conceptual sign plans.
17. Traffic flow plan information, including:
 - a. Direction of traffic flow through project.
 - b. Location and width of proposed and existing ingress and egress.
 - c. Evidence of Utah Department of Transportation access approval (if applicable).

- d. Proposed street layout and design, including street cross section showing thickness of materials, widths of curb, gutter, sidewalk, and rights-of-way in keeping with the current edition of the Richmond City Manual of Design and Construction Standards.

18. Utility plan information, including:

- a. Location of water, sewer mains, laterals, power lines and utilities, gas lines and utilities, telephone utilities and connections.
- b. A utility site plan for layout and design of new electrical facilities.

19. Drainage plan information, including:

- a. Location of existing and proposed storm drain structures.
- b. Proposed drainage system.
- c. Location of irrigation pipes, ditches, canals, waterways and detention basins.
- d. Detailed drainage plans with calculations based on a ten (10) year storm event, including total impervious surface area, drainage flows from roofs or parking structures.
 - i. Sump details, storm sewer profiles and construction drawings shall be submitted in conjunction with a final project plan but shall not be required for a preliminary project plan.
- e. The developer shall provide a means for drainage of storm water from all impervious surfaces in the development.
 - i. Site development and landscaping shall be used to optimize retention of water "on-site" as much as reasonably possible as determined by the Planning and Zoning Commission.
 - ii. Any plans for "off-site" transfer of storm water run-off must be approved by written agreement with the entity accepting the run-off.

20. Grading plan information, including:

- a. Detailed grading plans showing topography at no greater than two (2) foot contour intervals, retaining walls, and methods used to drain surface water away from structures and adjoining properties.
- b. Driveway locations showing two (2) percent minimum grade up from street to structure.

21. Traffic study, if requested by the Planning and Zoning Commission.
22. Other information reasonably required to determine whether the proposed project complies with applicable requirements of the Richmond City Code.
23. Yard lights and security lights must have concealed light source and not extend beyond the property or project into the night sky.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

12-1020-5 Project Plan Approval Process

- A. The developer shall submit the proposed Project Plan to the Richmond City Planning and Zoning Commission, at their regularly scheduled meeting time, for review.
 1. The Planning and Zoning Commission shall recommend approval or denial to the City Council within forty-five (45) days of submission.
- B. The Richmond City Council shall review the findings of the Planning and Zoning Commission at their subsequent regularly scheduled meeting time and approve or deny the proposed Project Plan.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 12-1030 Multiple-Family Dwelling Unit Overlay "MF"

[12-1030-1 Purpose](#)

[12-1030-2 Permitted Uses](#)

[12-1030-3 Conditional Uses](#)

[12-1030-4 Regulations](#)

[12-1030-5 Height Regulations](#)

[12-1030-6 Area, Width, And Yard Regulations](#)

[12-1030-7 Accessory Apartments](#)

12-1030-1 Purpose

To provide appropriate locations for multiple housing throughout the residential zones and still maintain the basic semi-rural characteristics and density of the zone.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

12-1030-2 Permitted Uses

- A. Multiple Dwelling Units as permitted by the underlying zone.

- B. Residential facilities for elderly persons whether or not deemed a formal assisted living facility.
- C. Residential facilities for persons with disabilities per Utah Code Annotated Title 10, Chapter 9a, Section 516.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

12-1030-3 Conditional Uses

- A. Group Dwelling.
- B. Elder Living Centers.
- C. Nursing Homes aka Assisted Living Facility.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

12-1030-4 Regulations

- A. One (1) Multiple-family Dwelling per city block.
 - 1. Exception.
 - a. Multiple building apartment complexes may be allowed by the Planning & Zoning Commission and the City Council but said complex must be on one Property Tax Identification location.
 - b. Accessory apartments as covered in the provisions of 12-1030-7.
- B. Each multiple-family dwelling configuration shall be constructed on a separate lot, except as permitted under conditional use.
 - 1. There shall be a minimum of two thousand (2,000) feet between lots as measured by following the shortest route of vehicular travel along public thoroughfares, from the nearest point on the boundary line of the property on which a multiple-family dwelling is proposed to the nearest point on the boundary line of any other parcel or lot on which a multiple-family dwelling exists or is proposed for construction.
- C. Each family dwelling unit shall contain a minimum of six hundred (600) square feet of living area for one (1) bedroom apartments, nine hundred (900) square feet for two (2) bedroom apartments, and one-thousand two hundred (1,200) square feet for three (3) bedroom apartments.
- D. The building shall be designed to pass building codes of the City, County, and State.
 - 1. Review plans shall be drawn and submitted to the Planning and Zoning



Commission in architects or engineers scale and must show utilities, property lines (including adjacent properties on all sides), direction of drainage, existing surface features, topography at five (5) foot intervals minimum, parking, roads, curbs, sidewalks, landscaping, building floor plans, and building elevations.

- E. The building shall be designed to compliment the neighborhood.
- F. Parking must be located in the rear or off surface street side of the building with no more than two (2) access roads.
 - 1. Access roads may be no wider than twelve (12) feet when not adjacent to parking.
 - 2. Off-street parking shall be provided for at least two and one-half (2 1/2) times as many automobiles as there are units.
 - 3. Parking stalls shall have painted lines and shall be nine (9) feet wide and twenty (20) feet in depth.
 - 4. Drive lanes adjacent to parking stalls shall be (24) twenty-four feet wide.
 - 5. Parking shall be located with the same setbacks as required for structures.
 - 6. All driveways and parking shall be paved with asphalt or an equivalent hard surface, and have sidewalks leading to each unit.
- G. All construction, repair, and maintenance of buildings, recreational areas, parking lots, and landscapes shall be the responsibility of the owner of the multiple family dwelling.
- H. Storage units, storage areas, and refuse containers must be enclosed and screened from view from the frontage street and adjacent lots.
- I. Yard lights and security lights must have concealed light source, and direct illumination must not extend beyond the property nor project into the night sky.
- J. Each multiple-family dwelling lot shall provide for and include recreation facilities and sufficient landscaping which will occupy an area equal to or greater than forty percent of the total required lot area for each unit on which the development is located.
- K. Landscaping may include the planting of flora, sculpting or otherwise shaping of the soils, utilization of natural materials to establish specific proportions or designs, xeriscaping, use of drought-tolerant gardens, and the utilization of artificial substances that can and must be maintained.
 - 1. These provisions are to be required so as to enhance the use of the lot for residential living and shall be subject to adjustment by the Planning and Zoning Commission, within its discretion, in order to meet the stated purpose.

- L. The Planning and Zoning Commission and/or City Council may address and include such other regulations as are deemed appropriate given the location of a particular lot and the specific circumstances relating to it.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

12-1030-5 Height Regulations

No building shall exceed thirty-five (35) feet in height.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

12-1030-6 Area, Width, And Yard Regulations

- A. Area of the lot shall be as required in the zone wherein it is located, plus two-thousand (2,000) square feet for the first unit and three-thousand (3,000) square feet for each additional unit.
- B. Frontage width shall conform to the underlying zone requirements, but not less than one-hundred (100) feet minimum.
- C. Setback shall be thirty (30) feet.
- D. Side yard setback shall be twenty (20) and twenty-five (25) feet to adjacent property, or ten (10) and thirty (30) feet to adjacent property, in addition to any parking or driveway.
- E. Rear yard shall be thirty (30) feet in addition to any parking or driveway.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

12-1030-7 Accessory Apartments

- A. Per 12-1030-4(A)(2)(a) an exception to the preceding applies to the establishment of a single additional apartment provision within or permanently attached to a private residence for the purpose of providing care and shelter to a direct relative through either blood or marriage to the owning and occupying resident.
 - 1. Commonly referred to as an “accessory” or “mother-in-law apartment,” such space must adhere to the following provisions:
 - a. When remodeling takes place to provide such accommodations, it is required that the owner of the residence obtain a building permit through the currently established procedures at the time of the remodel.
 - i. The purpose of this requirement is to ensure that any adjustments/additions/modifications to electrical, water, or



sewer facilities adhere to code and do not present any type of a current or conceivable future hazard, no matter how inadvertent.

- ii. Access to the apartment must include a minimum of two ingress-egress routes for the safety of the occupant(s), only one of which may pass through a garage area.
- iii. Any remodeling incurred in this process must be accomplished in such a manner as to present a continued outward appearance of a single-family residence with the basic structure.

(1) Outside access doors into the accessory addition must be either on the side or rear of the residence.

- b. The owner of the residence will be responsible for providing adequate parking space, within the provisions of this ordinance, for the additional family members vehicle(s), not to exceed two (2) additional of any type or combination of types of vehicles.

B. Conditions.

1. A Conditional Use Permit following established procedures through the Planning & Zoning Commission and the City Council is required prior to the issuance of the Building Permit.

- a. The apartment will be a separate housekeeping unit that can be isolated within the original residential dwelling.
- b. Only one accessory apartment is to be established within or as part of an original residential dwelling.
- c. The owner(s) of the residence in which the accessory apartment exists must occupy at least one of the apartments in the dwelling, except for bona fide temporary absences.

i. It is recognized that some owners may be required to spend time in assignments necessitating them to reside outside of Richmond for prolonged periods of time and such factor(s) will be considered by the Planning & Zoning Commission and the City Council prior to revocation of the Conditional Use Permit.

(1) It is the responsibility of the owner(s) to notify Richmond City should such an event be planned or occur as soon as said owner(s) have confirmed the need for temporary re-location.

(2) A vacation does not fall into this category nor require notice to Richmond City.

ii. A non-family care-giver is authorized to reside within the residence/accessory apartment as required.

d. The Conditional Use Permit applies only to the owner(s) of the basic residential dwelling and is not transferable to another owner or owners.

i. Revocation of the Conditional Use Permit is automatic upon the sale of the property and does not require additional notice or procedural processes.

C. Use of accessory apartment following vacating by the original family inhabitant.

1. The Conditional Use Permit expires immediately upon the permanent removal of the original family inhabitant of the accessory apartment.

2. The owner(s) may elect to rent the space to non-family members; however, the owner(s) must follow the current established protocol to appear before the Planning & Zoning Commission and the City Council to obtain a new Conditional Use Permit and obtain any type of license as may be required at the time by Richmond City.

a. Conditional Use Permits for non-family rental use of an accessory apartment must be renewed annually based upon the issuance date of the Conditional Use Permit.

D. Sale of property containing an accessory apartment.

1. The Conditional Use Permit for an accessory apartment will immediately expire upon the sale, abandonment or foreclosure of the residence per 12-1030-7(B)(1)(d)(1).

2. Should a new owner(s) desire to utilize the accessory apartment as a non-family rental unit, the owner(s) must comply with 12-1030-7(C)(2) and 12-1030-7(C)(2)(a) above.

E. For purposes of distance separation between Multiple Family Units, an accessory apartment will not be counted as a Multiple Family Unit when determining additional Multiple Family Unit locations.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 12-1040 Mobile Home Court Overlay Also Know As Trailer Park Overlay

- [12-1040-1 Purpose](#)
- [12-1040-2 Proximity Restrictions](#)
- [12-1040-3 Requirements](#)
- [12-1040-4 Site Standards](#)
- [12-1040-5 Utilities](#)
- [12-1040-6 Driveways And Parking Spaces](#)
- [12-1040-7 Foundation And Tie-Down](#)
- [12-1040-8 Drainage](#)
- [12-1040-9 Utility Easements](#)
- [12-1040-10 Recreation Facilities](#)

12-1040-1 Purpose

The purpose of this overlay is to provide a reasonable opportunity for housing of a moderate cost to residents while seeking to maintain a semi-rural atmosphere within Richmond City.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

12-1040-2 Proximity Restrictions

For location purposes, a Mobile Home Court aka Trailer Park falls into the same density category as a Multiple Family Unit per 12-1030-2(A) and (B).

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

12-1040-3 Requirements

- A. The minimum area for a Mobile Home Court aka Trailer Park shall be five (5) acres.
- B. Streets.
 - 1. Each mobile home space shall front on an improved paved street.
 - a. Each street within the court shall be within a minimum right-of-way of thirty (30) feet.
 - b. Within the thirty-foot right-of-way, there shall also be a three (3) foot sidewalk or pedestrian right-of-way.
 - 2. The owner of the Mobile Home Court aka Trailer Park shall be responsible for all street maintenance within the Mobile Home Court aka Trailer Park.
- C. Minimum Home Space Size.
 - 1. Individual mobile home lot spaces shall have a minimum size of forty (40) feet in width with a minimum area of four thousand (4,000) square feet.

D. Access.

1. All Mobile Home Courts aka Trailer Parks shall be designed for safe and convenient movement of traffic into and out of the court, with minimization of marginal friction with free movement of traffic on adjacent streets.
 - a. All vehicular traffic into and out of the Mobile Home Court aka Trailer Park shall be through such designated entrances and exits.

E. Buffer Strip.

1. Each Mobile Home Court aka Trailer Park shall have a buffer strip around the perimeter of the court of a minimum of four (4) feet in width on those sides of the Mobile Home Court aka Trailer Park bounding upon a public street.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

12-1040-4 Site Standards

- A. No mobile home nor any other structure shall be placed or erected closer to the mobile home space line than eight (8) feet on the sides, with a total of twenty-six (26) feet in setback requirements for both sides, nor within ten (10) feet of the rear mobile home space line or within fifteen (15) feet of the front mobile home space line with a total of thirty (30) feet in combined setbacks for the front and rear.
 1. Awnings or other open structures may extend into the setback areas provided, however, that there will be a minimum of ten (10) feet between such open structures on adjacent lots.
 2. Further provided, however, that roof projections, overhangs, rain gutters, and air conditioners may project to the extent of eighteen (12) inches into any required set-back area.
- B. Spaces at internal street intersections within the Mobile Home Court aka Trailer Park shall be on appropriately wider lots in order to provide adequate site distance for safety at intersections.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

12-1040-5 Utilities

Mobile Home Court aka Trailer Park utilities shall be in accordance with the following:

- A. Street lighting shall be installed which may be overhead or low-level; provided, however, that the source of light shall not be visible beyond the Mobile Home Court aka Trailer Park boundaries and all lights shall be reflected onto the street or pedestrian ways and avoiding light pollution.
- B. Each mobile home space shall be provided with an approved type 115-230 volt service.
- C. Each mobile home space shall be connected to a central water and sewer system.
 - 1. No individual water or sewage disposal system shall be permitted in any mobile home.
- D. All utility distribution and collection systems including those for water, sewer, electricity, telephone, gas, and television cables shall be underground.
 - 1. There shall be a single meter for the Mobile Home Court aka Trailer Park for water and sewer lines, and the Mobile Home Court aka Trailer Park owner shall be responsible to the city for all water and sewer services provided to the park.
- E. The Mobile Home Court aka Trailer Park owner shall be responsible for the maintenance of all utility lines within the Mobile Home Court aka Trailer Park including specifically water and sewer lines from the property line inward, with the exception of sewer laterals which shall be the responsibility of the owner until the lateral physically enters the Richmond City sewer main.
- F. The Mobile Home Court aka Trailer Park owner shall be responsible to install sewer and water lines from the nearest feasible point on the existing city water and sewer lines unless this requirement is specifically waived by the Planning Commission and City Council.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

12-1040-6 Driveways And Parking Spaces

Each mobile home space shall have a driveway with a minimum depth of twenty (20) feet. Automobile parking spaces shall be a minimum of nine (9) feet in width and there shall be two automobile parking spaces per mobile home space.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

12-1040-7 Foundation And Tie-Down

Each mobile home shall be placed on a foundation or tied down in accordance with current Building Code or other regulatory requirements.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019



12-1040-8 Drainage

- A. Storm drainage facilities shall be so constructed as to protect residents of the Mobile Home Court aka Trailer Court as well as adjacent property owners.
- B. Such facilities must be of sufficient capacity to insure rapid drainage and prevent the accumulation of stagnant pools of water in or adjacent to the development.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

12-1040-9 Utility Easements

- A. Landscaped utility easements may be provided for each mobile home space.
 - 1. Such easements, where provided, shall not be less than ten (10) feet in width.
- B. No permanent structure other than pedestrian ways, benches, recreational facilities, picnic areas, and lighting systems shall be located within such utility easements and permitted structures shall be located so as not to impede maintenance of the underground utilities.
- C. All utilities shall be located within such easements, if provided, or in easements adjacent to the street pavements or buffer areas as set out in 12-1040-3(E) above.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

12-1040-10 Recreation Facilities

- A. A total area equal to the 10% of the Mobile Home Court aka Trailer Court shall be developed and set aside for recreational purposes.
- B. No mobile home space, required buffer strip, street right-of-way, storage area, utility site, or utility easement shall be counted as recreation area in meeting this requirement.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 12-1050 Commercial-Residential Multi-Use Overlay

[12-1050-1 Purpose](#)

[12-1050-2 Waiver](#)

[12-1050-3 General Design](#)

[12-1050-4 Lighting](#)

[12-1050-5 Signs](#)

[12-1050-6 Development Plan Procedure](#)

12-1050-1 Purpose

To provide an option, as land becomes more densely utilized, for an effective establishment of compatible small businesses and multiple family units at a single site.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

12-1050-2 Waiver

In this instance only, the distance rule for Multiple Family Unit per 12-1030-2(A) and (B) of this ordinance may be waived by the Richmond City Planning & Zoning Commission as ratified by the Richmond City Council if the commercial aspect is more compatible within the otherwise prohibited multiple residence distance zone.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

12-1050-3 General Design

- A. A structure allowed under the provisions of this overlay will consist of a first-floor commercial business design and a second floor residential housing space with a maximum building height of thirty-five (35) feet.
 1. The number of businesses and residential spaces will be determined based upon the size of the lot being considered, the compatibility of the businesses with the underlying zone, meeting parking requirement needs as outlined in this ordinance, and the population density of that portion of Richmond City.
 2. The front set-back must be a minimum of ten (10) feet from the property line.
 3. Side set-back from neighboring property lines must be a minimum of twenty-five (25) feet from the most outward point of the structure.
- B. Parking for both business and residential purpose will be computed separately, and the combination of a single parking space for both purposes will not be allowed.
 1. Business parking will be calculated at one parking space, street or parking lot provision, per 150 square feet of business space.
 2. Residential parking will be calculated at two parking spaces per residential unit.
 3. Should either sub-surface or terrace parking be established, it is mandatory that where the traffic enters the parking area or leaves it onto a street, road, or highway, there will be a minimum ten-foot flat portion without any visual interference to the front or either side prior to the inside edge of the public sidewalk.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

12-1050-4 Lighting

All external lighting will be downward directed to prevent establishing an annoyance to residential units, whether they are part of the overlay or adjoining.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

12-1050-5 Signs

- A. All signs must conform to the provisions of Chapter 12-700.
- B. With the exception of signs controlling vehicular traffic or otherwise providing safety information to the public, all signs related to the commercial aspect of this overlay must be flush with the side of the structure.
- C. Illuminated signs must have the illumination source above or within the sign per Chapter 12-700 of this ordinance.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

12-1050-6 Development Plan Procedure

Site design guidelines are established to promote development that is compatible with nearby properties, neighborhood character, and natural features, to minimize pedestrian and vehicular conflict, to promote street life and activity, to reinforce public spaces, to promote public safety, and to visually enhance development.

- A. Procedures.
 - 1. Site design guidelines shall be applied through the site plan review process.
 - 2. Site plans shall be submitted to Richmond City for review. The review process shall proceed as follows:
 - a. The developer shall submit complete site plans to Richmond City a minimum of ninety (90) days prior to anticipated starting date of construction.
 - i. Incomplete site plans shall not be accepted.
 - b. Richmond City shall notify the developer of approval or rejection of site plan within seventy-five (75) days after submission of the site plan.
 - c. Site plans are initially submitted to the Richmond City Planning and Zoning Commission.

i. The Planning and Zoning Commission shall then recommend action to the Richmond City Council for final approval.

d. All appeals shall be made to the Richmond City Board of Adjustments/Appeals Judge within thirty (30) days of receipt of the written finding of the Richmond City Council.

B. Site Plan Requirements. Site plan approval is required prior to issuance of a building permit for any proposed construction or issuance of a zoning certificate for any proposed use.

1. Required information. All site plans shall be drawn to scale and contain the following information, unless otherwise specifically waived by Richmond City Land Use Authority in writing:

- a. A vicinity map, to include locations of any public streets, railroads, major streams or rivers, sensitive lands and other major features within one hundred-fifty (150) feet of the site.
- b. Boundaries and dimensions shown graphically, along with written legal description of the property.
- c. Present and proposed topography of the site and adjacent areas within ten (10) feet by contour line of no more than five (5) feet, and directional arrows showing proposed flow of stormwater runoff from the site.
- d. The location of existing and proposed structures, with height and gross floor area noted.
- e. Elevation views of all proposed buildings and structures, with building materials and proposed colors noted.
- f. Phasing plans, where applicable.
- g. Location of existing and proposed curb cuts, alleys, off-street parking and loading spaces, and walkways.
- h. Location of all existing and proposed water and sewer facilities and storm drainage systems.
- i. Existing and proposed public streets and rights-of-way, easements, or other reservations of land on the site.
- j. Location and method of screening of outdoor trash storage areas.
- k. Location and size of all proposed signs per 12-700.
- l. Location and height of all proposed lighting facilities.

C. Building and Site Design Guidelines.

1. The guidelines established in this Section are for the purpose of promoting quality development that is attractive, convenient, and compatible with surrounding uses.
2. These guidelines are intended to be general in nature and not to restrict creativity, variety, or innovation and Richmond City's expectation is that these guidelines be adhered to.
3. Building placement shall reinforce the street wall, maximize natural surveillance and visibility, enhance the character of the surrounding area and facilitate pedestrian access and circulation.
4. Parking area location shall be located to the side or rear of the principal building or use served.
 - a. Underground or terrace parking may be utilized subject to detailed engineering and approval by the City Engineer or designated authority.
5. Architectural plan should encourage the use of a variety of architectural features and building materials to give each building or group of buildings a distinct character.

D. Lighting Guidelines.

1. All roads, driveways, sidewalks, parking lots, and other common areas and facilities shall be sufficiently illuminated to insure the security of property and the safety of persons using such roads, driveways, sidewalks, parking lots, and other common areas and facilities.
2. No spotlight or floodlight shall be installed in any way which will permit the direct rays of such a light to penetrate into any adjoining residential zone or onto any adjoining property used for residential purposes or into the night sky.
3. Lights shall not constitute a traffic hazard.
 - a. No light, sign, or other advertising structure shall be erected at the intersection of any street in such a manner as to obstruct free and clear vision; or at any location where, by reason of position, shape or color, it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal or device; or which makes use of the words "stop", "look", "danger" or any other word, phrase, symbol or character in such a manner as to interfere with, mislead or confuse traffic.

E. Site layout and guidelines.

1. Building arrangement should be such that when multiple buildings are proposed for a site, care should be taken to provide maximum feasible

street exposure for all buildings.

2. Loading, delivery, and service bays should be oriented away from existing residences and public streets and not interfere with the parking of residential vehicles.
3. Drive-through facilities are not deemed compatible with the intent of this overlay.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 12-1060 Moderate Income Housing Overlay

[12-1060-1 Purpose](#)

[12-1060-2 Establishment](#)

[12-1060-3 Biennial Review And Report](#)

[12-1060-4 Density Bonus Program For Moderate Income Housing](#)

[12-1060-5 Infill Development For Moderate Income Housing](#)

[12-1060-6 Infill Development Support](#)

12-1060-1 Purpose

- A. To provide increases in opportunities for the development of moderate income housing within Richmond City by encouraging infill development as outlined in the Moderate Income Housing portion of the Richmond City General Plan.
- B. Per the definition of Moderate Income Housing found within this Title, the Cache County moderate income level is recommended by the State of Utah to be used by Richmond City in determining whether or not housing is affordable.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

12-1060-2 Establishment

- A. Utah Code Annotated Title 10, Chapter 9a, Section 403 requires municipalities to establish a General Plan, one component of which is to deal with Moderate Income Housing within the municipality.
 1. The Moderate Income Housing plan is to provide a realistic opportunity to meet current and estimated future needs to provide reasonable opportunities to allow persons with moderate incomes to benefit from and fully participate in all aspects of neighborhood and community life.
 2. In keeping with these directions, the Planning and Zoning Commission and the City Council will consult the recommendations of the Moderate Income Housing section of the Richmond City General Plan (2013 and subsequent editions) relative to Moderate Income Housing.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

12-1060-3 Biennial Review And Report

- A. Utah Code Annotated Title 10, Chapter 9a, Section 408 requires that the legislative body of each city shall biennially:
 - 1. Review the moderate income housing plan element of the General Plan and its implementation; and
 - 2. Prepare a report setting forth the findings of the review.
- B. Each report shall include a description of:
 - 1. Efforts made by the city to reduce, mitigate, or eliminate local regulatory barriers to moderate income housing;
 - 2. Actions taken by the city to encourage preservation of existing moderate income housing and development of new moderate income housing.
 - 3. Progress made within the city to provide moderate income housing, as measured by permits issued for new units of moderate income housing.
 - 4. Efforts made by the city to coordinate moderate income housing plans and actions with neighboring municipalities.
- C. The Richmond City Council will send a copy of the report to the Department of Workforce Services and the Bear River Association of Governments on each even-numbered year.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

12-1060-4 Density Bonus Program For Moderate Income Housing

- A. For each on-site moderate income housing unit provided, a developer shall be permitted to build one (1) additional market-rate unit on site and to create a legal lot for such unit, up to a maximum of 20% increase in total dwelling units.
- B. The Density Bonus Program for Moderate Income Housing applies to all agricultural and residential zones.
- C. The Density Bonus Program for Moderate Income Housing may be applied to development projects that include a minimum of ten (10) parcels.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

12-1060-5 Infill Development For Moderate Income Housing

- A. Infill refers to development that takes place on land within built-up areas that has



been passed over during previous development phases and has remained vacant.

- B. Infill development occurs in areas that are already served by public facilities (e.g., sewer, water, schools, police, fire). Infill development reduces development costs by reducing costs, therefore creating an opportunity to develop moderate income housing.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

12-1060-6 Infill Development Support

- A. Richmond City shall support moderate income housing through the following actions and conditions.
- B. Richmond City shall make available to developers a list of potential infill development parcels.
 - 1. This list shall include persons owning land within the cities existing infrastructure that are stalling to subdivide or develop their land for the purpose of providing moderate income housing.
- C. Richmond City shall allow some flexibility to existing zoning ordinances to facilitate infill development for moderate income housing on parcels which cannot be developed under existing zoning criteria.
 - 1. Flexibility options may include:
 - a. Zero lot line housing with shared wall or detached.
 - b. Shared driveways.
 - c. Zoning density increases.
- D. Infill development housing shall be designed to reinforce and compliment existing housing architecture and street-scape.
 - 1. This includes details such as:
 - a. Garage placement at the side of rear of structure.
 - b. Use of exterior construction materials that are similar to and compliment existing neighborhood housing,
 - c. Use of exterior design features that are similar to and compliment existing neighborhood housing (i.e., front porch).
 - d. Use of landscaping, fences, and windowless walls to maintain privacy on lots developed with reduced setback and/or zero lot lines.

- E. Infill development housing design architecture and site plans shall be presented to the Richmond City Planning and Zoning Commission and City Council for approval.
- F. Infill development shall be sold or rented to families who qualify under the current definition of having a moderate income for Richmond City.
- G. Under no circumstances can infill efforts violate either fire or building codes.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 12-1070 Sensitive Lands Regulations Overlay

[12-1070-1 Overview](#)

[12-1070-2 Development Requirements](#)

[12-1070-3 Sensitive Lands Analysis Requirements](#)

[12-1070-4 Waiver/Modification Of Analysis And Study Requirements](#)

[12-1070-5 Sensitive Lands Regulations](#)

[12-1070-6 Administrative Process](#)

12-1070-1 Overview

- A. The primary intent of the regulations included in this Chapter is to restrict development in environmentally sensitive areas.
- B. This is done by requiring open space on steep slopes, sensitive soils, geologic hazard areas, wetlands, rivers and streams, water recharge areas, wellhead protection zones, and wildlife corridors.
- C. The intent is that these regulations shall encourage expanses of open space where slope, flood plain, and other sensitive land issues are present and the clustering of development, while still allowing a reasonable use of property.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

12-1070-2 Development Requirements

- A. The Sensitive Area Overlay Zone is identified on the accompanying maps found in Appendix A of Title 12-000.
 - 1. The maps show FEMA Flood Plain, “No Build” areas due to steep slopes, and Drinking Water Source Protection areas and require that the following analysis be conducted to determine the exact boundaries of the sensitive areas.
 - 2. The maps do not, in and of themselves, define the sensitive areas.
 - 3. All new development within the Sensitive Area Overlay Zone shall address the following items.



B. Sensitive lands requirements apply to all agricultural, residential, commercial, and manufacturing zones and associated overlays and will include:

1. Steep slopes.
2. Unstable soils.
3. Jurisdictional wetlands.
4. Geologic hazards.
5. Natural floodplains, drainage systems, and canals.
6. Water recharge areas.
7. Vegetation.
8. Wildlife corridors.
9. Existing and planned trail systems
10. Wellhead protection zones.

C. No homes, buildings, or other structures, streets, or drives shall be erected or built on areas classified as “No-Build”, except for those required for public improvements and facilities such as: power poles, pump houses, reservoirs, regulator stations, etc.

1. No-Build areas shall not be included in allowable zoning density calculations.
2. No-Build areas shall include the following:
 - a. Jurisdictional wetlands.
 - b. Slopes greater than thirty (30) percent.
 - c. Areas within one-hundred seventy-five (175) feet of an active fault.
 - d. Active floodplains.
 - e. Unstable soils.
 - f. Water recharge areas.
 - g. Wellhead protection zones.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

12-1070-3 Sensitive Lands Analysis Requirements

Any applicant for any development approval must produce a sensitive lands analysis performed by qualified professionals that identifies and delineates all of the following features and conditions and the following studies, reports, and plans shall be required on all developments except as provided for in 12-1070-4.

A. Slope/Topographic Map shall include:

1. Slope analysis based on a certified boundary survey and depict contours at an interval of five (5) feet or less, mapping the development site's slopes in the following categories:
 - a. greater than fifteen (15) percent but less than or equal to thirty (30) percent;
 - b. greater than thirty (30) percent.

B. Soils Map shall include:

1. Unstable soils analysis showing any potentially unstable soils within the development site.

C. Wetlands Map shall include:

1. A map locating all jurisdictional wetlands and stream corridors within the development site.

D. Geology Map shall include:

1. Geologic hazard analysis that maps all active (normal) faults within the development site with a one-hundred seventy-five foot (175') buffer on each side of the fault.
2. Water recharge area analysis that maps water recharge areas within the development site.

E. Hydrology Map shall include:

1. Hydrological features analysis showing hydrological features (i.e. streams, springs, and seeps), the one hundred (100) year flood plain as identified on Federal Emergency Management Agency (FEMA) floodplain maps, and canals within the development site.

F. Vegetative Cover Map shall include:

1. Vegetative cover analysis showing vegetative cover within the development site, including:
 - a. deciduous trees.
 - b. coniferous trees.

- c. large shrub masses.
- d. sagebrush grasslands.
- e. agricultural crops.

G. Wildlife Corridors Map shall include:

- 1. Wildlife corridors analysis showing wildlife corridors within the development site.

H. Trails Map shall include:

- 1. All trail corridors identified in the Richmond City General Plan.

I. Potential trail linkages to existing trail systems adjacent to the development site.

J. Erosion Control Plan shall include:

- 1. Provisions for the control of erosion, hillside slippage, and sedimentation.
- 2. Storm water pollution prevention plan that indicates the temporary and permanent control practices and measures which shall be implemented during all phases of clearing, grading, and construction.
 - a. The plan shall comply with all State of Utah Division of Water Quality regulations applied under Phase I of the Utah Pollutant Discharge Elimination System (UPDES) storm water permitting requirements.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

12-1070-4 Waiver/Modification Of Analysis And Study Requirements

Based upon a preliminary assessment of the development proposal and a site field inspection, Richmond City may modify or waive any of the sensitive lands analysis requirements upon a determination that the information is not necessary for full and adequate analysis of the development or is sufficient at a reduced level of detail.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

12-1070-5 Sensitive Lands Regulations

The following provisions shall apply to all delineated sensitive lands contained in the Sensitive Lands Overlay Zone.

A. Slope Protection Regulations.

- 1. It is the intent of these regulations to protect Richmond City's visual



character and environmentally sensitive areas on hillsides and slopes.

2. This shall be accomplished by minimizing the visual and environmental impacts of development through careful site planning that maintains the maximum amount of open space, protects existing vegetation, avoids sensitive natural areas, minimizes erosion, and locates structures in the least visually sensitive location.
3. These regulations shall apply to all slopes in excess of fifteen percent (15%).

a. Prohibitions.

- i. No development shall be allowed on or within fifty feet (50') of slopes in excess of thirty percent (30%), areas subject to land sliding, and other high-hazard geological areas as determined by the soils report.

b. Graded and Filled Slopes.

- i. Cutting and filling to create additional or larger building sites shall be kept to a minimum and avoided to the maximum extent feasible.

(1) All proposed grading and filling shall be subject to review by Richmond City.

(2) Graded or filled slopes shall be limited to a 3:1 slope or less. All graded slopes shall be re-contoured to the natural, varied contour of surrounding terrain.

c. Benching or Terracing.

- i. Benching or terracing to provide additional or larger building sites is prohibited.

d. Retaining Walls.

- i. Use of retaining walls is encouraged to reduce the steepness of man-made slopes and provide planting pockets conducive to re-vegetation.

- ii. The use, design, and construction of all retaining walls shall be subject to the approval of Richmond City based upon assessment of visual impact, compatibility with surrounding terrain and vegetation, and safety considerations.

e. Re-vegetation.

- i. Exposed slopes that are not formally landscaped shall be completely re-vegetated with native plant materials as approved by Richmond City.
- ii. Slopes with high potential for erosion shall be stabilized with erosion control blanket until vegetation has stabilized the slope.
- iii. Topsoil from any disturbed portion of a steep slope shall be preserved and utilized in re-vegetation.
- iv. Fill soil must be of a quality to support healthy plant growth.

B. Streets and Roads.

1. The grade of any street or road shall not exceed a grade of eight percent (8%) or as designated in the most current edition of Richmond City Manual of Design and Construction Standards.

C. Wetland and Stream Corridor Regulations.

1. Richmond City recognizes that wetlands and stream corridors provide important hydrological, biological, aesthetical, recreational, and educational functions.

- a. The following requirements have been developed to promote, preserve and enhance these valuable resources and to protect them from adverse effects and potentially irreversible damage.

i. Jurisdiction.

- (1) All significant wetlands and stream corridors in the Sensitive Lands Overlay Zone are regulated as provided herein and are subject to the jurisdiction of this Title 12-000.

ii. Prohibited Activities.

- (1) No person shall engage in any activity that shall disturb, remove, fill, dredge, clear, destroy or alter any area, including vegetation, within significant wetlands and significant stream corridors and their respective setbacks.

iii. Boundary Delineations.

- (1) Wetland and stream corridor delineations shall be performed by a qualified professional who has

demonstrated experience necessary to conduct such delineations.

(A) All fees, costs and expenses associated with such delineations are borne by the applicant. Delineation of wetlands and stream corridors shall be subject to the approval of the U.S. Army Corps of Engineers.

(2) Boundary delineations shall be established using the latest edition of the U.S. Army Corps of Engineers Wetland Delineation Manual.

(3) Stream corridors shall be delineated at the ordinary high water mark.

iv. Determination of Significance.

(1) A wetland delineation shall be found significant based upon the following criteria:

(A) Size. All wetlands that occupy a surface area greater than one-tenth (1/10) acre or are associated with permanent surface water are significant.

(B) Location. All wetlands that are adjacent to or contiguous with a stream corridor are significant.

(2) All stream corridors are significant. Stream corridors shall not include canals and ditches which are commonly known as irrigation ditches and do not contribute to the preservation or enhancement of fisheries or wildlife.

v. Setbacks.

(1) The following setbacks are considered minimum distances:

(A) Setback from wetlands shall extend a minimum of fifty feet (50') outward from the delineated wetland edge or as determined by Richmond City.

- (B) Setbacks from stream corridors shall extend a minimum of fifty feet (50') outward from the ordinary high water mark or outside boundary of the delineated riparian corridor, whichever is greater, or as determined by Richmond City.
- (C) Setbacks from irrigation ditches and canals shall extend a minimum of twenty feet (20') from the ordinary high water mark or as determined by Richmond City.

vi. Runoff Control.

- (1) All projects adjacent to wetlands shall provide appropriate temporary and permanent runoff control to minimize sediment and other contaminants to the maximum extent feasible.

D. Active Floodplain Regulations.

- 1. The intent of these regulations is to minimize potential damage to development caused by flooding and to avoid negative affects on the watershed that may result from development within active floodplains.
- 2. Prohibited Floodplain Development.
 - a. No development adjacent to the Cub River shall be allowed within the one hundred (100) year floodplain as identified on the Federal Emergency Management Agency (FEMA) floodplain mapping.
 - i. Although currently outside of the current legal limits of Richmond City, the Cub River is specifically included for planning purposes as it is closely within the potential annexation area as designated by the City.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

12-1070-6 Administrative Process

- A. All applicants for development (defined as including applications for subdivision, PUD, or other development permits) whose property has been identified as being within the Sensitive Lands Overlay Zone, shall be required to undertake an analysis of their property to identify sensitive environmental areas as defined in the above regulations.

- B. A proposed development shall conduct all sensitive lands mapping required in this ordinance during the preliminary plan design phase.
1. The developer shall provide a report to the Richmond City Planning and Zoning Commission and the Richmond City Council that includes all mapping information required in this ordinance, along with the proposed appropriate development and open space areas for the site unless exempted in keeping with 12-1070-4 above.
- C. The development permit proposal shall then continue through the applicable development permitting process.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

[Chapter 12-2000 SUBDIVISION REGULATIONS](#)

[Part 12-2001 Applicability](#)

[Part 12-2002 General Provisions](#)

[Part 12-2003 Subdivision Process](#)

[Part 12-2004 Subdivision Design And Improvement Requirements](#)

[Part 12-2001 Applicability](#)

All subdivision applications shall be administered in accord with the provisions of this Chapter.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

[Part 12-2002 General Provisions](#)

[12-2002-1 Purpose](#)

[12-2002-2 Applicability](#)

[12-2002-3 Authority](#)

[12-2002-1 Purpose](#)

The purpose of this Chapter shall be to implement a general rule for the subdivision of the land within the Richmond City limits.

- A. This Chapter shall be based on the officially adopted General Plan of the City and is enacted in order to promote and protect the public health, safety, comfort, convenience, prosperity, and general welfare and to achieve the following objectives:
1. To promote the goals and policies as recommended in the Richmond City General Plan;
 2. To provide for the accuracy of legal descriptions in the land conveyance process;

3. To encourage excellence and creativity in the design of all future developments and to preserve the natural beauty of Richmond City;
4. To encourage orderly growth and development;
5. To avoid scattered development of land that results in:
 - a. Lack of water supply, sewer service, drainage, transportation facilities, or otherwise essential public services; or
 - b. Excessive expenditure of public funds for the supply of such services;
6. To provide for desirable and appropriately located living areas and a variety of dwelling types and densities with adequate provision for sunlight, fresh air, and usable open space;
7. To provide for the manner and form of making and filing of plats;
8. To specify the requirements as to the extent and the manner in which:
 - a. Roads and streets shall be created and improved;
 - b. Water and sewer and other utility mains, piping connections, or other facilities shall be installed;
 - c. Pedestrian pathways consistent with the recommendations found within the General Plan are to be located and designed;
9. To protect existing surface waters throughout the City, and
10. To specify the administration of the regulations of this Section by defining the powers and duties of approval authorities.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

12-2002-2 Applicability

These regulations shall apply to the subdivision of all land within the legally defined Richmond City limits that is divided, re-subdivided, or proposed to be divided into two (2) or more lots, parcels, sites, units, other divisions 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.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

12-2002-3 Authority

Chapter 12-1200 is established through the authority of Utah Code Annotated Title 10, Chapter 9a, Section 601.



- A. All subdivision plat(s) must comply with the provisions of this Chapter before:
1. It/They shall be submitted to the public land records of Cache County, or recorded by the Cache County Recorder's Office, or
 2. any lots be sold.
 - a. All subdivision plat(s) must receive final approval by the City Council upon recommendation of the Planning & Zoning Commission.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 12-2003 Subdivision Process

[12-2003-1 Applicability](#)

[12-2003-2 Pre-Application Meeting](#)

[12-2003-3 Preliminary Plat Process](#)

[12-2003-4 Final Plat Process](#)

[12-2003-5 Combined Preliminary And Final Plat Process](#)

[12-2003-6 Required Findings](#)

[12-2003-7 Term Of Permits](#)

[12-2003-8 Property Boundary Adjustment](#)

[12-2003-9 Vacating Or Changing A Subdivision Plat](#)

12-2003-1 Applicability

- A. There are three processes that govern the subdivision of land: preliminary plat, final plat, or combined preliminary and final plat.
1. The process to be followed will depend on the property, the number of lots created and the type of land use proposed and/or allowed on the property.
 2. The three processes apply to all requests for the subdivision of property with the following exceptions:
 - a. A division of agricultural land for agricultural purposes in accordance with Utah Code Annotated Title 10, Chapter 9a, Section 605 (2).
 - i. Such land must qualify as agricultural use per Utah Code Annotated Title 59, Chapter 2, Section 503 which requires that the land must produce in excess of fifty percent (50%) of the average agricultural production per acre.
- B. Property boundary adjustments of property lines in accordance with 12-503 and 12-902-2.

- C. Under the provisions of Utah Code Annotated Title 10, Chapter 9a, Section 605 (1) a subdivision of 4 lots or less will not require a plat to be provided:
1. the proposed subdivision is not traversed by the mapped lines of a proposed street recommended in the General Plan for Richmond City and does not require the dedication of any land for street or other public purposes;
 2. has been approved by the Culinary Water Authority and the Sanitary Sewer Authority;
 3. is located in a zoned area; and
 4. conforms to all applicable land use ordinances or has properly received a variance from the requirements of an otherwise conflicting and applicable land use ordinance.
- D. If a property is subject to subdivision regulation, the applicant must adhere to the following three part public approval process:
1. Phase 1 - Pre-application Meeting.
 2. Phase 2 - Preliminary Plat.
 3. Phase 3 - Final Plan.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

12-2003-2 Pre-Application Meeting

The pre-application conference precedes the actual preparation of preliminary plans by the applicant to the Planning & Zoning Commission.

- A. At the meeting the applicant shares his/her development plans and is advised of zoning, utilities, General Plan recommendations, platting procedures and applicable requirements by the City Manager and/or City Engineer.
- B. The applicant should present a general outline of the proposed subdivision/development including sketch plans and ideas regarding land use, street arrangements, lot arrangement, and tentative lot sizes.
 1. The City Manager and/or City Engineer and applicant should discuss site development information including, but not limited to, water supply and distribution, floodplains, sewage disposal, surface drainage, street improvements and other relevant information concerning the proposed subdivision/development.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

12-2003-3 Preliminary Plat Process

The preliminary plat stage of land subdivision includes detailed subdivision planning, submission, review and approval of the preliminary plat.

- A. The following Preliminary Plat requirements shall be submitted to the City Manager at least fourteen (14) days prior to the hearing before the Planning & Zoning Commission. (NOTE: Scheduling of the case shall be dependent upon adequacy of data provided to the City.)
1. The Preliminary Plat will not be processed until all of the required items have been submitted.
 - a. At the discretion of the City Manager or City Engineer, appropriate supplementary information may also be required to sufficiently detail the proposed development.
 2. Subdivision design should comply with the standards set forth in the City's Manual of Design and Construction Standards available from the City.
 3. Preliminary plat application with required attachments as noted on the application.
 4. Application fees as set forth by the City.
 5. Ten (10) hard copies and one (1) electronic copy, in NAD 83 horizontal coordinate system and NAVD 88 vertical datum, of the Preliminary Plat Drawing which includes the following:
 - a. Size of plat sheets shall be twenty-four inches by thirty-six inches (24" x 36") with at least one and one-half inch (1-2) border on the left side and one-half inch (2) on all other sides.
 - b. Plat sheets shall be prepared at a scale of one inch equals one hundred feet (1" =100') or larger for subdivisions where the majority of lots are less than five (5) acres in size.
 - i. The scale may be reduced to one inch equals two hundred feet (1"=200') for subdivisions in which the minimum lot size is five (5) acres or more.
 - c. The title (subdivision name) of the plat shall appear on the drawing along with Section, Township and Range information, and shall not duplicate or too closely resemble the name of any subdivision previously filed in the County.
 - d. The date of preparation, scale and north arrow are to be shown on the plat sheet.
 - i. The top of each sheet shall represent north wherever possible.

- e. Provide signature blocks for County Surveyor, County Recorder, City Planning and Zoning Commission, Mayor as authorized and acting in behalf of the City Council, City Attorney, City Engineer and Health Department along the bottom or right hand side of the plat sheet.
- f. Include the names, addresses and phone numbers of the developer or sub-divider, and the individual or firm responsible for the preparation of the plat.
- g. Include written legal description of subdivision with a Surveyors Certification, so that the plat conforms to Utah Code Annotated Title 10, Chapter 9a, Section 603 (4) ff for plat preparation.
- h. Include a dedication of easements, parks, streets, or any other parcel intended for public uses, with a signature block and an acknowledgment signature block.
- i. The boundary of the platted land shall be shown with bearings and distances, and the basis of the Point of Beginning shall be shown and tied to section or quarter section lines.
 - i. Include descriptions of found monuments which indicate the basis of bearing, all in keeping with the provisions of Utah Code Annotated Title 10, Chapter 9a, Section 603 (4) (a) through (c).
- j. Show the lot layout with lot numbers and addresses (by table or directly indicated on the specific lot), lot dimensions and lot area in square feet and graphically depict the minimum setbacks and public utility easements.
- k. Address numbers will be determined by using the "Plat of Zion" system as outlined in 12-2004-4(A)(4) and must be coordinated with Richmond City.
 - i. The Cache County numbering system IS NOT to be used to prevent confusion on the part of emergency services personnel.
- l. Show Tax Identification numbers and owners names of all adjacent parcels.
- m. Show existing contours at a maximum interval of two feet (2') for slopes greater than two percent (2%).
 - i. For slopes of two percent (2%) or less, contour intervals shall be one foot (1') unless waived by the City Engineer.

- n. Identify location and extent of any significant natural features such as slopes, streams, floodplain, faults, significant wildlife corridors or drainage-ways.
 - o. Identify existing easements, structures and utilities.
 - p. Show proposed streets, right-of-ways, and centerlines with standard street numbers utilizing the "Plot of Zion" numbering system from the intersection of Main and State Streets, Richmond, Utah and proposed names in accordance with the Richmond City Manual of Design and Construction Standards, most recent edition.
 - i. Street numbers are to be determine in keeping with 11) and 11)a) above.
 - q. Show proposed culinary water, sanitary sewer, storm drain, and other utility systems.
6. Five (5) sets of construction drawings for the required improvements set forth in 12-509 and in accordance with the Richmond City Manual of Design and Construction Standards, prepared by a registered professional engineer in the State of Utah.
- a. The plans shall provide for all improvements shown on the drainage plan including right of way easement cross sections showing construction and placement of streets, walks, curbs, gutters, medians, swales, ditches, utilities, planting strips and property lines; details of hydrants, valves, manholes, pipe junctions, pumps, thrust blocking, catch basins, etc.; street profiles showing natural and finish grades, centerline and both curbs or edges of asphalt, storm sewer line and manhole profiles, storm drainage system profiles and other details as necessary to adequately convey the design intent.
 - b. Provide a vicinity map showing the location of the proposed subdivision in the City and its relationship to surrounding development at a scale of one inch equals one thousand feet (1"=1000') or one inch equals two thousand feet (1"=2000').
 - c. Identify all property under control of the sub-divider, even though only a portion is being subdivided.
7. Five (5) copies of a drainage report prepared by a licensed engineer which examines the pre-development and post-development design storm flows and high water marks of any natural drainage that could affect the site, as well as outlines the design procedure of all drainage facilities on site in accordance with the Richmond City Manual of Design and Construction Standards.

8. Five (5) copies of storm drainage plans prepared by a licensed engineer which shows proposed rights-of-way, easements, walkways, parks, common areas, roadways, waterlines, reservoirs, sewer lines, manholes, treatment facilities, swales, curb and gutter, culverts, drains, storm water devices, spot top of curb elevations, high and low street points, drainage arrows, street plans, all drainage areas and acreage, design flood flows adjacent to and/or flowing onto the development, the storm water “pick up” and “take off” points designed to handle the design flow on the surface, cross sections and high water elevations for all design flows.
 - a. Spot elevations shall be given for all inverts low points and flow entry and exit points.
 9. Three (3) copies of Soil Suitability Report with a boring log.
 10. Five (5) copies of an Erosion Control Plan.
 11. Five (5) copies of the development layout plan if development is to be constructed in phases.
 12. Associated studies (geological or other hazard studies).
 13. One (1) copy of a list of the names and addresses of all owners of subdivided lots and unplatted land located within three hundred feet (300') of the exterior boundary of the proposed subdivision.
- B. Public Hearing Notice requirement in compliance with Utah Code Annotated Title 10, Chapter 9a, Section 205.
1. All preliminary plat applications shall be considered in a public hearing before the Planning and Zoning Commission.
 - a. The Planning and Zoning Commission shall forward their recommendation to the Richmond City Council either approving with or without conditions or denying the proposed subdivision.
 2. Richmond City shall provide written notice of the date, time, place, and purpose of the hearing to all property owners within three hundred feet (300') of the exterior boundaries of the subject property for the proposed subdivision, with this notice being mailed not less than ten (10) days prior to the public hearing.
 3. Richmond City shall mail notice to affected public entities of the proposed preliminary plat not less than fourteen (14) days prior to the public hearing.
 4. Richmond City shall post notice of the public hearing on the Utah Public Notice Website at least ten (10) calendar days prior to the hearing.

5. At least ten (10) days prior to the public hearing, the applicant shall post at the proposed subdivision site in a visible location with a sign of sufficient size, durability and print quality to give notice to passers-by including a summary description of the proposed project, the date, time, and place of the public hearing.

C. Decision relative to the preliminary plat process shall comply with the following:

1. The recommendation of the Richmond Planning and Zoning Commission shall be transmitted to the Richmond City Council.
2. The Richmond City Council shall place the issue upon their agenda and set a time and date for a public hearing before the Council.
3. The Richmond City Council notification of public hearing shall comply with the provisions of 12-2003-3(B) above.

D. The decision of the Richmond City Council relative to the preliminary plat shall be made based upon the recommendation of the Richmond City Planning and Zoning Commission, evidence and testimony of the public during the public hearing, and such other testimony and information obtained by the Richmond City Council within an agenda meeting.

1. Decisions may be appealed per 12-409.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

12-2003-4 Final Plat Process

A. After the approval or conditional approval of the preliminary plat, the applicant may cause the total parcel, or any part thereof, to be surveyed and a final plat prepared in accordance with the approved preliminary plat.

B. The following Final Plat Requirements shall be submitted to the City Manager.

1. The Final Plat will not be processed until all of the required items have been submitted.
2. Final plat application with required attachments as noted on the application.
3. Application fees as set forth by the City and in compliance with the provisions of Utah Code Annotated Title 10, Chapter 9a, Section 510.
4. Ten (10) copies of the Final Plat Drawing which shall include and be in compliance with all items required under Utah Code Annotated Title 10, Chapter 9a, Section 603 ff as well as all of the items required for the Preliminary Plat Drawing with the following requirements:

- a. Contours, existing and proposed utilities and natural features not

associated with subdivision boundary be removed.

5. A statement of conformance with the approved preliminary plat and meeting all requirements or conditions thereof;
6. Ten (10) copies of construction drawings which meet preliminary plat requirements and changes from preliminary plat approval if any.
7. Electronic files of final and approved preliminary plats in accordance with the Richmond City Manual of Design and Construction Standards.
8. If the plat must be reviewed by the U.S. Army Corps of Engineers because of wetlands, streams or other criteria, a letter from the Corps of Engineers indicating approval must be provided.
9. Proof of current ownership of the real property included in the proposed final plat and consent of recorded owners of the plat.
 - a. In conjunction with the proof of ownership, proof that all taxes, interest, and penalties owing on the land have been paid in accordance with Utah Code Annotated Title 10, Chapter 9a, Section 603.(3).
10. Title Opinion to include evidence satisfactory to the City must be submitted showing title or control of the property to be subdivided and showing the property to be subdivided as free and clear of any liens.
 - a. An attorney's title opinion or ownership and encumbrance report from a land title company shall be considered satisfactory evidence.
 - b. Such an opinion or report shall also note any reservation for mineral rights and the existence of any mineral or oil and gas leases.
11. A documented statement of conformance with all requirements and provisions of this Title.
12. A documented statement of conformance with acceptable engineering, architectural and surveying practices and local standards.
13. A documented statement indicating the timing of the construction and completion for all improvements and any required amenities associated with the plat.
14. A cost breakdown of public infrastructure improvements.
15. Financial Guarantee:
 - a. No site grading or construction of lots or of the public improvements required in this title shall be started unless and until the sub-divider shall have furnished to the City a contractor's performance bond, an irrevocable letter of credit or funds in

escrow an amount equal to at least one and one-quarter (1.25) times the reasonable value of the required public improvements, as determined by the Richmond City Engineer, to guarantee the complete and timely development of any facilities or improvements which are the sub-divider's responsibility.

16. Alternate Approval Procedure:

- a. As an alternate procedure and at the request of the sub-divider, the Richmond City Council may approve a final plat and instruct the City Planner or other designated individual working for or elected to a position within the government of Richmond City to withhold the approved final plat from recording for a period of time to allow the sub-divider to install all of the required public improvements according to the plans and specifications approved by the City Engineer.
- b. An executed standard contract as approved by the Richmond City Attorney regarding installation of improvements shall be submitted with the final plat.
- c. The contract shall require that all improvements be completed no later than twelve (12) months from the date the final plat was approved by the Richmond City Council.
 - i. When the completed improvements are inspected and approved by the Richmond City Engineer, the plat shall be recorded by the City Recorder as well as the Recorder for the County of Cache, State of Utah, and the sale of lots may proceed according to the approved and recorded plat.

17. Release of Financial Guarantee:

- a. As improvements are completed, inspected and approved by the City, and accurate as-built drawings are submitted, the subdivider may apply to the City for a release of a proportionate part of any collateral deposited with the City.
- b. The City shall retain ten percent (10%) of the collateral or receive a bond for the same amount for a period of one year from the time of completion and acceptance of the subdivision to ensure correction of latent defects which may occur within that period.
 - i. The City may extend the improvement assurance warranty to two (2) years from date of completion if the conditions found in Utah Code Annotated Title 10, Chapter 9a, Section 604.5 apply.
- c. The guarantee hereby stipulated shall extend to and include, but shall not be limited to, the entire street base and all pipes, joints,

valves, backfill and compaction, as well as the working surface, curbs, gutters, sidewalks, and other accessories that are or may be affected by the construction operations; and whenever, in the judgment of the City Engineer, said work shall be in need of repairs, maintenance, or rebuilding, he shall cause a written notice to be served upon the developer and or permittee or both, and there upon the responsible party(ies) shall undertake and complete such repairs, maintenance, or rebuilding.

- i. If the responsible party(ies) fails to do so within thirty (30) days from the date of the service of such notice, the City Engineer shall have such repairs made, and the cost of such repairs shall be paid by the responsible party(ies), together with twenty-five percent (25%) in addition thereto, as and for stipulated damages for such failure on the part of the responsible party(ies) to make the repairs.
- d. The City Engineer may withhold future permits from the affected contractor or subcontractor for failure to comply with City requirements.
- e. A final close out inspection shall occur prior to the completion of the twelve month warranty period to verify compliance with the above stipulated conditions.

18. Other information or documents as necessary.

C. City Manager review:

1. Acceptance.

- a. Upon receipt of the final plat, and compliance with all other requirements as provided for herein, the City Manager shall certify the application as complete and shall affix the date of acceptance.

2. Substantial compliance.

- a. The City Manager or designee shall review the final plat for substantial compliance with the approved or conditionally approved preliminary plat.
 - i. The final plat shall be determined in substantial compliance with the preliminary plat, notwithstanding the following changes:
 - (1) The number of buildable lots is the same or fewer;
 - (2) The amount of common open space is increased;
 - (3) The number of open space lots has been increased;

3. If the number of buildable lots has increased or there has been an overall reduction in the amount of open space or relocation of the open space, the final plat shall be determined not to be in substantial compliance with the preliminary plat.
 - a. If the City Manager determines that there is substantial difference in the final plat than that which was approved as a preliminary plat or conditions that have not been met, the City Manager may require that a new preliminary plat be submitted to the Planning and Zoning Commission.

D. Decision on the final plat.

1. The Richmond City Council shall make a decision on every final plat in accordance with this Chapter and the conditions of approval placed on the preliminary plat.
2. Each final plat approval shall indicate the timing of the construction and completion for all improvements and any required amenities associated with the plat.

E. Submission of final plat for recording.

1. After approval by Richmond City Council, the applicant/developer shall submit one (1) copy of Final Plat on Mylar with signatures of all owners of record with appropriate notary acknowledgment, for an individual, corporation or partnership along with stamp and signature of surveyor.

F. Recording of the final plat. Upon approval or approval with conditions by the Richmond City Council and signature of the City Engineer, the City will submit the final plat to the Cache County Recorder for recording.

1. The final plat shall contain signature blocks for County Surveyor, County Recorder, City Planning and Zoning Commission, Mayor as authorized and acting in behalf of the City Council, City Attorney, City Engineer and Health Department along the bottom or right hand side of the plat sheet as well as any additional requirements as listed in Utah Code Annotated Title 10, Chapter 9a, Section 603.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

12-2003-5 Combined Preliminary And Final Plat Process

A. Applicability.

1. A subdivision application may be simultaneously processed as both a

preliminary and final plat if all of the following exist:

- a. The proposed subdivision does not exceed ten (10) lots.
- b. No new street dedication, excluding widening of an existing street, is required; and
- c. All required information for both preliminary and final plat is complete and in an acceptable form.

B. Public hearing Requirements.

1. All combined preliminary and final plat applications shall be considered in a single public hearing before the Richmond Planning and Zoning Commission.
2. The Richmond Planning and Zoning Commission shall make a recommendation to the Richmond City Council approving with conditions or denying the proposed subdivision.
3. The public hearing shall be held in compliance with the provisions of 12-2003-2(B)(1) through and including 12-2003-2(B)(5).

C. The Planning and Zoning Commission shall forward their recommendation to the Richmond City Council either approving with or without conditions or denying the proposed subdivision.

D. The Richmond City Council shall consider the recommendation of the Richmond Planning and Zoning Commission in a regular agenda meeting, and shall schedule a public hearing at a subsequent meeting following the provisions of 12-2003-3(B).

E. The decision of the Richmond City Council relative to the joint preliminary/final plat shall be made based upon the recommendation of the Richmond City Planning and Zoning Commission, evidence and testimony of the public during the public hearing, and such other testimony and information obtained by the Richmond City Council within an agenda meeting.

1. Decisions may be appealed per 12-409.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

12-2003-6 Required Findings

In consideration of a preliminary plat or combined preliminary and final plat, the decision-making body shall make the following findings:

A. The plat is in conformance with recommendations found within the General Plan;

- B. Public services are available or can be made available and are adequate to accommodate the proposed development;
- C. The plat is in conformance with scheduled public improvements in accord with the City's capital improvement program;
- D. There is public financial capability of supporting services for the proposed development, and
- E. The development will not be detrimental to the public health, safety or general welfare.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

12-2003-7 Term Of Permits

A. Failure to submit final plat.

- 1. Approval of a preliminary plat or combined preliminary and final plat shall become null and void if the applicant fails to record a final plat within two (2) years of the approval of the preliminary plat or one (1) year of the approval of the combined preliminary and final plat.

B. Phased development.

- 1. In the event that the development of the preliminary plat is made in successive phases in an orderly and reasonable manner, and conforms substantially to the approved preliminary plat, such segments, if submitted within successive intervals of twelve (12) months, may be considered for final approval without resubmission for preliminary plat approval.
- 2. The twelve (12) month period may be waived if the Richmond City Council enters into a formal agreement with a developer on a phased development with specific deadlines for phase completion.
 - a. In the event of such a formal agreement, the developer must appear before the Richmond City Council prior to beginning actual development of the next scheduled phase to ensure compliance with any changes or up-dates applicable to various infrastructure or building code(s).

C. Authorize extension.

- 1. Upon written request and filed by the applicant prior to the termination of the period, the Richmond City Council may authorize a single extension of time to record the final plat not to exceed twelve (12) months.

2. Additional time extensions up to twelve (12) months may be approved by the Richmond City Council.
3. With all extensions, the Richmond City Council may require the preliminary plat or combined preliminary and final plat to comply with the current provisions of this Title.

D. Failure to meet timetable.

1. If the above timetable is not met and the applicant does not receive a time extension, the original approval shall become null and void.
2. Subsequent development on the property shall require submittal and approval of a new application in compliance with the provisions of this Chapter.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

12-2003-8 Property Boundary Adjustment

A. The purpose of these regulations is to allow for the adjustment of property lines between existing properties, and to allow for the reduction in the number of buildable lots.

1. A property boundary adjustment does not vacate the platted lot lines or easements of a recorded subdivision.

B. Applicability.

1. These provisions apply to all existing properties.

C. Process:

1. Application and fee, in accordance with the adopted fee schedule in compliance with the provisions of Utah Code Annotated Title 10, Chapter 9a, Section 510 and 12-12-514 shall be submitted to the City Manager on forms provided by the City.
2. Upon tentative approval of the application by the City Manager subject to any applicable conditions of approval the applicant or owner shall have one (1) year to complete the following tasks:
 - a. Cause the property to be surveyed and a record of survey recorded;
 - b. Execute and record the necessary deeds to accomplish the property boundary adjustments as approved;
 - c. Obtain new tax parcel numbers from the Cache County Assessor; and

- d. Provide copies of the recorded record of survey, recorded deeds, and the new tax parcel numbers to the City Manager.
3. Upon determination by the City Manager that the final property boundary adjustment is in conformance with the provisions of this Section and the conditions of approval, a certificate of zoning compliance shall be issued.

D. Standards:

1. A property boundary adjustment shall not reduce the property size below the minimum dimensional standards as established by 12-900 (Zones); or if one or more of the properties is nonconforming, per formal agreement between the developer and the Richmond City Council, as to the minimum dimensional standards prescribed, the property boundary adjustment shall not increase the nonconformity.
2. A property boundary adjustment shall not increase the original number of properties, and may decrease the original number of properties.
3. A property boundary adjustment shall not change or move any public streets or publicly dedicated areas in any manner.
4. Any private or public easement shall be vacated in accord with the requirements of this Title.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

12-2003-9 Vacating Or Changing A Subdivision Plat

- A. The Richmond City Council, as the Land Use Authority, shall allow vacating or changing of a subdivision plat.
- B. The process for vacating or changing of a subdivision plat will comply with the following provisions as set forth in the respective portion of Utah Code Annotated, Title 10, Chapter 9a:
 1. Section 608 for overall vacating or changing.
 2. Section 609 for the approval and recording.
 3. Section 609.5 for street, right-of-way, or easement.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 12-2004 Subdivision Design And Improvement Requirements

[12-2004-1 Purpose](#)

[12-2004-2 Applicability](#)

[12-2004-3 Required Improvements](#)



[12-2004-4 Design Requirements](#)
[12-2004-5 Escrow For Chip-Sealing](#)

12-2004-1 Purpose

This Section shall establish minimum design and improvement requirements in the subdivision of land to promote the public health, safety, and general welfare of present and future residents, and to provide for coordinated, efficient, and attractive development consistent with the recommendations of the Richmond City General Plan.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

12-2004-2 Applicability

- A. All plats submitted in accord with the provisions of this Chapter, and all subdivisions, improvements and facilities done, constructed or made in accord with said provisions shall comply with the minimum design standards set forth in the current edition of the Manual of Design and Construction Standards for Richmond City.
 - 1. Higher applicable standards adopted by any senior transportation or health authority shall prevail.

- B. It shall be the responsibility and liability of every applicant, and the owner of the land being subdivided, to construct and install every improvement shown on the plat of the subdivision, represented to be included in the subdivision at any presentation before the Planning and Zoning Commission and/or the City Council, and all improvements required by the ordinances of Richmond City specifically including the requirements of this Chapter, and this responsibility and liability shall be personal to the developer and the owner and shall also run with the land, and this responsibility and liability shall be shown on the plat of the subdivision.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

12-2004-3 Required Improvements

- A. The sub-divider shall install, at the sub-dividers expense, the following improvements within twenty four (24) months of final plat approval and in accordance with plans, specifications, and data as specified in Richmond City's latest edition of the Manual of Design and Construction Standards and as approved by the City Engineer.
 - 1. The construction and installation of all improvements shall be under the supervision and inspection of the City Engineer or his/her agents.
 - a. The owner shall be required to pay the cost of engineering and inspection services prior to the issuance of final acceptance of



subdivision improvements by Richmond City.

B. Sewage Disposal.

1. The sub-divider shall provide an approved sewage disposal system for all lots within the subdivision by one of the following means as determined by the City Engineer:
2. Individual or private sewage facilities are not allowed in the City limits unless located in a zone which prohibits/prevents the installation of a sewer main.
 - a. Should such a situation occur, the placement and certificate of installation must be through the Bear River Health Department.

3. Sanitary Sewer System.

- a. There shall be constructed at the owner's and/or sub-divider's expense, a sanitary sewer system including all necessary pumping stations, pumping equipment, manholes and all other necessary or desirable appurtenances to provide for the discharge of sanitary sewage from all lots or parcels of land within the platted area to a connection with the Richmond City sanitary sewers.
- b. Pumping ("lift") stations and pumping equipment will not be permitted by Richmond City unless all means of gravity flow are unavailable or undue hardship would result.
 - i. Increased costs, unless they constitute an undue and prohibitively excessive financial burden as determined by the City, will not constitute a hardship.
- c. The sanitary sewer system shall be constructed in accordance with the latest edition of the Richmond City Manual of Design and Construction Standards.
- d. The above mentioned facilities for the collection and disposal of sanitary sewage from the platted area shall, upon final approval and acceptance by Richmond City, become the property of the City.
 - i. Under some circumstances Richmond City may require, as a condition for approval of the plat, installation of a sanitary sewer that is larger than necessary to meet the immediate needs of the platted area or the area being subdivided as shown by the preliminary plat or site plan but necessary to complete the City sanitary system as it relates to both the area being platted and other areas.

- ii. If applicable under then current Richmond City ordinance, some reimbursement to the original developer may be available when others establish connections to the oversized (pioneering) sewer main.

C. Storm Drainage System.

1. There shall be constructed, at the owner's and sub-divider's expense, a storm drainage system adequate to serve the area, including anticipated extension of use to serve additional areas.
 - a. The storm drainage system shall be designed and constructed in accordance with the latest edition of Richmond City Manual of Design and Construction Standards.
 - b. The drainage systems will, upon inspection, approval and acceptance by the City, become the property of the City.
 - c. In the storm drainage system design phase, consideration shall be given to alternatives and principles of storm water management in accordance with the Utah pollutant discharge elimination system (UPDES) permit or as determined by the City Engineer.

D. Water Distribution System.

1. There shall be constructed, at the owner's and sub-divider's expense, a water distribution system (including fire protection with hydrants) to adequately serve all lots or parcels of land within the platted area with due regard to the present and reasonably foreseeable needs of the entire area shown in the preliminary plat or site plan, and shall connect the same to existing water mains.
2. The water distribution system shall be designed and constructed in accordance with the current edition of Richmond City Manual of Design and Construction Standards, and may include pumping stations, pressure reduction valving, and storage facilities.

E. Streets, Street Grading and Surfacing.

1. The owner of land being platted shall, at their expense, provide the grading of the entire street rights of way and alleys and provide appropriate paving including curb and gutter on all streets.
 - a. All streets or roads shall be of such width and shall be so constructed as to meet the standards designated for various road classifications.

- b. The street improvements shall be designed and constructed in accordance with the latest edition of the Richmond City Manual of Design and Construction Standards and shall adequately reflect the classification of the street, its location and anticipated volume of traffic.

F. Streetlights, Street Name Signs and Traffic Control Signs.

1. The owner shall, at their expense, install all streetlights, street name signs and traffic control signs.
 - a. Street lights shall be in compliance with the designated style and type, including manufacture, as designated by the Richmond City Council in keeping with an on-going program of uniform lighting.
 - b. All street lights will be “dark-sky” compatible with the associated directional and screening devices.
2. All lights and signs shall be designed and installed in accordance with the current edition of the Richmond City Manual of Design and Construction Standards.
3. Streetlights, street signs and traffic control signs shall be installed prior to any occupancy permit being issued for any building, in any subdivision.
 - a. Street signs must carry a numerical designation based upon the “Plat of Zion” design and may also bear a name.

G. Utilities; Gas, Electricity, Telephone, and other infrastructure not otherwise covered.

1. It is the responsibility of the owner or sub-divider to install all other necessary utilities.
 - a. The utilities shall be installed under the supervision of the City Engineer and the agency responsible for the particular utility.
 - b. All utilities shall be installed underground, except that major overhead power lines may be located along major streets or other specifically designed streets or transmission corridors.
 - c. All utilities must be designed and constructed in accordance with the latest edition of the Richmond City Manual of Design and Construction Standards.

H. Other Facilities or Improvements.

1. The owner or sub-divider shall, at their expense, install any other facility or improvement as may be specified on the preliminary plat, site plan, or

upon recommendation of the Planning and Zoning Commission and ratified by the Richmond City Council and agreed to by the sub-divider.

I. Monuments.

1. The owner and sub-divider shall, at their expense, install monuments at all:
 - a. Subdivision boundary corners,
 - b. Block and lot corners, points of tangency and points of curve of all curves shall be marked by a distinctive survey corner marker.
 - i. Where section lines and quarter section lines intersect the centerline of any street, reference shall be given to the nearest section corner or quarter corner.
 - ii. All survey markers shall be in place and visible at the time of final acceptance.
 - c. Street monuments shall be installed at the intersection of the centerlines of all streets within the subdivision.
 - i. Specifications for the monuments shall be the same as for the subdivision boundary monuments and shall be set in access wells as specified in the latest edition of the Richmond City Manual of Design and Construction Standards.

J. Supplemental On Site/Off Site Street Construction.

1. The developer or sub-divider shall be responsible for and bear the expense of all street, curb, gutter, sidewalk and other related construction within the development.
2. The extent of development of streets which are contiguous to, traverse, or provide access to areas which are to be subdivided or developed shall be determined by the Planning and Zoning Commission, subject to review and approval by the Richmond City Council.
 - a. The transportation master plan and land use maps of the General Plan for the City shall be consulted in each particular case to determine whether a particular street which traverses or is contiguous to a subdivision or development, or provides access to a subdivision or development, should be developed to appropriate street standards.
 - b. Such streets may be on site or off site of the property being improved or platted.
 - c. The Planning and Zoning Commission may deviate from the

transportation master plan in those particular cases in which the required standard of development for such streets is not in accord with estimated traffic demands, considering further requirements for ingress and egress and safety.

- i. Any such deviation recommended by the Planning and Zoning Commission must be ratified by the Richmond City Council.
3. In the event that the Planning and Zoning Commission approves construction of half streets, the developer must, at a minimum, construct half a street with pavement, shoulder, curb, gutter and sidewalk built to proper specifications for that particular street designation.
 - a. Additionally, the subgrade preparation, sub-base, base course and asphalt will be in accordance with the particular street designation, all at the developer's expense.
 - b. The developer must also leave the surface of the deeded adjoining land in a condition which would be compatible with future construction of the remaining lanes, subject to the inspection and approval of the City Engineer.
4. The following provisions apply to all streets when the Planning and Zoning Commission has determined that deviation from the transportation master plan is not permitted:
 - a. Streets contiguous to an area being platted or improved, and that provide access to such areas being platted or improved, shall be required to be designed and constructed or improved to the standard specified in the latest edition of the Richmond City Manual of Design and Construction Standards for the appropriate street classification as designated on the transportation and land use map as part of the plat or improvement.
 - i. Such streets may be on site or off site of the property being improved or platted.
 - b. Streets recommended for construction or improvement under this section shall be reviewed by the Planning and Zoning Commission with final approval by the Richmond City Council.
 - c. Streets which are required to be constructed or improved under this section shall be constructed or improved at the expense of the developer and at no expense to the City.
 - i. In addition, full width of street construction shall be required for streets constructed or improved under this section

- d. The Planning and Zoning Commission may require a traffic impact study to evaluate potential impacts from the development.
 - i. Impacts adjacent to the development will be required to be mitigated by the developer.

K. Extension of Public Works Facilities.

- 1. The extension of any public works facilities, including, but not limited to, streets, roads, bridges, storm drains, water mains, sewer lines, secondary water systems and the like, shall be installed by the developer or sub-divider of any subdivision when such extensions are made necessary by reason of the impact of the subdivision or development.
 - a. The necessity of all such extensions, and the scope thereof, shall first be determined by the City Engineer.
 - b. The developer or sub-divider shall not be entitled to compensation or reimbursements for such improvements or extensions to the extent that such improvements or extensions were necessitated by the prospective impact of the development or subdivision.
 - i. Developer or sub-divider may be reimbursed for extensions and/or improvements which the developer may be required to make which exceeds the anticipated impact of the proposed subdivision or development in keeping with provisions of the then current Richmond City ordinance regarding such “pioneering” work.

L. Improvement Payback.

- 1. The City shall require that adjacent property owners, whose property has not yet been platted or improved and who will benefit from the street construction or other infrastructure improvements, to reimburse the developer who constructed or improved said infrastructure under this section, an equitable portion of the cost of the improvement in keeping with provisions of the then current Richmond City ordinance regarding such “pioneering” work.
- 2. The Richmond City Council shall determine what, if any, adjacent property has benefitted and shall also determine the equitable amount which an adjacent property owner shall pay to the developer who constructed or improved the infrastructure pursuant to this section in keeping with provisions of the then current Richmond City ordinance regarding such “pioneering” work .

3. The sum of amounts paid by adjacent property owner(s) shall not exceed fifty percent (50%) of the original cost of the infrastructure constructed or improved under this section unless provided otherwise in keeping with provisions of the then current Richmond City ordinance regarding such “pioneering” work.
4. An owner of adjacent property which has been determined to have benefitted shall not be required to pay his/her equitable share of the costs of such construction or improvement until such time as the benefitted property is improved and/or developed.
5. This payment shall be required up to a date ten (10) years from the acceptance of constructed improvements or as otherwise established in keeping with provisions of the then current Richmond City ordinance regarding such “pioneering” work.
6. It shall be the responsibility of the developer to keep accurate and detailed financial records for the said ten (10) year period to enable the City Council to make an equitable determination of reimbursement.
7. In the event that such financial records are not maintained or not provided to the City Council, the reimbursement provisions of this Chapter and the then current Richmond City ordinance regarding such “pioneering” work will be declared null and void.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

12-2004-4 Design Requirements

A. Streets.

1. Dedication.

- a. Within a proposed subdivision, arterial and collector streets as shown on the General Plan shall be dedicated to the public in all cases; in general, all other streets shall also be dedicated to public use.

2. Street Specifications.

- a. The design, location, and widths of all street and street intersections shall comply with the requirements of the latest edition of the Richmond City Manual of Design and Construction Standards.

3. Each block will be designated at six hundred sixty feet (660') feet between road right-of-ways.

4. Street Names.

- a. All new streets will bear a number designation in accordance with the points of the compass, and beginning with a zero-zero designation at the intersection of Main and State streets in Richmond City.
 - i. If a developer desires to name a street, this name shall be in addition to, and not replace or supplant, the numerical designation in the City.
 - ii. Addresses shall be determined by measuring out from the intersection of Main and State streets in the "Plot of Zion" format.
 - (1) In an out-bound direction from the intersection of Main and State streets, addresses on the left side shall be odd numbered while those on the right shall be even numbered.
 - (2) For every six and one-half feet of frontage (6.5'), the number shall increase by one digit.
 - (3) If the location of the main entrance to the structure can be predetermined, that shall become the address point.
 - (4) Otherwise the address will be determined by the mid-point of the frontage of the lot.
 - (5) All street names and house numbers shall be approved and assigned by Richmond City.
 - (A) Street names shall not duplicate any existing street name within the County, except where a new street is a continuation of an existing street.
 - (B) Street names that may be spelled differently but sound the same as existing streets shall not be used.
 - (C) For streets that provide primary access to a subdivision or neighborhood and that align with an existing or planned street across an intersection that is not part of the same subdivision or neighborhood, the street name shall not duplicate the name of the subdivision or neighborhood.
 - (D) Proposed streets which are a continuation of an existing street shall be given the same name as the existing street.

(E) Street name signs shall be installed in the appropriate locations at each street intersection.

(F) The Richmond City Council may approve exceptions to the requirements for street names in accordance with subsections (a) to (e) above.

5. Cul-de-sacs.

a. No cul-de-sacs will be allowed except for situations where the Planning and Zoning Commission determines that topographic constraints will not allow through streets.

b. The design of the cul-de-sac must comply with the current requirements set forth in the Richmond City Manual of Design and Construction Standards.

6. Reconfiguration of the proposed street layout may be required by the Planning and Zoning Commission to provide through streets and will be ratified by the Richmond City Council prior to implementation.

B. Driveways.

1. All driveway openings in curbs shall comply with the requirements of the Richmond City Manual of Design and Construction Standards.

C. Common driveways:

1. Common driveways shall serve a maximum of four (4) dwelling structures.

2. Common driveways shall be a minimum of twenty feet (20') in width.

3. Common driveways shall be a maximum of one hundred fifty feet (150') in length or less, unless otherwise approved by the Richmond City Fire Department.

4. Common driveways shall be paved with a surface with the capability of supporting fire vehicles and equipment and in accordance with the latest edition of the Richmond City Manual of Design and Construction Standards applicable to driveways and sidewalks.

5. Unless limited by significant geographical features, all properties that abut a common driveway shall take access from the driveway.

6. Common driveways shall be straight or provide a twenty-five foot (25') inside and forty-five foot (45') outside turning radius.

7. For any plats using a common driveway, the setbacks, building envelope, and orientation of the lots and structures shall be shown on the preliminary plat.
8. A perpetual ingress/egress easement shall be filed with the County Recorder, which shall include a requirement for maintenance of a paved surface capable of supporting fire vehicles and equipment plus being in accordance with the latest edition of the Richmond City Manual of Design and Construction Standards applicable to driveways and sidewalks.
9. The City Engineer may approve or recommend approval of alternative design or construction standards when the applicant can demonstrate that the proposed overall design meets or exceeds the intent of the required standards of this Section and shall not be detrimental to the public health, safety, and welfare.

D. Easements.

1. Utility easements shall be provided along front lot lines, rear lot lines and side lot lines unless deemed unnecessary by the City Engineer.
2. Total easement width shall not be less than ten feet (10').

E. Privately held reserve strips controlling access from adjacent lands to public streets shall be prohibited.

F. Permanent survey monuments shall be accurately set and established at the intersections of centerlines of streets within the development and intersections with centerlines of existing streets and the beginning and ends of curves on centerlines or points of intersections or tangents.

1. All permanent survey monuments shall remain in place, or be reset at the developer's expense when approved by the City Engineer, after curbs and gutter, sidewalks, base and pavement are installed.
2. Monuments shall be of a type specified in City standards, and all development plans shall be tied to a section corner or monument of record, as established by the Cache County Surveyor.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

12-2004-5 Escrow For Chip-Sealing

- A. All streets and roads constructed as part of a development within Richmond City will be so accomplished in keeping with the provisions of the latest edition of the Richmond City Manual of Construction and Design Standards.
- B. In keeping with best management practices, any street or road constructed utilizing asphalt will then be chip-sealed the following warm season after

completion, or at a mutually agreeable point not to exceed eighteen (18) months following completion.

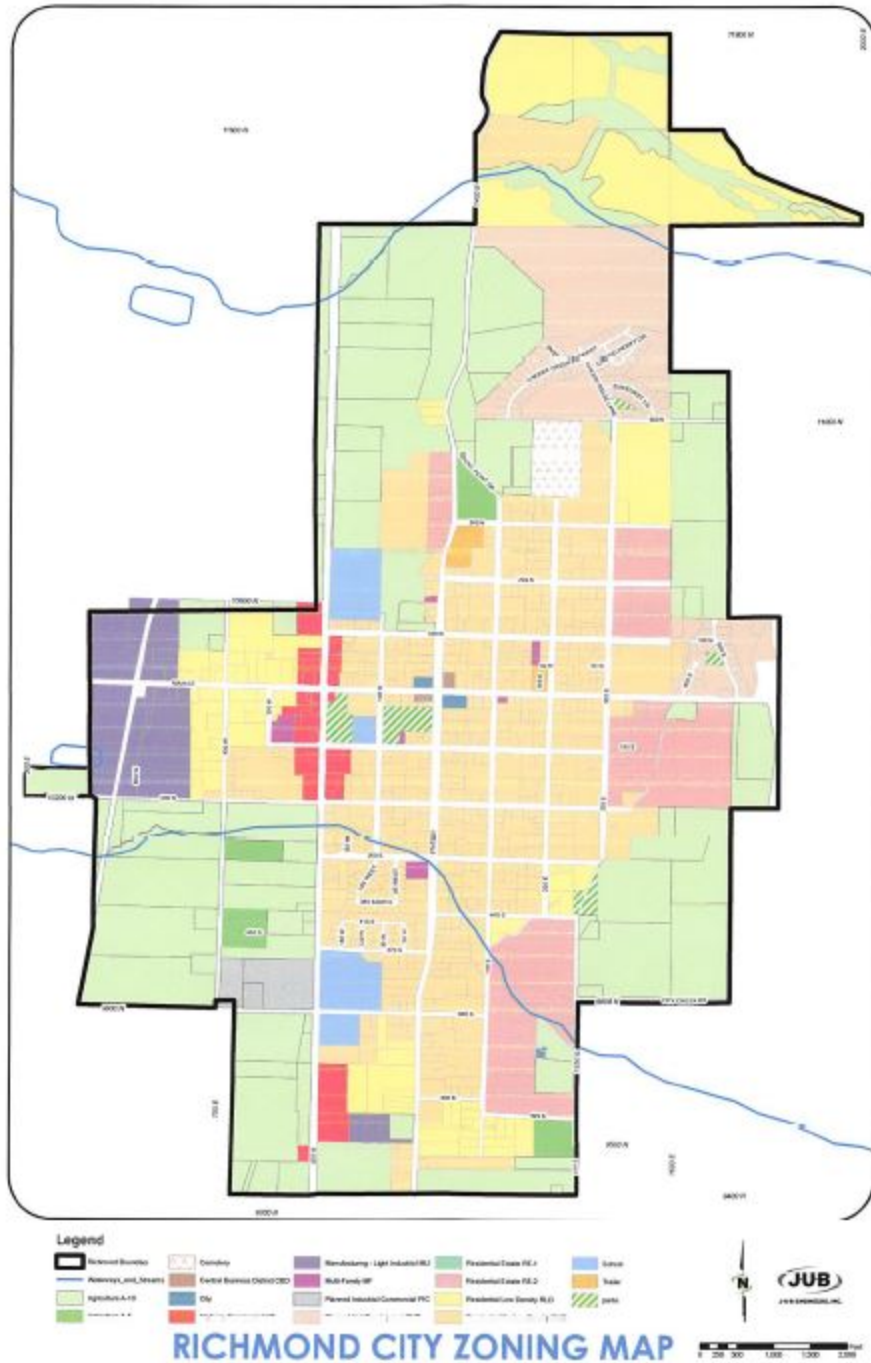
1. The alternate time period will be determined by the Richmond City Council based upon the research and advice of the City Engineer or other competent road construction/maintenance authority.
- C. Chip-sealing will be accomplished using current oil and gravel specifications approved and utilized by the Utah Department of Transportation.
- D. The developer will be required, following the completion of the roads/streets involved with the development, to deposit with Richmond City a certificate of escrow in the amount of the estimated total cost to chip-seal the roads/streets established by the developer at that time plus twenty-five (25) percent.
1. Said certificate of escrow will be immediately surrendered to the developer upon satisfactory completion of the chip-sealing during the forthcoming season.
 2. The Engineer for Richmond City, or a designated representative authorized by the Richmond City Council, will be the deciding authority relative to the term “satisfactory completion” utilizing current Utah Department of Transportation standards.
 3. Application dates of the chip-sealing will be coordinated with, and approved by, the Richmond City Council.
 4. Should the chip-sealing not be completed within the time limits established above, or jointly modified by the City of Richmond and the developer, said certificate of escrow will be forfeit to the City of Richmond.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

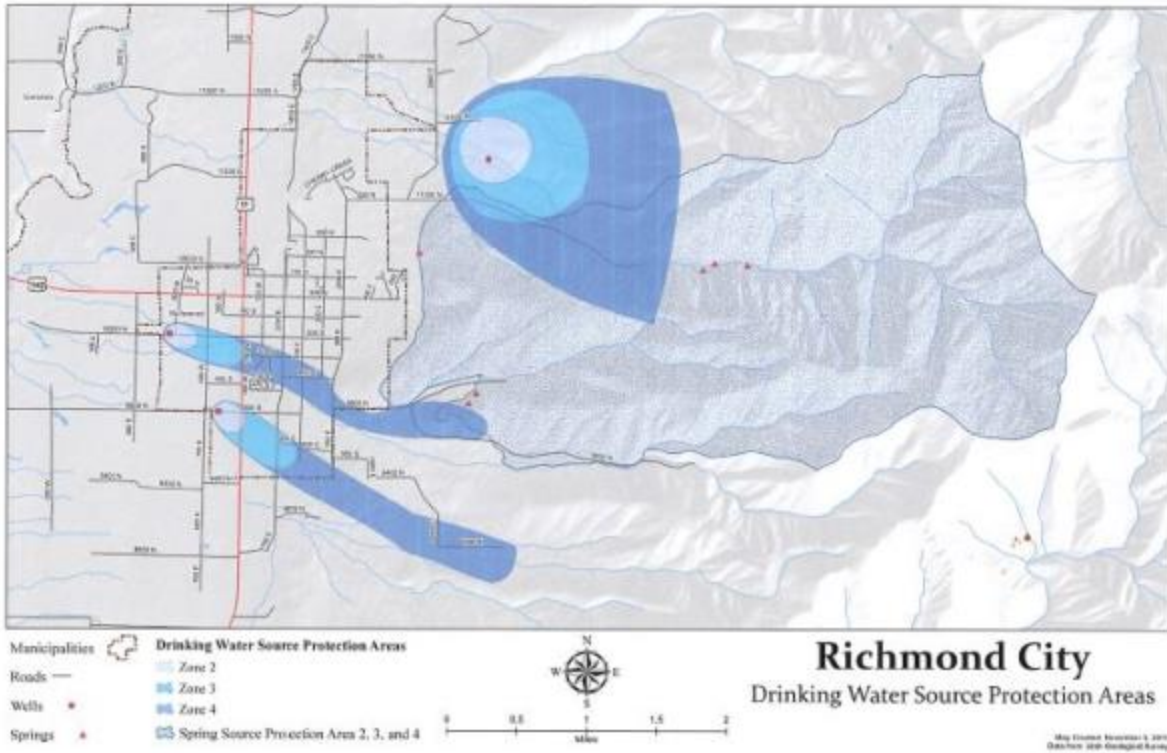
Chapter 12-000 APPENDICES

RICHMOND CITY ZONING MAP



RICHMOND CITY TRANSPORTATION PLAN A-8





HISTORY
Adopted by Ord. [2019-2](#) on 2/19/2019

Title 13-000 POLICE AND PUBLIC OFFENSES

[Chapter 13-100 POLICE](#)

[Chapter 13-200 ANIMAL CONTROL](#)

[Chapter 13-300 GENERAL POLICE POWERS](#)

[Chapter 13-400 INCHOATE OFFENSES](#)

[Chapter 13-500 OFFENSES AGAINST THE PERSON](#)

[Chapter 13-600 OFFENSES AGAINST PROPERTY](#)

[Chapter 13-700 OFFENSES AGAINST THE FAMILY](#)

[Chapter 13-800 OFFENSES AGAINST GOVERNMENT](#)

[Chapter 13-900 OFFENSES AGAINST PUBLIC ORDER AND DECENCY](#)

[Chapter 13-1000 OFFENSES AGAINST PUBLIC HEALTH, SAFETY, WELFARE AND MORALS](#)

[Chapter 13-1200 PORNOGRAPHIC AND HARMFUL MATERIALS AND PERFORMANCES](#)

[Chapter 13-1300 PROSTITUTION](#)

Chapter 13-100 POLICE

[Part 13-110 Police Department](#)

[Part 13-120 Jail](#)

Part 13-110 Police Department

[13-111 Police Department - Established](#)

[13-112 Marshal - Chief Of Police](#)

[13-113 Additional Powers And Duties Of Policeman](#)

[13-114 Register Of Arrest](#)

13-111 Police Department - Established

There is hereby established a regularly constituted police force to be known as the police department which shall consist of a chief of police and such other police officers as shall be employed by the municipality.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-112 Marshal - Chief Of Police

- A. Powers. Cities see U.C.A. §§ 10-6-65 through 10-6-68. Towns see U.C.A. §§ 10-6-69 and 10-13-10 and 17-25-1 et. seq.
- B. He shall organize, supervise, and be responsible for all the activities of the police department and shall define and assign the duties of the different police officers.
- C. He shall, when required, attend meetings of the governing body to consult with and advise them on matters of public safety. He shall execute all lawful orders of the mayor and governing body and see that all orders and judgments of the justice of the peace are carried into effect.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-113 Additional Powers And Duties Of Policeman

The chief of police and all police officers of the municipality shall have the following powers and duties in addition to those that may be assigned to them as above provided:

- A. To suppress riots, disturbances, and breaches of the peace, and to apprehend all persons committing any offense against the laws of the state or ordinances of the municipality.
- B. To execute and serve all warrants, processes, commitments, and writs whatsoever issued by the justice of the peace.
- C. To preserve the public peace, prevent crime, detect and arrest offenders, protect persons and property, remove nuisances existing in the public streets, roads, highways and other public places, enforce every law relating to the suppression of offenses, render such assistance in the collection of licenses as may be required by the license collector and perform all duties enjoined upon them by law and ordinance.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-114 Register Of Arrest

The chief of police shall provide and cause to be kept a register of arrest. Upon such register shall be entered a statement showing the date of such arrest, the name of the person arrested, the name of the arresting officer, the offense charged and a description of any property found upon the person arrested.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 13-120 Jail

[13-121 Governing Body To Provide](#)

[13-122 Jailer](#)

[13-123 Rules](#)

[13-124 Duties Of Jailer](#)

[13-125 Prisoners To Labor On Public Works](#)

13-121 Governing Body To Provide

- A. The governing body shall provide for a place of incarceration which shall be the municipal jail.
- B. The governing body may contract with any person, county, municipality, or combination thereof for the purpose of providing suitable premises and facilities to be used by the municipality as the municipal jail.



HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-122 Jailer

Until another person is appointed, the chief of police shall be ex officio jailer. The jailer shall:

- A. Receive and safely keep all persons duly committed to his custody and file and preserve all commitments by which persons are committed.
- B. Keep a record of each showing the date of arrest, offense charged, term of commitment, date of release and the name, age and place of birth and description of the person committed in a book kept for that purpose.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-123 Rules

The jailer shall formulate a system of prison rules and discipline and keep a record in which shall be entered a statement of every infraction thereof committed by any person confined therein.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-124 Duties Of Jailer

The jailer shall receive all persons committed to jail by competent authority, and provide them with necessary food, clothing, and bedding. He shall cause the prison to be warmed and lighted, when necessary. and to be kept in a sanitary condition. He shall enforce all rules prescribed by the governing body for the government of the prison.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-125 Prisoners To Labor On Public Works

Any prisoner committed to the jail or other place of incarceration as a punishment or in default of the payment of a fine or fine and costs, arising from a violation of the ordinances of this municipality shall be required to work for the municipality at such labor on public works and ways as his strength will permit, not exceeding eight hours in each working day.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Chapter 13-200 ANIMAL CONTROL

[Part 13-210 Poundmaster](#)

[Part 13-220 Care And Keeping](#)

[Part 13-240 Dogs](#)

[Part 13-260 Kennels](#)

[Part 13-270 Wild, Fierce, Dangerous, Or Vicious Animals](#)

[Part 13-280 Estrays](#)

Part 13-210 Poundmaster

[13-211 Office Of Poundmaster Created](#)

[13-212 Duties Of Poundmaster](#)

[13-213 Lawful To Go On Premises](#)

[13-214 Interference With Officer Prohibited](#)

[13-215 Fees - Services Of Poundmaster](#)

13-211 Office Of Poundmaster Created

The position of municipal poundmaster is hereby created. The Richmond City Council is hereby empowered to appoint an individual to fill the position of poundmaster at a mutually agreed upon rate of compensation, or said Council may contract the duties and responsibilities of poundmaster with another individual or agency.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-212 Duties Of Poundmaster

The poundmaster shall perform the following duties:

- A. Carry out and enforce the provisions of this chapter.
- B. Take into his/her possession and impound all strays running at large and dispose of the same as provided by this chapter.
- C. Enforce the licensing and control of all dogs within the municipality as provided by this chapter.
- D. File complaints in the courts against any person, firm, or corporation failing to comply with the provision of this chapter including obtaining of licenses when required by this chapter.
- E. Capture and secure all dogs found running at large contrary to the provisions of this chapter and impound such dogs in a humane manner.
- F. Provide for a good and sufficient pound in which all animals duly committed to the poundmasters charge or otherwise impounded by the poundmaster shall be maintained.
 1. At the discretion of the Richmond City Council pound facilities may be contracted to competent local animal care facilities.
- G. Maintain accurate records concerning all animals reported or apprehended to include but not limited to:
 1. Description of animal sufficient to ensure proper identification.
 2. Circumstances under which the animal was reported, received and/or impounded in sufficient detail to be presented to a court of law.

3. The costs expended for the maintenance of the animal including disposition if applicable.
4. Amounts received through the sale of animals if applicable.
5. Final disposition of the animal.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-213 Lawful To Go On Premises

In the enforcement of any provision of this chapter, any officer of the law and/or the poundmaster or his/her deputies are authorized to enter the premises of any person or entity to take possession of any fierce, stray, dangerous, or vicious dog or other animal, dogs or other animals at large, or dogs or other animals which have committed an act prohibited by City ordinance, when in fresh pursuit of such dog or other animal at the time the dog or other animal goes onto private property whether registered or unregistered, and as other wise provided in this chapter and by law.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-214 Interference With Officer Prohibited

It shall be unlawful for any person to interfere, molest, hinder, or obstruct the poundmaster or any of his/her authorized representatives in the discharge of their duties as prescribed by this chapter.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-215 Fees - Services Of Poundmaster

- A. The poundmaster shall charge, and the owners of animals taken into his/her possession for impoundment, disposal, or other services, shall pay such fees and charges for services performed by the pound or poundmaster as the Richmond City Council shall establish from time to time by ordinance or resolution. All fees, including bails under Title 13-254, shall be paid over to the Richmond City Treasurer. In the case of bails being received by the Richmond City Court as a result of a formal citation, the owner or caretaker of the animal must then pay to Richmond City any and all additional administrative, pound, rabies, micro-chipping, and/or licensing costs as applicable to the animal before the release is authorized or adhere to the provisions of Title 13-215.B. below.
- B. Should the Richmond City Council contract out the care of such animals, the following protocol will be observed:
 1. Payment for all costs associated with impoundment, care and boarding will be paid to Richmond City.
 - a. A flat \$40.00 impoundment fee to cover all City administrative

costs, in addition to other impound related costs, will be applied to any and all animals impounded.

2. Richmond City will provide the owner or caretaker of the impounded animal with a release form, upon payment of all fees, to be presented to the contracting agency. In the case of un-licensed dogs, proof of rabies vaccination and payment of licensing tag will be required in addition to the fees associated with the impounding, care and boarding of the animal.
 - a. Dogs, whether licensed or not, that have been impounded will have a micro-chip implanted for future identification purposes, at the expense of the owner, prior to being released. Dogs already with an implanted micro-chip are exempt from this requirement.
3. Upon receipt of the release form, the contracting agency will be authorized to release the animal(s) into the custody of the bearer.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 13-220 Care And Keeping

[13-221 Allowable Animals](#)

[13-222 Animals At Large](#)

[13-223 Abandonment](#)

[13-224 Trespassing Animals And Fowl](#)

[13-225 Killing Or Poisoning Prohibited](#)

[13-226 Dead Animals](#)

[13-227 Diseased Animals](#)

[13-228 Sale Of Diseased Animals](#)

[13-229 Reporting Of Rabid Animals](#)

[13-230 Biting Animal Quarantined For Observation](#)

[13-231 Rabies Contacts Quarantined](#)

[13-232 Unlawful Acts](#)

13-221 Allowable Animals

Domesticated dogs, domesticated cats, and those animals contained under the definition of “animal unit” in the current Planning and Zoning Ordinance to include horses, cows, steers, sheep, goats, rabbits, chickens, pheasants, turkeys, ducks, geese, and pigeons will be allowable within the municipal limits of Richmond City.

Total numbers of said animals, less dogs and cats, will be in keeping with the provisions of the aforesaid ordinance. Animals not listed in the current animal unit definition will be handled on a case-by-case basis presented by the owner to the Richmond City Council. The keeping of pigs is prohibited.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-222 Animals At Large

No cattle, horses, sheep, goats, or related animals shall be allowed to run at large or to be herded, picketed, or staked out upon any street, sidewalk, or other public place within the limits of Richmond City, and all such animals so found may be impounded. Nothing contained within this chapter shall be so construed as to prevent any person from driving cows, horses, or other animals from outside the limits of Richmond City to any enclosure within the limits of Richmond City or from any enclosure within Richmond City to a place outside of Richmond City or from one enclosure to another within the limits of Richmond City.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-223 Abandonment

It shall be unlawful for any person to abandon or turn out at large any sick, diseased, or disabled animal, but such animal shall, when rendered useless by reason of sickness or other disability, be killed by the owner thereof and its carcass disposed of in such manner as to create no nuisance or hazard to health. Said owner of the animal in question may contract for the disposal of said animal with person(s) or organization competent to carry out such disposal.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-224 Trespassing Animals And Fowl

It shall be unlawful for any owner or caretaker of any domestic fowl or animal to permit such fowl or animal to trespass upon the premises of another person. Restitution for damages inflicted by trespassing animals upon property shall be the responsibility of the owner or caretaker.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-225 Killing Or Poisoning Prohibited

It shall be unlawful for any person not lawfully owning the animal to willfully kill any domestic animal(s), or to administer poison to any such animal(s) or to expose any poisonous substance with the intent that it shall be taken by any such animal(s). The sole exception to this provision shall be in the instance of domesticated animals of a predatory nature or heritage that are placing the life or well-being of another domestic animal(s) in jeopardy; however, in no case will the spread of poisonous substance(s) be allowed.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-226 Dead Animals

The owner of any animal or fowl that has died or been killed shall remove or bury the carcass of such animal within ten hours after its death, provided that no horse, cow, steer, sheep, or other animal shall be buried within the closely inhabited portions of Richmond City. A violation of this section is a class C misdemeanor.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-227 Diseased Animals

It is a class C misdemeanor for any person to bring into the municipal limits of Richmond City for sale or have in his/her possession with intent to sell or offer for sale, any animal(s) which has/have a communicable disease or which has/have been exposed to or which is/are liable to carry infection from a communicable disease.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-228 Sale Of Diseased Animals

It is a class C misdemeanor for any person to bring into the municipal limits of Richmond City for sale or to sell, or offer for sale any cattle, sheep, fish, game, fowl, or poultry which is diseased, unsound, and unwholesome or which for any other reason is unfit for human consumption.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-229 Reporting Of Rabid Animals

Anyone having knowledge of the whereabouts of an animal known to have or suspected of having rabies shall report the fact immediately to an elected or appointed official of Richmond City. This information will be promptly reported to appropriate health authorities and the poundmaster. Reports of any person or animal bitten by a rabid or suspected rabid animal will be promptly reported as above.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-230 Biting Animal Quarantined For Observation

Any dog or other animal of a species subject to rabies which is known to have bitten or injured any person so as to cause an abrasion of the skin shall be placed in confinement under observation of a licensed doctor of veterinary medicine or qualified veterinary staff member and shall not be killed or released until at least fourteen (14) days after the biting or injury has occurred in order to determine whether or not the animal has rabies. If the animal dies or has been killed, the head of said animal shall be immediately removed and taken to the state diagnostic laboratory to be examined for rabies. All expenses associated with the quarantining or examination will be assigned to the animal's owner.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-231 Rabies Contacts Quarantined

Any animal of a species subject to rabies which has been bitten by a known rabid animal or has been in intimate contact with a rabid animal shall be isolated in a suitable place approved by the poundmaster for a period of one hundred twenty (120) days. If it is confirmed without any doubt that the suspected infected animal definitely has not bitten, scratched, or otherwise been responsible for opening the skin of any human, the animal may be destroyed. All expenses associated with the quarantining, examination, or destruction of the animal will be assigned to the animal's owner.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-232 Unlawful Acts

It shall be unlawful for any person to:

- A. Overdrive, overload, drive when overloaded, overwork, torture, cruelly beat, mutilate, or needlessly kill or carry or transport in any vehicle or other conveyance in a cruel and inhuman manner, any animal or cause any of these acts to be done.
- B. Fail to provide any animal in his/her charge or custody with necessary sustenance, drink, and reasonable protection from the elements, or cause any of these acts to be done.
- C. Maintain any place where fowls or any animals are suffered to fight upon exhibition or for sport upon any wager.
- D. Intentionally exhibit any stud, horse or bull or other animal indecently, or let any male animal to any female animal for the purpose of providing entertainment or viewing to any person or persons.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 13-240 Dogs

[13-241 Definitions](#)

[13-242 License And Registration Required](#)

[13-243 Exceptions](#)

[13-244 Tag And Collar](#)

[13-245 Running At Large Prohibited](#)

[13-246 Female In Heat](#)

[13-247 Strays](#)

[13-248 Rabies And Rabies Shot Required](#)

[13-249 Dogs Which Disturb Neighborhood](#)

[13-250 Vicious Dogs - Special Provisions](#)

[13-251 Dog Pound](#)

[13-252 Impounding](#)

[13-253 Record Of Impounding Dogs](#)

[13-254 Redemption Of Impounded Dogs](#)

[13-255 Assignment Of Offenses And Bail Rates](#)

- [13-256 Disposition Of Unclaimed And Infected Dogs](#)
- [13-257 Interference With Impounding Prohibited](#)
- [13-258 Dogs Attacking Persons Or Animals](#)
- [13-259 Dogs On Unenclosed Premises; Places Prohibited](#)

13-241 Definitions

As used in this ordinance, unless the context otherwise indicates, the following definitions shall apply:

- A. "At large" shall mean any dog off or away from the premises of the owner, possessor, or keeper thereof, and not under the control of such owner, possessor, or keeper, or his/her agent or a member of his/her immediate family. A dog shall be deemed under the control of said owner or family member if it is on a leash, cord, or chain.
- B. "Dog" shall mean any male, neutered male, female, or spayed female dog of any age or breed.
- C. "Dog of licensing age" shall mean any dog which has attained the age of four (4) months.
- D. "Impounded" shall mean having been received into the custody of the municipal pound or into the custody of any authorized agent or representative of Richmond City.
- E. "Owner" when applied to the proprietorship of a dog, shall mean any person or persons, firm, association or corporation owning, keeping or harboring a dog.
- F. "Pound" shall mean an animal shelter, lot, premises, or buildings maintained by or authorized or employed by Richmond City for the confinement or care of dogs seized either under the provision of this chapter or otherwise.
- G. "Poundmaster" shall mean the custodian selected by the Richmond City Council to be responsible for the operation of the dog pound and/or duties as contained in 13-212.
- H. "Unlicensed dog" is hereby defined and declared to mean a dog for which the license fee for the current year has not been paid, or to which the tag provided for in this part is not attached.
- I. "Vicious dog" means a dog that has bitten without provocation or a dog that has a known propensity to attack or bite.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-242 License And Registration Required

- A. It is unlawful for any person to keep, harbor or maintain any dog four (4) or more months of age unless such dog has been registered and licensed in the manner

herein provided.

- B. Application for registration and licensing shall be made to the poundmaster or such other person as the Richmond City Council may authorize to receive such applications.
- C. Dog licenses shall be issued by Richmond City upon payment of a license fee. The fee schedule shall be:
 - 1. Between January 1st and the last day of February of each year:
 - a. Each neutered male or spayed female: \$5.00
 - b. Each intact male or female: \$10.00
 - 2. Between March 1st and December 31st of each year with the exception of conditions as set forth in 13-242.D:
 - a. Each neutered male or spayed female: \$10.00
 - b. Each intact male or female: \$20.00
- D. The owner of any newly acquired dog of licensing age or of any dog which attains licensing age on or after March 1st of any year shall make an application for registration and license within twenty (20) days after such acquisition or the dog attaining the above stated age. Following such application, the license shall be issued at the fee rate established for the January 1st to last day of February rate. Owners who falsify statement(s) relative to acquisition or age date are subject to the penalties associated with perjury.
- E. At the time of application the owner shall provide the following information and documentation.
 - 1. Name and physical address of the owner.
 - 2. Name, physical address, breed, and color characteristics of the dog.
 - 3. Certified proof of current rabies vaccination.
 - 4. If applicable, certified proof of neutering/spaying of the animal.
- F. The license and fee shall expire on December 31st of each year regardless of the date when the current license was issued.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-243 Exceptions

- A. The provisions of this section are not intended to apply to dogs whose owners are nonresidents temporarily within the municipality, nor to dogs brought to the

municipality for the purpose of participating in any dog show, nor to temporary housing in commercial kennels.

B. Temporary dogs may be kept, boarded, harbored, or maintained within the city for a period not to exceed thirty (30) days. Anyone keeping, boarding, harboring, or maintaining a dog on a temporary basis shall notify the Richmond City Office within five (5) days of receiving said dog and record with the Richmond City Office the date the dog entered the city on a temporary basis. Anyone keeping, boarding, or maintaining a temporary dog within the city who fails to notify the Richmond City Office is in violation of this chapter. Temporary dogs must have a valid rabies certificate and current license issued by the city or county of permanent residence while in the city. Veterinary clinics are exempt from this provision. The Richmond City Office will notify the poundmaster or other designated authority of the presence of said dog(s).

1. Dog(s) being kept, boarded, harbored, or maintained on a temporary basis will be subject to all requirements relative to maintaining control over the dog(s). Refer to 13-245.

C. Individual dogs used as guides for blind persons and commonly known as seeing eye dogs shall be licensed and registered as other dogs except that the owner or keeper of such dog shall be exempt from the payment of any fee. Multiple ownership of guide or seeing eye dogs shall fall under the provisions of 13-260.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-244 Tag And Collar

Upon payment of the license fee, the poundmaster or designated member of the Richmond City Office shall issue to the owner a license certificate and a tag for each dog so licensed. The tag shall be changed every year and shall have stamped thereon the number corresponding with the number on the certificate. Every dog owner shall provide each dog with a collar to which the license tag shall be affixed, and shall see that the collar and tag are constantly worn. In case a dog tag is lost or destroyed, a duplicate will be issued by the poundmaster or designated member of the Richmond City office staff upon presentation of a receipt showing the original payment of the license fee for the current year and the payment of two dollars (\$2) for such duplicate. Dog tags shall not be transferable from one dog to another, and no refunds shall be made on any dog license fee because of the death of the dog or because of the owner leaving Richmond City before expiration of the license period. It shall be unlawful to deprive a registered dog of its collar and/or tag.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-245 Running At Large Prohibited

A. It shall be unlawful for the owner or keeper of any dog to permit such dog to run

at large.

- B. It shall be unlawful for an owner of a dog to permit such dog to go upon or be upon the private property of any person without the permission of the owner or person entitled to the possession of such private property.
- C. The owner of any dog running at large shall be deemed in violation of this section regardless of the precautions taken to prevent the escape of the dog and to prohibit it from running at large.
- D. Any dog running at large in violation of the provisions of this section is hereby declared to be a nuisance and a menace to the public health and safety, and the dog shall be taken up and impounded as provided by this chapter.
- E. A dog shall be deemed to be running at large when off or away from the premises of the owner, possessor or keeper unless such dog is in the immediate presence of the owner, possessor or keeper thereof or his/her agent, or a member of his/her family and under the actual physical control by means of a leash, cord or chain, or under consistent and demonstrable audio control, whether verbal or mechanical in nature. Procuring a license and tag shall not authorize the running at large of said dog.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-246 Female In Heat

The owner of a female dog in heat shall cause such dog to be penned or enclosed in such a manner as to preclude other dogs from attacking such female dog or being attracted to such female dog so as to create a public nuisance.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-247 Strays

It shall be unlawful for any person to harbor or keep within the municipality any lost or strayed dog. Whenever any dog shall be found which appears to be lost or strayed, it shall be the duty of the finder to notify the poundmaster or the Richmond City Office who shall impound said dog for running at large contrary to the terms of this part. If there shall be attached to such dog a license tag for the current fiscal year, the poundmaster shall notify the person to whom such license was issued, at the address given in the license.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-248 Rabies And Rabies Shot Required

- A. Every owner of any dog over the age of six (6) months within the corporate limits of Richmond City shall have the dog vaccinated against rabies by a duly licensed veterinarian, shall secure from the veterinarian a certificate of proof,



and shall attach to the collar or harness, which such person is required to place upon the dog, a tag showing that such vaccination has been done.

- B. It is unlawful for the owner of any dog to suffer, allow, or permit such dog to be or go upon any sidewalk, street, alley, public place, or square within the municipality without first having had such dog vaccinated against rabies as above provided within the past three (3) years, and without there being on such dog a collar or harness with a license tag attached showing that such dog has been so vaccinated. In the case of a dog being vaccinated for the first time, the rabies tag must be current within one (1) year.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-249 Dogs Which Disturb Neighborhood

No person, persons, firm, or corporation shall own, keep, or harbor any dog which by loud, continued, or frequent barking, howling, yelping, or by noxious or offensive odors shall annoy, disturb, or endanger the health and welfare of any person or neighborhood, nor any dog which molests passers-by, chases vehicles, habitually attacks or destroys other domestic animals, or trespasses upon school grounds or upon private property in such a manner as to damage property. Any dog falling into the above listed categories is hereby declared a nuisance, and each day a violation is permitted to exist or continue shall constitute a separate offense. A violation of this section shall be a class C misdemeanor. This section shall not apply to the municipal dog pound or veterinary hospitals.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-250 Vicious Dogs - Special Provisions

- A. It shall be unlawful for any person to own or possess a vicious dog within the limits of Richmond City. It shall be unlawful for any person owning or having custody or control of any dog known by such person to be vicious or dangerous to permit or negligently allow it to run at large, or permit or negligently allow it to run loose or within the premises of such person in such a manner as to cause injury to any person or other animal. Whenever a prosecution for this offense is commenced under this section, the dog so involved may not be redeemed, pursuant to the provisions of this part, while awaiting final decision of the court as to the disposition to be made of such dog.
- B. Any vicious dog running at large or loose within the premises of the owner or person having custody or control of such dog where it is reasonably likely to endanger the life or limb of or cause injury to any person lawfully entering such premises, shall immediately be captured by the poundmaster, his/her deputies, or any police officer and humanely destroyed or quarantined as provided.



- C. If the capture of such dog cannot be accomplished without serious risk or harm to the poundmaster, his/her deputies, or police officers, such dog may be destroyed by these personnel by the safest and most appropriate means available. It shall be the duty of the owner or person having custody or control of any vicious dog, upon request, to assist in the capture of such dog.
- D. Any person violating this section shall be punished by imprisonment not to exceed six months and/or by paying a bail not to exceed two hundred ninety-nine (\$299) dollars.
- E. Upon the trial of any offense under this part, the court may, upon conviction and in addition to the usual judgment of conviction, order the poundmaster or other authorized personnel of the municipality to put the dog to death or may order such other disposition of the dog as will protect the inhabitants of the municipality.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-251 Dog Pound

The Richmond City Council may contract with some humane person as poundmaster, with an adjoining municipality or with the county for the purpose of providing suitable premises and facilities to be used by the municipality as the dog pound. It shall be maintained in some convenient location and shall be sanitary and so operated as to properly feed, water and protect the dogs from injury. Part 13-212.F.1 may apply at the discretion of the Richmond City Council.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-252 Impounding

It shall be the duty of the poundmaster, every police officer, or other designated official to apprehend any dog found running at large, whether or not wearing his/her tag, or which is in violation of any portion of this Part and to impound such dog in the pound or other suitable place. For each incident formal citations are to be issued by legal authority, or an information duly filed by the City Prosecutor in response to a complainant. If the poundmaster or other law enforcement officers can confirm that no previous violation of record has occurred attributable to the owner or animal in the previous twelve (12) month period, he/she is authorized to issue one (1) warning before being required to issue a citation; however, a record of the warning is to be submitted to the Richmond City Office for inclusion into the master record file. Said file is to be consulted before a warning is issued in lieu of a citation. The poundmaster or some other designated official, upon receiving any dog, shall make a complete registry, entering the breed, color and sex of such dog and whether licensed. If licensed, he shall enter the name and address of the owner and number of the license.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-253 Record Of Impounding Dogs



The poundmaster shall keep a record of each animal impounded by him, the date of receipt of such animal, the date and manner of its disposal and if redeemed, reclaimed, or sold, the name of the person by whom redeemed, reclaimed, or purchased, the address of such person, the amounts of all fees received or collected for or because of the impounding, reclaiming or purchasing thereof, together with the number of any tag and the date of any tag exhibited or issued upon the redemption or sale of such animal.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-254 Redemption Of Impounded Dogs

- A. Any dog impounded as a licensed or unlicensed dog may be redeemed and taken from such pound by the owner or any authorized person, upon exhibiting to the poundmaster or person having charge of said pound or facility, a certificate of registration as provided in Title 13-242, showing that the license imposed by this part has been paid for such dog, as required, and a certificate of release as provided in Title 13-215. In addition to fees associated with registration and impoundment costs, bails will be paid in keeping with the provisions of Title 13-255.
- B. In addition to the above noted bail, the owner must also pay all costs for boarding said dog. If applicable, the owner must also obtain or provide proof of rabies vaccination and any licensing fees for said dog. Refer to 13-215(B).
- C. All impounded dogs not redeemed within three (3) working days shall be sold for the best price obtainable at either private or public sale, and all moneys received from such sales shall be paid daily to the treasurer. All dogs that are not adopted, sold or redeemed in the required time shall be disposed of in a humane manner per 13-256.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-255 Assignment Of Offenses And Bail Rates

- A. For the purpose of this ordinance, offenses will be assigned in one of two ways. If the animal involved is licensed, each offense will be assigned separately to that animal no matter who claims ownership or guardianship. If the animal is not licensed, and ownership can be determined, the offense will be assigned to the owner or the address where the animal belongs.
- B. Offenses will be cumulative; however, if either the animal or the owner/address goes without subsequent offense for a period of twenty-four consecutive months, the record will be erased and returned to a zero offense status.
- C. Bail rates for offenses involving animals will be as follows. Property or other material damages will be handled separately and in addition to the bail. Unless the Court rules otherwise, the maximum amount will be considered the norm.

1. First offense – a maximum of twenty-five dollars (\$25.00).
2. Second offense – a maximum of fifty dollars (\$50.00).
3. Third offense – a maximum of one hundred dollars (\$100.00).
4. Fourth offense – a maximum of two hundred dollars (\$200.00).
5. Fifth offense – a maximum of five hundred dollars (\$500.00).
6. Subsequent offenses shall be considered Class C misdemeanors with each separate offense being treated individually by the Court.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-256 Disposition Of Unclaimed And Infected Dogs

All impounded dogs not redeemed within three (3) working days of the date of impounding may be destroyed or sold to the person first making written request for purchase at such price as may be deemed agreeable; dogs will be scanned for microchip implanting prior to disposition as outlined above. In the case of dogs severely injured or having contagious disease other than rabies and which in the poundmaster's judgment are suffering and recovery is doubtful, the poundmaster may destroy the dog without awaiting the expiration of the three (3) working days period.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-257 Interference With Impounding Prohibited

It shall be unlawful for any person to hinder, delay, interfere with, or obstruct the poundmaster or any of his/her assistants while engaging in capturing, securing, or taking to the dog pound any dog or dogs liable to be impounded, or to break open or in any manner directly or indirectly aid, counsel, or advise the breaking open of any dog pound or ambulance, wagon, or other vehicle used for the collecting or conveying of dogs to the dog pound.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-258 Dogs Attacking Persons Or Animals

- A. It shall be unlawful for the owner or person having charge, care, custody or control of any dog to allow such dog to attack, chase, or worry any person, domestic animal or fowl, or species of hoofed protected wildlife. "Worry" as used in this section means to harass by tearing, snapping, biting, chasing, shaking with the teeth, or other similar threatening actions.

- B. The owner in violation of subsection A of this section shall be strictly liable for violation of this section. In addition to being subject to prosecution under subsection A of this section, the owner of such dog shall also be liable in damages to any person injured or to the owner of any animal(s) injured or destroyed thereby.
- C. The following shall be considered in mitigating the penalties or damages or in dismissing the charge:
 - 1. That the dog was properly confined on the premises.
 - 2. That the dog was deliberately or maliciously provoked.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-259 Dogs On Unenclosed Premises; Places Prohibited

- A. It shall be unlawful for any person to chain, stake out or tether any dog on any unenclosed premises in such a manner that the dog may go beyond the property line unless such person has permission of the owner of the affected property.
- B. It shall be unlawful for any person to take or permit any dog, whether loose or on a leash or in arms, in or about any establishment or place of business where food products are sold or displayed, including but not limited to restaurants, grocery stores, meat markets, fruit or vegetable stores. Seeing eye dogs are exempt from this section.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 13-260 Kennels

[13-261 Definition And Establishment](#)

[13-262 Fees](#)

[13-263 Temporary Residence](#)

[13-264 Care And Operation Requirements](#)

[13-265 Pre-Existing Kennels](#)

[13-266 Licensing Of Kennel Animals](#)

13-261 Definition And Establishment

Anyone, other than a licensed veterinary clinic, owning, keeping, harboring, or maintaining three (3) or more dogs over the age of four (4) months at any given address shall be considered to be operating a dog kennel. Individuals, families, multiple occupants of a single dwelling, companies, corporations, or other combinations considering the establishment of a kennel must adhere to the provisions listed below.

- A. Obtain a conditional use permit. In considering each application for a conditional



use permit relating to a dog kennel, the planning commission shall consider, among other things, the zone in which the conditional use is proposed, the size of the lot involved (refer to 13-261(B) below), the proximity of the proposed kennel to neighbors, the proposed size of the kennel, its placement on the property, and the proposed number of dogs, whether less than four (4) months old or four months (4) and older. Each permit shall clearly state the maximum number of dogs to be allowed, regardless of age. An agreement signed by all neighbors (immediately adjacent and directly across from the proposed kennel) must be submitted to the planning commission with each application.

- B. Within the corporate limits of Richmond City, a minimum of twenty thousand (20,000) square feet of ground, including buildings, shall be required for the establishment of a kennel.
- C. Each conditional use permit shall be granted for a maximum of three (3) calendar years and shall expire on December 31st of the third (3rd) year regardless of the month in which it is granted. Renewals must be applied for and granted prior to the expiration date.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-262 Fees

- A. Upon successful attainment of a conditional use permit, pay an annual kennel license fee of fifty dollars (\$50) per year. Said fee is due by the last day of February of each year. Effective March 1st, the fee will increase to one hundred dollars (\$100) plus any other bails or penalties which may be assessed.
 - 1. The sole exception to this schedule is should the conditional use permit be granted on or after March 1st. In such an instance the annual fee will be fifty dollars (\$50) for the balance of the first year with the provisions of 13-262.A being in effect thereafter.
 - 2. All kennel license fees expire on December 31st of each year irregardless of the calendar date issued.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-263 Temporary Residence

The provisions of 13-243(B) apply in the case of three (3) or more dogs being held temporarily, but the thirty (30) day time limit will be strictly enforced. Should the temporary presence of such dogs be necessary, the boarder/owner is strongly encouraged to consult with neighbors prior to the introduction of said animals.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-264 Care And Operation Requirements



Kennel owners are required to maintain their animals in a healthy condition. Negligence of animals in a kennel situation will be considered grounds to revoke the conditional use permit.

- A. Kennel owners must establish the physical environment in such a manner that the kennel area may be readily and frequently cleaned.
- B. Fecal material must be disposed of in a sanitary manner. Feces and urine must be cleaned from the kennel area often enough to prevent odors that might be offensive to neighbors from developing. Likewise the owner must take every reasonable precaution to prevent conditions that would encourage a prevalence of flies or other insects/rodents from infesting the area.
- C. Adequate shelter for normal, year-around weather conditions shall be provided.
- D. Adequate food and water shall be provided to ensure the maintenance of each animal's health.
- E. Adequate space must be provided for each canine.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-265 Pre-Existing Kennels

Existing de facto kennels at the time of the passage of this ordinance are protected from the 20,000 square feet of land requirement and need to obtain a conditional use permit but are subject to the license fee payment. De facto kennels must adhere to the provisions of 13-264 or their status will be immediately revoked. Should the de facto kennel cease to function for one (1) calendar year, or should ownership of the property change without immediate assumption of identical kennel use, said protection is lost.

- A. For the purposes of this chapter, a de facto kennel shall be defined as any individual/family who has three or more dogs legally licensed at his/her/their residence as of January 31, 2003.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-266 Licensing Of Kennel Animals

Dogs held within kennels are subject to the requirement for individual licensing.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 13-270 Wild, Fierce, Dangerous, Or Vicious Animals

[13-271 Prohibitions](#)

[13-272 Applicable Definitions Relative To Specific Wild, Fierce, Dangerous, Or Vicious Animals](#)



13-273 Violators

13-271 Prohibitions

It shall be unlawful for any person to sell, possess, offer for sale, barter, give away, keep, or purchase any wild or vicious animal as defined in 13-272 below, which is fierce, dangerous, noxious, or naturally inclined to do harm, except the animal shelter, a zoological park, veterinary hospital, humane society shelter, public laboratory, itinerant circus/sideshow/amusement show, or facility for education or scientific purposes may keep such an animal if protective devices adequate to prevent such animal from escaping or injuring the public are provided.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-272 Applicable Definitions Relative To Specific Wild, Fierce, Dangerous, Or Vicious Animals

- A. Wild animal: Any animal of a species that in their natural life are wild. Those animals, however domesticated, shall include, but are not limited to:
1. Alligators and crocodiles.
 2. Bears (ursidae). All bears including grizzly bears, brown bears, black bears, etc.
 3. Cat family (felidae). All except the commonly accepted domesticated cats, and including cheetah, cougar, leopard, lion, lynx, panther, mountain lion, tiger, wildcat, etc.
 4. Dog family (canidae). All except domesticated dogs, and including wolf, fox, coyote, dingo, etc.
 5. Porcupine (erethizontidae).
 6. Primate (hominidae). All sub-human primates.
 7. Raccoon (prosynnidae). All raccoons including eastern raccoon, desert raccoon, ring-tailed cat, etc.
 8. Skunks.
 9. Venomous fish and piranha.
 10. Venomous snakes and/or lizards.
 11. Weasels (muselidae). All including weasels, martens, wolverines, badgers, otters, ermine, mink, mongoose, etc., except that persons raising members of this family as a business for their pelts shall not be prohibited by this ordinance providing that the owner has and maintains a valid business license issued by Richmond City.

B. Vicious animal: Any animal which is dangerously aggressive, including but not limited to any animal which has bitten or in any other manner attacked any person or animal. Refer also to 13-241.I and 13-250 of this chapter.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-273 Violators

Any person found in violation of Section 13-271 will be subject to the legal and lawful penalties of a Class B misdemeanor under current provisions of Utah law.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 13-280 Estrays

[13-281 Definition](#)

[13-282 Impounding And Disposal Of Estrays, Generally](#)

[13-283 Notice Of Sale Of Estrays](#)

[13-284 Return To Owner On Payment Of Costs - Sale](#)

[13-285 Record Of Estrays](#)

[13-286 Trespassing Animals - Damaging - Impounding](#)

[13-287 Appraisement Of Damages](#)

[13-288 Owner To Be Notified](#)

[13-289 Failure To Notify Waives Damages](#)

[13-290 Where Owner Unknown - Duty Of Poundmaster](#)

[13-291 Notice Of Sale Of Distained Animals](#)

[13-292 Owner May Pay And Take Animals - Disputed Appraisal](#)

[13-293 Sale - Bill Of Sale](#)

[13-294 Redemption Within Ninety Days](#)

[13-295 Owner Entitled To Residue Of Proceeds](#)

[13-296 Record Of Trespassing Animals](#)

[13-297 Retaking Animals Unlawfully](#)

13-281 Definition

This term applies to any stray or unclaimed domestic animal, and when used in this ordinance is further defined as to mean any valuable animal, except dogs and cats, not wild, found wandering from its owner.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-282 Impounding And Disposal Of Estrays, Generally

It is hereby made the duty of the poundmaster to take into his/her possession and impound at a duly designated location all estrays running at large, and to dispose of the same as hereinafter provided.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-283 Notice Of Sale Of Estrays

- A. Within three (3) days after an estray shall come into the possession of the poundmaster, and remain in the classification of estray, the poundmaster shall advertise the fact in a newspaper published in and having general circulation in Cache County through publishing at least one (1) notice in said paper. The poundmaster will also cause to be posted a general notice of facts in at least three (3) locations within the limits of Richmond City, at least one (1) location shall be in or near the post office. Further, the poundmaster will deliver or mail by registered letter one (1) copy of said notice to the Cache County Clerk with the copy of said notice being so filed with the clerk as to be available during reasonable hours for inspection by the public free of charge. The notice so provided for shall contain a description of the animal(s), including all marks and brands, when taken, and the day, hour, and place of sale, and may be substantially in the following form:

“NOTICE

State of Utah, County of Cache,
In the City of Richmond,

I have in my possession the following described estray animal(s), which, if not claimed and taken away, will be sold at public auction to the highest cash bidder at the [location of municipal pound or designated point of detention] in the City of Richmond on the [date] of [month], [year], at the hour of [hour of sale];

[Description of animal(s)]

The estrays were taken up by me within the corporate limits of Richmond City on the [date] day of [month], [year].

[signature]

Poundmaster of Richmond”

- B. In the case of domestic animals subject to branding, the Poundmaster shall, within forty-eight (48) hours after apprehension of said animal(s), notify the local Brand Inspector and local law enforcement representatives.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-284 Return To Owner On Payment Of Costs - Sale

If at any time before the sale of any estrays, such animal(s) shall be claimed and proved to be the property of any person, the poundmaster shall deliver it/them to the owner upon receiving from him the cost of impounding, keeping and advertising the same. If the animal(s) are not so claimed and taken away, he/she shall, at the time and place mentioned in the notice per 13-283, proceed to sell the same, one at a time, to the highest cash bidder, and shall execute and deliver a bill of sale transferring said

animal(s) to the purchaser(s) thereof, which bill of sale shall be substantially in the following form:

"I hereby certify that in pursuance of the law regulating the disposal of estrays and trespassing animals, I have this day sold to [name(s) of purchaser(s)] for the sum of \$[amount of sale], he/she/they being the highest bidder, [quantity number] head of [type of animal] branded with the Richmond City estray brand and otherwise described as follows, to wit:

[Description of animal(s)]

Witness my hand this [date] day of [month], [year].

[signature]
Poundmaster
City of Richmond
State of Utah"

The poundmaster shall immediately file a copy of such bill of sale with the Cache County Clerk or forward the same to him/her by registered mail. Such bill of sale shall transfer and vest in such purchaser the full title to the animals thus sold.

HISTORY
Adopted by Ord. [2019-2](#) on 2/19/2019

13-285 Record Of Estrays

The poundmaster shall keep an accurate record of all estrays received by him/her, their age, color, sex, marks and brands (if present), the time and place of taking and the expense of keeping and selling the same, all animals claimed and taken away, all animals sold and to whom sold and the amount paid, all moneys paid to owners after sale, all moneys paid into the Richmond City treasury, and all other matters necessary to a compliance with the provision of this part. The Richmond City Council shall provide the poundmaster with suitable books or devices in which shall be entered the records required by law to be kept by the poundmaster. Such records shall be open to the inspection of the public in keeping with the Government Records Management Act at all reasonable hours, and shall be deposited by the poundmaster with his/her successor in office.

HISTORY
Adopted by Ord. [2019-2](#) on 2/19/2019

13-286 Trespassing Animals - Damaging - Impounding

If any cattle, horses, asses, mules, sheep, goats or other domesticated animal (save dogs and cats) shall trespass or do damage upon the premises of any person, the party aggrieved, whether he/she be the owner or the occupant of such premises, may recover damages by an action at law against the owner of the trespassing animals or by distraining and impounding the animals in the manner provided.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-287 Appraisement Of Damages

The owner or occupant of any property may detain any or all of said animal(s) trespassing or doing damage thereon. He/she shall, within twenty-four (24) hours thereafter, deliver said animal(s) to the poundmaster together with a certificate of the appraisement of the damage done by such animal(s). Such appraisement must be made by some disinterested person. It must state the amount of the damage, the time when committed, the name of the person whose property or person upon which the damage was inflicted, the name of the owner of the animal(s), if known, and if not known, it must state that fact together with a description of the animal(s), including all visible marks and brands. If the animal(s) appear to be owned by different parties, a separate appraisement and a separate certificate thereof shall be made of the damage done by the lot or group of animals which appear to belong to each of the different owners. In such cases, the owners shall be notified separately, and each lot or group of animals shall be advertised and sold separately in the same manner as though the damage had been done by different animals and different times.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-288 Owner To Be Notified

The person detaining the animal(s) must, if the owner of the same be known to him/her and if he/she resides within ten miles of the place of the trespass, immediately deliver to such owner, or leave at his/her place of residence if he/she cannot be found, a copy of such certificate of appraisement; but if the owner does not live within ten miles of the place of trespass, the party detaining the animals may at his/her option deliver a copy of such certificate to the owner in person, or deposit the same in the nearest post office in a registered letter addressed to said owner. He/she shall be entitled to charge the amount currently allowed by the Internal Revenue Service for travel reimbursement by personal vehicle against the owner of the animal(s) for the one-way distance by shortest route between the person detaining the animal(s) and the residence of the owner of said animal(s), said charges to be taxed as costs against the animal(s).

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-289 Failure To Notify Waives Damages

If the party detaining any animal(s) shall fail to deliver them or the certificate of appraisement to the poundmaster within forty-eight (48) hours, or shall fail to deliver to the owner(s) of the animal(s), if known, a copy of the certificate of appraisement with twenty-four (24) hours after he/she receives the same or to deposit the same in a post office as herein provided, he/she shall not be entitled to recover damages under the provisions of this part.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-290 Where Owner Unknown - Duty Of Poundmaster

Whenever any animal(s) is/are delivered to the poundmaster and the certificate of appraisal is filed with him/her as herein provided and such certificate states that the owner is unknown, the poundmaster shall immediately examine all brand or brand sheets in his/her possession or readily attainable from a valid source of such records. If the owner(s) be ascertained thereby or if the owner(s) be already known to the poundmaster, he/she shall, if the owner(s) lives within ten miles, immediately deliver a copy of such certificate of appraisal to such owner(s), or leave the same at his/her residence if he/she cannot be found. If the owner(s) lives more than ten miles away, the poundmaster may, at his/her option, deliver such copy personally to the owner(s), or deposit the same in the nearest post office in a registered letter addressed to such owner(s). He/she shall, however, serve a copy in one of the ways provided within this chapter; provided that whenever personal service of a copy of any paper is required by this chapter, service by agent shall be deemed sufficient.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-291 Notice Of Sale Of Distraigned Animals

As soon as any such animal(s) is/are delivered to the poundmaster, he/she shall immediately proceed to advertise the same as provided below except when the owner is known and has been notified, in which case he/she shall hold said animal(s) forty-eight (48) hours before advertising the same. He/she shall advertise the fact in a newspaper published in and having general circulation in Cache County through publishing at least one (1) notice in said paper. The poundmaster will also cause to be posted a general notice of facts in at least three (3) locations within the limits of Richmond City, at least one (1) location shall be in or near the post office. Further, the poundmaster will deliver or mail by registered letter one (1) copy of said notice to the Cache County Clerk with the copy of said notice being preserved and posted by said Cache County Clerk. The notice herein provided for shall state the time when the damage was done and the amount thereof, the name of the party damaged, a description of the animal(s), including all visible marks and brands, and the day, hour, and place at which such animal(s) will be sold, which shall not be less than ten (10) or more than twenty (20) days from the time of posting such notice. The notices shall be substantially in the following form:

“SALE OF ANIMALS FOR DAMAGE

State of Utah, County of Cache,
In the City of Richmond,

I have in my possession the following described animal(s), which, if not claimed and taken away, will be sold at public auction to the highest cash bidder at the [location of municipal pound or designated point of detention] in the City of Richmond on the [date] of [month], [year], at the hour of [hour of sale];

[Description of animal(s)]

The above described animals are held by me to secure the payment of \$ [amount of



damages plus any associated fees] for damages done by those by those animals on the premises of [location and property owner suffering damages] on the [date] day of [month], [year].

[signature]
Poundmaster of Richmond”

HISTORY
Adopted by Ord. [2019-2](#) on 2/19/2019

13-292 Owner May Pay And Take Animals - Disputed Appraisal

The owner(s) of any trespassing animal(s) taken up under the provisions of this part may at any time before the sale thereof claim and take such animal(s) away upon paying the amount of damages set forth in the certificate of appraisal and the accrued costs, and if such animal(s) is/are included in a lot or group of animals belonging to other parties against which the damages and costs are assessed as a whole, he/she shall pay his/her proportion of the total amount of damages and costs assessed against such animals, according to the number of animals he/she owns when compared with the number of the entire lot or group. If he/she deems the appraisal too high, he/she may choose another appraiser having the qualifications herein provided who with the first appraiser shall make a new appraisal, and if they cannot agree, they shall choose a third appraiser, and the three shall proceed to make another appraisal, and the decision of the majority shall be final.

HISTORY
Adopted by Ord. [2019-2](#) on 2/19/2019

13-293 Sale - Bill Of Sale

If such animals are not claimed and taken away by the owner, the poundmaster shall, at the time and place set forth in the notice of sale, proceed to sell such animals, one (1) at a time, to the highest cash bidder. If the owner of any lot of animals to be sold is known, the poundmaster shall sell only enough of said animals to pay the damages and costs, the remainder may be turned over to the owner at any time thereafter; but if the owner be unknown, the poundmaster shall proceed to sell all of said animals so advertised for sale. He/she shall execute and deliver a bill of sale therefor, and file a copy with the Cache County Clerk as previously described with this chapter.

HISTORY
Adopted by Ord. [2019-2](#) on 2/19/2019

13-294 Redemption Within Ninety Days

The owner of any trespassing animal(s) sold under the provisions of this part may, at any time within ninety (90) days of the date of such sale, redeem such animal(s) from the purchaser or assignee having the same in his/her possession, upon paying to such purchaser or assignee the sum for which such animal(s) were originally sold, together with an additional ten (10) percent and reasonable compensation for the care and keeping of the same. If such purchaser or assignee refuses to give up such animal(s) on the owner proving his/her title to the same and on his/her tendering the amount due as herein provided, such owner may maintain an action at law to recover the same,

provided that the purchaser or any assignee who has disposed of such animal(s) shall not be liable to such owner in any amount. If redemption of such animals is not made within ninety (90) days after the date of such sale, such sale shall be absolute and shall vest the title to such animal(s) in the purchaser or assignee. Any person selling or disposing of any such animal(s) within ninety (90) days of its sale under the provision of this part shall notify the purchaser of the same of the date of the original sale and the amount paid for such animal(s) at that time, and if he/she fails to do so, he/she shall be liable for any loss that may accrue to such purchaser by reason of such animal(s) being redeemed for an amount less than he/she paid therefor.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-295 Owner Entitled To Residue Of Proceeds

If any estrays or trespassing animals sold under the provisions of this part shall, within a period of six (6) months following the date of sale, be claimed and proved to be the property of any person, it shall be the duty of the treasurer at the expiration of such time to pay the money received for such animal(s) to the owner thereof, less the amount of damages and the expense of taking, keeping, and selling the same. In the event such animal(s) are not claimed as aforesaid, such money shall become the property of Richmond City, provided that in case there is a contest between two (2) or more persons claiming to be the owners of any such animal(s), the treasurer shall pay the residue to the party who shall establish by action his/her right to the same.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-296 Record Of Trespassing Animals

The poundmaster shall keep an accurate record of all trespassing animals received by him/her, which record shall contain all the items required by this part together with the names of the injured party and the owner of the animals, the amount of the damages claimed, and all other matters necessary to a complete account of the transaction. Such record shall be open for inspection in keeping with the Government Records Management Act at all reasonable hours without charge, and shall be deposited by the poundmaster with his/her successor in office.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-297 Retaking Animals Unlawfully

It shall be unlawful for anyone to take any animal out of the possession of anyone lawfully holding the same under the provisions of this part, either by stealth, force, fraud, or to intercept or hinder any person lawfully taking up or attempting to take up such animals.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Chapter 13-300 GENERAL POLICE POWERS

[Part 13-310 Offenses Regarding Minors](#)

[Part 13-320 Intoxicants And Liquor](#)

[Part 13-330 Disturbing The Peace](#)

[Part 13-350 Public Property - Documents](#)

[Part 13-360 Lodging Accommodations](#)

Part 13-310 Offenses Regarding Minors

[13-311 Purchase, Possession Prohibited](#)

[13-312 Curfew - Minors - Exceptions](#)

[13-313 Responsibility Of Parents, Guardians For Curfew](#)

[13-314 Minor Prohibited Where Beer Is Sold](#)

13-311 Purchase, Possession Prohibited

Any person who maintains in his place of business a tobacco vending machine accessible to persons under the age of 19 or provides any method of self-help for the disposition to persons under the age of 19 by gift, sale or otherwise of any cigarette or cigarette paper or wrapper or any paper made or prepared for the purpose of making cigarettes or tobacco in any form whatsoever is guilty of a class C misdemeanor. Cigarette vending machines shall be deemed accessible to persons under the age of 19 except:

- A. Where they are in locations where persons under the age of 19 are prohibited.
- B. Where the machine can be operated only by the owner or his employee, either directly or through a remote control device which is inaccessible to the customer and must be operated for each sale.
- C. In private industrial locations where only adult employees are customarily allowed, provided such locations are inaccessible to persons under age 19.
- D. In adult-private clubs, provided that such locations are inaccessible to persons under the age of 19.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-312 Curfew - Minors - Exceptions

No person under the age of _____ years shall be or remain upon any of the streets, alleys or public places or vacant lots at night between the hours of _____ p.m. and _____ a.m. following, unless such person is accompanied by a parent, guardian or other person having legal custody of such minor person, or unless the employment or lawful business of such minor makes it necessary to be upon the streets, alleys or public places between such specified hours, in which event such minor person shall obtain a permit from the chief of police to be upon the streets, alleys or public places during such hours. On any night when school, civic or church functions are taking place, the hours of curfew shall be _____ a.m. to _____ a.m. following, in order to provide adequate time to attend such functions provided for minor persons. Where a permit is required from the chief of police under this section, such permit shall be kept upon the

person and it shall be unlawful to be upon the streets, alleys or public places within such curfew hours without such permit.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-313 Responsibility Of Parents, Guardians For Curfew

No person, guardian or other person having legal charge or custody of any person under 16 years of age shall allow or permit any such person or child, ward or other person under such age, while in such legal custody, to go or be in or upon any of the streets, alleys, or public places when such going or being in or upon such streets, alleys, or public places would be a violation by such minor person of any provision of section 13-312.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-314 Minor Prohibited Where Beer Is Sold

- A. It is unlawful for any person to operate any pool or billiard hall in this municipality if beer as defined in this code is kept, sold or consumed without first making a regulation and enforcing the same, keeping posted in a conspicuous place the terms of such regulation, which shall read, "No person under 21 years of age permitted in these premises."
- B. It is unlawful for any person in charge of or employed in such pool or billiard hall to permit any person under the age of 21 years of age to enter upon or remain in any such premises or for any person under the age of 21 years to enter upon or remain in said premises for any purpose.
- C. Pool or billiard halls may be kept open to minors where no beer as defined in this code is kept or consumed or sold.
- D. It shall be unlawful for any person under the age of 21 years to be in or about any public establishment where beer or alcoholic beverages are consumed. It shall also be unlawful for any person under the age of 21 to serve or sell beer.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 13-320 Intoxicants And Liquor

[13-321 Public Intoxication Prohibited](#)

[13-322 Illegal Sale, Manufacturing, Storage Of Intoxicating Liquor](#)

[13-323 Possession Of Liquor](#)

[13-324 Liquor To Drunken Person](#)

[13-325 Alcoholic Beverages And Minors](#)

[13-326 Canvassing Or Soliciting](#)

[13-327 Solicitation Of Drinks](#)

13-321 Public Intoxication Prohibited

- A. It is a class C misdemeanor for any person to be under the influence of an intoxicating liquor, a controlled substance or of any substance having the property of releasing toxic vapors, to a degree that the person may endanger himself or another in a public place or in a private place where he unreasonably disturbs another person.
- B. A peace officer or magistrate may release from custody an individual arrested under this section if he believes imprisonment is unnecessary for the protection of the individual or another.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-322 Illegal Sale, Manufacturing, Storage Of Intoxicating Liquor

It shall be unlawful for any person, except as permitted by state law, and the ordinances of this municipality to knowingly have in his possession any intoxicating liquor or to manufacture, keep, sell, or store for sale, offer or expose for sale. import, carry, transport, advertise, distribute, give away, dispense, or serve intoxicating liquor.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-323 Possession Of Liquor

It shall be unlawful except as permitted by state law and the ordinances of this municipality for any person to have or keep for sale or possession any liquor which has not been purchased from the state liquor store or package agency.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-324 Liquor To Drunken Person

It shall be unlawful for any person to sell or supply any alcoholic beverage or to permit alcoholic beverages to be sold or supplied to any person who is apparently under the influence of liquor.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-325 Alcoholic Beverages And Minors

- A. It shall be unlawful for alcoholic beverages to be given, sold, or otherwise supplied to any person under the age of 21 years, but this shall not apply to supplying liquor to such person for medicinal purposes only by the parent or guardian of such person or to the administering of liquor to such person by a physician in accordance with the provisions of this part.
- B. It shall be unlawful for any person under the age of 21 years to have possession of beer or any intoxicating liquor.



HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-326 Canvassing Or Soliciting

It shall be unlawful for any person to canvass or solicit for alcoholic beverages by mail, telephone, or other manner, and the person is hereby prohibited from engaging in such activities, except to the extent that such prohibition may be in conflict with the laws of the United States or the State of Utah.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-327 Solicitation Of Drinks

No person shall frequent or loiter in any tavern, cabaret, or night club, with the purpose of soliciting the purchase of alcoholic drinks. No proprietor or operator of any such establishment shall allow the presence in such establishment of any who violates the provisions of this section.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 13-330 Disturbing The Peace

[13-334 Sale Or Use Of Fireworks Unlawful](#)

[13-335 Throwing Objects Prohibited](#)

[13-336 Vulgar Language](#)

[13-337 Indecent Exposure](#)

[13-338 Offensive, Indecent Entertainment](#)

[13-339 Window Peeping](#)

[13-340 Look Outs For Illegal Acts](#)

[13-341 Unlawful Use Of Restrooms](#)

13-334 Sale Or Use Of Fireworks Unlawful

It shall be unlawful for any person, firm, partnership or corporation to offer for sale, expose for sale, sell, possess, or use, or explode any toy cannon in which explosives are used; the type of balloon which requires fire underneath to propel the same; firecrackers, torpedoes; sky-rockets, Roman candles, bombs, or other fireworks of like construction, or any fireworks containing any explosive or inflammable compound or any tablets or other device commonly used and sold as fireworks containing nitrates, chlorates, oxaiates, sulphides of lead, barium, antimony, arsenic, mercury, nitroglycerine, phosphorus or any compound containing any of the same or other explosives, or any substance or combination of substances, or articles prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, other than aviation and railroad signal light flares, except as in this section provided; provided, further, this section shall not prohibit the use of toy pistols, toy canes, toy guns, or sparklers.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-335 Throwing Objects Prohibited



Every person who willfully or carelessly throws any stone, stick, snowball or other missile whereby any person is hit or any window broken or other property injured or destroyed, or in such manner as to render travel upon the public streets and places dangerous, or in such manner as to frighten or annoy any traveler, is guilty of an infraction.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-336 Vulgar Language

It shall be a class C misdemeanor for any person to use vulgar, profane, or indecent language on any public street or other public place or in any public dance hall, club dance, skating rink, or place of business open to public patronage.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-337 Indecent Exposure

- A. It shall be a class B misdemeanor for any person over _____ years of age to indecently expose his body in public.
- B. For the purpose of this section:
 - 1. Indecent exposure means:
 - a. The exposed male genital or the covered male genital shown in a discernibly turgid state.
 - b. The exposed female genital or female breasts which are not covered with an opaque covering below a point immediately above the top of the nipple (or the breast with only the nipple covered).
 - 2. "Public" means any place open to or frequented by the public or which may be seen from any place open to or frequented by the public and includes private clubs, associations or other places where the public frequents.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-338 Offensive, Indecent Entertainment

It shall be unlawful for any person to hold, conduct or carry on, or to cause or permit to be held, conducted or caused any motion pictures, exhibition or entertainment of any sort which is offensive to decency, or which is of an obscene, indecent or immoral nature, or so suggestive as to be offensive to the moral sense.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019



13-339 Window Peeping

It shall be a class C misdemeanor for any person to look, peer, or peep into or be found loitering around or within view of any window within a building occupied as the residence of another with the intent of watching or looking through the window to observe any person undressed, or in the act of dressing or undressing.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-340 Look Outs For Illegal Acts

It shall be a class C misdemeanor for any person to act as a guard or lookout for any building, premises, or establishment used for gambling, for illegal sale or purchase of intoxicating liquors, or for any person soliciting, offering or engaging in prostitution, gambling or any other form of vice, or illegal act, or any prostitute, on any street or sidewalk. Nor shall any person give any signal intended to, or calculated to warn, or give warning of the approach of any peace officer to any person in or about such building or premises or place mentioned herein.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-341 Unlawful Use Of Restrooms

No person over the age of _____ years shall use the restroom and washrooms designated for the opposite sex.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 13-350 Public Property - Documents

[13-351 Public Property](#)

[13-352 Unlawful Acts](#)

13-351 Public Property

For the purpose of this part, "public property" means any publicly owned property except the traveled portion of public streets, and includes any park, sidewalk, curb or any part of any public right-of-way devoted to any planting or park like use.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-352 Unlawful Acts

On any public property it is unlawful for any person to:

- A. Willfully mark, deface, disfigure, injure, tamper with, displace or remove any building, railing, bench, paving, paving material, water line or any facilities or property and equipment of any public utilities or parts or appurtenances thereof, signs, notices or placards, whether temporary or permanent, monuments, stakes, posts or other boundary markers, wall or rock border, or other structures

or equipment, facilities or public property or appurtenances whatever, either real or personal.

- B. Soil or litter public restrooms and washrooms.
- C. Dig and remove any sand, soil, rock, stones, trees, shrubs, or plants, down timber or other wood or materials, or make any excavation by tool, equipment, blasting or other means or agency, unless permission is obtained.
- D. Construct or erect any building or structure of whatever kind, whether permanent or temporary in character, any tent, fly or windbreak, or run or string any rope, cord or wire into, upon or across any public property, except with special permit.
- E. Urinate or defecate, except in a public restroom in receptacles placed there for such purpose.
- F. Damage, cut, carve, burn, transplant or remove any tree or plant or injure the bark or pick the flowers or seeds of any tree or plant. No person shall attach any rope, wire or other contrivance to any tree or plant. No person shall dig in or otherwise disturb, or in any other way injure or impair the natural beauty or usefulness of any park area. This subsection shall not apply to any person authorized to perform the act proscribed.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 13-360 Lodging Accommodations

[13-361 Registration Under Fictitious Name](#)

[13-362 Unlawful Occupancy](#)

[13-363 Occupancy By Persons Of Opposite Sex](#)

[13-364 Reasonable Doubt Of Lawful Relationship](#)

[13-365 Multiple Night Rentals](#)

13-361 Registration Under Fictitious Name

It shall be unlawful for any person to write or cause to be written, or knowingly permit to be written, in any register in any hotel, lodging house, rooming house, or other place whatsoever where transients are accommodated, any other or different name or designation than the true name of the person so registered therein, or the name by which such person is generally known.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-362 Unlawful Occupancy

Persons of the opposite sex, except husband and wife or parent and minor child, shall not jointly and privately occupy any room or rooms in any dwelling unit, apartment, lodging house, hotel or any other place where transients are accommodated.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019



13-363 Occupancy By Persons Of Opposite Sex

No proprietor, manager, or other person in charge of such hotel, lodging house, rooming house, or other place where transients are accommodated, shall knowingly rent or assign rooms for joint, private occupancy by persons of the opposite sex unless such persons shall be registered as husband and wife, or as parent and minor child.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-364 Reasonable Doubt Of Lawful Relationship

No proprietor, manager, or other person in charge of any hotel, lodging house, rooming house, or other place where transients are accommodated, shall rent or assign rooms for joint, private occupancy if, notwithstanding the lawful appearance of the registration, he has reasonable cause to believe such transients not to be husband and wife or parent and minor child, and when such transients are unknown to him, he shall not receive them as guests without first requiring some reasonable evidence of a lawful relationship.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-365 Multiple Night Rentals

No proprietor, manager, or other person in charge of any place where transients are accommodated for sleeping or lodging purposes shall let any room or rooms more than once between the hours of 6 p.m. and 6 a.m. of the next day except to bona fide travelers with baggage.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Chapter 13-400 INCHOATE OFFENSES

[Part 13-410 Attempt](#)

[Part 13-420 Criminal Conspiracy](#)

[Part 13-430 Exemptions And Restrictions \(Reserved\)](#)

Part 13-410 Attempt

[13-411 Attempt - Elements Of Offense](#)

[13-412 Attempt - Classification Of Offenses](#)

13-411 Attempt - Elements Of Offense

- A. For the purpose of this part a person is guilty of an attempt to commit any act made an offense by any ordinance of this municipality if, acting with the kind of culpability otherwise required for the commission of the offense, he engages in conduct constituting a substantial step toward commission of the offense.
- B. For purposes of this part, conduct does not constitute a substantial step unless it is strongly corroborative of the actor's intent to commit the offense.
- C. No defense to the offense of attempt shall arise:

1. Because of the offense attempted was actually committed; or
2. Due to factual or legal impossibility if the offense could have been committed had the attendant circumstances been as the actor believed them to be.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-412 Attempt - Classification Of Offenses

Criminal attempt to commit:

- A. A class B misdemeanor is a class C misdemeanor;
- B. A class C misdemeanor is an infraction;
- C. An infraction is punishable by a penalty not exceeding one-half the penalty for an infraction.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 13-420 Criminal Conspiracy

[13-421 Conspiracy - Elements Of Offense](#)

[13-422 Conspiracy - Classification Of Offenses](#)

13-421 Conspiracy - Elements Of Offense

For purposes of this part a person is guilty of conspiracy when he, intending that conduct constituting an offense under these ordinances whether he specifically intends to violate the ordinances or not, agrees with one or more persons to engage in or cause the performance of such conduct and anyone of them commits an overt act in pursuance of the conspiracy, except where the offense is arson, or burglary, the overt act is not required for the commission of the conspiracy.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-422 Conspiracy - Classification Of Offenses

Conspiracy to commit:

- A. A class B misdemeanor is a class C misdemeanor;
- B. A class C misdemeanor is an infraction;
- C. An infraction is punishable by a penalty not exceeding one-half the penalty for an infraction.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019



Part 13-430 Exemptions And Restrictions (Reserved)

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Chapter 13-500 OFFENSES AGAINST THE PERSON

[Part 13-510 Assault And Related Offenses](#)

[Part 13-518 Fighting/Threatening](#)

[Part 13-520 \(Reserved\)](#)

[Part 13-530 Interfering With Custodial Rights Or Personal Liberty](#)

[Part 13-540 Sexual Offenses](#)

Part 13-510 Assault And Related Offenses

[13-511 \(Reserved\)](#)

[13-512 Assault](#)

[13-513 Through 13-515 Reserved](#)

[13-516 Harassment](#)

[13-517 Terroristic Threat](#)

13-511 (Reserved)

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-512 Assault

A. Assault is:

1. An attempt, with unlawful force or violence to do bodily injury to another;
or
2. A threat accompanied by a show of immediate force or violence, to do bodily injury to another.

B. Assault is a class B misdemeanor except where it is committed in a fight or scuffle entered by mutual consent and no serious bodily injury results, in which case it is a class C misdemeanor.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-513 Through 13-515 Reserved

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-516 Harassment

A. A person is guilty of harassment if, with intent to frighten or harass another, he communicates in writing a threat to commit any violent felony.

B. Harassment is a class C misdemeanor.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-517 Terroristic Threat

A. A person commits terroristic threat if he threatens to commit any offense involving violence with intent:

1. To cause action of any sort by an official or volunteer agency organized to deal with emergencies; or
2. To place a person in fear of imminent serious bodily injury.
3. To prevent or interrupt the occupation of a place of assembly; or aircraft, automobile or other form of conveyance, but shall not include a facility of public transportation operated by a common carrier.

B. Terroristic threat is a class B misdemeanor.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 13-518 Fighting/Threatening

“It is a class C misdemeanor for any person to threaten physical force against another person or to challenge, invite or engage in a fight.”

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 13-520 (Reserved)

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 13-530 Interfering With Custodial Rights Or Personal Liberty

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 13-540 Sexual Offenses

[13-541 Sexual Offenses](#)

[13-542 \(Reserved\)](#)

[13-543 Sodomy](#)

[13-544 Through 13-546 \(Reserved\)](#)

[13-547 Married Persons' Conduct Exempt - Limitations Of Actions - Penetration Or Touching Sufficient To Constitute Offense](#)

13-541 Sexual Offenses



- A. A male person commits unlawful sexual intercourse if he has sexual intercourse with a female, not his wife, who is under sixteen years of age when at the time of intercourse the male is no more than three years older than the female.
- B. Unlawful sexual intercourse is a class B misdemeanor. Evidence that the actor was not more than three years older than the victim at the time of the intercourse shall be raised by the defendant.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-542 (Reserved)

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-543 Sodomy

- A. A person commits sodomy when he engages in any sexual act involving the genitals of one person and the mouth or anus of another person, regardless of the sex of either participant.
- B. Sodomy is a class B misdemeanor.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-544 Through 13-546 (Reserved)

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-547 Married Persons' Conduct Exempt - Limitations Of Actions - Penetration Or Touching Sufficient To Constitute Offense

- A. The provisions of this part shall not apply to conduct between married persons; provided, however, that for purposes of this part, persons living apart under a decree of judicial separation are not married.
- B. No prosecution may be instituted or maintained under this part unless the alleged offense was brought to the notice of public authority:
 - 1. Within three months of its occurrence; or
 - 2. Where the alleged victim was less than eighteen years of age or otherwise incompetent to make complaint, within three months after a parent, guardian, or other competent person specifically interested in the victim, other than the alleged offender, learned of the offense.



- C. In any prosecution for unlawful sexual intercourse, or sodomy, any sexual penetration or, in the case of sodomy, any touching, however slight, is sufficient to constitute the offense.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

[Chapter 13-600 OFFENSES AGAINST PROPERTY](#)

[Part 13-610 Property Destruction](#)

[Part 13-620 Burglary And Criminal Trespass](#)

[Part 13-630 \(Reserved\)](#)

[Part 13-640 Theft](#)

[Part 13-650 Fraud](#)

Part 13-610 Property Destruction

[13-611 Definitions](#)

[13-612 Arson](#)

[13-613 \(Reserved\)](#)

[13-614 Reckless Burning](#)

[13-615 \(Reserved\)](#)

13-611 Definitions

For purposes of this chapter:

- A. "Property" means any form of real property or tangible personal property which is capable of being damaged or destroyed and includes a habitable structure.
- B. "Habitable structure" means any building, vehicle, trailer, railway car, aircraft, or watercraft used for lodging or assembling persons or conducting business whether a person is actually present or not.
- C. "Property" is that of another, if anyone other than the actor has a possessory or proprietary interest in any portion thereof.
- D. "Value" means:
1. The market value of the property, if totally destroyed, at the time and place of the offense, or where cost of replacement exceeds the market value; or
 2. Where the market value cannot be ascertained, the cost of repairing or replacing the property within a reasonable time following the offense.
 3. If the property damaged has a value that cannot be ascertained by the criteria set forth in subsections 1 and 2 above, the property shall be deemed to have a value of \$50.00.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019



13-612 Arson

- A. A person is guilty of arson if, by means of fire or explosives, a person unlawfully and intentionally damages the property of another.
- B. Arson is a class B misdemeanor if the damage caused exceeds \$250.00 and is a class C misdemeanor if the damage is less than \$249.99.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-613 (Reserved)

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-614 Reckless Burning

- A. A person is guilty of reckless burning if he damages the property of another by reckless use of fire or causing an explosion.
- B. Reckless burning is a class B misdemeanor if the damage to property exceeds \$500.00 in value; and a class C misdemeanor if the damage to property exceeds \$50.00 in value. Any other violation under this section shall constitute an infraction.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-615 (Reserved)

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 13-620 Burglary And Criminal Trespass

[13-621 Definitions](#)

[13-622 Through 13-624 \(Reserved\)](#)

[13-625 Manufacture Or Possession Of Instrument For Burglary Or Theft](#)

[13-626 Criminal Trespass](#)

13-621 Definitions

For purposes of this part:

- A. A person "enters or remains unlawfully" in or upon premises when the premises or any portion thereof at the time of the entry or remaining are not open to the public and when the actor is not otherwise licensed or privileged to enter or remain on the premises or such portion thereof.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-622 Through 13-624 (Reserved)

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-625 Manufacture Or Possession Of Instrument For Burglary Or Theft

Any person who manufactures or possesses any instrument, tool, device, article or other thing adapted, designed, or commonly used in advancing or facilitating the commission of any offense under circumstances manifesting an intent to use or knowledge that some person intends to use the same in the commission of a burglary or theft is guilty of a class B misdemeanor.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-626 Criminal Trespass

- A. For purposes of this section "enter" means intrusion of the entire body.
- B. A person is guilty of criminal trespass if:
 - 1. He enters or remains unlawfully on property; and
 - a. intends to cause annoyance or injury to any person thereon or damage to any property thereon; or
 - b. intends to commit any crime, other than theft or a felony;
 - c. is reckless as to whether his presence will cause fear for the safety of another.
 - 2. Knowing his entry or presence is unlawful, he enters or remains on property as to which notice against entering is given by:
 - a. personal communication to the actor by the owner or someone with apparent authority to act for the owner; or
 - b. fencing or other enclosure obviously designed to exclude intruders; or
 - c. posting of signs reasonably likely to come to the attention of intruders.
- C. A violation of subsection B-1 is a class C misdemeanor unless it was committed in a dwelling, in which event it is a class B misdemeanor. A violation of subsection B-2 is an infraction.
- D. It is a defense to prosecution under this section:
 - 1. That the property was open to the public when the actor entered or

- remained; and
2. The actor's conduct did not substantially interfere with the owner's use of the property.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 13-630 (Reserved)

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 13-640 Theft

[13-640-2 Presumptions And Defenses](#)

[13-640-3 Theft - Evidence To Support Accusation](#)

[13-640-4 Theft - Elements](#)

[13-640-8 Receiving Stolen Property - Duties Of Pawnbrokers](#)

[13-640-12 Theft - Classification Of Offenses](#)

13-640-2 Presumptions And Defenses

The following presumption shall be applicable to this part:

- A. Possession of property recently stolen, when no satisfactory explanation of such possession is made, shall be deemed prima facie evidence that the person in possession stole the property.
- B. It is no defense under this part that the actor has an interest in the property or service stolen if another person also has an interest that the actor is not entitled to infringe, provided an interest in property for purposes of this subsection shall not include a security interest for the repayment of a debt or obligation.
- C. It is a defense under this part that the actor:
 1. Acted under an honest claim of right to the. property or service involved;
or
 2. Acted in the honest belief that he had the right to obtain or exercise control over the property or service as he did; or
 3. Obtained or exercised control over the property or service honestly believing that the owner, if present, would have consented.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-640-3 Theft - Evidence To Support Accusation

Conduct denominated theft in this part constitutes a single offense embracing the separate offenses as those heretofore known as larceny, larceny by trick, larceny by

bailees, embezzlement, false pretense, extortion, blackmail, and receiving stolen property. An accusation of theft may be supported by evidence that it was committed in any manner specified in sections 13-640-4 through 13-640-10 subject to the power of the court to ensure a fair trial by granting a continuance or other appropriate relief where the conduct of the defense would be prejudiced by lack of notice or by surprise.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-640-4 Theft - Elements

A person commits theft if he obtains or exercises unauthorized control over the property of another with a purpose to deprive him thereof.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-640-8 Receiving Stolen Property - Duties Of Pawnbrokers

- A. A person commits theft if he receives, retains, or disposes of the property of another knowing that it has been stolen, or believing that it probably has been stolen, or who conceals, sells, withholds or aids in concealing, selling, or withholding any such property from the owner, knowing the property to be stolen, with a purpose to deprive the owner thereof.
- B. The knowledge or belief required for paragraph A is presumed in the case of an actor who:
 - 1. Is found in possession or control of other property stolen on a separate occasion; or
 - 2. Has received other stolen property within the year preceding the receiving offense charged; or
 - 3. Being a dealer in property of the sort received, retained or disposed, acquires it for a consideration which he knows is far below its reasonable value.
 - 4. Every pawnbroker or person who has or operates a business dealing in or collecting used or secondhand merchandise or personal property, and every agent, employee or representative of the pawnbroker or person who buys, receives or obtains property shall require the seller or person delivering the property to certify, in writing, that he has the legal rights to sell the property. If the value given for the property exceeds \$20.00, the pawnbroker or person shall also require the seller or person delivering the property to obtain a legible print, preferably the right thumb, at the bottom of the certificate next to his signature or any other positive form of identification:
 - a. Every pawnbroker or person who has or operates a business dealing in or collecting used or secondhand merchandise or personal property, and every agent, employee or representative

of the pawn broker or person who fails to comply with the requirements of paragraph number four shall be presumed to have bought, received or obtained the property knowing it to have been stolen or unlawfully obtained. This presumption may be rebutted by proof.

- b. When in a prosecution under this section it appears from the evidence that the defendant was a pawnbroker or a person who has or operates a business dealing in or collecting used or secondhand merchandise or personal property, or was an agent, employee or representative of a pawnbroker or person, that the defendant bought, received, concealed or withheld the property without requiring the person from whom he bought, received, or obtained the property to sign the certificate required in paragraph 4 and in the event the transaction involves an amount exceeding \$20.00 also place his legible print, preferably the right thumb, on the certificate, then the burden shall be upon the defendant to show that the property bought, received or obtained was not stolen.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-640-12 Theft - Classification Of Offenses

Theft of property and services as provided in this chapter shall be punishable as a class B misdemeanor.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 13-650 Fraud

[13-650-5 Issuing A Bad Check - Presumption](#)

[13-650-6 Fraudulent Use Of A Credit Card - "Credit Card" Defined](#)

[13-650-8 Bribery Of Or Receiving Bribe By Person In The Business Of Selection, Appraisal, Or Criticism Of Goods Or Services](#)

[13-650-9 And 13-650-10 \(Reserved\)](#)

[13-650-11 Defrauding Creditors](#)

[13-650-12 Through 13-650-14 \(Reserved\)](#)

13-650-5 Issuing A Bad Check - Presumption

- A. Any person who issues or passes a check for the payment of money, for the purpose of obtaining from any person, firm, partnership, or corporation, any money, property, or other thing of value or paying for any services, wages, salary, labor or rent, knowing it will not be paid by the drawee and payment is refused by the drawee, is guilty of issuing a bad check.

- B. For purposes of this section, a person who issues a check for which payment is refused by the drawee is presumed to know the check would not be paid if he had no account with the drawee at the time of issue.
- C. An offense of issuing a bad check shall be punished as a class B misdemeanor.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-650-6 Fraudulent Use Of A Credit Card - "Credit Card" Defined

- A. A person is guilty off raudulent use of a credit card if he uses a credit card for the purpose of obtaining property or services with knowledge that:
 - 1. The card is stolen; or
 - 2. The card has been revoked or canceled; or
 - 3. For any other reason his use of the card is unauthorized by either the issuer or the person to whom the credit card is issued.
- B. "Credit card" means a writing or other evidence of an undertaking to pay for property or services delivered or rendered to or upon the order of a designated person or bearer.
- C. Fraudulent use of a credit card shall be punishable as a class B misdemeanor if the value of the goods, property, or money, or the charges for the service obtained or avoided or attempted to be obtained or avoided, or if the value of the charges of the goods, property, money, or service obtained or a voided through a series of similar violations of these sections committed within a period not exceeding six months and amount in the aggregate to a sum not more than \$100.00.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-650-8 Bribery Of Or Receiving Bribe By Person In The Business Of Selection, Appraisal, Or Criticism Of Goods Or Services

- A. A person is guilty of a class B misdemeanor when, without the consent of the employer or principal, contrary to the interests of the employer or principal:
 - 1. He confers, offers, or agrees to confer upon the employee, agent, or fiduciary of an employer or principal any benefit with the purpose of influencing the conduct of the employee, agent, or fiduciary in relating to his employer's or principal's affairs; or



2. He, as an employee, agent, or fiduciary of an employer or principal, solicits, accepts, or agrees to accept any benefit from another upon an agreement or understanding that such benefit will influence his conduct in relation to his employer's or principal's affairs; provided that this section does not apply to inducements made or accepted solely for the purpose of causing a change in employment by an employee, agent or fiduciary.

B. A person is guilty of violation of this section if he holds himself out to the public as being engaged in the business of making disinterested selection, appraisal, or criticism of goods or services and he solicits, accepts, or agrees to accept any benefit to influence his selection, appraisal, or criticism.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-650-9 And 13-650-10 (Reserved)

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-650-11 Defrauding Creditors

A person is guilty of a class B misdemeanor if:

- A. He destroys, removes, conceals, encumbers, transfers, or other wise deals with property subject to a security interest with a purpose to hinder enforcement of that interest; or
- B. Knowing that proceedings have been or are about to be instituted for the appointment of a person entitled to administer property for the benefit of creditors, he:
 - 1. Destroys, removes, conceals, encumbers, transfers, or otherwise deals with any property with a purpose to defeat or obstruct the claim of any creditor, or otherwise to obstruct the operation of any law relating to administration of property for the benefit of creditors; or
 - 2. Presents to any creditor or to any assignee for the benefit of creditors, orally or in writing, any statement relating to the debtor's estate, knowing that a material part of such statement is false.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-650-12 Through 13-650-14 (Reserved)

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019



Chapter 13-700 OFFENSES AGAINST THE FAMILY

Part 13-710 Marital Violations

Part 13-710 Marital Violations

13-711 Through 13-713 (Reserved)

13-714 Fornication

13-711 Through 13-713 (Reserved)

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-714 Fornication

- A. Any unmarried person who shall voluntarily engage in sexual intercourse with another is guilty of fornication.
- B. Fornication is a class B misdemeanor.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Chapter 13-800 OFFENSES AGAINST GOVERNMENT

Part 13-810 Corrupt Practices

Part 13-820 Abuse Of Office

Part 13-830 Obstructing Governmental Operations

Part 13-840 Offense Against Public Property

Part 13-850 Falsification In Official Matters

Part 13-860 Abuse Of Process

Part 13-870 (Reserved)

Part 13-880 Sabotage Prevention

Part 13-890 (Reserved)

Part 13-810 Corrupt Practices

13-811 Definitions

13-812 Campaign Contributions Not Prohibited

13-813 Bribery To Influence Official Or Political Actions

13-819 Failure Of Member Of Governing Body To Disclose Interest In Ordinance Or Resolution

13-811 Definitions

For purposes of this chapter:

- A. "Public servant" means any officer or employee of the municipality, including judges, consultants, jurors, and persons otherwise performing a government function. A person is considered a public servant upon his election, appointment, or other designation as such, although he may not yet officially occupy that position.

- B. "Party official" means any person holding any post in a political party whether by election, appointment. or otherwise.
- C. "Pecuniary benefit" means any advantage in the form of money, property, commercial interest, or anything else, the primary significance of which is economic gain; it does not include economic advantage applicable to the public generally, such as tax reduction or increase prosperity generally.
- D. A person is a candidate for electoral office upon his filing or being nominated as a candidate for any municipal office.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-812 Campaign Contributions Not Prohibited

Nothing in this chapter shall be construed to prohibit the giving or receiving of campaign contributions made for the purpose of defraying the costs of a political campaign. No person shall be convicted of any offense solely on the evidence that a campaign contribution was made and that an appointment or nomination was subsequently made by the person to whose campaign or political party the contribution was made.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-813 Bribery To Influence Official Or Political Actions

A person is guilty of a class B misdemeanor if:

- A. He promises, offers, or gives any pecuniary benefit to another with the purpose of influencing the other's action, decision, opinion, recommendation, vote, nomination, or other exercise of discretion as a public servant, party official, or voter; or
- B. Being a public servant, party official, candidate for electoral office, or voter, he solicits, accepts, or agrees to accept any pecuniary benefit from another, knowing the other person's purpose is as described above in paragraph A of this section.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-819 Failure Of Member Of Governing Body To Disclose Interest In Ordinance Or Resolution

Every member of the governing body who has a personal or private interest in any measure, ordinance or resolution proposed or pending before the governing body and does not disclose the fact to the governing body and votes thereon is guilty of a class B misdemeanor.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019



Part 13-820 Abuse Of Office

[13-821 Official Misconduct - Unauthorized Acts Or Failure Of Duty](#)

[13-822 Official Misconduct - Unlawful Acts Based On "inside" Information](#)

[13-823 Unofficial Misconduct](#)

13-821 Official Misconduct - Unauthorized Acts Or Failure Of Duty

A public servant is guilty of a class B misdemeanor if, with an intent to benefit himself or another or to harm another, he knowingly commits an unauthorized act which purports to be an act of his office, or knowingly refrains from performing a duty imposed on him by law or clearly inherent in the nature of his office.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-822 Official Misconduct - Unlawful Acts Based On "inside" Information

A public servant is guilty of a class B misdemeanor if, knowing that official action is contemplated or in reliance on information which he has acquired by virtue of his office or from another public servant which information has not been made public, he:

- A. Acquires or divests himself of a pecuniary interest in any property, transaction, or enterprise which may be affected by such action or information; or
- B. Speculates or waters on the basis of such action or information; or
- C. Knowingly aids another to do any of the foregoing.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-823 Unofficial Misconduct

- A. A person is guilty of unofficial misconduct if he exercises or attempts to exercise any of the functions of a public office when:
 - 1. He has not taken and filed the required oath of office; or
 - 2. He has failed to execute and file the required bond; or
 - 3. He has not been elected or appointed to office; or
 - 4. He exercises any of the functions of his office after his term has expired and the successor has been elected or appointed and has qualified, or after his office has been legally removed.
 - 5. He knowingly withholds or retains from his successor in office or other person entitled to the official seal or any records, papers, documents, or other writings appertaining or belonging to his office or mutilates or destroys or takes away the same.
- B. Unofficial misconduct is a class B misdemeanor.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 13-830 Obstructing Governmental Operations

[13-830-6 Obstructing Justice](#)

[13-830-7 Failure To Aid Peace Officer](#)

[13-830-8 Acceptable Of Bribe Or Bribery To Prevent Criminal Prosecution - Defense](#)

13-830-6 Obstructing Justice

- A. A person is guilty of an offense if, with intent to hinder, prevent, or delay the discovery, apprehension, prosecution, conviction or punishment of another for the commission of a crime, he:
1. Knowing an offense has been committed, conceals it from a magistrate;
or
 2. Harbors or conceals the offender; or
 3. Provides the offender a weapon, transportation, disguise, or other means for avoiding discovery or apprehension; or
 4. Warns such offender of impending discovery or apprehension; or
 5. Conceals, destroys, or alters any physical evidence that might aid in the discovery, apprehension, or conviction of such person; or
 6. Obstructs by force, intimidation, or deception anyone from performing an act which might aid in the discovery, apprehension, prosecution or conviction of such person.
- B. An offense under this section is a class B misdemeanor.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-830-7 Failure To Aid Peace Officer

A person is guilty of a class B misdemeanor if, upon command by a peace officer identifiable or identified by him as such, he unreasonably fails or refuses to aid the peace officer in effecting an arrest or in preventing the commission of any offense by another person.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-830-8 Acceptable Of Bribe Or Bribery To Prevent Criminal Prosecution - Defense

- A. A person is guilty of a class B misdemeanor if he:
1. Solicits, accepts, or agrees to accept any benefit as consideration for his refraining from initiating or aiding in a criminal

prosecution; or

2. Confers, offers, or agrees to confer any benefit upon another as consideration for the person refraining from initiating or aiding in a criminal prosecution;

B. It is an affirmative defense that the value of the benefit did not exceed an amount which the actor believed to be due as restitution or indemnification for the loss caused or to be caused by the offense.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 13-840 Offense Against Public Property.

[13-840-1 "Public Moneys" Defined](#)

[13-840-2 Misusing Public Moneys](#)

[13-840-3 Failure To Keep And Pay Over Public Moneys](#)

[13-840-4 Making Profit Out Of, Or Misusing Public Moneys](#)

[13-840-12 Stealing, Destroying Or Mutilating Public Records By Custodian](#)

[13-840-13 Stealing, Destroying Or Mutilating Public Records By One Not Custodian](#)

[13-840-14 Recording False Or Forged Instruments](#)

[13-840-15 Injuring Or Removing Monuments Of Official Surveys](#)

[13-840-16 Taking Toll Or Maintaining Road, Bridge, Or Ferry Without Authority - Refusal To Pay Lawful Toll](#)

13-840-1 "Public Moneys" Defined

As used in this part, "public moneys" includes all bonds and evidences of indebtedness and all money belonging to the municipality and all money, bonds, and evidences of indebtedness received or held by municipal officials in their official capacity.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-840-2 Misusing Public Moneys

- A. Every officer of this municipality and every other person charged with the receipt, safekeeping, transfer or disbursement of moneys of this municipality commits an offense if he:
1. Without authority of law appropriates the money or any portion thereof to his own use, or to the use of another; or
 2. Loans the money or any portion thereof without authority of law; or
 3. Fails to keep the money in his possession until disbursed or paid out by authority of law; or
 4. Unlawfully deposits the money or any portion in any bank or with any other person; or

5. Knowingly keeps any false account, or makes any false entry or erasure in any account of or relating to the money; or
6. Fraudulently alters, falsifies, conceals, destroys, or obliterates any such account; or
7. Willfully refuses or omits to pay over, on demand, any public moneys in his hands, upon the presentation of a draft, order, or warrant drawn upon such moneys by competent authority; or
8. Willfully omits to transfer the money when the transfer is required by law; or
9. Willfully omits or refuses to pay over, to any officer or person authorized by law to receive it, any money received by him under any duty imposed by law so to pay over the same.

B. A violation of this section is a class B misdemeanor.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-840-3 Failure To Keep And Pay Over Public Moneys

Every officer charged with the receipt, safekeeping, or disbursement of public moneys who neglects or fails to keep and pay over the money, in the manner prescribed by law, is guilty of a class B misdemeanor.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-840-4 Making Profit Out Of, Or Misusing Public Moneys

Any public officer who shall make a profit out of public moneys, or shall use the same for a purpose not authorized by law, is guilty of a class B misdemeanor.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-840-12 Stealing, Destroying Or Mutilating Public Records By Custodian

Every officer having the custody of any record, map, or book, or any paper or proceedings of any court, filed or deposited in any public office, or placed in his hands for any purpose, who is guilty of stealing, willfully destroying, mutilating, defacing, altering, falsifying, removing, or secreting the whole or any part thereof, or who permits any other person so to do, is guilty of a class B misdemeanor.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-840-13 Stealing, Destroying Or Mutilating Public Records By One Not Custodian

Every person, not an officer such as is referred to in the preceding section, who has committed any of the acts specified in that section is guilty of a class B misdemeanor.



HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-840-14 Recording False Or Forged Instruments

Every person who knowingly procures or offers any false or forged instrument to be filed, registered, or recorded in any office of this municipality, which instrument, if genuine, might be filed or registered or recorded under any law or ordinance of this state or municipality or of the United States, is guilty of a class B misdemeanor.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-840-15 Injuring Or Removing Monuments Of Official Surveys

Every person who willfully injures, defaces, or removes any signal, monument, building, or appurtenance thereto, placed, erected or used by persons engaged in the United States or state surveyor survey of this municipality is guilty of a class B misdemeanor.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-840-16 Taking Toll Or Maintaining Road, Bridge, Or Ferry Without Authority - Refusal To Pay Lawful Toll

Any person who demands or receives compensation for the use of any bridge or ferry, or who sets up or keeps any road, bridge, or ferry, or constructed ford, for the purpose of receiving remuneration for its use without authority of law; and any person who refuses to pay on demand the compensation or fee authorized to be collected for use of a licensed toll road, bridge, ferry, or constructed ford after having used it is guilty of a class B misdemeanor.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 13-850 Falsification In Official Matters

[13-850-2 False Or Inconsistent Material Statements](#)

[13-850-3 False Or Inconsistent Statements](#)

[13-850-8 Tampering With Witness - Retaliation Against Witness Or Informant - Bribery](#)

[13-850-9 Extortion Or Bribery To Dismiss Criminal Proceeding](#)

[13-850-10 Tampering With Evidence](#)

13-850-2 False Or Inconsistent Material Statements

A person is guilty of a class B misdemeanor if in any official proceeding of any proceeding conducted by this municipality or pursuant to its ordinances:

- A. He makes a false material statement under oath or affirmation or swears or affirms the truth of a material statement previously made and he does not believe the statement to be true; or

- B. He makes inconsistent material statements under oath or affirmation, both within the period of limitations, one of which is false and not believed by him to be true. In a prosecution under this section, it need not be alleged or proved which of the statements is false by only that one or the other was false and not believed by the defendant to be true.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-850-3 False Or Inconsistent Statements

In any proceeding conducted by this municipality or pursuant to its ordinances a person is guilty of a class B misdemeanor if:

- A. He makes a false statement under oath or affirmation or swears or affirms the truth of the statement previously made and he does not believe the statement to be true if:
1. The falsification occurs in an official proceeding, or is made with a purpose to mislead a public servant in performing his official functions; or
 2. The statement is one which is required by law to be sworn or affirmed before a notary or other person authorized to administer oaths; or
- B. He makes inconsistent statements under oath or affirmation, both within the period of limitations. one of which is false and not believed by him to be true. In a prosecution under this section, it need not be alleged or proved which of the statements is false by only that one or the other was false and not believed by the defendant to be true.
- C. No person shall be guilty under this section if he retracts the falsification before it becomes manifest that the falsification was or would be exposed.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-850-8 Tampering With Witness - Retaliation Against Witness Or Informant - Bribery

A person is guilty of a class B misdemeanor if:

- A. Believing that an official proceeding or investigation is pending or about to be instituted, he attempts to induce or otherwise cause a person to:
1. Testify or inform falsely; or
 2. Withhold any testimony, information, document or thing; or
 3. Elude legal process summoning him to provide evidence; or



4. Absent himself from any proceeding or investigation to which he has been summoned; or
- B. He commits any unlawful act in retaliation for anything done by another in his capacity as a witness or informant; or
- C. He solicits, accepts, or agrees to accept any benefit in consideration of his doing any of the things specified In paragraph A.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-850-9 Extortion Or Bribery To Dismiss Criminal Proceeding

- A. A person is guilty of a class B misdemeanor if by the use of force or by any threat which would constitute a means of committing the crime of theft by extortion under this title, if the threat were employed to obtain property, or by promise of any reward or pecuniary benefits, he attempts to induce an alleged victim of a crime to secure the dismissal of or to prevent the filing of a criminal complaint or summons.
- B. "Victim," as used in this section, includes a child or other person under the care or custody of a parent or guardian.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-850-10 Tampering With Evidence

A person commits a class B misdemeanor if, believing that an official proceeding or investigation is pending or about to be instituted by the municipality, he:

- A. Alters, destroys, conceals, or removes anything with a purpose to impair its verity or availability in the proceeding or investigation; or
- B. Makes, presents or uses anything which he knows to be false with a purpose to deceive a public servant who is or may be engaged in a proceeding or investigation.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 13-860 Abuse Of Process

[13-863 Wrongful Attachment By Justice - Liability](#)

13-863 Wrongful Attachment By Justice - Liability

It is unlawful for the justice of the peace of this municipality to issue any writ of attachment, and for any party, agent or attorney of the party. to advise, induce, or procure the issuance thereof, in any action, suit, or proceeding before the affidavit



therefore is filed, or where the affidavit filed therefore does not conform substantially with the requirements of Rule 64C of the Utah Rules of Civil Procedure. Any person violating any of the provisions of this section is guilty of a class B misdemeanor.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 13-870 (Reserved)

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 13-880 Sabotage Prevention

[13-881 Definitions](#)

[13-882 Posting Of Signs At War Or Defense Facilities - Entering Posted Premises Without Permission](#)

13-881 Definitions

For the purpose of this part:

- A. "Highway" includes any private or public street, way or other place used for travel to or from property within this municipality.
- B. "Public utility" includes any pipeline. gas, electric, heat, water, oil, sewer, telephone, telegraph, radio, railway, railroad, airplane, transportation communication or other system by whomsoever owned or operated for public use.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-882 Posting Of Signs At War Or Defense Facilities - Entering Posted Premises Without Permission

- A. Any individual, partnership, association, corporation or political subdivision of the State of Utah engaged in, or preparing to engage in, the manufacture, transportation or storage of any product to be used in the preparation of the United States or of any of the states for defense or for war or in the prosecution of war by the United States, or the manufacture, transportation, distribution of storage or gas, oil, coal, electricity or water, or any natural or artificial persons operating any public utility, whose property, except where it fronts on water or where there are entrances for railway cars, vehicles, persons, or things is surrounded by a fence or wall, or a fence or wall and buildings, may post around his or its property at each gate, entrance, dock, or railway entrance and everyone hundred feet of water front a sign reading "No Entry Without Permission." The sign shall also designate a point of entrance or place where application may be made for permission to enter, and permission shall not be denied to any loyal citizen who has a valid right to enter.

- B. Any person willfully entering property enumerated in A, without permission of the owner, shall be guilty of a class C misdemeanor.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 13-890 (Reserved)

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Chapter 13-900 OFFENSES AGAINST PUBLIC ORDER AND DECENCY

[Part 13-910 Breaches Of The Peace And Related Offenses](#)

[Part 13-920 Telephone Abuse](#)

[Part 13-930 Cruelty To Animals \(Reserved\)](#)

[Part 13-940 Offenses Against Privacy](#)

[Part 13-950 Libel And Slander \(Reserved\)](#)

[Part 13-960 Offenses Against The Flag](#)

[Part 13-970 Miscellaneous Provisions \(Reserved\)](#)

Part 13-910 Breaches Of The Peace And Related Offenses

[13-911 Riot](#)

[13-912 Disorderly Conduct](#)

13-911 Riot

A. A person is guilty of riot if:

1. Simultaneously with two or more other persons he engages in tumultuous or violent conduct and thereby knowingly or recklessly creates a substantial risk of causing public alarm; or
2. He assembles with two or more other persons with the purpose of engaging, soon thereafter, in tumultuous or violent conduct, knowing that two or more other persons in the assembly have the same purpose; or
3. He assembles with two or more other persons with the purpose of committing an offense against a person or property of another who he supposes to be guilty of a violation of law, believing that two or more in the assembly have the same purpose.

B. Any person who refuses to comply with a lawful order to withdraw given to him immediately prior to, during, or immediately following a violation of paragraph A is guilty of riot. It is no defense to a prosecution under this paragraph that withdrawal must take place over private property; provided, however, that no persons so withdrawing shall incur criminal or civil liability by virtue of acts reasonably necessary to accomplish the withdrawal.

C. Riot is a class B misdemeanor.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-912 Disorderly Conduct

A. A person is guilty of disorderly conduct if:

1. He refuses to comply with the lawful order of the police to move from a public place or knowingly creates a hazardous or physically offensive condition, by any act which serves no legitimate purpose; or
2. Intending to cause public inconvenience, annoyance, or alarm, or recklessly creating a risk thereof:
 - a. He engages in fighting or in violent, tumultuous, or threatening behavior; or
 - b. He makes unreasonable noises in a public place; or
 - c. He makes unreasonable noises in a private place which can be heard in a public place; or
 - d. He engages in abusive or obscene language or makes obscene gestures in a public place; or
 - e. He obstructs vehicular or pedestrian traffic.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 13-920 Telephone Abuse

[13-921 Telephone Harassment](#)

[13-922 Emergency Telephone Abuse](#)

13-921 Telephone Harassment

A. A person is guilty of telephone harassment and subject to prosecution if, with intent to annoy or alarm another, he:

1. Makes a telephone call, whether or not a conversation ensues, without purpose of lawful communication; or
2. Makes repeated telephone calls at extremely inconvenient hours or in offensively coarse language; or
3. Insults, taunts, or challenges another in a manner likely to provoke a violent or disorderly response.

B. Telephone harassment is a class B misdemeanor.



HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-922 Emergency Telephone Abuse

- A. A person is guilty of emergency telephone abuse if he:
 - 1. Intentionally refuses to yield or surrender the use of a party line or a public pay telephone to another person upon being informed that the telephone is needed to report a fire or summon police, medical, or other aid in case of emergency, unless the telephone is likewise being used for an emergency call; or
 - 2. Asks for or requests the use of a party line or a public pay telephone on the pretext that an emergency exists, knowing that no emergency exists.
- B. Emergency telephone abuse is a class C misdemeanor.
- C. For the purposes of this section (1) "party line" means a subscriber's line or telephone circuit consisting of two or more main telephone stations connected therewith, each station with a distinctive ring or telephone number.
- D. "Emergency" means a situation in which property or human life is in jeopardy and the prompt summoning of aid is essential to the preservation of human life or property.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 13-930 Cruelty To Animals (Reserved)

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 13-940 Offenses Against Privacy

[13-941 Definitions](#)

[13-942 Privacy Violation](#)

[13-943 Communication Abuse](#)

13-941 Definitions

For purposes of this part:

- A. "Private place" means a place where one may reasonably expect to be safe from casual or hostile intrusion or surveillance.
- B. "Eavesdrop" means to overhear, record, amplify, or transmit any part of a wire or oral communication of others without the consent of at least one party thereto by means of any electronic, mechanical or other device.



C. "Public" includes any professional or social group of which the victim of a defamation is a member.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-942 Privacy Violation

A. A person is guilty of privacy violation if, except as authorized by law, he:

1. Trespasses on property with intent to subject anyone to eavesdropping or other surveillance in a private place; or
2. Installs in any private place, without the consent of the person or persons entitled to privacy there, any device for observing photographic, recording, amplifying, or broadcasting sounds or events in the place or uses any such unauthorized installation; or
3. Installs or uses outside of a private place any device for hearing, recording, amplifying, or broadcasting sounds originating in the place which would not ordinarily be audible or comprehensible outside, without the consent of the person or persons entitled to privacy there.

B. Privacy violation is a class B misdemeanor.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-943 Communication Abuse

A. A person commits communication 'abuse if, except as authorized by law, he:

1. Intercepts, without the consent of the sender or receiver, a message by telephone, telegraph, letter, or other means of communicating privately; this paragraph does not extend to:
 - a. Overhearing of messages through a regularly installed instrument on a telephone party line or on an extension; or
 - b. Interception by the telephone company or subscriber incident to enforcement of regulations limiting use of the facilities or to other normal operation and use; or
2. Divulges without consent of the sender or receiver the existence or contents of any such message if the actor knows that the message was illegally intercepted or if he learned of the message in the course of employment with an agency engaged in transmitting it.

B. Communication abuse is a class B misdemeanor.



HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 13-950 Libel And Slander (Reserved)

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 13-960 Offenses Against The Flag

13-961 Abuse Of A Flag

13-961 Abuse Of A Flag

A. A person is guilty of abuse of a flag if he:

1. Intentionally places any unauthorized inscription or other things upon any flag of the United States or of any state of the United States; or
2. Knowingly exhibits any such flag, knowing the inscription or other thing to be unauthorized; or
3. For purposes of advertising a product or service for sale or for distribution, affixes a representation of the flag of the United States or of a state of the United States to the product or on any display whereon the product or service is advertised; or
4. Knowingly casts contempt upon the flag of the United States or of any state of the United States by publicly mutilating, defacing, defiling, burning, or trampling upon it.

B. Abuse of a flag is a class B misdemeanor.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 13-970 Miscellaneous Provisions (Reserved)

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Chapter 13-1000 OFFENSES AGAINST PUBLIC HEALTH, SAFETY, WELFARE AND MORALS

[Part 13-1010 Cigarettes And Tobacco And Psychotoxic Chemical Solvents](#)

[Part 13-1020 Waters](#)

[Part 13-1030 Explosives](#)

[Part 13-1040 Fences](#)

[Part 13-1050 Weapons](#)

[Part 13-1060 Charity Drives \(Reserved\)](#)

[Part 13-1070 Corporation Frauds](#)

[Part 13-1080 Nuisances](#)

[Part 13-1090 Trade And Commerce](#)

[Part 13-1100 Trademarks, Trade Names And Devices](#)
[Part 13-1110 Gambling](#)

Part 13-1010 Cigarettes And Tobacco And Psychotoxic Chemical Solvents

[13-1011 "Place Of Business" And "Enclosed Public Place" Defined](#)

[13-1012 Cigarettes And Tobacco - Advertising Restrictions](#)

[13-1013 Permitting Minors To Use Tobacco In Place Of Business](#)

For the purposes of this part:

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-1011 "Place Of Business" And "Enclosed Public Place" Defined

- A. "Place of business" means any and all such places as shops, stores, factories, public garages, offices, theaters, recreation and dance halls, poolrooms, cafes, cafeterias, cabarets, restaurants, hotels, lodging houses, streetcars, buses, interurban and railway passenger coaches and waiting rooms.
- B. "Enclosed public place" means the dining rooms in hotels, restaurants, cafes and cafeterias, theaters, arenas, passenger elevators, streetcars, buses, interurban and railway passenger coaches, motor and other passenger vehicles used by common carriers, railway station waiting rooms, and state, county and city buildings; but the owner or proprietor of any hotel dining room, restaurant, cafe, or cafeteria may designate the same as a public smoking room by a conspicuous sign at or near the entrance, and in any state, county, or city building any public officer who has a private office separate and apart from his public office may, if he so desires, designate the private office as a place where smoking may be permitted, and, so long as the private office is so designated, smoking therein shall not be considered in violation of this section.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-1012 Cigarettes And Tobacco - Advertising Restrictions

It is a class B misdemeanor for any person to display on any billboard, streetcar sign, streetcar, bus, placard, or on any other object or place of display, any advertisement of cigarettes, cigarette papers, cigars, chewing tobacco, or smoking tobacco or any disguise or substitute of either, except that a dealer in cigarettes, cigarette papers, tobacco or cigars, or their substitutes, may have a sign on the front of his place of business stating that he is a dealer in the articles; provided that nothing herein shall be construed to prohibit the advertising of cigarettes, cigarette papers, chewing tobacco or smoking tobacco, or any substitute of either, in any newspaper, magazine or periodical printed or circulating in this municipality.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-1013 Permitting Minors To Use Tobacco In Place Of Business

It is a class C misdemeanor for the proprietor of any place of business to knowingly permit persons under age nineteen to frequent a place of business while they are using tobacco.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 13-1020 Waters

[13-1021 Interference With Control Of Water Commissioner](#)

[13-1022 Taking Water Out Of Turn Or Excess Amount - Injuring Facilities](#)

[13-1023 Obstruction Of Watergates](#)

[13-1024 Injuring Bridge, Dam, Canal Or Other Water-Related Structure](#)

13-1021 Interference With Control Of Water Commissioner

Every person who knowingly or intentionally interferes with or alters the flow of water in any stream, ditch, or lateral while under the control or management of the water master or superintendent is guilty of an infraction.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-1022 Taking Water Out Of Turn Or Excess Amount - Injuring Facilities

1. No person may, in violation of any right of any other person knowingly or intentionally:
 - a. turn or use the water, or any part thereof, of any canal, ditch, pipeline, or reservoir, except at a time when the use of the water has been duly distributed to the person;
 - b. use any greater quantity of the water than has been duly distributed to him;
 - c. in any way change the flow of water when lawfully distributed for irrigation or other useful purposes, except when duly authorized to make the change; or
 - d. break or injure any dam, canal, pipeline, watergate, ditch, or other means of diverting or conveying water for irrigation or other useful purposes.

2. Subsection (1) applies to violations of any right to use of water, including:
 - a. a water right; or
 - b. authorization of a person's use of water by:
 - i. a water company
 - ii. an entity having a valid water right under Utah law.

3. Any person who violates this section is guilty of an infraction.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-1023 Obstruction Of Watergates

Every person who causes an obstruction of any kind to a watergate, headgate or point of diversion, whether of natural or of manmade material, unless duly authorized, shall be guilty of an infraction.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-1024 Inuring Bridge, Dam, Canal Or Other Water-Related Structure

Every person who intentionally, knowingly, or recklessly cuts, breaks, damages, injures, or destroys any bridge, dam, canal, flume, aqueduct, levee, embankment, reservoir, or other structure erected to create hydraulic power, to drain or reclaim any swamp and overflowed or marsh land, to conduct water for mining, manufacturing, reclamation, or agricultural purposes, or for the supply of the inhabitants of municipality; or intentionally, knowingly, or recklessly makes or causes to be made any aperture in any such dam, canal, flume, aqueduct, reservoir, embankment, levee, or structure with intent to injure or destroy it; or draws up, cuts, or injures any piles fixed in the ground and used for securing any lake or river bank or walls or any dock, quay, jetty, or lock is guilty of an infraction.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 13-1030 Explosives

[13-1035 Different Dates On Containers Of Explosive Prohibited - Reuse Of Containers Prohibited](#)

[13-1036 "Infernal Machine" Defined](#)

[13-1037 Infernal Machine - Delivery To Common Carrier, Mailing, Or Placement On Premises](#)

[13-1038 Infernal Machine - Construction Or Possession](#)

13-1035 Different Dates On Containers Of Explosive Prohibited - Reuse Of Containers Prohibited

It shall be a class B misdemeanor for any person or persons, partnership, or corporation to have two or more different dates on any box or package containing giant, hercules, atlas, or venture, or any other high explosive containing nitroglycerin. It shall further be unlawful to use any box, package, or wrapper formerly used by any other person or persons, partnership, or corporation in the packing of such giant, hercules, atlas, venture, or other high explosive containing nitroglycerin, and the name and date on the box or package shall be the same as on the wrapper containing the giant, hercules, atlas, venture, or other explosive containing nitroglycerin.



HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-1036 "Infernal Machine" Defined

An infernal machine is any box, package, contrivance, bomb, or apparatus containing or arranged with an explosive or acid or poisonous or inflammable substance, chemical, or compound, or knife, loaded pistol, or gun, or other dangerous or harmful weapon or thing, constructed, contrived, or arranged so as to explode, ignite, or throw forth its contents, or to strike with any of its parts, unexpectedly when moved, handled, or opened, or after the lapse of time or under conditions or in a manner calculated to endanger health, life, limb, or property.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-1037 Infernal Machine - Delivery To Common Carrier, Mailing, Or Placement On Premises

Every person who delivers or causes to be delivered to any express or railway company or other common carrier, or to any person, any infernal machine, knowing it to be such, without informing the common carrier or person of the nature thereof, or sends it through the mail, or throws or places it on or about the premises or property of another, or in any place where another may be injured thereby in his person or property, is guilty of a class B misdemeanor.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-1038 Infernal Machine - Construction Or Possession

Every person who knowingly constructs or contrives any infernal machine or with intent to injure another in his person or property, has any infernal machine in his possession is guilty of a class B misdemeanor.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 13-1040 Fences

[13-1041 Fencing Of Shafts And Wells](#)

13-1041 Fencing Of Shafts And Wells

Any person who has sunk or shall sink a shaft or well for any purpose shall enclose it with a substantial curb or fence, which shall be at least four and one-half feet high. Any person violating the provisions of this section is guilty of a class B misdemeanor.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 13-1050 Weapons

[13-1050-3 Possession Of Dangerous Weapon By Convicted Person, Drug Addict, Or Mentally Incompetent Person Prohibited](#)

[13-1050-4 Carrying Concealed Dangerous Weapon](#)



[13-1050-5 Carrying Loaded Firearm In Vehicle Or On Street](#)
[13-1050-6 Threatening With Or Using Dangerous Weapon In Fight Or Quarrel](#)
[13-1050-7 Possession Of Deadly Weapon With Intent To Assault](#)
[13-1050-8 Discharge Of Firearm From Vehicle Or Near Highway](#)
[13-1050-9 Possession Of Dangerous Weapon By Minor](#)
[13-1050-14 License - Application Form](#)
[13-1050-15 \(Reserved\)](#)
[13-1050-16 License - Fee - Amount And Disposition](#)
[13-1050-17 License - Records - Copies Transmitted To Bureau](#)
[13-1050-18 \(Reserved\)](#)
[13-1050-24 Purchase Of Firearms In Contiguous States Pursuant To Federal Law](#)
[13-1050-25 Disposition Of Weapons After Use For Court Purposes](#)

13-1050-3 Possession Of Dangerous Weapon By Convicted Person, Drug Addict, Or Mentally Incompetent Person Prohibited

Any person who is not a citizen of the United States or any person who has been convicted of any crime of violence under the laws of the United States, the State of Utah, or any other state, government, or country, or who is addicted to the use of any narcotic drug, or any person who has been declared mentally incompetent shall not own or have in his possession or under his custody or control any dangerous weapon as defined in this part. Any person who violates this section is guilty of a class B misdemeanor.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-1050-4 Carrying Concealed Dangerous Weapon

Any person carrying a concealed dangerous weapon as defined in this part is guilty of a class B misdemeanor.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-1050-5 Carrying Loaded Firearm In Vehicle Or On Street

Every person who carries a loaded firearm in a vehicle or on any public street or in a prohibited area is guilty of a class B misdemeanor.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-1050-6 Threatening With Or Using Dangerous Weapon In Fight Or Quarrel

Every person who, not in necessary self defense in the presence of two or more persons, draws or exhibits any dangerous weapon in an angry and threatening manner or unlawfully uses the same in any fight or quarrel is guilty of a class B misdemeanor.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-1050-7 Possession Of Deadly Weapon With Intent To Assault

Every person having upon his person any dangerous weapon with intent to unlawfully assault another is guilty of a class B misdemeanor.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-1050-8 Discharge Of Firearm From Vehicle Or Near Highway

It shall be a class B misdemeanor for any person to discharge any kind of firearm from an automobile or other vehicle or to discharge a firearm from, upon, or across any highway.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-1050-9 Possession Of Dangerous Weapon By Minor

A minor under the age of eighteen may not possess a dangerous weapon as defined herein unless he has the permission of his parent or guardian to have such weapon or is accompanied by parent or guardian while he has such weapon in his possession. In any event, any minor who is under the age of fourteen years must be accompanied by a responsible adult.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-1050-14 License - Application Form

The application for license must be in substantially the following form:

State of Utah

County of _____ Name of municipality _____

Name _____

Address _____

Present occupation _____ Address of Employer _____

Age _____ Height _____ Weight _____

Color of eyes _____ Color of Hair _____

Have you ever been convicted of any felony? Yes ____ No ____

If the answer to the above question is yes, state where and when and what the charge was _____

Are you addicted to any narcotics or other habit-forming drugs? Yes ____ No ____

Have you ever been declared mentally incompetent? Yes ____ No ____



If the answer to the above question is yes, state where and when

Reason or reasons for issuance of license _____

Dated this _____ day of _____ 19__.

Subscribed and sworn to this _____ day of _____, 19__.

Notary Public

Residing in _____ County.

My commission expires:

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-1050-15 (Reserved)

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-1050-16 License - Fee - Amount And Disposition

Each applicant for a license shall pay a fee of \$3.00 at the time of filing the application. The officer receiving the application shall also receive the \$3.00 fee and shall transmit one half of the fee together with the fingerprints of the individual to the State Bureau of Criminal Identification. The remaining half of the fee shall be transmitted to the city or town treasurer.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-1050-17 License - Records - Copies Transmitted To Bureau

When any license is issued a record shall be maintained in the office of the city recorder/town clerk which shall be open to public inspection. Copies of each license



issued shall be filed immediately by the chief of police with the State Bureau of Criminal Identification.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-1050-18 (Reserved)

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-1050-24 Purchase Of Firearms In Contiguous States Pursuant To Federal Law

This part will allow purchases of firearms and ammunition by residents in contiguous states pursuant to the Federal Fire Arms Gun Control Act of 1968, section 922, paragraph B, no. 3.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-1050-25 Disposition Of Weapons After Use For Court Purposes

The police departments which has in its possession a weapon after it has been used for court purposes shall determine the true owner of the weapon and return it to him; however, if unable to determine the true owner of the weapon, or if the true owner is the person committing the crime for which the weapon was used as evidence, the department shall confiscate it and shall revert to the department for their use and/or disposal as the chief of police shall determine.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 13-1060 Charity Drives (Reserved)

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 13-1070 Corporation Frauds

[13-1070-1 Definitions](#)

[13-1070-2 Fraudulent Signing Of Share Subscriptions](#)

[13-1070-3 \(Reserved\)](#)

[13-1070-4 Misrepresenting Person As Officer, Agent, Member Or Promoter](#)

[13-1070-5 Concurrence By Director In Dividend Or Division Of Capital In Violation Of Law](#)

[13-1070-6 \(Reserved\)](#)

13-1070-1 Definitions

As used in this part:

- A. "Bona fide shareholder of record" means a shareholder of record who has acquired shares in good faith and is acting for a proper purpose reasonably related to his interests as a shareholder.

- B. "Director" means any of the persons having by law the direction or management of the affairs of a corporation, by whatever name the persons are described in its charter or known by law.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-1070-2 Fraudulent Signing Of Share Subscriptions

Every person who signs the name of a fictitious person to any subscription for, or agreement to take, shares in any corporation existing or proposed, and every person who signs to any subscription or agreement the name of any person, knowing that the person has no means or does not intend in good faith to comply with all the terms thereof, or under any understanding or agreement that the terms of the subscription or agreement are not to be complied with or enforced, is guilty of a class B misdemeanor.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-1070-3 (Reserved)

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-1070-4 Misrepresenting Person As Officer, Agent, Member Or Promoter

Every person who, without being authorized so to do, subscribes the name of another to, or inserts the name of another in, any prospectus, circular, or other advertisement or announcement of any corporation or joint stock association, existing or intended to be formed, with intent to permit it to be published, and thereby to lead persons to believe that the person whose name is so subscribed is an officer, agent, member or promoter of such corporation or association, is guilty of a class B misdemeanor.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-1070-5 Concurrence By Director In Dividend Or Division Of Capital In Violation Of Law

Every director or any corporation issuing shares, except savings and loan or building and loan associations who concurs in any vote or act of the directors of the corporation or any of them, by which it is intended either:

- A. To make any dividend except as permitted by the Utah Business Corporation Act; or
- B. To divide, withdraw, or in any manner pay to the shareholders, or any of them, any part of the stated capital of the corporation except as permitted by the Utah Business Corporation Act is guilty of a class B misdemeanor.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-1070-6 (Reserved)

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 13-1080 Nuisances

[13-1082 Befouling Waters](#)

[13-1083 "Public Nuisance" Defined](#)

13-1082 Befouling Waters

A person is guilty of a class B misdemeanor if he:

- A. Constructs or maintains a corral, sheep pen, goat pen, stable, pigpen, chicken coop, or other offensive yard or outhouse where the waste or drainage therefrom shall flow directly into the waters of any stream, well, or spring of water used for domestic purposes; or
- B. Deposits, piles, unloads, or leaves any manure heap, offensive rubbish, or the carcass of any dead animal where the waste or drainage therefrom will flow directly into the waters of any stream, well, or spring of water used for domestic purposes; or
- C. Dips or washes sheep in any stream, or constructs, maintains, or uses any pool or dipping vat for dipping or washing sheep in such close proximity to any stream located within this municipality or over which this municipality may exercise its jurisdiction and used by the inhabitants of this municipality for domestic purposes as to make the waters thereof impure or unwholesome; or
- D. Constructs or maintains any corral, yard, or vat to be used for the purpose of shearing or dipping sheep within twelve miles of the municipality, where the refuse or filth from the corral or yard would naturally find its way into any stream of water used by the inhabitants of this municipality for domestic purposes; or
- E. Establishes and maintains any corral, camp, or bedding place for the purpose of herding, holding, or keeping any cattle, horses, sheep, goats, or hogs, within seven miles of this municipality, where the refuse or filth from the corral, camp, or bedding place will naturally find its way into any stream of water used by the inhabitants of this municipality for domestic purposes.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-1083 "Public Nuisance" Defined

- A. A public nuisance is a crime against the public order and economy of this municipality and consists in unlawfully doing any act or omitting to perform any duty, which act or omission, either:
 1. Annoys, injures, or endangers the comfort, repose, health or safety of three or more persons; or

2. Offends public decency; or
3. Unlawfully interferes with, obstructs, or tends to obstruct, or renders dangerous for passage, any lake, stream, canal, or basin, or any public park, square, street, or highway; or
4. In any way renders three or more persons insecure in life or the use of property.

B. An act which affects three or more persons in any of the ways specified in this section is still a nuisance regardless of whether the extent of annoyance or damage inflicted on individuals is unequal.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 13-1090 Trade And Commerce

[13-1090-7 Junk Dealer's Record Of Sales And Purchases](#)

[13-1090-8 Violation By Junk Dealer - Classification Of Offense](#)

[13-1090-9 Junk Dealer To Obtain Statement From Sellers](#)

[13-1090-10 Falsification Or Seller's Statement To Junk Dealer](#)

13-1090-7 Junk Dealer's Record Of Sales And Purchases

Every junk dealer shall keep a book in which shall be written, in ink in the English language, at the time of each and every purchase and sale a listing of the weight and metallic description of the sale or purchase, together with the full name and residence of the person or persons selling the junk, together with the date and place of the purchase and sale. No entry in the book shall be erased, mutilated, or changed. The book and entries shall at all times be open to inspection by the sheriff of the county or any of his deputies and by any member of the police force of this municipality, and any constable or other state, municipal, or county officials in this county, provided this part shall not apply to any sale of less than twenty pounds.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-1090-8 Violation By Junk Dealer - Classification Of Offense

Any junk dealer who shall be found guilty of a violation of any of the provisions of this part shall be guilty of a class B misdemeanor; provided that this part shall not be construed to in any way affect any tax, license or regulation otherwise imposed on any junk dealer.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-1090-9 Junk Dealer To Obtain Statement From Sellers

At the time of purchase by any junk dealer of any copper wire, pig, or pigs of metal or of any junk, as defined in this part, he shall obtain a signed and dated statement from the person or persons selling it as to when, where, and from whom the property was

obtained and also the residence, address, and place of employment of the seller or sellers. The statement shall be retained for five years by the junk dealer and shall be subject to the provisions of section 13-1090-7 relating to erasure, mutilation, or change and also to inspection.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-1090-10 Falsification Or Seller's Statement To Junk Dealer

Any seller who, in the making of his statement as required by this part in selling, offering, or trying to sell junk willfully makes a false statement or gives untrue information, shall be guilty of a class B misdemeanor.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 13-1100 Trademarks, Trade Names And Devices

[13-1105 Using, Destroying, Concealing Or Possessing Articles With Registered Trademark Or Service Mark To Deprive Owner Of Use Or Possession - Exception](#)

[13-1106 Selling Or Dealing With Articles Bearing Registered Trademark Or Service Mark With Intent To Defraud](#)

[13-1107 Use Of Registered Trademark Without Consent](#)

13-1105 Using, Destroying, Concealing Or Possessing Articles With Registered Trademark Or Service Mark To Deprive Owner Of Use Or Possession - Exception

Every person who, without the consent of the owner of an article bearing the owner's validly registered trademark or service mark, uses, destroys, conceals, or possesses the article or who defaces or otherwise conceals the trademark or service mark upon the article with intent to deprive the owner of the use or possession of that article is guilty of a class B misdemeanor; provided, however, that nothing contained in this part shall be construed to apply to or restrict the transfer or use of wooden boxes or the reuse of burlap or cotton bags or sacks when those bags or sacks have been reversed inside out or the markings thereon have been concealed or obliterated to effectively demonstrate that the products contained therein do not purport to be the products of the owner of the registered trademark or service mark theretofore put upon those bags.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-1106 Selling Or Dealing With Articles Bearing Registered Trademark Or Service Mark With Intent To Defraud

Every person who, without the consent of the owner of an article bearing the owner's validly registered trademark or service mark, knowingly sells or traffics in the articles or who withholds the articles from the owner thereof with intent to defraud the owner thereof, is guilty of a class B misdemeanor.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-1107 Use Of Registered Trademark Without Consent

Every person who adopts or in any way uses the registered trademark of another, without the consent of the owner thereof, is guilty of a class B misdemeanor.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 13-1110 Gambling

[13-1114 Gambling Promotion](#)

[13-1115 Possessing A Gambling Device Or Record](#)

[13-1116 Failure Of Prosecuting Attorney Or Law Enforcement Officer To Prosecute Offenses](#)

[13-1117 Seizure And Sale Of Devices Or Equipment Used For Gambling](#)

13-1114 Gambling Promotion

- A. A person is guilty of gambling promotion if he derives or intends to derive an economic benefit other than personal winnings from gambling and:
1. He induces or aids another to engage in gambling; or
 2. He knowingly invests in, finances, owns, controls, supervises, manages, or participates in any gambling.
- B. Gambling promotion is a class B misdemeanor.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-1115 Possessing A Gambling Device Or Record

- A. A person is guilty of possessing a gambling device or record if he knowingly possesses it with intent to use it in gambling.
- B. Possession of a gambling device or record is a class B misdemeanor.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-1116 Failure Of Prosecuting Attorney Or Law Enforcement Officer To Prosecute Offenses

Any prosecuting attorney or police officer who has reasonable cause to believe that any person has violated any provision of this part and shall thereafter fail or refuse to diligently prosecute such persons is guilty of a class B misdemeanor.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

13-1117 Seizure And Sale Of Devices Or Equipment Used For Gambling

- A. Whenever the justice of the peace shall determine that any devices or

equipment is used or kept for the purpose of being used for gambling, he may notify the governing body and/or the chief of police and may authorize the chief of police to seize such devices and to hold them for sale at the best price obtainable pending a hearing before the justice of the peace. After the hearing has been properly scheduled and all parties having an interest in the devices have been notified of the hearing, the justice of the peace may order the devices seized and declare them to be the property of this municipality. The Court may then order the devices sold for the best price obtainable. The sale shall be made to a person of good character and repute who is a bona fide resident of the state wherein it is lawful to use such equipment. The officials conducting the sale shall place the equipment on a public carrier, properly co-signed to the purchaser at his place of residence.

- B. The proceeds of any sale shall be paid to the municipal treasury.
- C. If no sale is consummated within ninety (90) days after authorization therefore, the devices or equipment shall be destroyed under the direction of the justice of the peace.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

[Chapter 13-1200 PORNOGRAPHIC AND HARMFUL MATERIALS AND PERFORMANCES](#)

[Part 13-1201 Definitions](#)

[Part 13-1204 Distributing Pornographic Material](#)

[Part 13-1205 Inducing Acceptance Of Pornographic Material](#)

[Part 13-1208 Affirmative Defenses](#)

Part 13-1201 Definitions

For the purpose of this part:

- A. "Material" means anything printed or written or any picture, drawing, photograph, motion picture, or pictorial representation, or any statue or other figure, or any recording or transcription, or any mechanical, chemical or electrical reproduction, or anything which is or may be used as a means of communication. Material includes undeveloped photographs, molds, printing plates, and other latent representational objects.
- B. "Performance" means any physical human bodily activity, whether engaged in alone or with other persons, including but not limited to singing, speaking, dancing, acting, simulating, or pantomiming,
- C. "Distribute" means to transfer possession of materials whether with or without consideration.

- D. "Knowingly" means an awareness, whether actual or constructive, of the character of material or of a performance. A person has constructive knowledge if a reasonable inspection or observation under the circumstances would have disclosed the nature of the subject matter and if a failure to inspect or observe is for the purpose of avoiding the disclosure.
- E. "Exhibit" means to show.
- F. "Nudity" means the showing of the human male or female genitals, pubic area, or buttocks, with less than a full, opaque covering, or the showing of a female breast with less than a full, opaque covering, or any portion thereof below the top of the nipple, or the depiction of covered male genitals in a discernibly turgid state.
- G. "Sexual conduct" means acts of masturbation, homosexuality, sexual intercourse, or physical contact with a person's clothed or unclothed genitals, pubic area, buttocks, or, if the person is a female, breast, whether alone or between members of the same or opposite sex or between humans and animals in an act of apparent or actual sexual stimulation or gratification.
- H. "Sexual excitement" means a condition of human male or female genitals when in a state of sexual stimulation or arousal, or the sensual experiences of humans engaging in or witnessing sexual conduct or nudity.
- I. "Sado-masochistic abuse" means flagellation or torture by or upon a person clad in undergarments, a mask, or in a revealing or bizarre costume, or the condition of being fettered, bound, or otherwise physically restrained on the part of one so clothed.
- J. "Minor" means any person less than 18 years of age.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 13-1204 Distributing Pornographic Material

- A. A person is guilty of distributing pornographic material when he knowingly;
 - 1. Sends or brings any pornographic material into this municipality with intent to distribute or exhibit it to others; or
 - 2. Prepares, publishes, prints, or possesses any pornographic material with intent to distribute or exhibit it to others; or
 - 3. Distributes or offers to distribute, exhibits or offers to exhibit, any pornographic material to others; or
 - 4. Writes, creates, or solicits the publication or advertising of pornographic material; or
 - 5. Promotes the distribution or exhibition of material which he represents to be pornographic; or

6. Presents or directs a pornographic performance in any public place or any place exposed to public view or participates in that portion thereof which makes it pornographic.

B. Each separate offense under this section is a class B misdemeanor punishable by a minimum mandatory fine of not less than \$100 plus \$10 for each article exhibited up to a maximum of \$_____ and by incarceration, without suspension of sentence in any way, for a term of not less than seven days.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 13-1205 Inducing Acceptance Of Pornographic Material

A. A person is guilty of inducing acceptance of pornographic material when he knowingly:

1. Requires or demands as a condition to a sale, allocation, consignment, or delivery for resale of any newspaper, magazine, periodical, book, publication, or other merchandise that the purchaser or consignee receive any pornographic material; or
2. Denies, revokes, or threatens to deny or revoke a franchise or to impose any penalty, financial or otherwise, because of the failure or refusal to accept pornographic material.

B. A violation of this section is a class B misdemeanor punishable by a fine of not less than \$_____ and by incarceration, without suspension of sentence in any way, for a term of not less than 14 days.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 13-1208 Affirmative Defenses

The following shall be affirmative defenses to prosecution under this part:

- A. That the distribution of pornographic material was restricted to institutions or persons having scientific, education, governmental, or other similar justification for possessing pornographic material; or
- B. That the actor was a motion picture projectionist or a motion picture machine operator who is regularly employed to operate a projection machine in a public motion picture theater and he is required to project the material as part of his employment.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019



Chapter 13-1300 PROSTITUTION

Part 13-1301 Definitions

Part 13-1302 Prostitution

Part 13-1303 Patronizing A Prostitute

Part 13-1304 Aiding Prostitution

Part 13-1301 Definitions

For the purposes of this part:

- A. "Sexual activity" means intercourse or any sexual act involving the genitals of one person and the mouth or anus of another person, regardless of the sex of either participant.
- B. "House of prostitution" means a place where prostitution or promotion of prostitution is regularly carried on by one or more persons under the control, management, or supervision of another.
- C. "Inmate" means a person who engages in prostitution in or through the agency of a house of prostitution.
- D. "Public place" means any place to which the public or any substantial group thereof has access.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 13-1302 Prostitution

- A. A person is guilty of prostitution when:
 - 1. He engages or offers or agrees to engage in any sexual activity with another person for a fee; or
 - 2. Is an inmate of a house of prostitution; or
 - 3. Loiters in or within view of any public place for the purpose of being hired to engage in sexual activity.
- B. Prostitution is a class B misdemeanor.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 13-1303 Patronizing A Prostitute

- A. A person is guilty of patronizing a prostitute when:
 - 1. He pays or offers or agrees to pay another person a fee for the purpose of engaging in an act of sexual activity; or

2. He enters or remains in a house of prostitution for the purpose of engaging in sexual activity.

B. Patronizing a prostitute is a class C misdemeanor.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 13-1304 Aiding Prostitution

A. A person is guilty of aiding prostitution if he:

1. Solicits a person to patronize a prostitute; or
2. Procures or attempts to procure a prostitute for a patron, or
3. Leases or otherwise permits a place controlled by the actor, alone or in association with another, to be used for prostitution or the promotion of prostitution; or
4. Solicits, receives, or agrees to receive any benefit for doing any of the acts prohibited by this subsection.

B. Aiding prostitution is a class B misdemeanor.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Title 14-000 UTILITIES

[Chapter 14-100 WATER](#)

[Chapter 14-200 SEWER](#)

[Chapter 14-300 STORMWATER AND SURFACE WATER RUNOFF](#)

[Chapter 14-400 \(RESERVED\)](#)

[Chapter 14-500 FINANCE, FEES, AND CHARGES](#)

Chapter 14-100 WATER

[Part 14-110 Water Department And System](#)

[Part 14-120 Separate Connections Required](#)

[Part 14-130 Cross-Connection Control And Back-Flow Prevention](#)

[Part 14-140 Water Conservation](#)

[Part 14-150 Installation Of Culinary Water Service Lines](#)

[Part 14-160 Service Outside Of Richmond City](#)

Part 14-110 Water Department And System

[14-111 Superintendent Of Water](#)

[14-112 Duties Of The Superintendent](#)

[14-113 Application For Connection To The Culinary Water System](#)

[14-114 Application By Non-Residential Owners Of Property To The Culinary Water System](#)

[14-115 Request For Connection To The Culinary Water System By Developers Or Sub-
Dividers](#)

[14-116 Rates, Connection, And Impact Fees](#)

[14-117 Appeals](#)

[14-118 Use Without Payment Prohibited](#)

[14-119 Delinquent Accounts And Termination Of Culinary Water Service](#)

The water department for Richmond City is hereby created. It shall be the sole administrative entity for the operation and maintenance of the culinary water system for Richmond City, County of Cache, State of Utah.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

14-111 Superintendent Of Water

The Richmond City Council is hereby authorized to create and fill the position of Superintendent of the water department at their discretion.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

14-112 Duties Of The Superintendent

The Superintendent of the water system shall manage and supervise the municipal culinary water system pursuant to the regulations established by the United States Environmental Protection Agency, the State of Utah Division of Drinking Water, and all resolutions, regulations, and rules adopted by the Richmond City Council from time to

time. The Superintendent shall be responsible for the proper operation of the culinary water system and shall be responsible for the proper submission of required reports in a timely manner, and shall carry out all duties under the direction of the Mayor and City Council of Richmond City.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

14-113 Application For Connection To The Culinary Water System

Any person seeking to connect to the Culinary Water system of Richmond, Utah, must complete, sign, and file with the City an Utilities Agreement.

A. Said Utilities Agreement will follow the below format:

LOCAL UTILITIES SERVICE AGREEMENT

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

14-114 Application By Non-Residential Owners Of Property To The Culinary Water System

Persons seeking Richmond City utility services will have the property owner complete and sign the form above plus completing the portion headed "Renter Agreement."

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

14-115 Request For Connection To The Culinary Water System By Developers Or Sub-Dividers

Developers and/or Sub-dividers seeking to connect to the Richmond City culinary water system must follow the requirements of the current zoning, sub-division, and building standards ordinance(s).

A. Once approval has been granted following the proscribed procedures of the referred ordinances, each individual residence or business must submit the appropriate Request for Connection outlined in 14-113 and 14-114 above as applicable.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

14-116 Rates, Connection, And Impact Fees

The rates, connection fee, impact fee, and any other fee established to maintain the proper operation and inspection of the culinary water system in a safe manner shall be in keeping with the provisions of Title 14-000, Chapter 14-500 following.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

14-117 Appeals

The Richmond City Council is hereby designated the Water Authority for the City of Richmond. As such, the Council will hear all complaints or appeals relative to culinary water rates and fees. Should any assessments be deemed illegal, unequal, or unjust, the Council may, if they see fit, rebate or otherwise adjust all or any part of such a water bill.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

14-118 Use Without Payment Prohibited

It shall be unlawful for any person by himself or herself, family, servant, or agent to utilize the Richmond City culinary water system without pay therefor, as herein provided or, without authority, to open any fire hydrant, stopcock, valve, or other fixture(s) attached to the culinary water system unless it is done pursuant to proper application, agreement, or resolution. It shall be unlawful to injure, deface, or impair any part or appurtenance of the culinary water system, or to cast anything into any reservoir or tank belonging to said culinary water system.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

14-119 Delinquent Accounts And Termination Of Culinary Water Service

At the direction of the City Council, the City Treasurer will monitor delinquent accounts and when such an account has reached a rate of non-payment equal to the amount determined to be appropriate by the Richmond City Council in formal session, shall direct culinary water service to the said account to be terminated. Further action shall be taken in accordance with the provisions of Title 14-000, Chapter 14-500 following.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 14-120 Separate Connections Required

[14-121 Unauthorized Users](#)

[14-122 Period For Visitors](#)

[14-123 Maintenance Of Water Service Pipes](#)

[14-124 Water Meters](#)

[14-125 Non-Liability For Damages](#)

[14-126 Water Not Supplied For Motors, Syphons, Etc](#)

It shall be unlawful for two or more service users to be supplied from the same service pipe, connection or water meter. The sole exception to this provision shall be in the case of authorized multiple unit dwellings being serviced by a single meter and service line of sufficient diameter to provide sufficient water at a pressure of no less than forty pounds per square inch (40 psi) to each unit.

14-121 Unauthorized Users

It shall be unlawful for any water service user to permit any person from other premises or any unauthorized person to use or obtain water services regularly from his premises or water facilities, either outside or inside of his premises.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

14-122 Period For Visitors

Individuals visiting the premises of an authorized culinary water user in a recreational vehicle not including a mobile home and continuing to live therein during the period of visitation may receive water service from the facilities of the host during the visitation period which shall not exceed thirty (30) days per calendar year. The servicing of said visiting vehicle must include a double-check backflow device at the hose bib to ensure that a cross-connection potentially allowing contaminated substances into the culinary system cannot occur. Continued servicing of a visiting vehicle beyond the thirty (30) day period shall be deemed unauthorized use and in violation of this part relating to separate connections and unauthorized use.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

14-123 Maintenance Of Water Service Pipes

The user is responsible for maintenance and repair of the culinary water system from the meter. The City will maintain and repair pipes leading up to and including the meter from the culinary service main. All pipes used must conform to the Design and Construction Standards for Richmond City as enacted by ordinance.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

14-124 Water Meters

All water meters used within the Richmond City culinary water system must be authorized, and inspected by, Richmond City. Normally the meters will be purchased by Richmond City, exceptions must be in writing, and in all instances they must be inspected by authorized representatives of Richmond City. All water meters associated with the culinary water system and located at the point of entry to the user are the sole property of Richmond City. New connections must be installed to conform to the Design and Construction Standards for Richmond City.

- A. Under no circumstances are installed water meters to be tampered with in any manner whatsoever. Only personnel authorized by Richmond City are to install, turn on or turn off culinary water meters.
- B. Richmond City is to have free access to all culinary water meters at all times. This includes access to private property should the meter have been placed in such a location, and the responsibility of the service receiver to keep the area around and above the meter cleared of vehicles, debris, earth and rocks, or any other materials that would prevent free and complete access to the meter lid and meter.

- C. Meter readings will normally be taken during the last week of each month unless the Richmond City Council shall deem an alternate schedule appropriate. Non-radio equipped meters may not be read during times when the meter lid is covered by snowfall; however, the standard monthly fee will be charged and then adjusted after the meter lid is accessible.
- D. Meters may be checked, inspected, or adjusted at the discretion of Richmond City, and shall not be adjusted or tampered with in any manner whatsoever by the customer. Meter boxes shall not be opened by any party other than an authorized representative of Richmond City.
- E. Meters will be replaced by the City on a scheduled basis, such schedule to be determined by a joint discussion and agreement between representative(s) of the water department and the City Council. The designed purpose of such replacement is to ensure accurate meter readings and accountability of water usage due to the deterioration of meter accuracy through usage.
- F. All damages or injury to the lines, meter(s) or other material(s) of Richmond City culinary water system on or near the customer's premises caused by any act or neglect on the part of the customer shall at the discretion of Richmond City be repaired by and at the expense of the customer, with such repairs being inspected by authorized representatives of Richmond City, and paid for by the customer including any costs associated with the inspection process, including a reasonable attorney fee, which may arise or accrue to Richmond City through its efforts to repair the damage to the lines, meter(s) or to other equipment of the culinary water system or the water department or collect such costs from the customer.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

14-125 Non-Liability For Damages

Richmond City shall not be liable for any damage to a water service user by reason of stoppage or interruption of his/her water supply service caused by fires, scarcity of water, accidents to the culinary water system or its mains, or which occurs as the result of maintenance and/or extension operations, or from any other unavoidable cause. This section shall not be construed to extend the liability of the municipality beyond that provided in the Governmental Immunity Act.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

14-126 Water Not Supplied For Motors, Syphons, Etc

No water shall be supplied from the pipes of the Richmond City culinary water system for the purpose of driving motor, syphon, turbine, or other wheels, or any hydraulic engines, or elevators, or for driving or propelling machinery of any kind whatsoever, nor shall any license be granted or issued for any such purpose.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019



Part 14-130 Cross-Connection Control And Back-Flow Prevention

14-131 Definitions

14-132 Purpose

14-133 Cross-Connection Control And Back-Flow Prevention - Implementation

14-134 Cross-Connection Control And Back-Flow Prevention Responsibilities Of Richmond City

14-135 Cross-Connection Control And Back-Flow Prevention - Specific Example Of Prohibited Connections/Opportunities

14-136 Cross-Connection Control And Back-Flow Prevention - Enforcement

14-131 Definitions

- A. "Approved" accepted by the authority responsible as meeting an applicable specification stated or cited in this Chapter or as suitable for the proposed use.
- B. "Auxiliary Water Supply" any water supply on or available to the premises other than the culinary water supply provided by Richmond City. These auxiliary waters may include, but are not limited to, water from another purveyor's public culinary water supply or natural source(s), such as a well, spring, river, stream and so-forth; used waters or industrial fluids. These waters may be contaminated or polluted, or they may be objectionable and constitute an unacceptable water source over which Richmond City does not have any sanitary control. Refer also to Secondary Water System or Water - non-culinary.
- C. "Back-flow" is the reversal of the normal flow of water caused by either backpressure or back-siphonage.
- D. "Back-flow Preventer" an assembly or means designed to prevent back-flow. The three back-flow prevention devices commonly referred to are:
 - 1. Air-gap - the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet conveying water or waste to a tank, plumbing fixture, receptor, or other assembly and the flood level rim of the receptacle. These vertical, physical separations must be at least twice the diameter of the water supply outlet, but never less than one inch (1").
 - 2. Reduced-pressure back-flow-prevention assembly - the approved reduced-pressure principle back-flow prevention assembly consists of two independently acting approved check valves together with a hydraulically operating, mechanically independent pressure differential relief valve located between the check valves and below the first check valve. These units are located between two tightly closing resilient-seated shutoff valves as an assembly and equipped with properly located resilient-seated test cock(s).

3. Double check valve assembly - the approved double check valve assembly consists of two internally loaded check valves, either spring loaded or internally weighted, installed as a unit between two tightly closing resilient-seated shutoff valves and fittings with properly located resilient-seated test cock(s). This assembly shall only be used to protect against a non-health hazard, i.e., a pollutant.
- E. "Back-Pressure" the flow of water or other liquids, mixtures or substances under pressure into the feeding distribution pipes of a potable water supply system from any source other than the intended source.
- F. "Back-Siphonage" the flow of water or other liquids or substances into the distribution pipes of a potable water supply from any source other than the intended source caused by the reduction of pressure in the potable water supply system.
- G. "Contamination" an impairment of a culinary water supply by the introduction or admission of any foreign substance that degrades the quality and creates a health hazard.
- H. "Cross-Connection" means any connection which may allow non-potable water or other fluids or material of questionable quality to come into contact with potable water inside of a distribution system, including any temporary connections, swing connections, removable connections, four-way plug valves, swivel change-over devices, or other similar plumbing arrangements.
- I. "Flow Prevention Assembly" any assembly or other means designed to prevent back-flow. See Appendix J, Chapter 10, Utah Plumbing Code as adopted for specifications of such assemblies.
- J. "Industrial Fluids System" any system containing a fluid or solution that may be chemically, biologically, or otherwise contaminated or polluted in a form or concentration, such as would constitute a health, system, pollution, or plumbing hazard, if introduced into an approved water supply system. This may include, but not be limited to: polluted or contaminated waters; all types of process waters and used waters originating from the public culinary water system that may have deteriorated in sanitary quality; chemicals in fluid form; plating acids and alkalies; circulating cooling waters connected to an open cooling tower; and/or cooling towers that are chemically or biologically treated or stabilized with toxic substances; contaminated natural waters, such as wells, springs, streams, rivers, irrigation canals or systems, and so forth; oils, gases, glycerine, paraffins, caustic and acid solutions, and other liquid and gaseous fluids used in industrial or other purposes for fire-fighting purposes.
- K. "Pollution" the presence of any foreign substance in water that tends to degrade its quality so as to constitute a non-health hazard or impair the usefulness of the water.
- L. "Secondary Water System" refer to "Water - non-culinary."

- M. "Service Connection" the terminal end of a culinary water system, that is, where Richmond City loses jurisdiction and sanitary control over the water at its point of deliver to the customer's water system. Currently the downstream connection begins at the dial of the water meter installed by Richmond City. There should be no unprotected takeoffs from the service line ahead of any meter or back-flow prevention assembly located at the point of delivery to the customer's water system. Service connection shall also include water service connection from a fire hydrant and all other temporary or emergency water service connections from the public culinary water system.
- N. "Water - culinary" water which has been investigated and approved by certified health agency(ies) and operating under a valid permit.
- O. "Water - non-culinary" water which has not been approved for human consumption. "Secondary water system" is considered, and will be treated as, a synonymous term.
- P. "Water - used" is any water supplied by Richmond City or a private source to a consumer's system after it has passed through the point of delivery and is no longer under the sanitary control of Richmond City.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

14-132 Purpose

- A. To protect the culinary water supply of Richmond City from the possibility of contamination or pollution by isolating within the customer's internal distribution system(s) or the customer's private water system(s) such contaminants or pollutants that could back-flow into the public water system.
- B. To promote the elimination or control of existing cross connections, actual or potential, between the customer's in-plant culinary water system(s) and non-culinary water system(s), plumbing fixtures, and industrial piping systems.
- C. To provide for the maintenance of a continuing program of cross-connection control that will systematically and effectively prevent the contamination or pollution of all culinary water systems.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

14-133 Cross-Connection Control And Back-Flow Prevention - Implementation

- A. General. Richmond City will install one back-flow device at each meter. It shall be the responsibility of the water consumer to purchase, install, test and maintain additional back-flow prevention devices where necessary and to control cross connections in all instances. The consumer shall have certified inspections and operational tests at least once a year upon request by Richmond City. All



such tests shall be made according to the standard set forth by the Utah Department of Health.

- B. **New Construction.** The Building Official for Richmond City, or contracted designee, will review all plans for new construction and insure that unprotected cross connections are not an integral part of the consumers water system. If a cross connection cannot be eliminated, protection will be required by installation of an air gap or other approved back-flow prevention device in accordance with current Utah Plumbing Code. Water vacating the drinking water supply must do so by means of an approved air gap or mechanical back-flow prevention assembly as required by the Utah Plumbing Code.
- C. **Installation Required.** Whenever designated authority for Richmond City deems that a service connection's water usage contributes a sufficient hazard to the water supply, installation of an approved back-flow prevention assembly shall be required on the lateral service line of the consumer's water system at or near the property line, or immediately inside the building being served, but before the first branch line leading off the lateral water line. The type of protective assembly required shall depend upon the degree of hazard existing at the point of cross connection. The City may test all back-flow prevention assemblies after the initial installation in order to determine their adequacy.
- D. **Existing Back-Flow/Cross-Connection Equipment.** Existing equipment shall be checked by the consumer to ensure that it meets the requirements of this Title, Chapter and Part. In case of any short-fall in capability, the sub-standard equipment must be immediately replaced by the consumer and the City notified. Failure to maintain equipment will be considered a violation of this Chapter, a hazard to the public health, and subject to established penalties.
- E. **Repair and Maintenance of Equipment.** The repair, maintenance, and annual checking (unless required more frequently by the City) shall be the responsibility of the consumer. Failure to maintain all minimum standards shall be considered a violation. All installations and repairs of such equipment must be effected by a Certified Back-flow Technician.
- F. **Access for Inspection.** A consumers system must be open for inspection at all reasonable times by an authorized representative of Richmond City in order to determine if cross-connections or other hazards exist. Consumer's shall be responsible to provide access across their property for inspection purposes free from litter, overgrowth, threat of vicious animals, or other hindrance that may be detrimental to ease of access.
- G. **Certified Back-Flow Technician.** All tests of mechanical devices shall be conducted by a Certified Back-flow Technician. Such technician shall be responsible for the following:
 - 1. Assure that acceptable testing equipment and procedures are used for the testing, repairing or overhauling of back-flow prevention assemblies.
 - 2. Make reports of such testing and/or repair to the consumer and the City.

3. Include in all reports a list of any materials or replacement parts used.
 4. Assure that replacement parts are equal in quality to original parts, and that any testing, repair or replacement does not change the design or operational characteristics of the assembly.
 5. Maintain license in current condition and testing equipment in proper operating order.
 6. Be competent to use all necessary equipment to properly test and maintain back-flow prevention assemblies.
 7. Tag each double-check valve and pressure vacuum breaker; reduce pressure back-flow assembly and high hazard air gap; show the serial number, date tested, and by whom, including the technician's license number.
- H. Records. Richmond City shall keep reasonable records of cross connection hazards and the condition of back-flow assemblies, including those records required by Federal and State law(s)/regulation(s).
- I. Public Notification. Although failure of a consumer to be aware of this Title, Chapter, and Part shall be no defense to violation, Richmond City shall use reasonable means to notify its customers of hazards of cross-connections and the need for annual inspection of back-flow assemblies.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

14-134 Cross-Connection Control And Back-Flow Prevention Responsibilities Of Richmond City

- A. Training. Richmond City will ensure that all members of the City maintenance section who deal with the culinary water system are trained on the principles of cross connections and back-flow devices. The City, at the option of the City Council, may either have a Certified Back-Flow Technician on staff, or may contract out this position as needed. This does not remove the responsibility of the consumer dealing with a Certified Back-Flow Technician.
- B. Education of Citizens. Richmond City will periodically, in whatever form is deemed most efficient for existing conditions, seek to educate the citizens of Richmond on the meaning of cross connections with resultant dangers to the health and safety of the citizens. Likewise, the citizens will be informed relative to the various back-flow devices available and the need for them to be installed in the proper manner when applicable.

- C. Consultation with Commercial Enterprises. Richmond City will consult with commercial enterprises on a regular basis to ensure a clear understanding of cross connection and back-flow issues. The initial application for a commercial business that will be extensively using the culinary water system will be the first such consultation.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

14-135 Cross-Connection Control And Back-Flow Prevention - Specific Example Of Prohibited Connections/Opportunities

- A. While the principles of cross-connection and back-flow remain constant, technology is constantly changing. It is therefore recommended that prior to the installation of any back-flow device, or the designing of any known potential for cross-connection, that the latest edition of plumbing regulations be consulted and adhered to in the planning and construction of any water service or use.
- B. The following examples are provided to illustrate prohibited connections or back-flow opportunities that could lead to the contamination or pollution of the Richmond City culinary water system. These examples are not all-inclusive, nor is the omission of a specific example meant to allow that or any other form of cross-connection or back-flow opportunity.
1. Joint Culinary and Secondary Water Sprinkler System. Under no circumstances may any type of sprinkler or other watering system be installed using jointly both culinary and secondary water without pressure vacuum breakers being installed. This type of breaker must be installed on both the culinary and on the secondary lines prior to the point in which secondary water may be introduced into the system. Only a "swing" type connection will be allowed. "Swing" is defined as a flexible hose or pipe permanently attached to the sprinkler system line on one end, with the other end being temporarily attached to either the culinary feed line or the secondary feed line.
 2. Watering Troughs for Animals. Any pipe or hose filling a watering trough must be so arranged as to provide a minimum six inch (6") air gap between the bottom of the filling hose or pipe and the overflow edge of the trough. Introduction of a hose or pipe into the trough proper is strictly forbidden, whether a temporary or a permanent arrangement.
 3. Filling from the Fire Hydrant System. Anyone holding a permit from Richmond City to fill any type of container from the fire hydrants, no matter what size, must arrange the filling means to ensure a constant minimum air gap of twelve inches (12") between the bottom of the filling device (hose, pipe, etc.) and the top of the tank or container being filled.

4. Filling of Insecticide, Pesticide, or Herbicide Tanks. Any filling of any container in which insecticides, pesticides, herbicides, or other toxic or harmful substances are being mixed prior to application must have a rigid support to prevent even the accidental entrance of the filling hose or pipe into the container. In the case of a garden-type hose, a positive air gap between the container the bottom of the hose must have a minimum of six inches (6"). Any filling pipe, hose, or tube in excess of one inch (1") diameter must have a minimum air gap of twelve inches (12").
5. Industrial/Commercial Filling or Cooling. When culinary water from the Richmond City culinary system is used in any commercial enterprise for the filling of any type of container, or for the cooling of any product or process, a pressure vacuum breaker must be installed on the lateral after the meter and before any diversion form the main in-flow takes place. Additionally, air gaps should be standard at any location where water is being introduced into any type of container involved in the commercial process.
6. Landscape Sprinkling Systems. Because of the increasing use of herbicides, all sprinkling system with heads mounted at ground level or below ground level, even those of the "pop-up" variety, must have an appropriate back flow device or pressure vacuum breaker mounted according to current plumbing and health code(s) between the sprinkler system and the main in-flow line of culinary water. These devices must be used even if there is an existing back-flow prevention device of any type after the water meter on the main service line.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

14-136 Cross-Connection Control And Back-Flow Prevention - Enforcement

- A. Under normal conditions, suspected violators will be accorded due process as outlined below. However, if conditions observed pose an immediate and direct hazard to public health, competent City authority, e.g., the Mayor, Council member(s) responsible for the culinary water system, or other authorized designee, may terminate culinary water service to the offending consumer immediately, with such termination remaining in effect until safe conditions are restored.
- B. Suspected Violations.
 1. If back-flow prevention assembly required for control of cross-connections is not installed, tested, and/or maintained.
 2. If it is found that the back-flow prevention assembly has been removed or has been by-passed.
 3. If an unprotected cross-connection exists on the premises or property.

4. If required periodic system inspection with subsequent report to Richmond City has not been conducted.
5. Failure to maintain a positive air gap to prevent the possible siphoning of contaminants or pollutants into the culinary water system.
6. Any other situation that may pose the possible contamination of the culinary water supply by a water consumer.

C. Sequence of Action.

1. The consumer will be immediately cautioned or notified, either in person or by telephone or other communications device, by authorized City authority.
2. If the situation is not rectified by 1. Above, the City will send a notification in writing stating the suspected/known violation, the date(s) observed, and the remedial action necessary to remove the violation and requiring positive action to be taken by the consumer within thirty (30) calendar days or less, depending upon the severity of the violation. A second reminder notice will be sent seven (7) days before the established deadline. This notification will be sent by a certified means which provides a signature for the receipt of the notice.
3. If the situation is not rectified within the required time limit, culinary water service will be terminated to the customer until such time as all remedial requirements are met. The standard shut-off and re-connect fees will apply.
4. A written summation of action, with supporting documentation, will be entered into the records of Richmond City and maintained for a minimum of five (5) years.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 14-140 Water Conservation

[14-141 Scarcity Of Water](#)

[14-142 Water Conservation; General](#)

[14-143 Water Conservation Plan](#)

14-141 Scarcity Of Water

In time of scarcity of water, whenever it shall in the judgement of the Mayor and the Richmond City Council be necessary, the Mayor shall by proclamation limit the use of water to such extent as may be necessary. It shall be unlawful for any person, his/her family, servants, or agents, to violate any proclamation made by the Mayor in pursuance of the part.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

14-142 Water Conservation; General

- A. Users of water from the culinary water system shall not permit water to continue to run wastefully and without due efforts to conserve water. If, in the judgment of the water Superintendent or of any of the officers of Richmond City, a user of culinary water engages in practices which result in the needless waste of water and continues to do so after reasonable notice to discontinue wastefulness has been given, the Superintendent or any officer of Richmond City may refer the matter to the Richmond City Council as a whole.
- B. The Richmond City Council may thereupon consider terminating the right of the individual to use culinary water from the Richmond City system. If the Council elects to consider the matter of termination, it shall give notice to the water user of the intention to terminate his/her water connection at least five days prior to the meeting of the Richmond City Council at which such termination of water service is to be considered. The notice shall inform the water user of the time and place of the meeting, and of the charges which led to the consideration of the termination.
- C. A water user whose right to utilize the Richmond City culinary water system is being reviewed shall have opportunity to appear with or without counsel and present his/her reasons why his/her culinary water service should not be discontinued.
- D. After due hearing, the Richmond City Council may arrive at a determination. If the determination is to discontinue the wasteful water user's culinary water service connection, the Council shall notify him/her of the decision and of the period during which the service will remain discontinued.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

14-143 Water Conservation Plan

- A. A document entitled Water Conservation Plan for the City of Richmond, County of Cache, State of Utah shall be generated in accordance with the applicable laws of the State of Utah.
 - 1. Said plan shall, at minimum, incorporate the following:
 - a. A general description of culinary water resources available to the City of Richmond without violating provisions of the current National Security Act or subsequent revisions thereto insofar as identifying in detail locations and sources of culinary water supplies or storage.
 - b. An accounting of water used according to the most recent Water Use Data Report submitted to the State of Utah, Division of Water Rights.

- c. A projection of anticipated culinary water usage to a period of twenty years hence.
 - d. A listing of current and projected water rates including the base rate and rate(s) for excessive consumption.
 - e. An evaluation of challenges and goals.
 - f. a description of current conservation procedures.
- 2. This document shall be reviewed on an annual basis, at minimum, following the submission of the previous years Water Use Data Report.
 - 3. A revised and up-dated Water Conservation Plan shall be submitted every fifth (5th) year to the State of Utah, Department of Natural Resources, Division of Water Resources.
- B. Conservation procedures and processes shall be incorporated into the Water Conservation Plan, and said procedures and processes will be encouraged and enforced by the City of Richmond relative to Richmond City culinary water system users.
- C. At an absolute minimum, Richmond City shall address the following:
- 1. An education plan to inform and encourage the resident of Richmond City concerning the most effective use and conservation of water both within and without their household.
 - 2. A sequence describing additional actions to be taken to conserve water in the event of either drought or other water shortage, whether natural or man-made.
 - 3. Distribution of the essence of the Water Conservation Plan, whether in full text or in extracts thereof, to the water consumers of the Richmond culinary water system. Such distribution may be through public notice, letter, incorporation with a newsletter or other such mailing.
- D. Violations will be handled per Title 14-000, Chapter 14-100, Part 14-142 of the Code of Revised Ordinances of Richmond (1975, Adopted 1976).

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 14-150 Installation Of Culinary Water Service Lines

- A. No culinary water lines shall be established on the City side of a water service meter unless previously authorized and permitted by Richmond City.
- B. Developers will be required to install culinary water mains in compliance with the Design and Construction Standards of Richmond City and in keeping with current State and Federal codes and rules.



- C. Fire hydrants will be installed in accordance with the provisions of B. above plus any and all restrictions, requirements and rules established by the State Fire Marshal or other senior fire office.
- D. The moving or replacement of existing culinary water lines will comply with A. through C. above.
- E. All costs associated with the establishment or extension of culinary water lines will be borne at the cost of the developer or customer unless negotiated otherwise with the Water Authority of Richmond City.
- F. In keeping with the provisions of the Design and Construction Standards, all culinary lines, valves, hydrants or other associated elements must be inspected by an authorized representative of Richmond City prior to being covered. Standard disinfection procedures will be followed with verified results being provided to the City by the Bear River Health Department.
- G. All infrastructure dealing with the culinary water supply prior to reaching users meters will become the property of Richmond City once inspected and accepted in writing by the City.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 14-160 Service Outside Of Richmond City

Under normal conditions culinary water will not be provided to users living outside of the legal city limits of Richmond City. Under extraordinary circumstances, and following public discussion, debate, and vote in an open public meeting by the Richmond City Council acting in its capacity as the Water Authority, exceptions may be granted; however, the granting of one exception shall not be construed as precedent for further exception. This part does not affect pre-existing agreements between Richmond City and current users outside of the city limits.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Chapter 14-200 SEWER

[Part 14-210 Sewer Department And System](#)

[Part 14-220 Rates, Connection, And Impact Fees](#)

[Part 14-230 Sewage Service To Non-Resident Locations](#)

[Part 14-240 Maintenance Of Sewer Service Pipes](#)

[Part 14-250 Administrative Enforcement Remedies](#)

Part 14-210 Sewer Department And System

[14-211 Superintendent Of Sewer](#)

[14-212 Duties Of The Superintendent](#)

[14-213 Definitions](#)

[14-214 Use Of Public Sewers Required](#)

[14-215 Private Wastewater Disposal](#)

[14-216 Sanitary Sewers, Building Sewers And Connections; Rates For Use](#)



[14-217 Application For Connection To The Sewer System](#)

[14-218 Application By Non-Resident Owners Of Property To The Sewer System](#)

[14-219 Request For Connection To The Sewer System By Developers Or Sub-Dividers](#)

The sewer department for Richmond City is hereby created. It shall be the sole administrative entity for the operation and maintenance of the sewer system for Richmond City, County of Cache, State of Utah.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

14-211 Superintendent Of Sewer

The Richmond City Council is hereby authorized to create and fill the position of Superintendent of the sewer department at their discretion.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

14-212 Duties Of The Superintendent

The Superintendent of the sewer system shall manage and supervise the municipal sewer system pursuant to the regulations established by the United States Environmental Protection Agency, the State of Utah Division of Water Quality, and all resolutions, regulations, and rules adopted by the Richmond City Council from time to time. The Superintendent shall be responsible for the proper operation of the sewer system and shall be responsible for the proper submission of required reports in a timely manner, and shall carry out all duties under the direction of the Mayor and City Council of Richmond City.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

14-213 Definitions

Unless the context specifically indicates otherwise, the meaning of terms used in Chapter 14-200 shall be as follows:

- A. "Addendum" any document appended hereto.
- B. "Biochemical Oxygen Demand (BOD)" the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five (5) days at 20 degrees Centigrade, expressed in milligrams per liter (mg/L).
- C. "Building Drain" that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five (5) feet outside the inner face of the building wall.
- D. "Building Sewer" the extension from the building drain to the sewer main or other place of disposal, also called house connection.

- E. "Cesspool" an underground reservoir for liquid waste (as household sewage).
- F. "Class" a classification of volume of use as described hereinafter.
- G. "Combined Sewer" a sewer intended to receive both wastewater and storm or surface water.
- H. "Domestic" of the home or household, house or family. For purpose of this Title, see Residential flows.
- I. "Easement" an acquired legal right for the specific use of land owned by others.
- J. "Floatable Oil aka FOG" oil, fat, or grease in physical state such that it will separate by gravity from wastewater by treatment in an approved pretreatment facility. A wastewater shall be considered free of FOG if it is properly pre-treated and the wastewater does not interfere with the collection system.
- K. "Governing Body" the Mayor and Council members of Richmond City.
- L. "Garbage" all waste resulting from residence, commercial trades, or businesses and institutions. Commercial and Industrial waste shall be distinct from domestic or household sanitary waste.
- M. "Hearing Board" the Richmond City Council in its capacity as the Sewer Authority.
- N. "Heavy & Light Commercial, and Industrial Users" any Industrial or Commercial user who discharges waste into the system with a higher than normal biochemical oxygen demand, or greater than normal total suspended solids load.
- O. "Industrial Wastes" the wastewater from industrial processes, trade, or business as distinct from domestic or sanitary wastes.
- P. "May" is permission (see shall, sub-part AE).
- Q. "Natural Outlet" any outlet, including storm sewers and combined sewer overflows, into a watercourse, pond, ditch, lake, or other body or surface or groundwater.
- R. "Person" any individual, firm, company, association, society, corporation, or group.
- S. "pH" the logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight of hydrogen ions, in grams, per liter of solution. Neutral water, for example, has a pH value of 7 and a hydrogen-ion concentration of 10^{-7} .
- T. "Pollutant" any dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, munitions, medical wastes, chemical wastes, industrial wastes, biological materials, radioactive materials, heat, wrecked or discharged equipment, rock, sand, cellar dirt, agricultural and non-domestic wastes, and the characteristics of the wastewater (i.e., pH, temperature, TSS, BOD, turbidity, color, toxicity, odor).

- U. "Pretreatment" the reduction of the amount of Pollutants, the elimination of Pollutants, or the alteration of the nature of Pollutant properties in wastewater prior to or in lieu of introducing such pollutants into the public sewer. The reduction or alteration may be obtained by physical, chemical, or biological processes, process changes, or any other means, except as prohibited by 40 CFR 403.6(d).
- V. "Privy" a small building having a bench with holes through which the user may defecate or urinate.
- W. "Properly Shredded Garbage" the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch (1.27 centimeters) in any dimension.
- X. "Public Sewer" a common sewer controlled by a government agency or public utility.
- Y. "Residential Flows" the assumed average and/or standard flow expected from a single family dwelling based on winter-time culinary water usage. A Residential Flow volume is normally 15,000 gallons per month and its strength is 250 mg/L TSS (Total Suspended Solids, see "Suspended Solids") and 200 mg/L BOD 5 (Biochemical Oxygen Demand, see "BOD"). Rates for volume and strength of Residential Flow are as set out in Part 14-540.
- Z. "Sanitary Sewer" a sewer that carries liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions together with minor quantities of ground, storm, and surface waters that are not admitted intentionally.
- AA. "Septic Tank" a tank in which the solid matter of continuous flowing sewage is disintegrated by bacteria.
- AB. "Sewage" the spent water of a community. A preferred term is wastewater.
- AC. "Sewer" a pipe or conduit that carries wastewater or drainage water.
- AD. "Sewer Lateral" the extension from the building drain to the public sewer or other place of disposal.
- AE. "Sewer Lagoon(s)" the lagoon facilities of Richmond City used to treat wastewater from within the City as an element of the entire system.
- AF. "Shall" mandatory (see may sub-part 0).
- AG. "Slug" any discharge of water or wastewater which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen (15) minutes more than five (5) times the average twenty-four (24) hour concentration of flows during normal operation and shall adversely affect the collection system and/or performance of the wastewater treatment works.

- AH. "Storm Drain" (sometimes termed storm sewer) - a drain or sewer for conveying water, groundwater, subsurface water, or unpolluted water from any source.
- AI. "Superintendent" the Public Works Supervisor or other individual designated by the Richmond City Council and who is responsible for wastewater facilities, and/or wastewater treatment works, and/or of water pollution control in Richmond City or his/her authorized deputy, agent, or representative.
- AJ. "System" the sewer, wastewater or combined wastewater and storm or surface water facilities of the City.
- AK. "Total Kjeldahl Nitrogen" aka TKN - standard means of measuring nitrite and nitrate contained in the wastewater as designated by the Division of Water Resources.
- AL. "Total Phosphorus" standard means of measuring total phosphorus contained in the wastewater as designated by the Division of Water Resources.
- AM. "Total Suspended Solids" (TSS) - total suspended matter that either floats on the surface of, or is in suspension in water, wastewater, or other liquids, and that is removable by laboratory filtering as prescribed in "Standard Methods for the Examination of Water and Wastewater" and referred to as filterable residue.
- AN. "City" Richmond City, Cache County, Utah.
- AO. "Unpolluted Water" water of quality equal to or better than the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefited by discharge to the sanitary sewers and waste water treatment facilities provided.
- AP. "Watercourse" a natural or artificial channel in which a flow of water occurs, either continuously or intermittently.
- AQ. "Wastewater" the spent water of a community. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions, together with any groundwater, surface water, and storm water that may be present.
- AR. "Wastewater Facilities" the structures, equipment, and processes required to collect, carry away, and treat domestic and industrial wastes and dispose of the effluent.
- AS. "Wastewater Treatment Works" an arrangement of devices and structures for treating wastewater, industrial waste, and sludge. Sometimes used as synonymous with "waste treatment plant" or "wastewater treatment plant" or "water pollution control plant."

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

14-214 Use Of Public Sewers Required

- A. It shall be unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within Richmond City, or in any area under the jurisdiction of said City, any human excrement, garbage, or other objectionable waste.
- B. It shall be unlawful to discharge to any natural outlet within Richmond City, or in any area under the jurisdiction of said City, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Chapter.
- C. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.
- D. The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the City and abutting on any street, alley, or right-of-way in which there is now located or may in the future be located a public sanitary or combined sewer of the City or within 300 feet of the sewer system is hereby required, at the owner(s) expense, to install suitable sewer facilities therein, and to connect such facilities directly with the public sewer. Should the habitable structure be in excess of 101 feet from the property line nearest the system, and be in existence prior to January 1, 1973, and not be located on top of or within the boundaries established by a well and/or spring protection ordinance, and be in excess of one-half (1/2) acre in size, the owner or occupant may seek a connection waiver from the Richmond City Council. Should such a waiver be granted, it will become null and void upon the application to construct any habitable structure upon said land so waived, whether or not owned by the original owner/occupant.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

14-215 Private Wastewater Disposal

- A. Where a public sanitary or combined sewer is not available under the provisions of Part 14-214, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this Chapter.
- B. Before commencement of construction of a private wastewater disposal system the owner(s) shall first obtain a written permit issued by the City of Richmond, following review and approval by the Richmond City Council. The application for such permit shall be made on a form furnished by the City, which the applicant shall supplement by any plans, specifications, and other information as are deemed necessary. A permit and inspection fee in the amount established by separate ordinance shall be paid to the City at the time the application is filed.

- C. Permission to use the system for a private wastewater disposal system shall not become authorized until the installation is completed in compliance with the approved plans applicable with all State and local codes and this Chapter. Authorized City employees shall be allowed to inspect the work at any stage of construction. The applicant for the permit shall notify the City Treasurer, City Manager, or other designated representative of Richmond City when the work is ready for final inspection, and before any underground portions are covered. The inspection shall be made within forty-eight (48) hours of the receipt of notice by the City Treasurer, City Manager, or other designated representative of Richmond City.
- D. The type, capacities, location and layout of a private wastewater disposal system shall comply with all requirements of the United States Environmental Protection Agency Utah State Department of Environmental Quality and the Bear River Health Department. No permit shall be issued for any private wastewater disposal system employing subsurface soil absorption facilities where the area of the lot is less than 10,000 square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.
- E. At such time as a public sewer becomes available to a property served by a private wastewater disposal system, as provided in Part 14-214.D, a direct connection shall be made to the public sewer within twelve (12) months, in compliance with this Chapter, and the private disposal system shall be disconnected and made inoperable.
- F. When a public sewer is not available, the owner(s) shall operate and maintain the private wastewater disposal facilities in a sanitary manner at all times, and at no expense to the City.
- G. No statement contained in this Chapter shall be construed to interfere with any additional requirements that may be imposed by the United States Environmental Protection Agency, the Utah State Department of Environmental Quality, Utah Division of Water Quality, or the Bear River Public Health Department.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

14-216 Sanitary Sewers, Building Sewers And Connections; Rates For Use

- A. No unauthorized person(s) shall uncover, make any connections with, or open into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the City.
- B. Usage fees shall be established by the provisions of Title 14-000, Chapter 14-500 of the Code of Revised Ordinances of Richmond (1975, Adopted 1976).
- C. Sewer Connections.
 - 1. In every case, the owner(s) or agents shall make application for a sewer connection on a form obtained from the City. The permit application shall

be supplemented by any plans, specification, or other information considered pertinent by Richmond City or duly designated representatives of Richmond City.

2. The usage fees, penalty fee for delinquency in payment, connection or hookup fees and other charges related to sewer services from the municipal sewer system shall be in keeping with the provisions of Title 14-000, Chapter 14-500 of the Code of Ordinances of Richmond City, Utah (2007), revised.
- D. Form of Application. Each person owning, occupying or having an interest in any structure in Richmond City, the property line of which is within 300 feet of the sewer line shall connect to the sewer system upon an application in the form hereinafter set out by Title 14-000, Chapter 14-200, Part 14-217 unless waived under the provisions of Part 14-214.D.
- E. Unless covered under the provisions of Part 14-214.D, it shall be a Class B misdemeanor or a misdemeanor as declared by State law or County ordinance for any person to fail to connect to the sewer system who is the occupant, owner or user of any structure whose outermost property line is within 300 feet of the sewer system by a fine as currently defined for a Class B misdemeanor for each day of violation and each day of failure to connect shall be deemed a separate offense or as otherwise determined through legal process in the Richmond City Justice Court or other appropriate Court within the First District Court jurisdiction.
1. Each individual connection to the sewer system shall execute an application as established by Title 14-000, Chapter 14-200, Part 14-217.
- F. All costs and expense incidental to the installation and connection of the building sewer shall be borne by the owner(s). The owner(s) shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.
- G. A separate and independent building sewer shall be provided for every building.
- H. Old building sewers may be used in connection with new buildings only when they are examined and tested by competent authorized authority recognized and approved by Richmond City and found to meet all requirements of the Richmond City Design and Construction Standards.
- I. The size, slope, alignment, materials or construction of all sanitary sewers including building sewers, and the methods to be used in excavating, placing of the pipe, jointing, testing, and backfilling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City and the State of Utah and the Design and Construction Standards for Richmond City. In the absence of these code provisions or in amplification thereof, the materials and procedures set forth in appropriate specifications of the A.S.T.M. and W.P.C.F. Manual of Practice No.9 shall apply.

- J. Whenever possible, the building sewer shall be brought from the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer. Where such means are necessary, the owner shall be responsible for all installation, maintenance and operating costs for their operation.
- K. No person(s) shall make connection of roof down spouts, foundation drains, sump pumps, are away drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer unless such connection is approved by the City and the Utah State Department of Environmental Quality for purposes of disposal of polluted surface drainage.
- L. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City, and the State of Utah, or the procedures set forth in appropriate specification of nationally-recognized publications of what are known as the A. S. T. M. and the W. P. C. F. Manual of Practice No.9. All such connections shall be made gas-tight and watertight, any deviation from the prescribed procedures and materials must be approved by the City before installation. It shall be unlawful for any person to directly or indirectly engage in laying, repairing, altering or connecting any drain or sewer pipe connected with or part of the municipal sewer system without first having received a permit from the City at the City Office.
1. When Permits Shall Not be Issued. Permits to connect to the municipal sewer system shall not be issued unless the plumbing in the house or building to be connected is in accordance with the provisions of the building and plumbing codes of the municipality.
 2. Revocation of Permits All construction permits for sewer connections or installation shall be issued to the plumber/contractor who is to do the work or the owner of the property, subject to the supervision and inspection by authorized Richmond City personnel. The City may at any time revoke a permit because of defective work or because of undue delay in completing the pennitted work.
- M. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the City.

- N. It shall be unlawful for any person to connect any drain or sewer pipe with the municipal sewer system unless the person is a duly licensed plumber or unless, in the absence of a duly license plumber, any proposed connection to, alteration of, or change of connection to the sewer system shall be first submitted to Richmond City for review and approval. After such approval, the installation of work done shall be subject to inspection by authorized Richmond City personnel.
- O. All users of the system shall keep their service pipes, connections, and other apparatus in good repair and protected from frost at their own expense. No person, except under the direction of authorized Richmond City personnel, shall be allowed to dig into the street for the purpose of removing or repairing any sewer service pipe or main.
1. In order to determine the feasibility of connecting a basement or proposed basement to the system, the owner or plumber may make application for a trail sewer survey, the cost of which shall be as established from time to time by resolution of the Richmond City Council. The result of a trail sewer survey shall not constitute a permit to connect to the sewer and is merely for information purposes.
- P. Irrespective of the occupant, user, tenant, co-tenant, permissive user, or any other person, firm, partnership, corporation or entity being in possession of the premises to which a connection is supplied or service made available, the owner of the premises according to the records of the Cache County Recorder shall be legally responsible for the payment of all charges, fees, assessments and any other payment of all charges, fees, assessments and any other obligation or liability of a user. If any delinquent sewer connection, sewer user charge, repairs, maintenance or any other obligation is imposed against any premises, property buildings or structures, the obligation shall be deemed by Richmond City as a lien upon all of the real property on which any use is made from a sewer connection. Water service to delinquent property shall be turned off by the City for failure to pay any and all sewage and wastewater fees, assessments, charges or liability and will not be turned on again to those premises where a delinquency occurs unless and until all liabilities to the City for sewer service are paid in full.
- Q. Notification. Each user will be notified, at least annually, in conjunction with a regular bill, of the rate and that portion of the user charges which are attributable to waste water treatment services (M & O) vs. debt service.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

14-217 Application For Connection To The Sewer System

Any person seeking to connect to the Culinary Water system of Richmond, Utah, must complete, sign, and file with the City an Utilities Agreement.

- A. Refer to 14-113.



HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

14-218 Application By Non-Resident Owners Of Property To The Sewer System

Refer to 14-114.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

14-219 Request For Connection To The Sewer System By Developers Or Sub-Dividers

Developers and/or Sub-dividers seeking to connect to the Richmond City sewer system must follow the requirements of the current zoning, subdivision, and building standards ordinance(s).

- A. Once approval has been granted following the proscribed procedures of the referred ordinances, each individual residence or business must submit the appropriate Request for Connection outlined in 14-113 above as applicable.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 14-220 Rates, Connection, And Impact Fees

[14-221 Appeals](#)

[14-222 Use Without Payment Prohibited](#)

[14-223 Delinquent Accounts And Termination Of Sewer Service](#)

[14-224 Separate Connections Required](#)

[14-225 Dumping Of Recreational Vehicles Sewage \(black Or Grey Water\)](#)

[14-226 Visitors Utilizing The Sewer System](#)

The rates, connection fee, impact fee, and any other fee established to maintain the proper operation and inspection of the sewer system in a safe manner shall in keeping with the provisions of Title 14-000, Chapter 14-500 following.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

14-221 Appeals

The Richmond City Council is hereby designated the Sewer Authority for the City of Richmond. As such, the Council will hear all complaints or appeals relative to sewer rates and fees. Should any assessments be deemed illegal, unequal, or unjust, the Council may, if they see fit, rebate or otherwise adjust all or any part of such a water bill.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

14-222 Use Without Payment Prohibited

It shall be unlawful for any person by himself or herself, family, servant, or agent to utilize the Richmond City sewer system without pay therefor, as herein provided.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

14-223 Delinquent Accounts And Termination Of Sewer Service

At the direction of the City Council, the City Treasurer will monitor delinquent accounts and when such an account has reached a rate of non-payment equal to the amount determined to be appropriate by the Richmond City Council in formal session, shall direct culinary water service to the said account to be terminated. This action is taken on the premise that the terminating of culinary water will contribute greatly, if not altogether, the usage of the sewer system. Further action shall be taken in accordance with the provisions of Title 14-000, Chapter 14-500 following.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

14-224 Separate Connections Required

It shall be unlawful for two or more users to be serviced from the same sewer lateral. The sole exception to this provision shall be in the case of authorized multiple unit dwellings being serviced by a single lateral of sufficient diameter to provide sufficient flow of sewage to the sewer main without danger of back -up into any individual unit within the said multiple unit dwelling.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

14-225 Dumping Of Recreational Vehicles Sewage (black Or Grey Water)

It is unlawful to discharge from any holding tank associated with any type of recreational vehicle into the Richmond City sewer system. Chemicals commonly used in such vehicles have an extremely detrimental effect upon the biological sewage breakdown and cannot be tolerated within the Richmond City system.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

14-226 Visitors Utilizing The Sewer System

Visitors utilizing trailers or other types of recreational vehicles may temporarily connect to the culinary water system per Title 14-000, Chapter 14-100, Part 14-122 but are prohibited from connecting to the sewer system per Chapter 14-200, Part 14-221 above.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 14-230 Sewage Service To Non-Resident Locations

- A. Richmond City may furnish sewer service from its sewer system to persons or businesses outside its corporate limits in accordance with the provision of the following:

1. Any person located outside the City limits desiring to be supplied with sewer services from the City sewer system and being willing to pay in advance the whole expense of extending the sewer main from its present location to the City limits, may make application to the City Council by petition containing (1) a description of the proposed extension, (2) accompanied by a map showing the location thereof, (3) an offer to pay the whole expense incurred by the City in providing such extension and to advance such expense as said expense shall be certified to by the Public Work Supervisor. The City Council and the person or persons seeking such extension may enter into an agreement providing in detail the terms under which the extension may be utilized by others in the future and the terms under which a portion, if any, of the costs of installing such extension may be refunded. An acknowledgment that the City in granting said petition engages to supply only such sewer service to petitioner which from time to time the City Council deems is available for sale by reason of the surplus capacity of the sewer system and which is not required by users within the City limits, and acknowledgment that such extension shall be the property of and subject to the control of Richmond City, and an agreement to be bound by and comply with all ordinances and resolutions of the City then in force of thereafter adopted to pay for the sewer service provided at a rate to be fixed and from time to time adjusted by the City Council.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 14-240 Maintenance Of Sewer Service Pipes

[14-241 Allowable Discharges Into The Sewer System](#)

[14-242 Non-Residential Wastewater Discharge Permit Application](#)

[14-243 Non-Residential Wastewater Discharge Permit](#)

[14-244 Reporting Requirements](#)

[14-245 Pretreatment](#)

[14-246 Illegality Of Tampering Or Unauthorized Access](#)

[14-247 Power And Authority Of Inspectors](#)

[14-248 Confidential Information](#)

[14-249 Hearing Board](#)

A. The sewage transporting pipe, hereafter referred to as the lateral, is the means by which raw sewage is brought to the main sewer pipe, hereafter referred to as the main.

1. The entire distance of the lateral from user facility to the attachment with the main shall be the sole responsibility of the user insofar as installation, maintenance, and upkeep.

2. The user will be responsible for any repairs or cleaning required on, or within, the lateral.
3. The user is required to make contact with, and obtain permission from, Richmond City before installing, excavating or otherwise opening access to the lateral.
4. Richmond City will be responsible for providing technical assistance to the user, or parties contracted by the user, to ensure that standards established by Richmond City, or higher authority, are observed and maintained.
5. Developers will be responsible to comply with the Design and Construction Standards of Richmond City when installing new mains or laterals, and remain so liable to until the infrastructure is formally accepted through written documentation by Richmond City.
6. Once accepted all mains will become the property of Richmond City, and Richmond City will then become the responsible party for maintenance and upkeep of the sewer mains from the outer limits of the system to the treatment facility.

B. Systems existing prior to the effective date of this Title 14-000 will be subject to all provisions contained herein.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

14-241 Allowable Discharges Into The Sewer System

- A. No person(s) shall discharge or cause the discharge of any unpolluted waters such as storm water, surface water, groundwater, roof runoff, subsurface drainage, or cooling water to any sewer. The sole exception will be storm water runoff from designated limited areas, which storm water may be polluted at times, only by permission of the City and Utah State Department of Environmental Quality.
- B. Storm water and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers, or to natural outlets approved by the City and the Utah State Department of Environmental Quality. Unpolluted industrial cooling water or process waters shall also be discharged to a storm sewer or natural outlet. Under no circumstance will these waters be introduced into the sewer system that contributes to the Richmond City sewer lagoon system.
- C. No person(s) shall discharge or cause to be discharged any of the following described pollutants, water, or wastes to any public sewers:
 1. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquids, solid or gas;

2. Any waters containing toxic or poisonous solids, liquids, or other wastes, to contaminate or interrupt any sewage treatment process, constitute a hazard in or have an adverse effect on the waters receiving any discharge from the works;
 3. Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater works, and
 4. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities such as, but not limited to ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, underground garbage, whole blood, paunch manure, hair and fleshing, entrails, paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.
- D. Each user which discharges any toxic pollutants which cause damage to the Richmond Sewer Treatment System shall be liable to the City for such damage and for all expenses incurred by the City in repairing those treatment works.
- E. The following described pollutants, substances, materials, waters, or wastes shall be limited in discharges to municipal system to concentrations or quantities which will not harm either the sewers, the sludge of any municipal system, the wastewater treatment process or equipment, will not have an adverse effect on the receiving stream, or will not otherwise endanger lives, public property or constitute a nuisance. The City may set limitations more severe than the limitations established in the regulations below if such more severe limitations are necessary to meet the above objectives. In setting these requirements the City will give consideration to such factors as the quantity of subject waste in relation to flows and velocities in the sewers, materials of construction of the sewers, the wastewater treatment process employed, capacity of the sewers, capacity of the wastewater treatment plant, and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or waste waters discharged to the sanitary sewer which shall not be violated without approval of the City are as follows:
1. Wastewater having a temperature higher than 150 degrees Fahrenheit (65 degrees Celsius).
 2. Wastewater containing more than 25 milligrams per liter of petroleum oil, non-biodegradable cutting oils, or products of mineral oil origin.
 3. Wastewater from industrial plants containing floatable oils, fat or grease.
 4. Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in commercial kitchens for the purpose of consumption on the premises or take out.

5. Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the State for such materials.
 6. Any waters or wastes containing odor-producing substances exceeding limits which may be established by the State.
 7. Any radioactive wastes or isotopes of such half-life of concentration as may exceed limits established in compliance with applicable State or Federal regulations.
 8. Quantities of flow, concentrations, or both which constitute a "slug" as defined herein.
 9. Water or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment process employed or are amenable to treatment only to such degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
 10. Any water or wastes which, by interaction with other water or wastes in the public sewer system, release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.
 11. Wastewater that exceeds an average BOD of 228 mg/L, TSS 200 mg/L, TKN 35 mg/L and/or TP 8 mg/L per month.
- F. If any pollutants, water, or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section E of this Part, and which are determined by the City to have a deleterious effect upon the wastewater facilities, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the City may:
1. Reject the wastes;
 2. Require pretreatment to an acceptable condition for discharge to the public sewers;
 3. Require control over the quantities and rates of discharge, and/or wastes not covered by existing taxes or sewer charges under the provisions of this Chapter. If the City permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the City and the Utah State Department of Environmental Quality.
 4. Require submission of a plot plan of sewers of the user's property showing sewer and pretreatment facility location.
 5. Require submission of details of wastewater pretreatment facilities.

6. Require details of systems to prevent and control the losses of materials through spills to the municipal sewer.
- G. All measurements, tests, and analysis of the characteristics of waters and wastes to which reference is made in this Chapter shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater", published by the American Public Health Association. Sampling methods, location, times, durations, and frequencies are to be determined on an individual basis subject to approval by the City.
- H. No statement contained in this Chapter shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

14-242 Non-Residential Wastewater Discharge Permit Application

- A. When requested by Richmond City, non-domestic users must submit information on the nature and characteristics of their wastewater by completing a questionnaire. Failure to complete this application questionnaire shall be reasonable grounds for terminating service to the non-domestic user and shall be considered a violation of the Chapter. Richmond City shall utilize the questionnaire format found in Section 4, Part 4.2 of the Richmond City Wastewater Pre-Treatment Policy and Procedures Manual, latest edition. Incomplete or inaccurate applications will not be processed and shall be returned to the non-residential user for revision. Should any of the information requested or supplied be considered by the non-residential user to be of a confidential nature, the non-residential user should request confidential status in accordance with Part 14-248.
- B. Richmond City will evaluate the data furnished by the non-domestic user and may require additional information. Within Thirty (30) days of receipt of a complete wastewater discharge permit application, Richmond City will determine whether or not to issue a wastewater discharge permit. Richmond City may deny for cause any application for a wastewater discharge permit. The basis for denial shall be provided to the non-domestic user.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

14-243 Non-Residential Wastewater Discharge Permit

- A. It shall be unlawful for any significant non-residential user to discharge wastewater into the Richmond City's public sewer without first obtaining a wastewater discharge permit from Richmond City. Any violation of the terms and

conditions of a wastewater discharge permit shall be deemed a violation of this Chapter and subjects the wastewater discharge permittee to the sanctions set out in Parts 14-243.H, 14-250 and 14-251. Obtaining a wastewater discharge permit does not relieve a permittee of its obligation to comply with any other requirements of Federal, State or local law. Permits issued will be in compliance with the format outlined in Section 5, Part 5.3 of the Richmond City Wastewater Pre-Treatment Policy and Procedures Manual, latest edition.

- B. Any existing non-residential user which discharges into the sewer system prior to the first day of January, 1973, and who wishes to continue such discharges in the future, shall, within 90 days after said date, apply to Richmond City for a wastewater discharge permit in accordance with Part 14-242, and the user shall not cause or allow discharges to the public sewer system to continue after 180 days of said date of January 1, 1973, except in accordance with a wastewater discharge permit issued by Richmond City.
- C. Any new non-residential user proposing to begin or recommence discharging non-domestic wastes into the public sewer must obtain a wastewater discharge permit prior to the beginning or recommencing of such discharge. An application for this wastewater discharge permit must be filed at least 90 days prior to the date upon which any discharge will begin. Richmond City has the right to place conditions on new or increased contributions from existing users.
- D. Wastewater discharge permits shall include such conditions as are reasonably deemed necessary by Richmond City to prevent pass through or interference, protect the quality of the water body receiving the treatment plant effluent, protect worker health and safety, protect ambient air quality, and protect against damage to the public sewer.
- E. Richmond City may modify the wastewater discharge permit at any time for good cause, to include but not limited to, the changing of regulations by senior authority, e.g., United States Environmental Protection Agency, Utah Division of Environmental Quality, Utah Division of Water Quality, etc.
- F. Wastewater discharge permits shall be good for not more than one year, unless modified and allowed by senior authority, and will contain as a minimum the following information:
 - 1. Applicable pretreatment standards and/or discharge limits.
 - 2. A compliance deadline date or effective date of limits.
 - 3. A statement of the effective date, the expiration date, and the authority to revoke in the event of non-compliance.
 - 4. Self-monitoring, sampling, reporting, notification, and record-keeping requirements, including an identification of the pollutants to be monitored, sampling location, sampling frequency, and sample type, based on the applicable general pretreatment standards and State and local law.
- G. Any person, including the non-residential user, may petition Richmond City to

reconsider the terms of a wastewater discharge permit within sixty (60) days of its issuance.

1. Failure to submit a timely petition for review shall be deemed to be a waiver of the administrative appeal.
2. In its petition, the appealing party must indicate the wastewater discharge permit provisions objected to, the reasons for this objection, and the alternative condition, if any, it seeks to place in the wastewater discharge permit.
3. The effectiveness of the wastewater discharge permit shall not be stayed pending the appeal.
4. Richmond City must act within forty-five (45) days after receipt of a petition to reconsider with a written reply to the applicant.

H. Wastewater discharge permits may be revoked for the following reasons:

1. Failure to notify Richmond City of significant changes to the wastewater prior to the changed discharge.
2. Failure to provide prior notification to Richmond City of changed conditions.
3. Misrepresentation or failure to fully disclose all relevant facts in the wastewater discharge permit application.
4. Falsifying self-monitoring reports.
5. Tampering with monitoring equipment.
6. Refusing to allow Richmond City timely access to the facility premises and records.
7. Failure to meet effluent limitations.
8. Failure to pay fines.
9. Failure to pay sewer charges.
10. Failure to meet compliance schedules.
11. Failure to complete a wastewater surveyor the wastewater discharge permit application.
12. Failure to provide advance notice of the transfer of a permitted facility. Wastewater discharge permits shall be voidable upon non-operation of permitted facility, cessation of operations, or transfer of business ownership.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

14-244 Reporting Requirements

- A. Each non-domestic user is required to notify Richmond City of any planned changes to the non-domestic user's operations or system which might alter the nature, quality or volume of its wastewater at least 30 days before the change.
- B. Slug discharge reports are required:
 - 1. In the case of any discharge including, but not limited to, accidental discharges, discharges of a non-routine, episodic nature, a non-customary batch discharge, or a slug load which may cause potential problems for the public sewer (including a violation of the prohibited discharge standards in Part 14-241 of this Chapter), it is the responsibility of the non-residential user to immediately telephone and notify Richmond City of the incident. This notification shall include the location of discharge, type of waste, concentration and volume, if known, and corrective actions taken by the non-domestic user.
 - 2. Within five (5) working days following such discharge, the nondomestic user shall, unless waived by Richmond City, submit a detailed written report describing the cause(s) of the discharge and the measures to be taken by the non-domestic user to prevent similar future occurrences. Such notification shall not relieve the non-domestic user of any expense, loss, damage, or other liability which may be incurred as a result of damage to the public sewer, natural resources, or any other damage to person or property; nor shall such notification relieve the non-domestic user of any fines, civil penalties, or other liability which may be imposed by this Chapter.
 - 3. Failure to notify Richmond City of potential problem discharges shall be deemed a separate violation of this Chapter.
 - 4. A notice shall be permanently posted on the non-domestic user's bulletin board or other prominent place advising employees whom to call in the event of a discharge described in sub-part 1, above. Employers shall ensure that all employees, who may cause or suffer such a discharge to occur, are advised of the emergency notification procedure.
- C. All non-residential users not required to obtain a wastewater discharge permit shall provide appropriate reports to Richmond City as the City may require.
- D. Non-residential users shall retain, and make available for inspection and copying, all records and information required to be retained under this Chapter. These records shall remain available for a period of at least three (3) years. This period shall be automatically extended for the duration of any enforcement action concerning compliance with this Chapter, or where the non-residential user has been specifically notified of a longer retention period by Richmond City.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

14-245 Pretreatment

- A. In accordance with requirements set forth by the United States Environmental Protection Agency and the Utah Division of Environmental Quality, Richmond City shall, by separate document, establish a Pretreatment Policy and Procedures Manual.
- B. Any non-residential wastewater user of the Richmond City sewer system must be evaluated in accordance with the Pretreatment Policy and Procedures Manual. The evaluation check list shall be retained by Richmond City for a minimum of three (3) years.
 - 1. Non-residential users will be required to be re-evaluated at the end of each two (2) years of service, change of ownership, or when there is reasonable cause to believe that the composition or volume of discharge has changed or increased.
 - 2. Non-residential users found to be within the parameters requiring pretreatment of wastewater prior to its entering into the Richmond City sewer system must adhere to all provisions of the Pretreatment Policy and Procedures Manual applicable to their situation.
 - 3. Non-residential users requiring pretreatment of their wastewater will be responsible for the installation, operation, and satisfactory maintenance of all pretreatment facilities for their business.
 - 4. Richmond City reserves the right to full access of said pretreatment facility per Part 14-247 of this Chapter.
- C. Should conflict occur between the provisions of this Chapter and Part, and the provisions of the Pretreatment Policy and Procedures Manual, this Chapter and Part shall prevail unless it is proven that higher authority (USEPA or Utah DEQ) has implemented requirements different from those within this Chapter and Part.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

14-246 Illegality Of Tampering Or Unauthorized Access

- A. No persons shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenances or equipment which is a part of the wastewater facilities. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct.
- B. It shall be unlawful for any person to open a sewer man-hole without permission from authorized representative of Richmond City.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

14-247 Power And Authority Of Inspectors

- A. Duly authorized employees and/or representatives of the City bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling, and testing pertinent to discharge to the wastewater collection system in accordance with the provisions of this Chapter.
- B. Duly authorized City employees and/or representatives are authorized to obtain information concerning industrial processes which have a direct bearing on the kind and source of discharge to the wastewater collection system. Industrial users may withhold information when they have established that the revelation of said information to the public might result in an advantage to competitors; however, they must advise the inspectors of the existence of such proprietary information. The City reserves the right to follow appropriate legal channels to obtain, while maintaining a strictly confidential and restricted on a need-to-know basis, any proprietary information that the City has reason to believe would effect the impact of a discharge into the wastewater system in a negative manner. Refer to 14-248.
- C. Grease, oil, and sand interceptors shall be provided when liquid wastes containing floatable grease in excessive amounts, or any flammable wastes, sand or other harmful ingredients are introduced into public sewers; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Utah State Plumbing Code, and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner(s) shall be responsible for the proper removal and disposal by appropriate means of the captivated material and shall maintain records of the dates and means of disposal which are subject to review by the City. Any removal and hauling of the collected materials not performed by owner(s) personnel must be performed by currently licensed waste disposal firms.
- D. Where pretreatment or flow-equalization facilities are provided or required for any water or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner(s) at his/her expense.
- E. When determined necessary by the City, the owner(s) of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes. Such structures, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the City. The structure shall be installed by the owner at his/her expense, and shall be maintained by him/her so as to be safe and accessible at all times.
- F. The City may require any user of sewer services to provide information needed to determine compliance with this Chapter. These requirements may include:
 - 1. Wastewater's discharge peak rate and volume over a specified time

period.

2. Chemical analysis of waste waters.
 3. Information on raw materials, processes, and products affecting wastewater volume and quality.
 4. Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials important to sewer control.
- G. While performing the necessary work on private properties referred to herein, duly, authorized employees and/or representatives of the City shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the City employees and/or representative, and the City shall indemnify the company against loss or damage to its property by City employees and against liability claims and demands for personal injury or property damage asserted against the company growing out of the gauging and sampling operation, except as such may be caused by negligence or failure of the company to maintain safe conditions.
- H. Duly authorized employees and/or representatives of the City bearing proper credentials and identification shall be permitted to enter all private properties through which the City holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the wastewater facilities lying within said easement. All entry and subsequent work, if any, on said easement, shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

14-248 Confidential Information

- A. Information and data on a non-domestic user obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and from Richmond City inspection and sampling activities, shall be available to the public without restriction unless the non-domestic user specifically requests, and is able to demonstrate to the satisfaction of the City, that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets under applicable State law. When requested and demonstrated by the non-domestic user furnishing a report that such information should be held confidential, the portions of a report which might disclose trade secrets or secret processes shall not be made available for inspection by the public, but shall immediately be made available, upon request, to governmental agencies for uses related to state permit or pretreatment programs, and in enforcement proceedings involving the person furnishing the report. Wastewater constituents and characteristics and other "effluent data" as

defined by 40 CFR 2.302 will not be recognized as confidential information and will be available to the public without restriction. The City will provide a secure facility to maintain documentation considered confidential.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

14-249 Hearing Board

- A. A hearing board of five (5) members shall be appointed as needed for arbitration of differences between the City and sewer users on matters concerning interpretation and execution of the provisions of this Chapter by the City. The board shall meet as needed unless their services are determined to be necessary more often by the Richmond City Council. One member shall be a representative of a local commercial enterprise. One member shall be a residential user selected at large for their interest in accomplishing the objectives of this Chapter. As the board deems necessary and upon concurrence by the City, a qualified Attorney may be consulted by the board on a specific case.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 14-250 Administrative Enforcement Remedies

14-251 Penalties

- A. Whenever Richmond City finds that any non-domestic user has violated or is violating this Chapter, a wastewater discharge permit or order issued hereunder, the City may serve upon said user a written Notice of Violation. Such written notice shall be served in person or by certified mail where a receipt is obtained. Within thirty (30) days of the receipt of this notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof, to include specific required actions, shall be submitted by the user to the City. Submission of this plan in no way relieves the user of liability for any violations occurring before or after receipt of the Notice of Violation. Nothing in this section shall limit the authority of the City to take any action, including emergency actions or any other enforcement action, without first issuing a Notice of Violation.
- B. Richmond City is hereby empowered to enter into consent orders, assurances of voluntary compliance, or other similar documents establishing an agreement with any user responsible for noncompliance. Such orders will include specific action to be taken by the order. Consent Orders shall have the same force and effect as administrative orders issued pursuant to sub-section D and E below and shall be judicially enforceable.



- C. Richmond City may order any user which causes or contributes to violation(s) of this Chapter, wastewater discharge permits, or orders issued hereunder, or any other Pretreatment Standard or requirement, to appear before the City and show cause why a proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action, the reasons for such action, and a request that the user show cause why this proposed enforcement action should not be taken. Such written notice shall be served in person or by certified mail where a receipt is obtained. The notice of the meeting shall be served personally or by registered or certified mail (return receipt requested) at least seven (7) days prior to the hearing. Such notice may be served on any authorized representative of the user. Whether or not the user appears as ordered, immediate enforcement action may be pursued following the hearing date. A show cause hearing shall not be a prerequisite for taking any other actions against the user.
- D. When Richmond City finds that a user has violated or continues to violate the Chapter, wastewater discharge permits, or orders issued hereunder, or any other Pretreatment Standard or requirement, he may issue an order to the user responsible for the discharge directing that the user come into compliance within thirty (30) days. If the user does not come into compliance within thirty (30) days, sewer service may be discontinued. Compliance orders may also contain other requirements to address the noncompliance, including additional self-monitoring, and management practices designed to minimize the amount of pollutants discharged to the sewer. A compliance order may not extend the deadline for compliance established for a Federal Pretreatment Standard or requirement, nor does a compliance order release the user of liability for any violation, including any continuing violation. Issuance of a compliance order shall not be a prerequisite to taking any other action against the user.
- E. When Richmond City finds that a user is violating this Chapter, the user's wastewater discharge permit, any order issued hereunder, or any other Pretreatment Standard or requirement, or that the user's past violations are likely to recur, the City may issue an order to the user directing it to cease and desist all such violations and directing the user to:
1. Immediately comply with all requirements
 2. Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations and/or terminating the discharge. Issuance of a cease and desist order shall not be a prerequisite to taking any other action against the user.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

14-251 Penalties

- A. Notwithstanding any other Part of this Chapter, any user found to have violated

any provision of this Chapter, its wastewater discharge permit, and orders issued hereunder, or any other Pretreatment Standard or requirement may be fined in an amount not to exceed \$1,000 per day per violation unless established at a higher rate by senior authority or as otherwise determined through legal process in the Richmond City Justice Court or other appropriate Court within the First District Court jurisdiction. Such fines shall be assessed on a per violation, per day basis. In the case of monthly or other long term average discharge limits, fines shall be assessed for each day during the period of violation. Richmond City may add the costs of preparing administrative enforcement actions such as notices and orders to the fine.

- B. Users whose sewage discharge exceeds the allowed BOD., TSS, TKN, TP, and/or FOG may be required to pay the surcharge rate outlined in Chapter 14-500, Part 540.
- C. Assessments may be added to the user's next scheduled sewer service charge and Richmond City shall have such other collection remedies as may be available for other service charges and fees.
- D. Unpaid charges, fines, and penalties shall, after sixty (60) calendar days, be assessed an additional penalty often (10) percent of the unpaid balance and interest shall accrue thereafter at a rate of 1.8% per month.
- E. Users desiring to dispute such fines must file a written request for Richmond City to reconsider the fine along with full payment of the fine amount within thirty (30) days of being notified of the fine. Where a request has merit, the City shall convene a hearing on the matter within fourteen (14) days of receiving the request from the non-domestic user. In the event the user's appeal is successful, the payment together with any interest accruing thereto shall be returned to the nonresidential user.
- F. Issuance of an administrative fine shall not be a prerequisite for taking any other action against the user.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

[Chapter 14-300 STORMWATER AND SURFACE WATER RUNOFF](#)

[Part 14-310 Purpose](#)

[Part 14-320 Application](#)

[Part 14-330 Stormwater Utility Fee](#)

[Part 14-340 Prohibitions](#)

[Part 14-350 Municipal Stormwater Maintenance](#)

[Part 14-360 Enforcement](#)

[Part 14-310 Purpose](#)

[14-311 Definitions](#)

The purpose of this chapter is to protect the health, safety and welfare of residents of Richmond City by maintaining and improving the City's stormwater system; managing and controlling stormwater runoff; protecting public and private property from damage caused by uncontrolled stormwater runoff or by pollutants conveyed by stormwater runoff; and preventing polluted water from entering the City's stormwater system and other receiving waters to the maximum extent practicable as required by Federal and State law. The principle objectives are:

- A. To regulate the discharge of pollutants into the municipal stormwater system;
- B. To prohibit illicit connections and discharges to the system;
- C. To guide, regulate, and control the design, construction, use, and maintenance of any development or other activity that results in the movement of soil within the City;
- D. To minimize increases in nonpoint source pollution caused by stormwater runoff from construction sites, which would otherwise degrade local water quality;
- E. To reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, whenever possible, through stormwater management controls and to ensure that these management controls are properly maintained and pose no threat to public safety;
- F. To establish a viable and fair method of financing the construction, operation, and maintenance of the stormwater system;
- G. To establish legal authority to carry out all inspection, surveillance, and monitoring procedures necessary to ensure compliance with this Chapter; and
- H. To clarify permitting processes and identify responsibility to obtain certain permits required by the United States Environmental Protection Agency (USEPA), the State Department of Environmental Quality (DEQ), and Richmond City.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

14-311 Definitions

For the purposes of this Chapter, the following shall mean:

- A. "Best Management Practices" (BMP). Includes schedules of activities, prohibitions of practices, maintenance procedures, design standards, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly into the Waters of the State or Waters of the United States. BMP's also include treatment requirements, operating procedures, educational activities, and practices to control plant site runoff spillage or leaks, sludge or waste disposal, or drainage from raw materials storage.

- B. "Building Permit". Permits for alteration or construction (except for fences and detached accessory buildings as excepted by City code) issued pursuant to the provisions of current Richmond City code.
- C. "Conveyance System". Any channel or pipe for collecting or directing the flow of stormwater.
- D. "Culvert". A covered channel or large diameter pipe that conducts or directs water flow below the ground surface.
- E. "Degradation".
 - 1. Biological or chemical: The breakdown of chemical compounds into simpler substances, usually less harmful than the original compound, as with the degradation of a persistent pesticide.
 - 2. Geological: Wearing down by erosion.
 - 3. Water: The lowering of the water quality of a watercourse by an increase in the amount of pollutant(s).
- F. "Department of Environmental Quality" (DEQ). The State of Utah Department of Environmental Quality.
- G. "Discharge". The release of stormwater or other substances from a conveyance system or storage container.
- H. "Drainage". Refers to the collection, conveyance, containment, and/or discharge of surface and stormwater runoff.
- I. "Equivalent Service Unit" (ESU). The approximate size of impervious surface area on an average residential lot.
- J. "Erosion". The wearing away of land surface by wind or water. Erosion occurs naturally from weather or runoff but can be intensified by land-clearing practices related to farming, residential or industrial development, road building, or timber cutting.
- K. "Excavation Permit". Permit issued authorizing excavation within Richmond City pursuant to the provisions and regulations currently in place.
- L. "Field Drain". Refers to an underground drainage system installed to drain agricultural fields and typically ends in an irrigation tail water ditch.
- M. "Fill". A deposit of earth material placed by artificial means.
- N. "Grading". The cutting and/or filling of the land surface to a desired slope or elevation.
- O. "Illegal Discharge". Any direct or indirect non-stormwater discharge to the stormwater system, except discharges from fire fighting activities and other discharges exempted by City ordinance.

- P. "Illicit Connection". Any physical connection to the Richmond City stormwater system allowing discharge of non-stormwater, which has not been otherwise permitted by Richmond City.
- Q. "Impervious Surface". A surface which prevents or retards the penetration of water into the ground including, but not limited to, roofs, sidewalks, patios, driveways, parking lots, concrete and asphalt paving, and oiled, macadam, or other surfaces which similarly impede the natural infiltration of stormwater.
- R. "Infiltration". The downward movement of water from the surface to the subsoil. The infiltration capacity is expressed in terms of inches per hour.
- S. "Ingress/Egress". The points of access to and from a property.
- T. "Inlet". An entrance into a ditch, culvert, or other conveyance structure.
- U. "Land Drain". Refers to an underground drainage system installed during the development of a subdivision that is installed within the public right-of-way and designed to meet City standards and is approved by the City Engineer to reduce or limit ground water travel in the vicinity of the drains.
- V. "Mulch". A natural or artificial layer of plant residue or other materials covering the land surface with conserves moisture, holds soil in place, aids in establishing plant over, and minimizes temperature fluctuations.
- W. "National Pollutant Discharge Elimination System" (NPDES). USEPA's program to control the discharge of pollutants to Waters of the United States.
- X. "NPDES Permit". An authorization, license, or equivalent control document issued by the USEP A or an approved state agency to implement the requirements of the NPDES program.
- Y. "Nonpoint Source". Pollution caused by diffuse sources (not a single location such as a pipe) such as agricultural or urban runoff.
- Z. "Notice of Intent" (NOI). Permit issued by the State DEQ for storm water discharges associated with construction activities under the NDPEs General Permit.
- AA. "Off-site". Any area lying upstream of the site that drains onto the site and any area lying downstream of the site to which the site drains.
- AB. "On-site". The entire property that includes the proposed development.
- AC. "Outfall". The point, location, or structure where wastewater or drainage discharges from a stormwater pipe, ditch, or other conveyance to a receiving body of water.
- AD. "Plat". A map or representation of a subdivision showing the division of a tract or parcel of land into lots, blocks, streets, or other divisions and dedications.

- AE. "Point Source". Any discernible, confined, and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel from which pollutants are or may be discharged.
- AF. "Pollutant". Generally any substance introduced into the environment that adversely affects the usefulness of a resource. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; nonhazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects and accumulations so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform, and pathogens; dissolved and particulate metals; animal wastes; wastes and residues resulting from the construction of a building or structure; and noxious or offensive matter of any kind.
- AG. "Receiving Waters". Bodies of water or surface water systems receiving water from upstream constructed (or natural) systems.
- AH. "Riparian". A relatively narrow strip of land that borders a stream or river.
- AI. "Runoff". That part of precipitation, snowmelt, or irrigation water that runs off the land into streams or other surface water with the potential to carry pollutants from the air and land into the receiving waters.
- AJ. "Sedimentation". The process of depositing soil particles, clays, sands, or other sediments that were picked up by runoff.
- AK. "Source Control". A practice or structural measure to prevent pollutants from entering stormwater runoff or other environmental media.
- AL. "Stabilization". The proper placing, grading and/or covering of soil, rock, or earth to ensure its resistance to erosion, sliding, or other movement.
- AM. "Storm Drain". An opening leading to an underground pipe or open ditch for carrying surface runoff.
- AN. "Stormwater". Rainfall runoff, snowmelt runoff, and drainage. It excludes infiltration.
- AO. "Stormwater Management Concept Plan". A document which describes the Best Management Practices and activities to be implemented by a person, business, or developer to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters.
- AP. "Stormwater System" (Municipal Separate Stormwater System). A municipally owned and operated stormwater collection system consisting of the following: curb and gutter, drainage swales, piping, ditches, canals, detention basins, inlet boxes, land drain systems, field drain systems, or any other system used to convey stormwater that discharges into canals, ditches, streams, rivers, or lakes not owned and operated by the municipality.

AQ. "Swale". An elongated depression on the land surface that is at least seasonally wet, is usually heavily vegetated, and is normally without flowing water. Swales direct stormwater flows into primary drainage channels and allow some of the stormwater to infiltrate into the ground surface.

AR. "Waters of the United States". Surface watercourses and water bodies as defined in 40 CFR Section 122.2., including all natural waterways and definite channels and depressions in the earth that may carry water, even though such waterways may only carry water during rains and storms and may not carry stormwater at and during all times and seasons.

AS. "Waters of the State". Surface and ground water within the boundaries of the State of Utah and subject to its jurisdiction.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 14-320 Application

[14-321 Responsibility Of Administration](#)

[14-322 Ultimate Responsibility](#)

[14-323 Policies](#)

This Chapter shall apply to all water entering the Richmond City municipal stormwater system.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

14-321 Responsibility Of Administration

The Richmond City Council is responsible for the administration of this Chapter; however, said Council may, at its discretion, delegate day-to-day administration to the City Manager, the City Maintenance employees, and/or the City Engineer. Said administration will include, but not be limited to, administration, implementation, and enforcement of the provisions contained within this Chapter. Any powers granted or duties imposed upon Richmond City may be delegated in writing by the City Council or authorized designee, to persons or entities acting in the beneficial interest of or in the employ of Richmond City.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

14-322 Ultimate Responsibility

The standards set forth herein and promulgated pursuant to this Chapter are minimum standards; therefore this Chapter does not intend nor imply that compliance by any person will ensure that there will be not contamination, pollution, nor illegal discharge of pollutants.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019



14-323 Policies

The Richmond City Council may adopt policies consistent with this Chapter to assist in the application, administration, and interpretation of the Chapter and any ordinances or resolutions related to the stormwater utility.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 14-330 Stormwater Utility Fee

14-331 Billing

- A. Fee Imposed. Each developed parcel of real property, whether residential, commercial, manufacturing, churches or schools within Richmond City shall be charged a stormwater utility fee.
- B. ESU. The fee shall be based upon the number of ESU's contained in the parcel. Richmond City has concluded that the ESU is the most equitable and practical measurement for determining the amount that each parcel contributes to, benefits from, and otherwise uses the stormwater utility. Richmond City establishes that an ESU equals up to three thousand five hundred (3,500) square feet of impervious surface area.
- C. Basis. Richmond City has determined that each single-family residential parcel generates approximately the same amount of stormwater runoff; therefore, each developed single-family residential parcel shall pay a base rate of one (1) ESU. All non-single family residential parcels shall pay a multiple of this base rate, expressed in ESU's, according to the number of residential units located on the parcel. For all commercial and/or manufacturing the Public Works personnel shall, under the direction of the City Council, measure all impervious surface area of the lot and determine the percentage of impervious surface area it has in relationship to one (1) ESU. The Richmond City Council may adopt separate rates for planned residential developments, condominiums, and other uses that do not typically conform to the ESU standard.
- D. Charge per ESU. Charges shall be determined in accordance with the provisions of Chapter 14-500, Part 14-550.
- E. Exemptions and Credits. The Richmond City Council may establish exemptions and credits to the stormwater utility fee by appropriate legislation.

- F. Appeals. Any person or entity that believes that this Chapter, or any stormwater utility rate ordinance established by the Richmond City Council and in keeping with the provisions of Chapter 14-500, Part 14-550 and subsequent, was interpreted or applied erroneously may appeal to the City Council. The appeal shall be in writing, shall state any facts supporting the appeal, and shall be made within ten (10) working days of the assessment. The appeal shall be submitted to the City Manager or other designated party, who shall in turn coordinate either a separate hearing with the Richmond City Council or shall place the appeal on the agenda for a regularly scheduled City Council meeting. The City Council's decision shall be final and binding on all parties.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

14-331 Billing

Richmond City's stormwater system, culinary water system, and sanitary sewer system are part of an integrated unified plan to provide for the health, safety, and welfare of Richmond City and its residents in an environmentally responsible manner. Therefore, the stormwater utility fee will be included in the monthly utility bill for any given property. If there is no regular utility bill for the property, the stormwater utility fee shall be charged to the owner of the property. The fee shall be deemed a civil debt owed to Richmond City by the person or entity paying for the Richmond City utility services provided to the property. All developed properties shall be charged the fee, regardless of whether or not the owner or occupant of the property requests the stormwater utility service. Failure to pay any portion of the utility bill will result in the termination of culinary water service.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 14-340 Prohibitions

[14-341 Illegal Discharges And Exemptions](#)

[14-342 Notice Of Intent \(NOI\) - Exemptions](#)

[14-343 Stormwater Management Concept Plan](#)

[14-344 Landscaping Plans Required](#)

It is unlawful for any person to:

- A. Track mud or sediment onto public streets by construction or delivery vehicles. Provisions shall be made by the property owner, at all construction sites, to clean the vehicles before leaving the site or otherwise prevent the tracking of site soils onto Richmond City streets.
- B. Wash or rinse concrete trucks within the City right-of-way or where concrete or rinse water could enter the municipal stormwater system. Dumping of excess concrete shall not be allowed anywhere with the City right-of-way or on public property.



- C. Use soil or rock ramps in the gutter to provide access to lots fronted by curb and gutter.
- D. Stockpile construction materials or debris in the street or in the gutter in such a manner that the material may be considered a source of pollution in the stormwater system.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

14-341 Illegal Discharges And Exemptions

- A. No person shall discharge or cause to be discharged into the municipal stormwater system or watercourses any water or materials containing any pollutants that cause or contribute to a violation of applicable water quality standards.
- B. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether said connection was permissible under law or practices applicable or prevailing at the time of connection. This prohibition also expressly includes, without limitation, connections of sanitary sewer lines to the system.
- C. The following activities or occurrences are generally exempt from the requirements of this Chapter:
 - 1. The flushing of waterlines or other potable water conveyances or sources with a chlorine content within the limits defined under the State of Utah General Permit for Dewatering/Hydrostatic Testing.
 - 2. Landscape irrigation water.
 - 3. Rising groundwater or infiltration of groundwater into the stormwater system.
 - 4. Uncontaminated pumped groundwater.
 - 5. Foundation or footing drains (not including active groundwater dewatering systems).
 - 6. Crawlspace sump pumps.
 - 7. Springs.
 - 8. Noncommercial washing of vehicles.
 - 9. Natural riparian habitat or wetland flows.
 - 10. Swimming pools (if de-chlorinated - typically less than one part per million of chlorine).
 - 11. Runoff from firefighting activities.



12. Other discharges specified in writing by authority of the Richmond City Council as being necessary to protect public health and safety.
- D. Dye testing is an allowable discharge but requires a written approval of the City Council or designee within the public works department prior to the time of the test.
- E. The prohibition shall not apply to any non-stormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the United States Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval of the City Engineer has been granted for any discharge to the stormwater system.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

14-342 Notice Of Intent (NOI) - Exemptions

- A. No person shall be granted a building or excavation permit for land-disturbing activity without a Notice of Intent (NOI) from the State of Utah unless such activity is specifically exempted by state law. No building or excavation permit application will be considered complete until accompanied by proof of the NOI. The website for information pertaining to NOI from the State of Utah is:

www.waterquality.utah.gov/updes/stormwater.htm

- B. A NOI is generally not required for the following activities; however, it is the responsibility of the person to confirm any and all exemptions:
 1. Emergency activity that is immediately necessary for the protection of life, property, or natural resources.
 2. Existing nursery and agricultural operations conducted as a permitted main or accessory use.
 3. Home gardens for family food production and/or pleasure.
 4. Disturbances less than one (1) acre that are not part of a larger development project.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

14-343 Stormwater Management Concept Plan

- A. In addition to and independent of the NOI required herein, a Stormwater Management Concept Plan shall be required with the preliminary plat for all



platted subdivisions, site plans for all multifamily housing projects, single family home construction involving soil disturbing activities of one (1) acre or more, mobile home parks, churches, commercial buildings and sites, and industrial buildings and sites and will include sufficient information (e.g., maps, hydrologic calculations, etc.) to evaluate the environmental characteristics of the project site, the potential impacts of all proposed development of the site, both present and future, on the water resources, and the effectiveness and acceptability of the measures proposed for managing stormwater generated at the project site. The intent of this conceptual planning process is to determine the type of stormwater management measures necessary for the proposed project, and ensure adequate planning for management of stormwater runoff from the development. This plan is not a Storm Water Pollution Prevention Plan required for the NOI.

- B. For development or redevelopment, when disturbing one (1) acre or more, occurring on a previously developed site, an applicant shall be required to include within the stormwater concept plan measures for controlling existing stormwater runoff discharges from the site in accordance with the standards of the Chapter to the maximum extent practicable.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

14-344 Landscaping Plans Required

Landscaping shall conform to the intent of the stormwater management concept plan. At minimum, the landscaping plan shall detail vegetation and grading and shall include any non-standard maintenance requirements that may be associated with the landscaping. The extent of the landscaping plan shall incorporate at a minimum all stormwater facilities and shall be submitted with the final plat submittal per current Richmond City ordinance requirements.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 14-350 Municipal Stormwater Maintenance

[14-351 Inspection](#)

Unless otherwise established in writing and agreed to by the Richmond City Council the following stormwater system maintenance arrangements shall be implemented:

- A. Landscape maintenance and preservation of land use systems such as detention, retention, and swale features for stormwater management are to be maintained by property owners, home owner associations, or development groups. Maintenance in this section is defined as landscaped with cobble and a weed barrier or grass, mowed, watered, and weed free, or a plan approved by both the Richmond Planning and Zoning Commission and the Richmond City Council. Stormwater structures such as pipes, catch basins, and sumps will be maintained by the City. Easements to access and inspect the stormwater system



and to perform maintenance of the system shall be established on the plat or recorded with the property title in perpetuity.

- B. If a responsible party fails or refuses to meet the maintenance requirements of this Chapter, whether it be the normal or immediate correction time period, after reasonable notice, the City Council may order the Public Works Department to abate or procure the abatement of the violation. In the event that the stormwater management facility becomes a danger to public safety or public health, the City shall notify the party responsible for maintenance of the stormwater management facility in writing. Upon receipt of that notice, the responsible person shall have ten (10) calendar days to effect maintenance and repair of the facility in an approved manner. After proper notice, Richmond City may assess the owner(s) of the facility for the cost of repair work and any penalties plus appropriate administrative charges; and the cost of the work shall be charged to said owners with full collection costs being assigned to said owners.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

14-351 Inspection

- A. To verify compliance with the NOI, the City Manager, Public Works personnel, City Engineer, or other designee of the Richmond City Council may conduct field inspections.
- B. The City Manager, Public Works personnel, City Engineer or other designee of the Richmond City Council shall at all ordinary hours have free access to construction sites permitted under this Chapter or other Chapters of the Code of Revised Ordinances of Richmond City for the purpose of inspecting or evaluating the construction, maintenance, and performance of stormwater features.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 14-360 Enforcement

[14-361 Stormwater Inspector\(s\)](#)

[14-362 Compliance And Reinspection](#)

[14-363 Violation And Penalties](#)

In the event that any person holding an excavation permit, building permit, or platted subdivision approval violates the terms of the permit or the ordinances of Richmond City or conducts site development in such a manner as to adversely affect the health, welfare, or safety of persons residing or working the neighborhood or development site so as to be materially detrimental to the public welfare or injurious to property or improvement in the neighborhood, any of the designated inspectors in Part 14-351.A may suspend or revoke the building permit or place a stop order on all work.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

14-361 Stormwater Inspector(s)

The position of Storm water Inspector(s) is hereby created for the purpose of administering the provisions of the Chapter and the powers delegated to it by laws and statutes relating to the stormwater system of Richmond City.

- A. Duties of Inspector(s). The Stormwater Inspector(s) is/are hereby authorized and directed to:
1. Perform all functions necessary to enforce the provisions of this code;
 2. Inspect or cause to be inspected, as often as needed, all sites or places for the purpose of determining whether they are in compliance with all provisions of this code as outlined in this Chapter.
- B. If the Stormwater Inspector(s) determine that any of the conditions listed in this Chapter exist on any property within the City limits of Richmond City, or if the impact of any conditions listed in this Chapter exist outside of this City due to operations within the City, the Stormwater Inspector(s) shall:
1. Ascertain the names of the owners and occupants of the property where the conditions exist, together with a description of the property;
 2. Ascertain the names of the persons conducting operations on the property in violation of this Chapter and associated code(s) and associated information related to the permit, if issued;
 3. Issue a written notice to the owner, occupant, or persons conducting operations on the property identifying the conditions violating this Chapter and give notice that they must be corrected within the next ten (10) calendar days;
 4. If the situation warrants, issue a stop work order to the owner, occupant, or persons conducting operations on the property identifying the conditions violating the Chapter and give notice that all operations must stop immediately, with the confines of public safety.
 5. All stop work orders shall also state that failure to comply with this request shall result in the City taking action to remedy the problem by any means available, including legal action.
 6. The stop work order shall:
 - a. Require the person to whom it is sent to correct the violation within the time period the Stormwater Inspector(s) shall designate, which shall be not less than ten (10) days, nor greater than twenty (20) days and shall be known as the correction period. The time given to remedy the violation shall begin to

accumulate the day following the day on which the citation is issued.

- b. Contain a specific statement of the nature of the violation and generally describe the premises on which the violation exists.
- c. Inform the person to whom the notice is issued that, if compliance is accomplished within the correction period and is fully remedied, the notice will be signed by the Stormwater Inspector and filed with the building permit allowing construction activity to proceed.
- d. Inform the person that in the event a criminal prosecution is pursued, the prosecution shall be for a Class B misdemeanor.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

14-362 Compliance And Reinspection

In the event the person complies with the notice of the Stormwater Inspector(s) within the correction period, the person shall notify the Stormwater Inspector(s) a minimum of forty-eight (48) hours (not including weekends or holidays) prior to the end of the correction period. A date and time for inspection prior to the appearance date shall be assigned and the Stormwater Inspector(s) shall again inspect the property.

- A. If the property is in compliance with this Chapter, the Stormwater Inspector shall sign off compliance on the cited person's copy of the notice.
- B. In the event the person in violation has not received a reinspection indicating compliance with the Chapter prior to the end of the correction period, legal prosecution of the matter shall proceed.
- C. In the event that the violation is an immediate threat to the public health, safety, or welfare, the Stormwater Inspector(s) may require immediate correction with a period of forty-eight (48) hours. If this violation is not corrected and reinspection requested within the required time, the citation will be referred directly to the Richmond City attorney for prosecution.
- D. In the event that the violation listed on the citation is not corrected within the appropriate time period, whether it be the normal or immediate correction time period, the Inspector(s) may order the Public Works Department to abate or procure the abatement of the violation. Should Richmond City abate the violation, the cited person shall still face legal prosecution. The actual expenses and the appointed administrative fee for Richmond City abating the violation shall be collected for the person, firm, or corporation in violation of this Chapter and be added to any fin and penalties set by the court.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

14-363 Violation And Penalties

- A. Whenever a Stormwater Inspector finds that a person has violated a prohibition or failed to meet a requirement of this Ordinance, the Stormwater Inspector may order compliance by written notice of violation to the responsible person. Such notice may require, without limitation:
1. The performance of monitoring, analyses, and reporting;
 2. The elimination of illicit connections or discharges;
 3. That violating discharges, practices, or operations shall cease and desist;
 4. The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
 5. Payment of a fine to cover administrative and remediation costs; and
 6. The implementation of source control or treatment BMP's.
- B. Any person violating any of the provisions of this Chapter, who fails to take corrective measures as required by notice issued pursuant to this Chapter, shall be deemed guilty of a Class B misdemeanor and each day during with any violation of any of the provisions of this Chapter is committed, continued, or permitted, shall constitute a separate offense.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Chapter 14-400 (RESERVED)

Chapter 14-500 FINANCE, FEES, AND CHARGES

[Part 14-510 Establishment Of Enterprise Funds](#)

[Part 14-520 Authorization To Establish Culinary Water Rates, Fees, And Charges](#)

[Part 14-530 Authorization To Establish Sewer Rates, Fees, And Charges](#)

[Part 14-540 Excessive Sewer Use Charge System](#)

[Part 14-550 Stormwater Runoff Fees And Charges](#)

[Part 14-560 Annual Review Of Operational Costs; Revision Where Required; Debt Service](#)

Part 14-510 Establishment Of Enterprise Funds

- A. The Richmond City Council shall cause to be established a separate enterprise fund for each utility service provided by the City.
- B. Each enterprise fund shall be treated as a separate fiscal account complying with current State of Utah laws, rules, and regulations. Best management practices in accounting shall be adhered to at all times.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 14-520 Authorization To Establish Culinary Water Rates, Fees, And Charges
14-521 Shut-Off And Turn-On Fees And Actions

- A. The Richmond City Council is the sole authority with the power to establish culinary water rates, fees, and charges.
- B. The rates, connection fee, impact fee, and any other fee established to maintain the proper operation and inspection of the culinary water system in a safe manner shall be established by separate ordinance(s) enacted by the Richmond City Council.
- C. No ordinance establishing any rate or fee, with the exception of impact fee, shall have a lifetime in excess of five fiscal years. At the end of that time such ordinance(s) shall automatically be deemed historical and void of legal power to collect monies.
- D. The Richmond City Council may not extend any rate or fee ordinance, but may pass a new and separate ordinance relative to rate and fee(s) following prescribed procedures.
- E. All monies gained through any and all rate and fee ordinance(s) relative the culinary water system shall be directed only into the Water Enterprise Fund.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

14-521 Shut-Off And Turn-On Fees And Actions

- A. Under the provisions of Part 14-119, Title 14-000, Chapter 14-100 the following shall apply:
 - 1. A charge of \$25.00 shall be added to the delinquent account to cover the cost of shutting off the water.
 - 2. Upon payment of the delinquent amount and shut-off fee, culinary water service will be restored at the direction of the City Treasurer.
 - 3. A charge of \$25.00 will be added to said account to cover the cost of the turning on of the water to said account.
- B. The unauthorized turning on of a culinary water connection shall constitute an unlawful act in keeping with Part 14-118 above, and shall be treated as a Class B misdemeanor plus the charge of the water used during the time of the unauthorized restoration of service.
- C. The removal for locks of any type, applied by Richmond City to the meter, shall constitute theft of property and service, and will be prosecuted as such.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 14-530 Authorization To Establish Sewer Rates, Fees, And Charges

14-531 Shut-Off And Turn-On Fees And Actions

14-532 School Or Other Large Institution Charges

- A. The Richmond City Council is the sole authority with the power to establish sewer rates, fees, and charges.
- B. The rates, connection fee, impact fee, and any other fee established to maintain the proper operation and inspection of the sewer system in a safe manner shall be established by separate ordinance(s) enacted by the Richmond City Council.
- C. No ordinance establishing any rate or fee, with the exception of impact fee, shall have a lifetime in excess of five fiscal years. At the end of that time such ordinance(s) shall automatically be deemed historical and void of legal power to collect monies.
- D. The Richmond City Council may not extend any rate or fee ordinance, but may pass a new and separate ordinance relative to rate and fee(s) following prescribed procedures.
- E. All monies gained through any and all rate and fee ordinance(s) relative the culinary water system shall be directed only into the Sewer Enterprise Fund.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

14-531 Shut-Off And Turn-On Fees And Actions

- A. Failure of a sewer user to maintain the sewer account current will result in the same action as applied to a delinquent culinary water account per Part 14-521.
- B. If the sewer user should not be connected to the Richmond City culinary water system, appropriate legal recourse will be initiated.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

14-532 School Or Other Large Institution Charges

- A. Schools and other large public institutions shall be treated the same as a large business insofar as this Chapter is concerned.
- B. Sewer rates will be established by separate ordinance per Part 14-530.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 14-540 Excessive Sewer Use Charge System

14-541 Agricultural Adjustment Permit

14-542 Calculation Of User Fees - Sewer Use Charge System

- A. The current basic sewer rate per ordinance passed by the Richmond City Council shall apply to all sewer connections and will be based upon the assumption of 15,000 gallons of wastewater per connection per month.
- B. Hook-ups that consume more than 20,000 gallons of culinary water per month will be assumed to be discharging more than 15,000 gallons of wastewater into the sewer system and will be subject to a surcharge.
- C. Residential or non-residential hook-ups challenging the 20,000 gallon to 15,000 gallon ratio may qualify for a lesser sewer charge by installing a sonic flow meter.
 - 1. The sonic flow meter must be installed at a point not less than ten feet nor more than 100 feet from the lateral entrance into the sewer main.
 - 2. The sonic flow meter must meet the standards of Richmond City.
 - 3. The sonic flow meter must provide a continual, printable record of the average daily flow of wastewater past the sonic meter point.
 - 4. The sonic flow meter must be calibrated at least once per twelve (12) calendar months.
 - 5. The user must provide Richmond City a copy of the sonic flow meter records no later than the twentieth (20th) day of each month, and must provide a certified copy of the calibration record once per calendar year.
 - 6. The user is responsible for all costs and charges relating to the installation and maintenance of the sonic flow meter.
 - 7. Richmond City will calculate excessive usage, if any, based upon the monthly flow record of the sonic meter and charge the user accordingly.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

14-541 Agricultural Adjustment Permit

- A. If a user claims that excessive amounts of culinary water metered to that account are used for agriculture-related purposes but excessive amounts are not put into the Richmond City sewer system, the user may apply to the Richmond City Council for an Agricultural Adjustment Permit.
- B. The burden of proof will remain with the user.
 - 1. The user must provide verifiable documentation to the Richmond City

Council that metered culinary water does not enter into the Richmond City sewer system in amounts greater than 15,000 gallons per calendar month.

2. The user must provide proof that the excess culinary water is used for agricultural related purposes, such as, but not limited to, dairy operation, cleaning of animal housing, etc.
- C. If the Richmond City Council issues an Agricultural Adjustment Permit, said permit shall be valid for no more than three years from date of approval.
1. The user may re-apply to the City Council for another Agricultural Adjustment Permit not more than three months prior to the expiration of a current Agricultural Adjustment Permit.
 2. The burden of proof remains with the user for all subsequent renewal efforts.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

14-542 Calculation Of User Fees - Sewer Use Charge System

- A. By separate ordinance the Richmond City Council shall publish the current calculation of user fees and sewer use charge system in keeping with Chapter 14-500, Part 14-530.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 14-550 Stormwater Runoff Fees And Charges

- A. The Richmond City Council is the sole authority with the power to establish stormwater rates, fees, and charges.
- B. The rates, connection fee, impact fee, and any other fee established to maintain the proper operation and inspection of the stormwater system in a safe manner shall be established by separate ordinance(s) enacted by the Richmond City Council.
- C. No ordinance establishing any rate or fee, with the exception of impact fee, shall have a lifetime in excess of five fiscal years. At the end of that time such ordinance(s) shall automatically be deemed historical and void of legal power to collect monies.
- D. The Richmond City Council may not extend any rate or fee ordinance, but may pass a new and separate ordinance relative to rate and fee(s) following prescribed procedures.

E. All monies gained through any and all rate and fee ordinance(s) relative the culinary water system shall be directed only into the Stormwater Enterprise Fund.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019

Part 14-560 Annual Review Of Operational Costs; Revision Where Required; Debt Service

The City shall on an annual basis, prior to the formulation of the next Fiscal Year budget, review all operational costs for culinary water, sewer service, and stormwater runoff service. The City shall ensure that sufficient funds are being generated to cover all operation costs including debt service for outstanding bonds or other obligations. Necessary adjustments shall be made through the respective provisions of Title 14-000, Chapter 14-500, Parts 14-520, 14-530, and 14-550.

HISTORY

Adopted by Ord. [2019-2](#) on 2/19/2019