

**LEVAN TOWN
ORDINANCE NO. 2017-01**

ADOPTION OF THE MUNICIPAL CODE

**AN ORDINANCE OF LEVAN TOWN, UTAH, ADOPTING THE
LEVAN TOWN MUNICIPAL CODE; MAKING TECHNICAL
CHANGES; RENUMBERING AND RESTRUCTURING;
SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

WHEREAS, Levan Town (hereafter "Town") is a municipal corporation, duly organized and existing under the laws of the State of Utah;

WHEREAS, *Utah Code Annotated* §§10-8-84 and 10-8-60, 1953, as amended, allows the Town to exercise certain police powers and nuisance abatement powers, including but not limited to providing for safety and preservation of health, promotion of prosperity, improve community well-being, peace and good order for the inhabitants of the City;

WHEREAS, in accordance with *Utah Code Annotated* §10-3-707, 1953, the Town is "empowered to revise, codify and compile from time to time and to publish in book, pamphlet or loose-leaf form all ordinances of the municipality of a general and permanent character and to make such changes, alterations, modifications, additions, and substitutions therein as it may deem best to the end that a complete simplified code of the ordinances then enforced shall be presented, but with errors, inconsistencies, repetitions, and ambiguities therein eliminated."

WHEREAS, the Town retained the services of Municipal Code Online, Inc., to provide initial codification services and ongoing online support for the *Levan Town Municipal Code*;

WHEREAS, the Town desires to adopt the initial *Levan Town Municipal Code* along with the applicable maps and attachments provided herein;

NOW, THEREFORE, be it ordained by the Town Council of Levan Town, Utah, as follows:

Section 1: Repealer. All Ordinances of Levan Town, Utah, prior to the date of this Ordinance are hereby repealed, subsumed, and replaced with the *Levan Town Municipal Code* adopted herein.

Section 2: Adoption. The *Levan Town Municipal Code* attached hereto as Exhibit "A" along with and including all Town Maps and other attached documents is hereby adopted in its entirety as provided in Exhibit "A" and incorporated herein by this reference.

Section 3. Effective Date. This Ordinance shall take effect immediately upon posting or publication.

PASSED AND ADOPTED by the Town Council on this 12th day of July, 2017.

Russell Mangelson
RUSSELL MANGELSON, Mayor, Levan Town

ATTEST:

Elizabeth H. Hone
ELIZABETH H. HONE, Town Clerk



RECORDED this 12th day of July, 2017.
PUBLISHED OR POSTED this 26th day of July, 2017.

CERTIFICATE OF PASSAGE AND PUBLICATION OR POSTING

According to the provision of U.C.A. '10-3-713, 1953 as amended, I, the Town Clerk of Levan Town, hereby certify that foregoing ordinance was duly passed and published, or posted at:

- 1) Town Hall,
- 2) Levan Post Office, and
- 3) Country Junction, on the above referenced dates.

Elizabeth H. Hone
ELIZABETH H. HONE, Town Clerk

DATE: July 26, 2017



Levan Town
Juab County, Utah

Municipal Code

Compiled: Wednesday, June 7, 2017

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PREFACE

The Town Code of Levan, Utah was initially published by Sterling Codifiers. In 2015, codification and administration of the Town Code began in-house under the direction of Town Recorder Elizabeth Hone, and with the assistance of Municipal Code Online, Inc. This Town Code shall be cited as the Levan Municipal Code or "LMC" as an acronym.

Levan Town Code (LMC) comprises three core elements:

- A Code System which provides structure to the Legislation
- The Legislation itself (passed by Ordinance, or Resolution in specific cases)
- The "Legislative History" of the Legislation

1. LMC's Code System maintains a structure by subject matter using a *decimal* numbering system that separates title, chapter and section (for example: 1.01.010). This complete set of numbers is designed to aid in searching, organizing and referencing the Town Code, and to assist in subsequent codification as new ordinances are added. Vacant titles, chapters, or sections may be designed for future use and may be marked "Reserved" to ease internal expansion.
 - a. The first number in the sequence (1.01.010) designates the title level.
 - b. The second series in the sequence (1.01.010) designates the chapter level.
 - c. The third series in the sequence (1.01.010) designates the section level.
 - d. *If* there is a fourth series in the sequence, it may designate a subsection level.
2. LMC's Legislation is passed by Ordinance. Legislations may contain an unordered list (using bullets, discs, squares, etc.), or an alphanumeric list, arranged to show hierarchical relationships
3. Legislative History *beneath* each legislation identifies the specific legal sources of a section.

The Town Code is supplemented from time to time with amendments and additions made by Levan Town. The specific legal sources that comprise this Town Code have been adapted during the codification process from the original formatting of the official hard copy. In the event of discrepancies between the online Town Code and the official hard copy, the official hard copy governs. Municipal Code Online, Inc., provides a searchable database of the Town Code for easy reference and convenience.

NOTICE: THE TOWN CODE MAY NOT REFLECT ALL OR THE MOST CURRENT VERSION OF LEGISLATION ADOPTED BY THE TOWN COUNCIL THAT HAS YET TO BE UPDATED ONLINE. IN THE EVENT OF CONFLICT BETWEEN THE TOWN CODE AND A WRITTEN ORDINANCE, THE ORDINANCE TYPICALLY GOVERNS. ALSO, THE TOWN CODE MAY NOT REFLECT RULES OR OTHER REGULATIONS PROMULGATED UNDER THE AUTHORITY OF THE CODE, INCLUDING TECHNICAL SPECIFICATIONS. FOR MORE INFORMATION CONTACT ELIZABETH HONE, TOWN CLERK at 435-623-1959.

1 GENERAL PROVISIONS

1.02 GENERAL PROVISIONS

1.04 CONSTRUCTION OF PENALTIES

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1.02 GENERAL PROVISIONS

1.02.010 NAME OF CODE

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1.02.030 NUMBERING OF ORDINANCES

1.02.040 REPEAL OF EXISTING ORDINANCES

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1.02.090 SEVERABILITY

1.02.010 NAME OF CODE

The ordinances contained in this code and all ordinances of a general nature hereafter adopted and inserted herein and all amendments, additions and changes thereto shall be part of this code and shall be known and cited as the "Revised Ordinances of Levan."

1.02.020 DEFINITION AND RULES OF CONSTRUCTION

In the construction of the ordinances of this municipality, the following rules and definitions shall be observed and applied unless such construction would be inconsistent with the manifest intent of these ordinances:

General rule. All words and phrases shall be construed and understood according to the common use and understanding of the language; the technical words and phrases and such other words and phrases as may have acquired a particular meaning in law shall be construed and understood according to such particular meaning.

Gender - singular and plural. Unless otherwise indicated from the context of the ordinance, all words used in the singular shall include the plural and all words used in the masculine gender shall extend to and apply to the feminine gender.

Person. The term "person" includes all individuals both male and female, any governmental agency, corporation, partnership, association, company, and every other form of organization whether formed voluntarily or involuntarily.

Tenses. The use of any verb in the present tense shall include the future and past tense when applicable.

Highway - Road. The terms "highway" and "road" include public bridges, and may be equivalent to the words "county way," "county road," "common road" and "state road."

Street. The term "street" includes alleys, lanes, courts, boulevards, public ways, public squares, public places, sidewalks, gutters and culverts, crosswalks, and intersections.

Business. The term "business" includes any trade, profession, calling, activity, operation or enterprise for which a license is required by any ordinance of this municipality.

License. The term "license" includes any certificate or license issued by this municipality.

Property. The term "property" includes both real and personal property.

Owner. The term "owner" applied to a building or land shall include any part owner, joint owner, tenant in common, joint tenant or leasee of a whole or part of such building or land.

Tenant - Occupant. The term "tenant" or "occupant" applied to a building or land shall apply to any person who occupies all or any part of such building or land either alone or with others.

Reasonable time. In all cases where any ordinance requires that an act be done in a reasonable time or that reasonable notice be given, such reasonable time for such notice shall be deemed to mean such time as may be necessary for the expeditious performance of such duty or compliance with such notice.

Time - how computed. The time within which an act is to be done as provided in any ordinance or in any resolution or order of this municipality, when expressed in days, shall be determined by excluding the first day and including the last day, except if the last day be a Sunday or a holiday, then the last day shall be the next day following such Sunday or holiday which is not a Sunday or holiday. When time is expressed in hours, Sundays and all holidays shall be excluded.

Week. The word "week" shall be construed to mean any seven-day period.

Location. Whenever any act, conduct or offense is prohibited or required and no reference is made to location, unless the context specifically indicates otherwise, the act, conduct, or offense prohibited or required shall be within the boundaries of this municipality.

Chief of police, city marshal, town marshal or marshal. The terms "chief of police," "city marshal," "town marshal" or "marshal" as used in this code all have the same meaning and may be used interchangeably.

Municipality. The word "municipality" as used throughout this code means the Town of Levan.

Governing Body. The word "governing body" as used throughout this code means the town council of this municipality.

Offense. Offense means any act, action, or conduct prohibited by this code or the failure to perform any acts required in this code.

Officer or Officials. The terms "officer" or "official" as used in this code mean any elected or appointed person employed by the municipality unless the context clearly indicates otherwise.

Clerk. The term "clerk" means the individual appointed to act as the clerk of the municipality.

1.02.030 NUMBERING OF ORDINANCES

- A. The clerk shall, in so far as possible, assign all ordinances of a general nature adopted after these revised ordinances a number which shall conform to the numbering system used in this code and shall indicate upon the face of the ordinance the date adopted.
- B. The clerk shall keep all ordinances of a local, private or temporary nature, including franchises, grants, dedications, bond issues and tax levies, in a separate book of "Special Ordinances" properly indexed and organized according to date adopted. The first number of such an ordinance shall be the last two digits of the year the ordinance is adopted, followed by a dash which is followed by a number which shall be a sequential, ascending number indicating the order in which such special ordinance was adopted during the year.
- C. Failure to comply with this chapter shall not affect or render invalid any ordinance of this municipality.

1.02.040 REPEAL OF EXISTING ORDINANCES

- A. So far as the provisions of these Revised Ordinances are the same as those of previously existing ordinances, they shall be construed as continuations thereof. All ordinances and resolutions of this municipality heretofore in force, except such as are of a private, local or temporary nature including franchises, grants, dedications, bond issues, elections and special levies for local assessments, hereby are repealed except as otherwise provided in sub-section (B) of this section.
- B. Those ordinances of this municipality which are of a general nature which are not repealed and which the clerk is hereby authorized and directed to insert in the appropriate place in this code and which shall be deemed part of this code are:
 - 1. Zoning Ordinances
 - 2. Ordinances of Levan
 - 3. Resolutions of Levan

- 4. GRAMA
- 5. Special Section

C. The fees or charges established by the ordinances repealed by this code of revised ordinances shall remain in effect until subsequently changed by ordinance or resolution, except that the fees and charges established by this code of revised ordinances shall prevail in the event of a conflict.

1.02.050 EFFECT OF REPEALING ORDINANCES

The repeal of the ordinances as provided in LMC 1.02.040, shall not affect any debt or fee which is accrued, any duty imposed, any penalty incurred, nor any action or proceeding commenced under or by virtue of the ordinances repealed or the term of office of any person holding office at the time these ordinances take effect; nor shall the repeal of any ordinance have the effect of reviving any ordinance heretofore repealed or superseded.

1.02.060 EFFECTIVE DATE

These Recompiled Ordinances shall become effective December 9, 2009. The original ordinances before updates were made effective 03/1983.

1.02.070 STATUTES OR CODES INCLUDED AND EXCLUDED

Any reference or citation to any statute shall not be interpreted or construed to include, incorporate or make the citation or statute part of this code unless the provisions of this code specifically include, incorporate, or make the citation or statute part of this code by reference or incorporation, and any such reference or citation not specifically included or incorporated may be changed, amended or deleted without publication on an order of the governing body.

1.02.080 CAPTIONS

The captions in this code immediately preceding each section are intended as mere captions to indicate the content of this section and shall not be deemed or taken to be part of the sections.

1.02.090 SEVERABILITY

It is hereby declared to be the intention of the governing body that the sections, paragraphs, sentences, clauses and phrases of this code are severable, and if any phrase, clause, sentence, paragraph or section of this code shall be declared unconstitutional or without effect by any final judgment or decree of a court of competent jurisdiction, such judgment or decree shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this code.

1.04 CONSTRUCTION OF PENALTIES

1.04.010 BURDEN OF PROOF

1.04.020 DEFINITIONS

1.04.030 INTRODUCTORY PROVISIONS TO CONSTRUCTION OF CRIMES UNDER THIS CODE

1.04.040 JURISDICTION AND VENUE

1.04.050 LIMITATION OF ACTIONS

1.04.060 MULTIPLE PROSECUTION AND DOUBLE JEOPARDY; CRIMINAL JOINDER

1.04.010 BURDEN OF PROOF

A. 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.

1.04.020 DEFINITIONS

A. INCORPORATION OF STATE CODE. The provisions of Utah Code Annotated 76-1-601 are hereby adopted and incorporated herein by reference.

1.04.030 INTRODUCTORY PROVISIONS TO CONSTRUCTION OF CRIMES UNDER THIS CODE

A. APPLICATION OF CODE; OFFENSE PRIOR TO EFFECTIVE DATE

1. 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.
 2. 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.
- B. PURPOSES AND PRINCIPLES OF CONSTRUCTION. The provisions of this code shall be construed in accordance with these general purposes to:
1. Forbid and prevent the commission of offenses.
 2. Define adequately the conduct and mental state which constitute each offense and safeguard conduct that which without fault from condemnation as criminal.
 3. Prescribe penalties which are proportionate to the seriousness of offenses and which permit recognition of differences in rehabilitation possibilities among individual offenders.
 4. Prevent arbitrary or oppressive treatment of persons accused or convicted of offenses.
- C. CRIMES ABOLISHED. No conduct is a crime or an offense unless made so by this code, other ordinances or other applicable statute.
- D. 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 sub-section (B).
- E. PROCEDURE; GOVERNED BY STATE AND CONSTITUTIONAL PROVISIONS LIABILITY FOR CIVIL DAMAGES NOT AFFECTED
1. 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.
 2. 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.

1.04.040 JURISDICTION AND VENUE

A. JURISDICTION OF OFFENSES

1. 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:
 - a. The offense is committed either wholly or partly within the municipality; or
 - b. The conduct outside this municipality constitutes an attempt within this municipality; or
 - c. 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
 - d. 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.
2. 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.
3. 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.

1.04.050 LIMITATION OF ACTIONS

- A. 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.
- B. MISDEMEANOR; ANY INFRACTION; COMMENCEMENT OR PROSECUTION.

1. Except as otherwise provided in this part, prosecutions for other offenses are subject to the following periods of limitation:
 - a. A prosecution for a misdemeanor must be commenced within two years after it is committed;
 - b. A prosecution for any infraction must be commenced within one year after it is committed;
 2. The prosecution is commenced on the filing of a complaint or information.
- C. FRAUD OR BREACH OF FIDUCIARY OBLIGATION; MISCONDUCT BY PUBLIC OFFICER OR EMPLOYEE. If the period prescribed in sub-section (B)(1) above has expired, a prosecution may nevertheless be commenced for:
1. 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
 2. 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.
- D. 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.
- E. 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.

1.04.060 MULTIPLE PROSECUTION AND DOUBLE JEOPARDY: CRIMINAL JOINDER

- A. "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.

- B. 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.
- C. JOINDER OF OFFENSES AND DEFENDANTS.
1. 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.
 2. 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.

1.06 PRINCIPLES OF CRIMINAL RESPONSIBILITY

1.06.010 CULPABILITY GENERALLY

1.06.020 CRIMINAL RESPONSIBILITY FOR CONDUCT OF ANOTHER

1.06.030 DEFENSES TO CRIMINAL RESPONSIBILITY

1.06.040 JUSTIFICATION EXCLUDING CRIMINAL RESPONSIBILITY

1.06.010 CULPABILITY GENERALLY

- A. 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.

1.06.020 CRIMINAL RESPONSIBILITY FOR CONDUCT OF ANOTHER

- A. 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.

1.06.030 DEFENSES TO CRIMINAL RESPONSIBILITY

- A. 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.

1.06.040 JUSTIFICATION EXCLUDING CRIMINAL RESPONSIBILITY

- A. 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.

1.08 PUNISHMENTS

1.08.010 CLASSIFICATION OF OFFENSES

1.08.020 SENTENCING

1.08.030 FINES AND SPECIAL SANCTIONS

1.08.040 LIMITATIONS AND SPECIAL PROVISIONS ON SENTENCES

1.08.050 EXTENT OF POWER EXERCISED BY ORDINANCE

1.08.060 CRIMINAL PENALTIES FOR VIOLATION OF ORDINANCE; CIVIL PENALTIES PROHIBITED; EXCEPTIONS

1.08.010 CLASSIFICATION OF OFFENSES

A. SENTENCING IN ACCORDANCE WITH TITLE

1. 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 title.
2. Ordinances enacted after the effective date of this code which involve an offense should be classified for sentencing purposes in accordance with this title, unless otherwise expressly provided.

B. DESIGNATION OF OFFENSES. Offenses are designated as misdemeanors or infractions.

C. MISDEMEANORS CLASSIFIED.

1. Misdemeanors are classified into two categories:
 - a. Class B misdemeanors.
 - b. Class C misdemeanors.
2. An offense designated as a misdemeanor or any act prohibited or declared to be unlawful in this code or in an ordinance of this municipality when no other specification as to punishment or category is made, is a class B misdemeanor.

D. INFRACTIONS

1. Infractions are not classified.
2. 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.

E. 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.

1.08.020 SENTENCING

A. 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 any one of the following sentences or a combination of such sentences:

1. To pay a fine; or
2. To probation; or
3. To imprisonment.

4. (Reserved)

B. MISDEMEANOR CONVICTION—TERM OF IMPRISONMENT. A person who has been convicted of a misdemeanor may be sentenced to imprisonment as follows:

1. In the case of a class B misdemeanor, for a term not exceeding six months;
2. In the case of a class C misdemeanor, for a term not exceeding ninety days.

C. INFRACTION CONVICTION—FINE, FORFEITURE, AND DISQUALIFICATION.

1. A person convicted of an infraction may not be imprisoned but may be subject to a fine, forfeiture or both.
2. Whenever a person is convicted of an infraction and no punishment is specified, the person may be fined as for a class C misdemeanor.

1.08.030 FINES AND SPECIAL SANCTIONS

A. 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 \$299.00 when the conviction is of a class B or C misdemeanor or infraction.

B. 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 \$299.00 when the conviction is for a class B or C misdemeanor or infraction.

1.08.040 LIMITATIONS AND SPECIAL PROVISIONS ON SENTENCES

A. 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.

1.08.050 EXTENT OF POWER EXERCISED BY ORDINANCE

The governing body may pass any ordinance to regulate, require, prohibit, govern, control or supervise any activity, business, conduct or condition authorized by this act or any other provision of law. An officer of the municipality shall not be convicted of a criminal offense where he relied on or enforced an ordinance he reasonably believed to be a valid ordinance. It shall be a defense to any action for punitive damages that the official acted in good faith in enforcing an ordinance or that he enforced an ordinance on advice of legal counsel.

1.08.060 CRIMINAL PENALTIES FOR VIOLATION OF ORDINANCE: CIVIL PENALTIES PROHIBITED: EXCEPTIONS

A. The governing body of each municipality may impose a minimum criminal penalty for the violation of any municipal ordinance by a fine not to exceed the maximum class B misdemeanor fine under Section 76-3-301 or by a term of imprisonment up to six months, or by both the fine and term of imprisonment.

B.

1. Except as provided in sub-section (B)(2), the governing body may prescribe a minimum civil penalty for the violation of any municipal ordinance by a fine not to exceed the maximum class B misdemeanor fine under Section 76-3-301.
2. A municipality may not impose a civil penalty and adjudication for the violation of a municipal moving traffic ordinance.

1.10 ADMINISTRATIVE REMEDIES

1.10.010 HEARINGS

1.10.010 HEARINGS

A. 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:

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

B. FORM OF REQUEST. The request for hearing must be made in writing to the mayor or clerk within 30 days following the date notice denying, refusing, 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.

C. PROCEDURE

1. 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.
2. 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.
3. 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.

D. 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.

2 ADMINISTRATIVE CODE

2.02 THE GOVERNING BODY

2.04 ELECTION OF GOVERNING BODY

2.06 MEMBERSHIP ON GOVERNING BODY, VACANCIES AND POWER TO VOTE

2.08 MAYOR AS MEMBER OF GOVERNING BODY

2.10 APPOINTED OFFICIALS AND THEIR DUTIES

2.12 ELECTIONS (Reserved)

2.14 COURTS (Reserved)

2.16 POLICE

2.20 CIVIL SERVICE COMMISSION

2.02 THE GOVERNING BODY

2.02.010 LEGISLATIVE AND EXECUTIVE POWERS

2.02.020 OTHER FUNCTIONS

2.02.030 IN CITIES OF THE FIRST CLASS

2.02.040 IN CITIES OF THE SECOND CLASS

2.02.050 IN CITIES OF THE THIRD CLASS

2.02.060 IN TOWNS

2.02.010 LEGISLATIVE AND EXECUTIVE POWERS

See U.C.A. § 10-3-101.

2.02.020 OTHER FUNCTIONS

See U.C.A. § 10-3-102.

2.02.030 IN CITIES OF THE FIRST CLASS

See U.C.A. § 10-3-103.

2.02.040 IN CITIES OF THE SECOND CLASS

See U.C.A. § 10-3-104.

2.02.050 IN CITIES OF THE THIRD CLASS

See U.C.A. § 10-3-105.

2.02.060 IN TOWNS

See U.C.A. § 10-3-106.

2.04 ELECTION OF GOVERNING BODY

2.04.010 MUNICIPAL ELECTION; TERMS OF OFFICE

2.04.020 TERMS OF ELECTED MUNICIPAL OFFICERS

2.04.030 ELECTION OF OFFICERS IN CITIES OF THE FIRST CLASS

2.04.040 ELECTION OF OFFICERS IN CITIES OF THE SECOND CLASS

2.04.050 ELECTION OF OFFICERS IN CITIES OF THE THIRD CLASS

2.04.060 ELECTION OF OFFICERS IN TOWNS

2.04.070 DETERMINING TWO AND FOUR YEAR TERMS

2.04.080 ELECTION EXPENSES TO BE PUBLISHED; PENALTY

2.04.010 MUNICIPAL ELECTION; TERMS OF OFFICE

See U.C.A. § 10-3-201.

2.04.020 TERMS OF ELECTED MUNICIPAL OFFICERS

See U.C.A. § 10-3-202.

2.04.030 ELECTION OF OFFICERS IN CITIES OF THE FIRST CLASS

See U.C.A. § 10-3-203.

2.04.040 ELECTION OF OFFICERS IN CITIES OF THE SECOND CLASS

See U.C.A. § 10-3-204.

2.04.050 ELECTION OF OFFICERS IN CITIES OF THE THIRD CLASS

See U.C.A. § 10-3-205.

2.04.060 ELECTION OF OFFICERS IN TOWNS

See U.C.A. § 10-3-206.

2.04.070 DETERMINING TWO AND FOUR YEAR TERMS

See U.C.A. § 10-3-207.

2.04.080 ELECTION EXPENSES TO BE PUBLISHED: PENALTY

See U.C.A. § 10-3-208.

2.06 MEMBERSHIP ON GOVERNING BODY, VACANCIES AND POWER TO VOTE

2.06.010 ELIGIBILITY AND QUALIFICATIONS

2.06.020 VACANCIES IN OFFICES IN CITIES OF THE FIRST AND SECOND CLASS

2.06.030 VACANCIES IN OFFICES IN CITIES OF THE THIRD CLASS AND TOWNS

2.06.010 ELIGIBILITY AND QUALIFICATIONS

See U.C.A. § 10-3-301.

2.06.020 VACANCIES IN OFFICES IN CITIES OF THE FIRST AND SECOND CLASS

See U.C.A. § 10-3-302.

2.06.030 VACANCIES IN OFFICES IN CITIES OF THE THIRD CLASS AND TOWNS

See U.C.A. § 10-3-303.

2.08 MAYOR AS MEMBER OF GOVERNING BODY

2.08.010 MAYOR AS A VOTING MEMBER OF GOVERNING BODY

2.08.020 MAYOR IN THIRD CLASS CITY: NO VOTE EXCEPT IN CASE OF A TIE

2.08.030 MAYOR AS PRESIDING OFFICER: MAYOR PRO TEMPORE

2.08.040 NO VETO

2.08.010 MAYOR AS A VOTING MEMBER OF GOVERNING BODY

See U.C.A. § 10-3-401.

2.08.020 MAYOR IN THIRD CLASS CITY: NO VOTE EXCEPT IN CASE OF A TIE

See U.C.A. § 10-3-402.

2.08.030 MAYOR AS PRESIDING OFFICER: MAYOR PRO TEMPORE

See U.C.A. § 10-3-403.

2.08.040 NO VETO

See U.C.A. § 10-3-404.

2.10 APPOINTED OFFICIALS AND THEIR DUTIES

2.10.010 CREATING OFFICES; FILLING VACANCIES
2.10.020 APPOINTMENT OF RECORDER, TREASURER, ENGINEER, ATTORNEY IN CITIES OF THE FIRST AND SECOND CLASS
2.10.030 CUSTODIAN OF RECORDS OF PUBLIC IMPROVEMENTS
2.10.040 BOOKS AND SUPPLIES; RECORDING, FILING AND INSPECTION
2.10.050 FEES TO BE PAID IN ADVANCE
2.10.060 SEAL
2.10.070 RECORDATION NOT TO INTERFERE WITH OTHER RECORDATION
2.10.080 NONCOMPLIANCE A MISDEMEANOR
2.10.090 POLICE AND FIRE DEPARTMENTS IN CITIES OF THE FIRST AND SECOND CLASS
2.10.100 HEADS OF DEPARTMENTS AND SUBORDINATE OFFICERS
2.10.110 REMOVAL OF DEPARTMENTAL HEADS
2.10.120 DEPARTMENT HEADS MAY SUSPEND SUBORDINATES
2.10.130 POWERS AND DUTIES OF CHIEF OF POLICE
2.10.140 POLICE OFFICERS; POWERS AND DUTIES
2.10.150 RIGHTS TO ARREST WITHOUT WARRANT
2.10.160 RECORDER, TREASURER, MARSHALL IN CITIES OF THE THIRD CLASS AND TOWNS
2.10.170 ENGINEER IN CITIES OF THE THIRD CLASS AND TOWNS
2.10.180 MARSHALL IN THIRD CLASS CITIES AND TOWNS
2.10.190 POWERS, DUTIES AND OBLIGATIONS OF POLICE CHIEF, MARSHALL AND THEIR ASSISTANTS IN CITIES OF THE THIRD CLASS AND TOWNS
2.10.200 BAIL COMMISSIONER; POWERS AND DUTIES
2.10.210 FINES; COLLECTION BY BAIL COMMISSIONER; ACCOUNTING
2.10.220 TERM OF BAIL COMMISSIONERS; SALARY; BOND OF OATH
2.10.230 CITY AND TOWN JUSTICES OF THE PEACE; APPOINTMENT; VACANCIES DISQUALIFICATION; COMPENSATION; PAYMENT OF FEES, FINES, FOR FEATUES OR OTHER SUMS TO TREASURER
2.10.240 APPOINTMENT OF MANAGER
2.10.250 TERM OF OFFICE
2.10.260 DUTIES OF THE MANAGER
2.10.270 LEGISLATIVE POWERS AND OFFICIAL POSITION OF THE MAYOR NOT DELEGATED
2.10.280 ATTORNEY

2.10.010 CREATING OFFICES; FILLING VACANCIES

See U.C.A. § 10-3-901.

2.10.020 APPOINTMENT OF RECORDER, TREASURER, ENGINEER, ATTORNEY IN CITIES OF THE FIRST AND SECOND CLASS

See U.C.A. § 10-3-902.

2.10.030 CUSTODIAN OF RECORDS OF PUBLIC IMPROVEMENTS

See U.C.A. § 10-3-903.

2.10.040 BOOKS AND SUPPLIES; RECORDING, FILING AND INSPECTION

See U.C.A. § 10-3-904.

2.10.050 FEES TO BE PAID IN ADVANCE

See U.C.A. § 10-3-905.

2.10.060 SEAL

See U.C.A. § 10-3-906.

2.10.070 RECORDATION NOT TO INTERFERE WITH OTHER RECORDATION

See U.C.A. § 10-3-907.

2.10.080 NONCOMPLIANCE A MISDEMEANOR

See U.C.A. § 10-3-908.

2.10.090 POLICE AND FIRE DEPARTMENTS IN CITIES OF THE FIRST AND SECOND CLASS

See U.C.A. § 10-3-909.

2.10.100 HEADS OF DEPARTMENTS AND SUBORDINATE OFFICERS

See U.C.A. § 10-3-910.

2.10.110 REMOVAL OF DEPARTMENTAL HEADS

See U.C.A. § 10-3-911.

2.10.120 DEPARTMENT HEADS MAY SUSPEND SUBORDINATES

See U.C.A. §10-3-912.

2.10.130 POWERS AND DUTIES OF CHIEF OF POLICE

See U.C.A. §10-3-913.

2.10.140 POLICE OFFICERS: POWERS AND DUTIES

See U.C.A. §10-3-914.

2.10.150 RIGHTS TO ARREST WITHOUT WARRANT

See U.C.A. §10-3-915.

2.10.160 RECORDER, TREASURER, MARSHALL IN CITIES OF THE THIRD CLASS AND TOWNS

See U.C.A. §10-3-916.

2.10.170 ENGINEER IN CITIES OF THE THIRD CLASS AND TOWNS

See U.C.A. §10-3-917.

2.10.180 MARSHALL IN THIRD CLASS CITIES AND TOWNS

See U.C.A. §10-3-918.

2.10.190 POWERS, DUTIES AND OBLIGATIONS OF POLICE CHIEF, MARSHALL AND THEIR ASSISTANTS IN CITIES OF THE THIRD CLASS AND TOWNS

See U.C.A. §10-3-919.

2.10.200 BAIL COMMISSIONER: POWERS AND DUTIES

See U.C.A. § 10-3-920.

2.10.210 FINES: COLLECTION BY BAIL COMMISSIONER: ACCOUNTING

See U.C.A. § 10-3-921.

2.10.220 TERM OF BAIL COMMISSIONERS: SALARY: BOND OF OATH

See U.C.A. § 10-3-922.

2.10.230 CITY AND TOWN JUSTICES OF THE PEACE: APPOINTMENT: VACANCIES DISQUALIFICATION: COMPENSATION: PAYMENT OF FEES, FINES, FOR FEETURES OR OTHER SUMS TO TREASURER

See U.C.A. § 10-3-923.

2.10.240 APPOINTMENT OF MANAGER

See U.C.A. § 10-3-924.

2.10.250 TERM OF OFFICE

See U.C.A. § 10-3-925.

2.10.260 DUTIES OF THE MANAGER

See U.C.A. § 10-3-926.

2.10.270 LEGISLATIVE POWERS AND OFFICIAL POSITION OF THE MAYOR NOT DELEGATED

See U.C.A. § 10-3-927.

2.10.280 ATTORNEY

See U.C.A. § 10-3-928.

2.12 ELECTIONS (Reserved)

2.14 COURTS (Reserved)

2.16 POLICE

2.16.010 POLICE DEPARTMENT

2.16.020 JAIL

2.16.010 POLICE DEPARTMENT

- A. 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. The governing body may contract with any person, county, municipality or combination thereof for the purpose of providing a suitable police powers.
- B. MARSHAL; CHIEF OF POLICE
 - 1. 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.
 - 2. 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.
 - 3. 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.
- C. ADDITIONAL POWERS AND DUTIES OF POLICEMEN. 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:
 - 1. 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.
 - 2. To execute and serve all warrants, processes, commitments, and writs whatsoever issued by the justice of the peace.
 - 3. 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.
- D. 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.
- E. PROPERTY TAKEN FROM THE PERSON ARRESTED; TRIPPLICATE RECEIPTS. When money or other property is taken from a person arrested upon a charge of a public offense, the officer taking it must at the time issue triplicate receipts therefore specifying particularly the amount of money or kind of property taken. One of the

receipts he must deliver to the person arrested. Another he must forthwith file with the clerk of the court to which the complaint and other papers in the case are required by law to be sent. The third receipt must be sent at once to the office of the police department.

- F. REGISTER OF PROPERTY TO BE KEPT. The chief of police must enter or cause to be entered in a suitable book a description of every article of property alleged to be stolen or embezzled and brought into his office or taken from the person of the prisoner and must attach a number to each article and make a corresponding entry thereof.
- G. STOLEN PROPERTY DISPOSITION. It shall be the duty of the chief of police to keep all lost or stolen property that comes into the possession of the police department or any of its members. He shall make all reasonable efforts to discover the owners thereof.

2.16.020 JAIL

A. GOVERNING BODY TO PROVIDE

- 1. The governing body shall provide for a place of incarceration which shall be the municipal jail.
- 2. 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.

B. JAILER. Until another person is appointed, the chief of police shall be ex officio jailer. The jailer shall:

- 1. Receive and safely keep all persons duly committed to his custody and file and preserve all commitments by which persons are committed.
- 2. 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.

C. 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.

D. 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.

E. 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.

F. WORK TO BE PERFORMED UNDER THE DIRECTION OF THE JAILER. The labor on public works and ways shall be designated by and performed under the direction of the jailer, which labor may include, among other things, clerical, janitorial, car washing, common and menial labor performed in and upon any building, road, or property owned or maintained by the municipality. The labor required by this section shall be performed in addition to that labor required by jail regulations to be performed by all prisoners confined in the jail in cleaning and maintaining their cells.

G. TIME OFF FOR WORK PERFORMED. For each month in which a prisoner confined or committed to the jail has actually and satisfactorily performed work as reported and recorded by the officer in charge, five days shall be deducted from his period of confinement. The reduction of sentence allowed pursuant to this part shall be in addition to the reduction allowed by sub-section (I) below, but no prisoner shall be granted a total reduction of sentence under this part in excess of ten days for any single month. Proportionate reductions shall be made for the fractional period of a month included in any sentence.

H. FAILURE TO PERFORM WORK MADE BREACH OF RULES. Failure to perform the specified labor, except when the strength of the prisoner will not permit, shall constitute a breach of the rules of the municipal jail, and no reduction of sentence shall be allowed under sub-section (I) below.

I. TIME OFF FOR GOOD BEHAVIOR

- 1. Every person undergoing sentence for thirty days or more who has not been guilty of a breach of the rules of the prison shall be entitled to a reduction for the period of his sentence as follows: 1) From a term of one month, five days; 2) from a term of two months, ten days; 3) from a term of three months, fifteen days; 4) from a term of four months, twenty days; 5) from a term of five months, twenty-five days; 6) from a term of six months, thirty days.
- 2. Proportionate reductions shall be made for the fractional parts of a month included in any sentence.

2.20 CIVIL SERVICE COMMISSION

2.20.010 SUBORDINATES IN POLICE, HEALTH, AND FIRE DEPARTMENTS TO BE APPOINTED FROM LIST

2.20.020 CLASSIFIED CIVIL SERVICE; EMPLOYMENT CONSTITUTING

2.20.030 COMMISSION; NUMBER, TERM, VACANCIES

2.20.040 QUALIFICATIONS OF COMMISSIONERS; SALARY; REMOVAL

2.20.050 ORGANIZATION OF COMMISSION; SECRETARY; OFFICES

2.20.060 RULES AND REGULATIONS; PRINTING AND DISTRIBUTION

2.20.070 EXAMINATIONS

2.20.080 APPOINTMENTS FROM CIVIL SERVICE LIST; PROBATION PERIOD

2.20.090 CERTIFICATION OF APPLICANTS FOR POSITION; NUMBER ELIGIBLE LISTS, REMOVAL

2.20.100 PROMOTIONS; BASIS; CERTIFICATION OF APPLICANTS

2.20.110 TEMPORARY EMPLOYEES

2.20.120 DISCHARGE BY DEPARTMENT HEAD; APPEAL TO COMMISSION HEARING AND DECISION

2.20.130 ANNUAL AND SPECIAL REPORTS BY COMMISSION

2.20.010 SUBORDINATES IN POLICE, HEALTH, AND FIRE DEPARTMENTS TO BE APPOINTED FROM LIST

See U.C.A. § 10-3-1001.

2.20.020 CLASSIFIED CIVIL SERVICE; EMPLOYMENT CONSTITUTING

See U.C.A. § 10-3-1002.

2.20.030 COMMISSION; NUMBER, TERM, VACANCIES

See U.C.A. § 10-3-1003.

2.20.040 QUALIFICATIONS OF COMMISSIONERS; SALARY; REMOVAL

See U.C.A. § 10-3-1004.

2.20.050 ORGANIZATION OF COMMISSION; SECRETARY; OFFICES

See U.C.A. § 10-3-1005.

2.20.060 RULES AND REGULATIONS; PRINTING AND DISTRIBUTION

See U.C.A. § 10-3-1006.

2.20.070 EXAMINATIONS

See U.C.A. § 10-3-1007.

2.20.080 APPOINTMENTS FROM CIVIL SERVICE LIST; PROBATION PERIOD

See U.C.A. § 10-3-1008.

2.20.090 CERTIFICATION OF APPLICANTS FOR POSITION; NUMBER ELIGIBLE LISTS, REMOVAL

See U.C.A. § 10-3-1009.

2.20.100 PROMOTIONS; BASIS; CERTIFICATION OF APPLICANTS

See U.C.A. § 10-3-1010.

2.20.110 TEMPORARY EMPLOYEES

See U.C.A. § 10-3-1011.

2.20.120 DISCHARGE BY DEPARTMENT HEAD; APPEAL TO COMMISSION HEARING AND DECISION

See U.C.A. § 10-3-1012.

2.20.130 ANNUAL AND SPECIAL REPORTS BY COMMISSION

See U.C.A. § 10-3-1013.

3 MUNICIPAL PROCEDURES

3.02 PERSONNEL RULES AND BENEFITS

3.04 MEETINGS, PROCEDURE, CONDUCT AND VOTING

3.06 PUBLIC MEETINGS, EXECUTIVE SESSIONS, RECORDS AND PUBLICATION, PROCEDURE

3.08 MUNICIPAL ORDINANCES, RESOLUTIONS AND PROCEDURE

3.10 MUNICIPAL ADMINISTRATION

3.12 INCORPORATION, CLASSIFICATION, BOUNDARIES, CONSOLIDATION AND DISSOLUTION OF MUNICIPALITY

3.02 PERSONNEL RULES AND BENEFITS

3.02.010 MONTHLY PENSION AND HEALTH OR TERMINATION BENEFITS AUTHORIZED FOR OFFICERS OR EMPLOYEES - ADMINISTRATION OF SYSTEMS

3.02.020 CREATION AND ADMINISTRATION OF RETIREMENT SYSTEMS

3.02.030 SICKNESS, DISABILITY AND DEATH BENEFITS

3.02.040 LIBRARY PERSONNEL; MONTHLY WAGE DEDUCTIONS AND MATCHING SUMS; TIME OF INCLUSION

3.02.050 APPOINTIVE OFFICERS AND EMPLOYEES; DURATION AND TERMINATION OF TERM OF OFFICE

3.02.060 DISCHARGE OR TRANSFER; APPEALS; BOARD; PROCEDURE

3.02.070 COST OF LIVING ADJUSTMENT; PRICE INDEX USED

3.02.010 MONTHLY PENSION AND HEALTH OR TERMINATION BENEFITS AUTHORIZED FOR OFFICERS OR EMPLOYEES - ADMINISTRATION OF SYSTEMS

See U.C.A. § 10-3-1101.

3.02.020 CREATION AND ADMINISTRATION OF RETIREMENT SYSTEMS

See U.C.A. § 10-3-1102.

3.02.030 SICKNESS, DISABILITY AND DEATH BENEFITS

See U.C.A. § 10-3-1103.

3.02.040 LIBRARY PERSONNEL; MONTHLY WAGE DEDUCTIONS AND MATCHING SUMS; TIME OF INCLUSION

See U.C.A. § 10-3-1104.

3.02.050 APPOINTIVE OFFICERS AND EMPLOYEES; DURATION AND TERMINATION OF TERM OF OFFICE

See U.C.A. § 10-3-1105.

3.02.060 DISCHARGE OR TRANSFER; APPEALS; BOARD; PROCEDURE

See U.C.A. § 10-3-1106.

3.02.070 COST OF LIVING ADJUSTMENT; PRICE INDEX USED

See U.C.A. § 10-3-1107.

3.04 MEETINGS, PROCEDURE, CONDUCT AND VOTING

3.04.010 MEETINGS IN CITIES OF THE FIRST AND SECOND CLASS

3.04.020 TIME, PLACE; EXCEPTIONS

3.04.030 OPENING CEREMONIES AT LEVAN TOWN REGULAR COUNCIL MEETING

3.04.040 MEETINGS IN CITIES OF THE THIRD CLASS AND TOWNS

3.04.050 QUORUM NECESSARY TO DO BUSINESS

3.04.060 QUORUM DEFINED

3.04.070 ATTENDANCE

3.04.080 HOW THE VOTE IS TAKEN

3.04.090 MINIMUM VOTE REQUIRED

3.04.100 RECONSIDERATION

3.04.010 MEETINGS IN CITIES OF THE FIRST AND SECOND CLASS

See U.C.A. § 10-3-501.

3.04.020 TIME, PLACE; EXCEPTIONS

The governing body shall hold 12 regular meetings which shall be held on the 2nd Wednesday of each month at the Levan Town Hall, 20 North Main ,which meetings shall begin promptly at 7:00 o'clock p.m., 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.

3.04.030 OPENING CEREMONIES AT LEVAN TOWN REGULAR COUNCIL MEETING

- A. Anyone wishing to participate in the Levan Town Council Opening Ceremonies opening remarks may do so by requesting to be on the agenda (before it is posted) and then may participate at a future Levan Town Council Meeting for one to two minutes.
- B. If no person signs up to be on the agenda for the opening remarks portion of the opening ceremonies, the Mayor (or his substitute) may ask someone to participate in the Council Meeting opening ceremonies opening remarks.

3.04.040 MEETINGS IN CITIES OF THE THIRD CLASS AND TOWNS

See U.C.A. § 10-3-502.

3.04.050 QUORUM NECESSARY TO DO BUSINESS

See U.C.A. § 10-3-503.

3.04.060 QUORUM DEFINED

See U.C.A. § 10-3-504.

3.04.070 ATTENDANCE

See U.C.A. § 10-3-505.

3.04.080 HOW THE VOTE IS TAKEN

See U.C.A. § 10-3-506.

3.04.090 MINIMUM VOTE REQUIRED

See U § 10-3-507.

3.04.100 RECONSIDERATION

See U.C.A. § 10-3-508.

3.06 PUBLIC MEETINGS, EXECUTIVE SESSIONS, RECORDS AND PUBLICATION, PROCEDURE

3.06.010 BUSINESS OF GOVERNING BODY CONDUCTED ONLY IN OPEN MEETING

3.06.020 EXECUTIVE SESSIONS

3.06.030 PUBLIC RECORDS

3.06.040 PUBLICATION OR PROCEEDINGS, EXPENSES

3.06.050 PENALTY

3.06.060 RULES OF PROCEDURE

3.06.070 RULES OF CONDUCT FOR MEMBERS OF THE GOVERNING BODY

3.06.080 RULES OF CONDUCT FOR THE PUBLIC

3.06.090 ACTION ON COMMITTEE REPORTS

3.06.100 REQUIRING ATTENDANCE OF WITNESSES, PRODUCTION OF EVIDENCE

3.06.010 BUSINESS OF GOVERNING BODY CONDUCTED ONLY IN OPEN MEETING

See U.C.A. § 10-3-601.

3.06.020 EXECUTIVE SESSIONS

See U.C.A. § 10-3-602.

3.06.030 PUBLIC RECORDS

See U.C.A. § 10-3-603.

3.06.040 PUBLICATION OR PROCEEDINGS, EXPENSES

See U.C.A. § 10-3-604.

3.06.050 PENALTY

See U.C.A. § 10-3-605.

3.06.060 RULES OF PROCEDURE

See U.C.A. § 10-3-606.

3.06.070 RULES OF CONDUCT FOR MEMBERS OF THE GOVERNING BODY

See U.C.A. § 10-3-607.

3.06.080 RULES OF CONDUCT FOR THE PUBLIC

See U.C.A. § 10-3-608.

3.06.090 ACTION ON COMMITTEE REPORTS

See U.C.A. § 10-3-609.

3.06.100 REQUIRING ATTENDANCE OF WITNESSES, PRODUCTION OF EVIDENCE

See U.C.A. § 10-3-610.

3.08 MUNICIPAL ORDINANCES, RESOLUTIONS AND PROCEDURE

3.08.010 LEGISLATIVE POWER EXERCISED BY ORDINANCE

3.08.020 EXTENT OF POWER EXERCISED BY ORDINANCE

3.08.030 PENALTY FOR VIOLATION OF ORDINANCE

3.08.040 FORM OF ORDINANCE

3.08.050 REQUIREMENTS AS TO FORM

3.08.060 REVISION OF ORDINANCES

3.08.070 POWER TO CODIFY ORDINANCES

3.08.080 ARRANGEMENT OF ORDINANCES

3.08.090 REPEAL OF CONFLICTING PROVISIONS; TITLE

3.08.100 PUBLICATION IN BOOK, PAMPHLET OR LOOSE LEAF FORM; STATE STATUTES

3.08.110 PUBLICATION OF ORDINANCES

3.08.120 EFFECTIVE DATE

3.08.130 RECORDING, NUMBERING, AND CERTIFICATION OF PASSAGE

3.08.140 CONTENTS, DATES, PUBLICATION PROVIDED UNDER SEAL

3.08.150 MUNICIPAL ORDINANCES RECEIVED IN EVIDENCE

3.08.160 FINES AND FORFEITURES; DISPOSITION

3.08.170 PURPOSE OF RESOLUTIONS

3.08.180 FORM OF RESOLUTION

3.08.190 RESOLUTIONS NEED NO PUBLICATION EFFECTIVE DATE

3.08.010 LEGISLATIVE POWER EXERCISED BY ORDINANCE

See U.C.A. § 10-3-701.

3.08.020 EXTENT OF POWER EXERCISED BY ORDINANCE

See U.C.A. § 10-3-702.

3.08.030 PENALTY FOR VIOLATION OF ORDINANCE

See U.C.A. § 10-3-703.

3.08.040 FORM OF ORDINANCE

See U.C.A. § 10-3-704.

3.08.050 REQUIREMENTS AS TO FORM

See U.C.A. § 10-3-705.

3.08.060 REVISION OF ORDINANCES

See U.C.A. § 10-3-706.

3.08.070 POWER TO CODIFY ORDINANCES

See U.C.A. § 10-3-707.

3.08.080 ARRANGEMENT OF ORDINANCES

See U.C.A. § 10-3-708.

3.08.090 REPEAL OF CONFLICTING PROVISIONS: TITLE

See U.C.A. § 10-3-709.

3.08.100 PUBLICATION IN BOOK, PAMPHLET OR LOOSE LEAF FORM: STATE STATUTES

See U.C.A. § 10-3-710.

3.08.110 PUBLICATION OF ORDINANCES

See U.C.A. § 10-3-711.

3.08.120 EFFECTIVE DATE

See U.C.A. § 10-3-712.

3.08.130 RECORDING, NUMBERING, AND CERTIFICATION OF PASSAGE

See U.C.A. § 10-3-713.

3.08.140 CONTENTS, DATES, PUBLICATION PROVED UNDER SEAL

See U.C.A. § 10-3-714.

3.08.150 MUNICIPAL ORDINANCES RECEIVED IN EVIDENCE

See U.C.A. § 10-3-715.

3.08.160 FINES AND FORFEITURES: DISPOSITION

See U.C.A. § 10-3-716.

3.08.170 PURPOSE OF RESOLUTIONS

See U.C.A. § 10-3-717.

3.08.180 FORM OF RESOLUTION

See U.C.A. § 10-3-718.

3.08.190 RESOLUTIONS NEED NO PUBLICATION EFFECTIVE DATE

See U.C.A. § 10-3-719.

3.10 MUNICIPAL ADMINISTRATION

3.10.010 ADMINISTRATIVE POWERS IN CITIES OF THE FIRST CLASS

3.10.020 DESIGNATION OF DEPARTMENT HEAD IN CITIES OF THE FIRST CLASS

3.10.030 OFFICERS LIMITED TO ONE OFFICE

3.10.040 CHANGE IN NAMES, FUNCTIONS, AND SUPERINTENDENTS OF DEPARTMENTS

3.10.050 ADMINISTRATIVE POWERS IN CITIES OF THE SECOND CLASS

3.10.060 DESIGNATION OF DEPARTMENT HEAD IN CITIES OF THE SECOND CLASS

3.10.070 COMMISSIONERS MAY ADMINISTER TWO DEPARTMENTS; CHANGE IN NAMES, FUNCTIONS AND SUPERINTENDENTS

3.10.080 ADMINISTRATION VESTED IN MAYOR

3.10.090 POWERS OF MAYORS IN CITIES OF THE THIRD CLASS AND TOWNS

3.10.100 ADDITIONAL POWERS AND DUTIES OF ELECTED OFFICIALS IN CITIES OF THE THIRD CLASS AND TOWNS

3.10.110 MEMBERS OF THE GOVERNING BODY MAY BE APPOINTED TO ADMINISTRATION IN CITIES OF THE THIRD CLASS AND TOWNS

3.10.120 CHANGE OF DUTIES IN CITIES OF THE THIRD CLASS AND TOWNS

3.10.130 GENERAL ADMINISTRATIVE POWERS OF ALL MUNICIPALITIES

3.10.140 PERSONNEL ASSIGNED TO ONE OR MORE DEPARTMENTS

3.10.150 RULES AND REGULATIONS FOR ADMINISTRATION OF MUNICIPALITY

3.10.160 MAY REQUIRE THAT APPOINTED OFFICERS RESIDE IN MUNICIPALITY

3.10.170 ELECTED EXECUTIVES TO APPOINT THEIR DEPUTIES

3.10.180 COMPENSATION AND SALARIES

3.10.190 AMOUNT OF BOND

3.10.200 CITIES OF THE FIRST AND SECOND CLASS

3.10.210 BOND OF TREASURERS

3.10.220 APPROVAL OF BONDS

3.10.230 PREMIUM PAID BY MUNICIPALITY

3.10.240 BONDS OF FIRST OFFICERS AFTER INCORPORATION

3.10.250 ADDITIONAL BONDS

3.10.260 OFFICIAL NEGLIGENCE AND MISCONDUCT; PENALTY

3.10.270 OATH REQUIRED BEFORE TAKING OFFICE OR PERFORMING DUTIES

3.10.280 OATH; GIVEN; FILED

3.10.290 ACTS OF OFFICIALS NOT VOIDED

3.10.010 ADMINISTRATIVE POWERS IN CITIES OF THE FIRST CLASS

See U.C.A. § 10-3-801.

3.10.020 DESIGNATION OF DEPARTMENT HEAD IN CITIES OF THE FIRST CLASS

See U.C.A. § 10-3-802.

3.10.030 OFFICERS LIMITED TO ONE OFFICE

See U.C.A. § 10-3-803.

3.10.040 CHANGE IN NAMES, FUNCTIONS, AND SUPERINTENDENTS OF DEPARTMENTS

See U.C.A. § 10-3-804.

3.10.050 ADMINISTRATIVE POWERS IN CITIES OF THE SECOND CLASS

See U.C.A. § 10-3-805.

3.10.060 DESIGNATION OF DEPARTMENT HEAD IN CITIES OF THE SECOND CLASS

See U.C.A. § 10-3-806.

3.10.070 COMMISSIONERS MAY ADMINISTER TWO DEPARTMENTS: CHANGE IN NAMES, FUNCTIONS AND SUPERINTENDENTS

See U.C.A. § 10-3-807.

3.10.080 ADMINISTRATION VESTED IN MAYOR

See U.C.A. § 10-3-808.

3.10.090 POWERS OF MAYORS IN CITIES OF THE THIRD CLASS AND TOWNS

See U.C.A. § 10-3-809.

3.10.100 ADDITIONAL POWERS AND DUTIES OF ELECTED OFFICIALS IN CITIES OF THE THIRD CLASS AND TOWNS

See U.C.A. § 10-3-810.

3.10.110 MEMBERS OF THE GOVERNING BODY MAY BE APPOINTED TO ADMINISTRATION IN CITIES OF THE THIRD CLASS AND TOWNS

See U.C.A. § 10-3-811.

3.10.120 CHANGE OF DUTIES IN CITIES OF THE THIRD CLASS AND TOWNS

See U.C.A. § 10-3-812.

3.10.130 GENERAL ADMINISTRATIVE POWERS OF ALL MUNICIPALITIES

See U.C.A. § 10-3-813.

3.10.140 PERSONNEL ASSIGNED TO ONE OR MORE DEPARTMENTS

See U.C.A. § 10-3-814.

3.10.150 RULES AND REGULATIONS FOR ADMINISTRATION OF MUNICIPALITY

See U.C.A. § 10-3-815.

3.10.160 MAY REQUIRE THAT APPOINTED OFFICERS RESIDE IN MUNICIPALITY

See U.C.A. § 10-3-816.

3.10.170 ELECTED EXECUTIVES TO APPOINT THEIR DEPUTIES

See U.C.A. § 10-3-817.

3.10.180 COMPENSATION AND SALARIES

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 all salaries are subject to annual review:

Mayor	monthly	As set by council vote
Council member	monthly	As set by council vote
Clerk/Recorder	hourly	As set by council vote
Treasurer	hourly	As set by council vote
Town Employees	hourly	As set by council vote



Town Employees	salary	As set by council vote
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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.

C. 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.

D. In addition to all other compensation or salaries any officer or employee of this municipality may receive, following the submission to the recorder/clerk of a claim, travel expenses and per diem established by the Utah state department of finance for expenses actually incurred by the person for attending any meeting, conference, seminar or training session, provided attendance shall have been approved by the governing body.

3.10.190 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:

Mayor	As required by State Law
Council member	As required by State Law
Treasurer	As required by State Law
Recorder/Clerk	As required by State Law
Marshal	As required by State Law

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. The bond required in this section may be a blanket bond.

3.10.200 CITIES OF THE FIRST AND SECOND CLASS

See U.C.A. § 10-3-820.

3.10.210 BOND OF TREASURERS

See U.C.A. § 10-3-821.

3.10.220 APPROVAL OF BONDS

See U.C.A. § 10-3-822.

3.10.230 PREMIUM PAID BY MUNICIPALITY

See U.C.A. § 10-3-823.

3.10.240 BONDS OF FIRST OFFICERS AFTER INCORPORATION

See U.C.A. § 10-3-824.

3.10.250 ADDITIONAL BONDS



See U.C.A. § 10-3-825.

3.10.260 OFFICIAL NEGLIGENCE AND MISCONDUCT: PENALTY

See U.C.A. § 10-3-826.

3.10.270 OATH REQUIRED BEFORE TAKING OFFICE OR PERFORMING DUTIES

See U.C.A. § 10-3-827. See Constitution of Utah Article IV, § 10 for form of oath.

3.10.280 OATH: GIVEN: FILED

See U.C.A. § 10-3-828.

3.10.290 ACTS OF OFFICIALS NOT VOIDED

See U.C.A. § 10-3-829.

3.12 INCORPORATION, CLASSIFICATION, BOUNDARIES, CONSOLIDATION AND DISSOLUTION OF MUNICIPALITY

3.12.010 INCORPORATION

3.12.020 MUNICIPAL WARDS

3.12.030 CLASSIFICATION

3.12.040 EXTENSION OF MUNICIPAL LIMITS

3.12.050 RESTRICTION OF MUNICIPAL LIMITS

3.12.060 CONSOLIDATION OF MUNICIPALITIES

3.12.070 DISSOLUTION OF MUNICIPALITY

3.12.010 INCORPORATION

See U.C.A. § 10-2-101 et seq.

3.12.020 MUNICIPAL WARDS

See U.C.A. § 10-2-201 et seq.

3.12.030 CLASSIFICATION

See U.C.A. § 10-2-301 et seq.

3.12.040 EXTENSION OF MUNICIPAL LIMITS

See U.C.A. § 10-2-401 et seq.

3.12.050 RESTRICTION OF MUNICIPAL LIMITS

See U.C.A. § 10-2-501 et seq.

3.12.060 CONSOLIDATION OF MUNICIPALITIES

See U.C.A. § 10-2-601 et seq.

3.12.070 DISSOLUTION OF MUNICIPALITY

See U.C.A. § 10-2-701 et seq.

4 GENERAL REVENUE

4.02 SALES AND USE TAX

4.04 SPECIAL IMPROVEMENTS

4.06 SPECIAL IMPROVEMENT GUARANTY FUND

4.08 TELECOMMUNICATIONS TAX

4.02 SALES AND USE TAX

4.02.010 PURPOSE

4.02.020 CONTRACT WITH STATE OF UTAH

4.02.030 SALES TAX LEVIED

4.02.040 USE TAX

4.02.050 PENALTIES FOR VIOLATION

4.02.060 EFFECTIVE DATE

4.02.010 PURPOSE

The purpose of this chapter is to levy a three fourths of one percent sales and use tax in compliance with the provisions of the Uniform Local Sales and Use Tax Law, Chapter 9 of Title 11 of the Utah Code Annotated, 1953, as amended, and in compliance with the applicable provisions of Chapters 15 and 16 of Title 59 Utah Code Annotated, 1953, as amended.

4.02.020 CONTRACT WITH STATE OF UTAH

The existing contract between the municipality and the state tax commission, which provides that the commission will perform all functions incident to the administration and operation of the sales and use tax ordinance of this municipality, is hereby declared to be in full force and effect.

4.02.030 SALES TAX LEVIED

- A. Levy of Tax. There is hereby levied a tax upon every retail sale of tangible personal property, services, and meals made within the municipality at the rate of three fourths of one percent.
- B. Situs of Levy. For the purposes of this chapter, all retail sales shall be presumed to have been consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out of state destination. In the event a retailer has no permanent place of business in the state, or has more than one place of business, the place or places at which the retail sales are consummated shall be as determined under the rules and regulations prescribed and adopted by the state tax commission. Public utilities as defined by Title 54, Utah Code Annotated, 1953, shall not be obligated to determine the place or places within any county or municipality where public utilities services are rendered, but the place of sale or the sales tax revenues arising from such service allocable to the municipality shall be as determined by the state tax commission, pursuant to an appropriate formula and other rules and regulations to be prescribed and adopted by it.
- C. Application of State Sales Tax Provisions. Except as hereinafter provided, and except insofar as otherwise inconsistent with the provisions of the Uniform Local Sales and Use Tax Law of Utah, all of the provisions of Chapter 15, Title 59, Utah Code Annotated, 1953, as amended and in force and effect on the effective date of this ordinance insofar as related to sales taxes, excepting Sections 59-15-1 and 59-15-21 thereof, and excepting for the amount of the tax levied therein, are hereby adopted and made a part of this chapter.
- D. Substitution of Municipality for State. Whenever and to the extent that Chapter 15 of Title 59, Utah Code Annotated, 1953, the state of Utah is named or referred to as the taxing agency, the name of this municipality shall be substituted therefore. Nothing in this sub-section shall be deemed to require substitution of the name of the municipality for the word "state" when that word is used as part of the title of the state tax commission, or of the Constitution of Utah, nor shall the name of the municipality be substituted for that of the state in any section when the result of that substitution would require action to be taken by or against the municipality or any agency thereof, rather than by or against the state tax commission in performing the functions incidental to the administration or operation of this chapter.
- E. Additional License Not Required. If an annual license has been issued to a retailer under section 59-15-3, Utah Code Annotated, 1953, an additional license shall not be required by reason of this section.
- F. Exemptions. There shall be excluded from the purchase price paid or charged by which the tax is measured:
 1. The amount of any sales or use tax imposed by the state of Utah upon a retailer or consumer.

2. Receipts from the sale of tangible personal property upon which a sales or use tax has become due by reason of the same transaction to any other municipality and any county in the state of Utah, under a sales or use tax ordinance enacted by that county or municipality in accordance with the Uniform Local Sales and Use Tax Law of Utah.

4.02.040 USE TAX

- A. Levy of Tax. An excise tax is hereby levied on the storage, use or other consumption in this municipality of tangible personal property purchased from any retailer on or after the operative date of this ordinance for storage, use or other consumption in the municipality at the rate of three fourths of one per cent of the sales price of the property.
- B. Application of State Use Tax Provisions. Except as hereinafter provided, and except insofar as inconsistent with the provisions of the Uniform Local Sales and Use Tax Law of Utah, all of the provisions of Chapter 15, Title 59, Utah Code Annotated, 1953, as amended and in force and effect on the effective date of this ordinance, applicable to use taxes, excepting provisions of Sections 59-16-1 and 59-16-25 thereof, and excepting for the amount of the tax levied therein, are hereby adopted and made a part of this section.
- C. Substitution of Municipality for State. Wherever and to the extent that in Chapter 16 of Title 59, Utah Code Annotated, 1953, the state of Utah is named or referred to as the taxing agency, the name of the municipality shall be substituted therefore. Nothing in this sub-section shall be deemed to require the substitution of the name of this municipality for the word "state" when that word is used as part of the title of the state tax commission, or the Constitution of Utah, nor shall the name of the municipality be substituted for that of the state in any section when the results of that substitution would require action to be taken by or against the municipality or any agency thereof, rather than by or against the state tax commission in performing the functions incidental to the administration or operation of this chapter.
- D. Exemptions. There shall be exempt from the tax due under this section:
 1. The amount of any sales or use tax imposed by the state of Utah upon a retailer or consumer.
 2. The storage, use, or other consumption of tangible personal property, the gross receipts from the sales of or the cost of which has been subject to sales or use tax under a sales or use tax ordinance enacted in accordance with the Uniform Local Sales and Use Tax Law of Utah by any other municipality and any county of the state of Utah.

4.02.050 PENALTIES FOR VIOLATION

Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punishable by fine in an amount less than \$300.00 or imprisonment for a period of not more than six months, or by both such fine and imprisonment.

4.02.060 EFFECTIVE DATE

- A.
 1. From and after the effective date of this ordinance, there is levied and there shall be collected and paid a tax upon every retail sale of tangible personal property, services and meals made within the municipality at the rate of one percent.
 2. An excise tax is hereby imposed on the storage, use, or other consumption in this municipality of tangible personal property from any retailer on or after the operative date of this ordinance at the rate of one percent of the sales price of the property.
 3. For the purpose of this ordinance all retail sales shall be presumed to have been consummated at the place of business delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. In the event a retailer has no permanent place of business, the place or places at which the retail sales are consummated shall be as determined under the rules and regulations prescribed by and adopted by the State Tax Commission. Public utilities as defined by Title 54, Utah Code Annotate, 1953, shall not be obligated to determine the place or places within any county or municipality where public utilities services are rendered, but the place of sale or the sales tax revenue arising from such service allocable to the city shall be as determined by the State Tax Commission pursuant to an appropriate formula and other rules and regulations to be prescribed and adopted by it.
- B.

1. Except as hereinafter provided, and except insofar as they are inconsistent with the provisions of the Sales and Use Tax Act, all the provisions of Chapter 12, Title 59, Utah Code Annotated, 1953, as amended, and in force and effect on the effective date of this ordinance, insofar as they relate to sales taxes, excepting Sections 59-12-101 and 59-12-119 thereof, are hereby adopted and made part of the ordinance as through fully set forth herein.
2. Whenever, and to the extent that in Chapter 12 of Title 59, Utah Code Annotated, 1953, the State of Utah is named or referred to as the taxing agency, the name of this municipality shall be substituted therefore. Nothing in sub-section (4)(b) below shall be deemed to require substitution of the name of the municipality for the word "State" when that word is used as part of the title of the State Tax Commission, or of the Constitution of the State of Utah, nor shall the name of the municipality be substitution for that of the State in any section when the result of that substitution would require action to be taken by or against the municipality or any agency thereof, rather than by or against the State Tax Commission in performing the functions incident to the administration or operation of the ordinance.
3. If an annual license has been issued to a retailer under Section 59-12-106 of the said Utah Code Annotated, 1953, an additional license shall not be required by reason of this section.
4. There shall be excluded from the purchase price paid or changed by which the tax is measured:
 - a. The amount of any sales or use tax imposed by the State of Utah upon a retailer or consumer;
 - b. The gross receipts from the sale of or the cost of storage, use or other consumption of tangible personal property upon which a sales or use tax has become due by reason of the sale transaction to any other municipality and any county in the State of Utah, under the sales or use tax ordinance enacted by that county or municipality in accordance with the Sales and Use Tax Act.

4.04 SPECIAL IMPROVEMENTS

4.04.010 COLLECTION OF SPECIAL IMPROVEMENT TAXES

4.04.010 COLLECTION OF SPECIAL IMPROVEMENT TAXES

- A. PURPOSE. It is the purpose of this section to supplement and provide details necessary to implement the powers and procedures whereby the municipality may levy, assess and collect special taxes for special improvements under the provisions of the Utah Municipal Improvement District Act, U.C.A. §10-16-1 et seq.
- B. DELINQUENCY; NOTICE OF SALE. After the date of delinquency, as fixed in the levy and notice of tax adopted by the governing body in connection with the creation of a special improvement district and the levy of taxes necessary to pay for the project, the treasurer shall proceed to make up a list of all property upon which the special tax remains due and unpaid and cause the same to be published at least once in some newspaper having general circulation in the municipality at least ten days prior to the date of sale. The delinquency list shall contain a description of the property delinquent according to lots, block, or parcels, together with the owner's name or names, if known, and if not known, in lieu thereof, the words "unknown owner" with the amount of taxes due on each separate parcel exclusive of costs, and shall be accompanied by a notice of sale substantially in the following form:

"NOTICE OF SALE FOR SPECIAL TAXES

Notice is hereby given that special taxes for (here insert briefly the purpose of the tax) are due and unpaid in amounts and upon the lands set forth and described in the delinquent list hereto attached. Unless the taxes, including interest, together with the cost of publication, are paid on or before the _____ day of (here fix a day at least 12 days from the date of first publication), the real property upon which such taxes are a lien will, on that day, be sold for the taxes, interest, costs of advertising, and expenses of sale, at the front door of the (here insert name of building and address) beginning at the hour of 12:00 o'clock noon, and continuing until all of the property shall have been sold."

- C. COSTS. The treasurer shall tax against each parcel of land advertised as delinquent the sum of \$20.00 for the cost of advertising the delinquency and shall, after the first publication, in all instances of payment, collect such amount in addition to the tax.
- D. EXPENSE OF SALE. In case of a sale of any land for special taxes, the treasurer shall add to the amount of tax and costs of advertising the further sum of \$10.00 as the expense of sale and shall, in all instances of sale or redemption, collect such sum.
- E. MINIMUM SALE PRICE. In no case shall lands advertised for sale for delinquent special taxes be sold for less

than the amount of such special taxes, interest, the cost of advertising, and expense of sale.

F. SALE. On the day fixed for the sale, the treasurer, in person or by deputy, shall appear at the hour and place named in the notice of sale and at public auction, and there offer to the highest responsible bidder sufficient of the delinquent real estate for a sum sufficient to pay the taxes, interest and costs. The offer of sale shall be substantially in the following language:

"There is delinquent upon _____ (here describe the piece of property as in the notice) special taxes amounting to _____ dollars with interest, costs, and expenses of _____ dollars.

What is the smallest portion of this property which you will take and pay the taxes, interest, costs, and expenses?"

If the sale is not concluded by 4:00 p.m. of the day advertised it may be, by the treasurer, continued until noon of the next succeeding business day and thereafter in the same manner proceeded with and continued until completed.

G. FEES. The treasurer shall collect a fee of \$ 10.00 for each certificate issued, which fee shall be paid into the treasury.

H. INTEREST. Interest at the rate often percent per year shall be charged on the special tax due from the date of delinquency until date of sale and interest at the rate of ten percent per year shall be charged on the full amount for which the property was sold from the date of sale.

I. TAX SALE RECORD

1. The treasurer shall make a record of all sales of real property in a book to be kept by him for that purpose. The record shall be kept substantially in the same order as that for which the property was advertised for sale, but shall list, as applicable, in separate columns, a description of the property, the amount of the tax, interest, costs, expenses, how much of what part of each tract was sold, by whom purchased, the date of sale, and the date of redemption.
2. At the end of each calendar year, the book shall be endorsed Treasurer, Special Tax Sale Record for the Year 20_____, and it shall then be filed in his office. Whenever thereafter any portion of property so sold shall be redeemed, the fact of redemption shall be entered by the treasurer opposite the description of the property in the tax sale record. At the expiration of three years from the date of filing in his office, the treasurer shall file each yearly tax sale record in the office of the recorder/clerk.

J. CERTIFICATE OF SALE. When real estate is sold for special taxes, the treasurer shall make out, sign, acknowledge, and deliver a certificate of sale which shall recite the facts of sale as in the tax sale record, and what payment has been made therefore, and which certificate shall be substantially in the following form:

*LEVAN
TREASURER'S OFFICE
CERTIFICATE OF SALE FOR SPECIAL TAX*

THIS CERTIFIES, That on the _____ day of _____ 20_____ in pursuance of law and ordinance, I _____ as treasurer and collector of special taxes for _____ Utah, sold to _____, subject to redemption, as provided by law, the following property in (name of municipality) for delinquent special taxes assessed against the property in the name of (delinquent taxpayer) to-wit:

DESCRIPTION

_____ Ext. No. _____ Page _____

Frontage abutting the improvement to the full depth back therefrom (or other depth)

_____ Feet _____ of Lot _____ Block _____ Plat _____

TAX AND COSTS



Amount of tax..... \$ _____
 Interest to date of sale..... \$ _____
 Advertising..... \$ _____
 Expense of sale..... \$ _____
 Certificate of sale..... \$ _____
 Total tax and costs at date of sale..... \$ _____

_____ treasurer and collector of special taxes
 DATED, (name of municipality)_____ (acknowledgement in statutory form.)”

K. CERTIFICATE OF SALE TO MUNICIPALITY. When property is sold to the municipality for special taxes, the treasurer shall make out, sign, acknowledge and deliver the certificate of sale above described to the recorder/clerk, whose duty it shall be to see that such certificate is properly recorded in the office of the county recorder, and it shall thereafter be kept as a part of the records of the recorder/clerk's office.

L. SALE TO MUNICIPALITY. Where no bid at least equal to the amount of the tax, interest, cost of advertising and expenses of sale on each separate parcel is received as each separate parcel is offered for sale, the municipality shall be deemed to have bid for such property, and the property shall be sold by the treasurer to the municipality for the amount of the tax, interest, cost of advertising and expenses of sale. The sale shall have the same effect as if made to an individual. The recorder/clerk shall draw a check or warrant on the special improvement guarantee fund for which the special tax was levied in the amount necessary.

M. GENERAL TAXES ON DELINQUENT PROPERTY

1. Between the 15th day of November and the 15th day of December in each year, the recorder/clerk shall ascertain, by examination of the county records, which, if any, of the property sold to this municipality is delinquent and about to be sold for general taxes, and report the property and the amount of taxes in each instance to the governing body, with the request that the amount thereof be appropriated to the county.
2. It shall be the duty of the governing body to appropriate the amount recommended by the recorder/clerk. The treasurer shall thereon draw a warrant in favor of the county for the total sum of such delinquent taxes, and the recorder/clerk shall deliver the warrant to the county treasurer, taking duplicate receipts therefore for each separate piece or parcel of property upon which the general taxes are thus paid. The recorder/clerk shall thereon deliver one of each such receipts to the treasurer and file and attach the other to the corresponding certificate of sale in his office.
3. On receiving such receipt, the treasurer shall make entry on his tax sale record, opposite the corresponding property, of the date and amount of taxes paid. Such taxes shall thereafter draw interest at the rate of ten percent per annum, and shall be included in the amount required to be paid for redemption of such property.

N. REDEMPTION. When two or more parties are interested in a piece of property which has been sold for taxes, either party may redeem the property in which he is interested, upon payment of that proportion of the taxes, interest and costs which his property bears to the whole property sold, together with the sum of \$10.00 for a redemption certificate.

O. INSTALLMENT REDEMPTION

1. Any property sold to this municipality, on which tax sale certificates have been issued but for which no tax deed has issued to the municipality, may be redeemed by any person having an interest in such property on the payment in installments of the unpaid principal, interest and all costs and charges, provided that the installments shall be paid within such time and in such amounts as will discharge the indebtedness within the period in which the right to redeem from such tax sale shall expire.
2. Credit shall be given for each installment as paid, and the interest shall be reduced proportionately.
3. Interest shall be paid at the rate of ten percent per annum on the unpaid balance due under this section.
4. There is hereby imposed the sum of \$1.00 per installment payment to cover the additional bookkeeping expenses incurred by any person taking advantage of this section, and such charge shall not be credited against the delinquent assessment.
5. Every person who takes advantage of this section shall enter into an agreement with the municipality which shall be substantially in the following form:

“AGREEMENT OF INSTALLMENT REDEMPTION

The undersigned hereby:

Acknowledges that he is delinquent in the payment of the special improvement taxes levied against



the property described below in the amount of \$_____ which amount is the total of the unpaid tax, principal and interest, costs of advertising and expense of sale.

Agrees and promises to pay the above-stated amount in _____ equal installments of \$_____ which payment will be made on or before the day of each month from the period beginning_____, 20____ and including _____, 20_____.

Acknowledges having received and read a copy of LMC 4.04.010(O) and understands the same.

Agrees that should he fail to make payment of the installments when due, the right of the municipality to receive a tax deed for the property below described shall not be impaired thereby and the undersigned shall not be entitled to receive any refund of any amount paid hereunder.

The property covered by the provisions of this agreement is described as follows:_____

DATED this_____ day of _____ 20_____

_____ Mayor

ATTEST:

_____ Recorder/Clerk"

- P. CERTIFICATE OF REDEMPTION. The treasurer shall, when any property is fully redeemed, make the proper entry in the tax sale record file in his office, and issue a certificate of redemption, which certificate shall be by him acknowledged, and which entry or certificate shall be prima facie evidence of such redemption.
- Q. NOTICE OF REDEMPTION. In all cases where property sold to this municipality is fully redeemed, the treasurer shall issue a formal notice of such redemption in writing and file the same with the recorder/clerk, whose duty it shall be to attach such notice to the corresponding certificate of sale on file in his office, and endorse on the filing face of such certificate in red ink the word "REDEEMED" and the date of redemption.
- R. TAX DEED
 - 1. If any property sold as aforesaid is not fully redeemed within the time and in the manner in this section provided, on the deposit of the tax sale record for the year in which the property was sold by the treasurer with the recorder/clerk, the recorder/clerk shall, on presentation of the treasurer's certificate of sale, make and acknowledge a deed conveying the property therein described to the purchaser, his heirs, or assigns, as the case may be. If any person shall be entitled to receive deeds for more than one parcel of property, he may have the whole included in one deed, but each parcel shall be separately described. In January of each year, or as soon thereafter as the business of the office will permit, the recorder/clerk shall make and acknowledge a deed, conveying to this municipality all property purchased in the name of the municipality at special tax sale not theretofore redeemed, as in this section provided, shall see that such deeds are properly recorded in the office of the county recorder, and shall keep such deeds on file in his office for the benefit of the special improvement guarantee fund.
 - 2. Deeds issued by the recorder/clerk in pursuance of the provisions of this section shall recite in substance the amount of tax for which the property was sold, the particular purpose of the tax levied, the year in which the levy was made, the day and year of sale, the amount for which the real estate was sold, a description of the property sold, in accordance with the certificate of sale, the name of the purchaser or the purchaser's assignee, and shall be executed by the recorder/clerk on behalf of the municipality, and by him acknowledged so as to be entitled to record.
- S. TAX DEED RECORD. The recorder/clerk shall keep on file in his office a record of all tax deeds issued by him, which shall be a photo copy of the deeds so issued by him, and which shall be indexed in the name of the party whose property was sold for taxes, and also in the name of the individual to whom the tax deed was issued.
- T. RECORDER'S FEE. The recorder/clerk shall collect \$5.00 for each deed issued, for the first description of property contained in such deed, and for each additional description of property in such deed, and shall pay such fees monthly into the treasury. However, in cases where this municipality is the tax sale purchaser, no fee shall be collected.
- U. SALE AFTER DEED. Whenever property sold for special taxes and purchased by this municipality shall not have been redeemed within the time specified, but shall have been conveyed to the municipality by recorder's deed, and which shall not have been sold by the municipality, such property may thereafter be purchased by the prior owner, his heirs, personal representative or assigns, or any other person, upon petition therefore addressed to the governing body and upon such terms as the governing body may determine. The proceeds of such purchase shall be paid into the special improvement guaranty fund, provided, however, that nothing



contained in this section shall prevent this municipality from selling any property conveyed to it by recorder's deed to any person at any time after such conveyance is made.

4.06 SPECIAL IMPROVEMENT GUARANTY FUND

4.06.010 SPECIAL IMPROVEMENT GUARANTY FUND

4.06.020 MAINTENANCE OF FUND

4.06.030 INTEREST AND PENALTIES

4.06.040 PAYMENT OF BONDS OR WARRANTS

4.06.050 REPLENISHMENT OF FUND

4.06.060 RECORDER TO ISSUE WARRANTS

4.06.070 SUBROGATION OF MUNICIPALITY

4.06.010 SPECIAL IMPROVEMENT GUARANTY FUND

There is hereby created a special fund to be known as the "Special Improvement Guaranty Fund," which fund shall be used for the purpose of guaranteeing to the extent of the fund the payment of special improvement bonds or special improvement warrants and interest thereon theretofore or hereafter issued against the local improvement districts for the payment of local improvements therein and for the purchase of property sold to the municipality at tax sales or under foreclosure for delinquent special improvement taxes.

4.06.020 MAINTENANCE OF FUND

The governing body shall create and maintain the special improvement guaranty fund by appropriations from the general fund, by the levy of a tax not to exceed one mill in any one year, by the issuance of general obligation bonds, or by appropriation from such other sources as may be determined by the governing body to provide the money necessary for that purpose. The fund shall be held by the treasurer and shall be kept by him separate and apart from all other funds held by him. Payments out of the fund shall be made only by checks drawn by the recorder/clerk.

4.06.030 INTEREST AND PENALTIES

All excess charges and penalties collected by the treasurer for the benefit or credit of any special improvement fund and remaining on hand after all the bonds or warrants, together with interest thereon, drawn against the special improvement fund shall have been fully paid and cancelled, shall be transferred by the recorder/clerk to the special improvement guaranty fund.

4.06.040 PAYMENT OF BONDS OR WARRANTS

When any bond, warrant, or coupon drawn against any special improvement fund is presented to the treasurer for payment and there is not a sufficient amount in the special improvement fund against which it is drawn, payment therefore shall be made by warrant drawn by the recorder/clerk against the special improvement guaranty fund (unless otherwise requested by the holder).

4.06.050 REPLENISHMENT OF FUND

Whenever there is not a sufficient amount of cash in the special improvement guaranty fund at any time to make any and all purchases of property bid in by the municipality at sales of property for delinquent special improvement taxes, the governing body shall replenish the special improvement guaranty fund by transfer or appropriation from the general fund or other available sources as may be determined by the governing body.

4.06.060 RECORDER TO ISSUE WARRANTS

Warrants drawing interest at a rate not to exceed eight percent per annum may be issued by the recorder/clerk against the fund to meet any financial liabilities accruing against it. At the time of making its annual tax levy, the governing body shall provide for the levy of a sum sufficient with the other resources of the fund to pay warrants so issued and outstanding, the tax for this purpose not to exceed one mill in any one year.

4.06.070 SUBROGATION OF MUNICIPALITY

Whenever the municipality shall have paid under its guaranty any sum on account of principal or interest on the bonds or warrants of any district, it shall be subrogated to the rights of the holders of such bonds or warrants or

interest coupons so paid, and such bonds or warrants or coupons, and the proceeds thereof, shall become a part of the guaranty fund.

4.08 TELECOMMUNICATIONS TAX

4.08.010 DEFINITIONS

4.08.020 CUSTOMER

4.08.030 END USER

4.08.040 GROSS RECEIPTS ATTRIBUTED TO THE TOWN

4.08.050 GROSS RECEIPTS FROM TELECOMMUNICATIONS SERVICE

4.08.060 MOBILE TELECOMMUNICATIONS SERVICE

4.08.070 PLACE OF PRIMARY USE

4.08.080 SERVICE ADDRESS

4.08.090 TELECOMMUNICATIONS PROVIDER

4.08.100 TELECOMMUNICATIONS SERVICE

4.08.110 LEVY OF TAX

4.08.120 RATE

4.08.130 RATE LIMITATION AND EXEMPTION

4.08.140 EFFECTIVE DATE OF TAX LEVY

4.08.150 CHANGES IN RATE OR REPEAL OF TAX

4.08.010 DEFINITIONS

As used in this article:

TOWN. Levan Town, Utah.

COMMISSION. The state tax commission.

4.08.020 CUSTOMER

- A. Subject to sub-sections (B) and (C) of this definition, "customer" means the person who is obligated under a contract with a telecommunications provider to pay for telecommunications service received under the contract.
- B. For purposes of this article, "customer" means:
 - 1. The person who is obligated under a contract with a telecommunications provider to pay for telecommunications service received under the contract; or
 - 2. If the end user is not the person described in sub-section (B)(1) of this definition, the end user of telecommunications service.
- C. "Customer" does not include a reseller:
 - 1. Of telecommunications service; or
 - 2. For mobile telecommunications service, of a serving carrier under an agreement to serve the customer outside the telecommunications provider's licensed service area.

4.08.030 END USER

- A. The person who uses a telecommunications service.
- B. For purposes of telecommunications service provided to a person who is not an individual, "end user" means the individual who uses the telecommunications service on behalf of the person who is provided the telecommunications service.

4.08.040 GROSS RECEIPTS ATTRIBUTED TO THE TOWN

Those gross receipts from a transaction for telecommunications services that is located within the town 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.

4.08.050 GROSS RECEIPTS FROM TELECOMMUNICATIONS SERVICE

The revenue that a telecommunications provider receives for telecommunications service rendered, except for

amounts collected or paid as:

- A. A tax, fee or charge:
 - 1. Imposed by a governmental entity;
 - 2. Separately identified as a tax, fee or charge in the transaction with the customer for the telecommunications service; and
 - 3. Imposed only on a telecommunications provider;
- B. 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
- C. Interest, a fee, or a charge that is charged by a telecommunications provider on a customer for failure to pay for telecommunications service when payment is due.

4.08.060 MOBILE TELECOMMUNICATIONS SERVICE

Is as defined in the mobile telecommunications sourcing act, 4 USC section 124.

4.08.070 PLACE OF PRIMARY USE

- A. For telecommunications service other than mobile telecommunications service, the street address representative of where the customer's use of the telecommunications service primarily occurs, which shall be:
 - 1. The residential street address of the customer; or
 - 2. The primary business street address of the customer; or
- B. For mobile telecommunications service, is as defined in the mobile telecommunications sourcing act, 4 USC section 124.

4.08.080 SERVICE ADDRESS

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

- A. If the location described in this sub-section of this definition is known, the location of the telecommunications equipment:
 - 1. To which a call is charged; and
 - 2. From which the call originates or terminates;
- B. If the location described in sub-section (A) of this definition is not known, but the location described in this sub-section is known, the location of the origination point of the signal of the telecommunications service first identified by:
 - 1. The telecommunications system of the telecommunications provider; or
 - 2. If the system used to transport the signal is not a system of the telecommunications provider, information received by the telecommunications provider from its service provider; or
- C. If the locations described in sub-section (A) or (B) of this definition are not known, the location of a customer's "place of primary use", as defined in this section.

4.08.090 TELECOMMUNICATIONS PROVIDER

- A. Subject to sub-sections (B) and (C) of this definition, "telecommunications provider" means a person that:
 - 1. Owns, controls, operates or manages a telecommunications service; or
 - 2. Engages in an activity described in sub-section (A)(1) of this definition for the shared use with or resale to any person of the telecommunications service.
- B. A person described in sub-section (A) of this definition is a telecommunications provider whether or not the public service commission of Utah regulates:
 - 1. That person; or
 - 2. The telecommunications service that the person owns, controls, operates or manages.
- C. "Telecommunications provider" does not include an aggregator, as defined in Utah Code Annotated section 54-8b-2.

4.08.100 TELECOMMUNICATIONS SERVICE

- A. "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
- B. "Mobile telecommunications service", as defined in Utah Code Annotated section 59-12-102: 1) that originates and terminates within the boundaries of one state; and 2) only to the extent permitted by the mobile telecommunications sourcing act, 4 USC section 116 et seq.

4.08.110 LEVY OF TAX

There is hereby levied a municipal telecommunications license tax on the gross receipts from telecommunications service attributed to the town.

4.08.120 RATE

The rate of the tax levy shall be three and one-half percent (3.5%) of the telecommunication provider's gross receipts from telecommunications service that are attributed to the municipality, subject to the following:

If the location of a transaction is determined to be other than the town, then the rate imposed on the gross receipts for telecommunications services shall be the lower of: a) the rate imposed by the taxing jurisdiction in which the transaction is located; or b) the rate for nonmobile telecommunication services shall be the rate imposed by the municipality in which the customer's service address is located; or c) for mobile telecommunications service, the rate imposed by the municipality of the customer's primary place of use.

4.08.130 RATE LIMITATION AND EXEMPTION

This rate of this levy shall not exceed three and one-half percent (3.5%) of the telecommunication provider's gross receipts from telecommunication service attributed to the town, unless a higher rate is approved by a majority vote of the voters in the town that vote in:

- A. A municipal general election;
- B. A regular general election; or
- C. A local special election.

4.08.140 EFFECTIVE DATE OF TAX LEVY

This tax shall be levied beginning the earlier of July 1, 2011, 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 the town has enacted the ordinance codified herein.

4.08.150 CHANGES IN RATE OR REPEAL OF TAX

This article is subject to the requirements of Utah Code Annotated section 10-1-403. If the tax rate is changed or the tax is repealed, then the appropriate notice shall be given as provided in Utah Code Annotated section 10-1-403.

5 BUSINESS LICENSES AND REGULATIONS

5.02 GENERAL PROVISIONS RELATING TO THE LICENSING CONTROL AND REGULATION OF BUSINESSES

5.04 BUSINESSES LICENSED ON AN ANNUAL FEE

5.06 BUSINESS LICENSED ON THE BASIS OF GROSS RECEIPTS (Reserved)

5.08 INTOXICANTS

5.12 SEXUALLY ORIENTED BUSINESSES

5.14 SOLICITORS, CANVASSERS, PEDDLERS AND ITINERANT MERCHANTS

5.16 CONSTRUCTION CONTRACTORS

5.18 FRANCHISED UTILITIES AND CABLE TELEVISION OPERATORS

5.02 GENERAL PROVISIONS RELATING TO THE LICENSING CONTROL AND REGULATION OF BUSINESSES

5.02.010 DEFINITIONS

5.02.020 BUSINESS LICENSE REQUIRED

5.02.030 LICENSE ASSESSOR AND COLLECTOR

5.02.040 PAYMENTS DATES

5.02.050 PENALTY FOR LATE PAYMENT

5.02.060 APPLICATIONS FOR LICENSE

5.02.070 CERTIFICATE

5.02.080 DISPLAY

5.02.090 TRANSFER OF LICENSE PROHIBITED

5.02.100 REVOCATION OR DENIAL OF BUSINESS LICENSE

5.02.110 BRANCH ESTABLISHMENTS

5.02.120 JOINT LICENSE

5.02.130 RECIPROCAL RECOGNITION OF LICENSES

5.02.140 EXEMPTIONS TO LICENSE

5.02.150 FEE NOT TO CONSTITUTE UNDUE BURDEN ON INTERSTATE COMMERCE

5.02.010 DEFINITIONS

As used in LMC 5.04, LMC 5.06, LMC 5.08, LMC 5.14, and LMC 5.16:

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.

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.

Place of business means each separate location maintained or operated by the licensee within this municipality from which business activity is conducted or transacted.

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.

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.

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.

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.

5.02.020 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.

5.02.030 LICENSE ASSESSOR AND COLLECTOR

The clerk is designated and appointed as ex officio assessor of license fees for this municipality. On receipt of any application for a license, the 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.

5.02.040 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.

5.02.050 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.

5.02.060 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.

5.02.070 CERTIFICATE

All certificates of license shall be signed by the mayor, attested by the 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.

5.02.080 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.

5.02.090 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.

5.02.100 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 therefore, 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 sub-section 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.

5.02.110 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.

5.02.120 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.

5.02.130 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 LMC 5.04, LMC 5.06, LMC 5.08, LMC 5.14, or LMC 5.16 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 chapter, 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 clerk shall at the request of any person certify a copy of this chapter to any municipality or county of the state of Utah to which a copy has not previously been certified.

5.02.140 EXEMPTIONS TO LICENSE

- A. No license fee shall be imposed under LMC 5.04 or LMC 5.06 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 or 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 a like or similar license tax or fee to some other taxing unit within the state of Utah and which taxing unity exempts from its license tax or fee, by reciprocal agreement or otherwise, businesses domiciled in this municipality 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 sub-section (A) of this section.

5.02.150 FEE NOT TO CONSTITUTE UNDUE BURDEN ON INTERSTATE COMMERCE

None of the license taxes provided for by LMC 5.04 and LMC 5.06 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 LMC 5.04 and LMC 5.06 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.

5.04 BUSINESSES LICENSED ON AN ANNUAL FEE

5.04.010 FEE LEVIED

5.04.010 FEE LEVIED

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:

SCHEDULE

A. Automotive Trades		
Service Stations		
	4 dispensers or fewer	\$50.00
	Each dispenser over 4	\$10.00
Garage		
	Repairs cars, trucks and farm machinery	\$50.00
	Sells parts, accessories, tires, tubes	\$10.00
	Gasoline and oil	\$10.00
New Car Dealer		
	Has new car franchise, sells new and used cars and parts, accessories, tires, tubes and operates garage to repair the above	\$100.00
Trucking Firm, Establishment or Business		\$50.00
Parts and Accessory Store		
	Sells automobile parts and accessories	\$50.00
Tires, Repairs and Recapping		
	Sells and Repairs all kinds of tires and tubes	\$50.00
Used Car Dealer		\$50.00
Wholesale Oil Company		\$25.00
B. Building Trades		
Lumber Yard		\$50.00
Cabinet Shop		\$50.00
C. Drug Store		
	Sells drugs, candy, prescriptions, toiletries, sundries, fountain and other items not specifically designated in any other fields	\$100.00
	1-2 employees	\$100.00
	3-4 employees	\$25.00
	Each employee over 4	\$50.00
D. Foods		
Bakery		\$25.00
Cafe		
	Up to 10 seats	\$35.00
	10 seats and over	\$50.00
	Dairy or Creamery	\$50.00
Grocery Store (Sells meats, groceries, soft drinks, ice cream, candy, wrapped bakery goods)		
	1-5 employees	\$50.00
	6 or more employees	\$75.00
Frozen Food Locker Business		\$50.00

E. Financial Establishments		
Bank		\$100.00
Small Loan Business		\$50.00
F. Home Furnishings		
Furniture Store (Sells furniture, carpets, drapes, home furnishings and appliances)		\$50.00
Appliance Sale and Repair		\$25.00
G. Industrial, Livestock and Agricultural Trades		
Coal Dealer		\$25.00
Hardware and Implements (Sells hardware, implements and farm machinery, new and used parts, accessories, tires and tubes for the same and operates repair garage)		\$100.00
Foundry, Milling and Elevators Feed, grain and coal		\$100.00
Salvage Dealer		\$50.00
H. Personal Service		
Assayers		\$40.00
Accountant (C.P.A.)		\$25.00
Barber (each barber)		\$25.00
Each operator		\$25.00
Each additional operator		\$10.00
Chiropractor		\$50.00
Dentist		\$50.00
Dry Cleaning (cleaning and pressing)		\$25.00
Florist		\$25.00
Laundries (including self-service)		\$25.00
Lawyer		\$50.00
Masseur, Masseuse (massage parlors)		\$25.00
Plus per operator		\$10.00
Mortician		\$50.00
Optician		\$50.00
Optometrist		\$50.00
Osteopath		\$50.00
Pharmacist		\$50.00
Photo Shop		\$25.00
Physician and Surgeon		\$75.00
Professional Engineers		\$50.00
Professional Land Surveyors		\$50.00
Real Estate Salesman		\$50.00
Plus per salesman		\$15.00
Securities Dealers and Brokers		\$50.00
Soft Water Service		\$25.00
Taxi Service		\$25.00

Veterinarian	\$50.00
Tree Trimmers (surgeon and gardeners)	\$25.00
Spray Service	\$25.00
Wellness Center	\$50.00
Any other personal service	\$25.00
I. Recreation	
Tavern	\$50.00
Bicycle Shop	\$20.00
Boxing and Wrestling (per day)	\$25.00
Circus or Carnival (per day)	\$25.00
Skating Rink (ice and roller)	\$25.00
Theater	\$50.00
Set-up License	\$50.00
Billiard Parlor	\$25.00
Bowling Alley	\$25.00
Pin Ball Machines, used for amusement only, wholesale distributor (per machine)	\$10.00
Dance Halls	\$50.00
Dance Studios and Dancing Schools	\$20.00
Video Machines, used for amusement only, wholesale distributor (per machine)	\$10.00
J. Wearing Apparel	
Dry Goods, Ready-to-wear Clothing, Shoes	\$45.00
Jewelry Store and Watch Repair	\$45.00
Men's, Ladies and Children's Clothing	\$45.00
Shoe Store	\$45.00
K. Other	
Auctioneer	\$10.00
Cosmetic Salesman	\$10.00
Hotel or Motel or Apartments	
10 units and under	\$25.00
Over 10 units	\$100.00
Rest Home	\$100.00
Solicitor or Peddler	\$10.00
Sporting Goods Store	\$35.00
Propane Gas Dealer	\$40.00
Television Sales	\$30.00
Television Repair	\$20.00
Garage, in connection with service station repairs cars, trucks but does not sell parts	\$25.00
Auto Body Shop	\$25.00
Machine Shop	\$25.00
Sheet Metal Shop	\$25.00

Upholstery Shop	\$25.00
Monuments	\$25.00
Trailer Court (mobile home parks, see zoning)	
10 units and under	\$25.00
Over 10 units	\$100.00
Furnace Cleaning and Repair	\$25.00
Septic Tank Cleaner	\$10.00
Cold Storage	\$20.00
Carpet and Rug Cleaning and Repair	\$20.00
Collection Agency	\$20.00
Day Nurseries	\$10.00
House Cleaning Services	\$20.00
Tailors	\$20.00
Vending Machine	\$20.00
Plus for each machine	\$5.00
Fruit Stand	\$25.00
Book Store	\$20.00
Printing Shop	\$20.00
Gas Company	\$50.00
Telephone Company	\$50.00
Cigarette and/or Tobacco (except vending machines)	\$25.00
L. The license fee for all other businesses for which no license fee is otherwise stated in this section \$25.00	\$25.00

5.06 BUSINESS LICENSED ON THE BASIS OF GROSS RECEIPTS (Reserved)

5.08 INTOXICANTS

5.08.010 LICENSE TO SELL BEER AT RETAIL

5.08.020 DEFINITIONS

5.08.030 RETAIL LICENSES

5.08.040 BEER LICENSE FEES

5.08.050 LICENSE FEES TO ACCOMPANY APPLICATION

5.08.060 PURCHASE OF BEER FOR RESALE

5.08.070 APPLICATION FOR LICENSE

5.08.080 TRAINING REQUIRED FOR INDIVIDUALS TO SELL ALCOHOL

5.08.090 APPLICATIONS REFERRED TO CHIEF OF POLICE

5.08.100 RENEWALS

5.08.110 QUALIFICATIONS

5.08.120 BOND REQUIRED

5.08.130 DEPARTMENT OF HEALTH PERMIT

5.08.140 TRANSFER OF LICENSE

5.08.150 RESTRICTIONS

5.08.160 PERMITTING THE SUNDAY SALE OF BEER BY THE HOLDERS OF CLASS A BEER LICENSES

5.08.170 INSPECTION

5.08.180 REVOCATION OR SUSPENSION

5.08.010 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 therefore 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.

5.08.020 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.

5.08.030 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.

5.08.040 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.....\$ 50.00
Class "B" Beer License.....\$ 75.00
Class "C" Beer License.....\$100.00
Seasonal Beer License.....\$ 15.00

For each 30-day period or fraction thereof

5.08.050 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.

5.08.060 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.

5.08.070 APPLICATION FOR LICENSE

- A. All applications for licenses authorized by this part shall be verified and shall be filed with the 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 co-partnership, 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.

5.08.080 TRAINING REQUIRED FOR INDIVIDUALS TO SELL ALCOHOL

- A. Beginning July 1, 1987, no person shall be granted a license to operate or maintain a trade, profession or calling, the transaction of carrying on of which requires a license, within the Town of Levan, Juab County, if such person operated an establishment which as part of its business serves alcoholic beverages, as defined in Utah Code Annotated Section 3A-1-5(1), to the public for consumption on the premises, unless that person shall show by certificate(s) granted by the Utah Department of Alcoholic Beverage Control, or by adequate proof of the existence of such certificate(s), that each employee of the business engaging in serving, selling or furnishing of such alcohol on the premises has completed the Alcohol Training and Education Seminar, as required in Utah Code Annotated Section 32A-17-3(1).
- B. Every new employee, hired after the licensee has been licensed in compliance with sub-section (A) above, who is required to complete this seminar shall complete the seminar within six months of commencing employment. Violation of this chapter will result in revocation of the license granted under LMC 5.08.010, unless compliance with this ordinance is completed within two (2) months of the time that the licensee first became aware that such violation occurred.

5.08.090 APPLICATIONS 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 5 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.

5.08.100 RENEWALS

All applications for renewal licenses filed by the holders of existing licenses shall be filed with the 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.

5.08.110 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 chapter, or to any corporation, of which any director or officer lacks any such qualifications.

5.08.120 BOND REQUIRED

No license required by this part shall be granted by the governing body until the applicant shall have filed with the clerk a bond in a sum and as required by Section 32.4.4, Utah Code Annotated, 1953. The bond shall be made in favor of this municipality.

5.08.130 DEPARTMENT OF HEALTH PERMIT

No license under this part shall be issued until the applicant therefore 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.

5.08.140 TRANSFER OF LICENSE

Licenses issued pursuant to this part shall not be transferrable, 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.

5.08.150 RESTRICTIONS

- A. It is unlawful for any person to sell beer at any public dance or to any person intoxicated, or under the influence of any intoxicating beverage. It is unlawful for any person to sell beer in any dance hall or theater.
- B. No license shall be granted to sell beer in any dance hall, theater, or within 200 yards of any church or within 500 yards of any school.
- C. It shall be unlawful to sell beer to any person under the age of 21, or to sell beer for consumption on the premises unless so licensed, or to permit the drinking of liquor on such premises.
- D. It shall be unlawful to sell or otherwise furnish or dispose of beer, or allow it to be drunk or consumed on the premises or to allow beer out of original containers to remain on the licensed premises, whether or not open to the public, after the closing hour of 11:00 p.m. and before 9:00 a.m. of any day, except that the closing hour on the day following December 31 of any year shall be 2:00 a.m.
- E. Any person having a Class "B" or "C" beer license, or his agents or employees, shall remove or cause to be removed from the licensed premises all patrons, customers or individuals not employed on the premises by the time above stated in sub-section (D) above.
- F. It shall be unlawful for any person having a Class "B" or "C" beer license or for his agents or employees to permit any patron, customer or individual not employed on the premises to remain on such premises after the closing time above provided; provided however, no licensed premises may employ more than two persons on the premises after the closing hour without the permission of the chief of police or the mayor.
- G. Licensed premises shall be kept brightly illuminated at all times while it is occupied or open for business, and no booth, or kind of stall shall be maintained unless all tables, chairs and occupants are kept open to full view from the main floor and the entrance of such licensed premises. It shall be unlawful to advertise the sale of beer except under such regulations as are made by the liquor control commission of Utah, provided that a simple designation of the fact that beer is sold under city license may be placed in or upon the window or front of the licensed premises.
- H. It shall be unlawful for any person to sell beer except in the manner for which he has been so licensed pursuant to the provisions of this part.
 - I. It shall be unlawful to keep or maintain a nuisance as defined in this part.
- J. The total number of businesses licensed to sell beer in the municipality of Levan shall not exceed three, provided that this ordinance shall not operate to reduce the number of businesses now licensed to sell beer whether issued by this municipality or by the county if such business is annexed, nor shall it affect reapplications for such licenses.

5.08.160 PERMITTING THE SUNDAY SALE OF BEER BY THE HOLDERS OF CLASS A BEER LICENSES

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

5.08.170 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.

5.08.180 REVOCATION OR SUSPENSION

- A. The governing body may, after a hearing, revoke or suspend any beer license on a finding by it that the licensee or his officers, agents or employees have violated any provision of this part or any ordinance of this

municipality whether now or hereafter enacted which in any way related to the operation of the business or the safety of the public.

B. A hearing may be requested by any person:

1. That is denied or refused a beer license by any officer, agent or employee of this municipality.
2. Whose beer license is revoked, restricted, qualified, or limited from that for which it was first issued.

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

D. 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. 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. 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 town council.

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

5.12 SEXUALLY ORIENTED BUSINESSES

5.12.010 TITLE FOR CITATION

5.12.020 REASONABLE LICENSING PROCEDURES

5.12.030 APPLICATION OF PROVISIONS

5.12.040 DEFINITIONS

5.12.050 OBSCENITY AND LEWDNESS, STATUTORY PROVISIONS

5.12.060 BUSINESS LICENSE REQUIRED, APPEAL PROCEDURE

5.12.070 EXEMPTIONS FROM LICENSE REQUIREMENTS

5.12.080 ARTISTIC MODELING

5.12.090 BUSINESS CATEGORIES, SINGLE LICENSE

5.12.100 LICENSE APPLICATION, DISCLOSURE

5.12.110 LICENSE FEES

5.12.120 SINGLE LOCATION AND NAME

5.12.130 LICENSE, ISSUANCE CONDITIONS

5.12.140 CHANGES IN INFORMATION

5.12.150 TRANSFER LIMITATIONS

5.12.160 GENERAL REGULATIONS

5.12.170 ADULT BUSINESS, DESIGN OF PREMISES

5.12.180 SEMI NUDE ENTERTAINMENT BUSINESS, INTERIOR DESIGN

5.12.190 ALCOHOL PROHIBITED

5.12.010 TITLE FOR CITATION

This chapter shall be known and may be referred to as the Sexually Oriented Business Licensing Ordinance.

5.12.020 REASONABLE LICENSING PROCEDURES

It is the purpose and object of this chapter that the Town establishes reasonable and uniform regulations governing the licensing and manner of operations of Sexually Oriented Businesses and their employees in Levan. This chapter shall be construed to protect the governmental interests recognized by this chapter in a manner consistent with constitutional protections provided by the United States and Utah Constitutions. The purpose of these regulations is to provide for the regulation and licensing of Sexually Oriented Businesses within the Town in a manner which will protect the property values of surrounding businesses and neighborhoods, and residents from the potential adverse secondary effects of Sexually Oriented Businesses, while providing to those who desire to patronize Sexually Oriented Businesses the opportunity to do so. Sexually Oriented Businesses are frequently used for unlawful sexual activities, including prostitution. Licensing of Sexually Oriented Businesses is a legitimate and reasonable means of ensuring that Operators of Sexually Oriented Businesses comply with reasonable regulations and that operators do not knowingly allow their businesses to be used for illegal sexual activity or solicitation. There is convincing documented evidence that Sexually Oriented Businesses, because of their nature, have a deleterious effect on both the existing neighboring businesses and surrounding residential areas, causing increased crime and downgrading of property values. The purpose of this Chapter is to control the

adverse effects of Sexually Oriented Businesses and thereby to protect the health, safety, and welfare of the citizens and guests of Levan, protect the citizens from increased crime, preserve the quality of life, preserve the property values and character of the surrounding neighborhoods, and deter the spread of urban blight.

5.12.030 APPLICATION OF PROVISIONS

This chapter imposes regulatory standards and license requirements on certain business activities, which are characterized as "Sexually Oriented Businesses". It is not the intent of this Chapter to suppress any speech activities protected by the First and Fourteenth Amendments to the United States Constitution and the Constitution of the State of Utah, but to impose content-neutral regulations which address the adverse secondary effects of Sexually Oriented Businesses. Nothing in this Chapter is intended to supersede or nullify any other related ordinances including, but not limited to, the Municipal Code of Levan, Utah, or the Levan Land Management Code.

5.12.040 DEFINITIONS

For the purpose of this chapter the following words shall have the following meanings:

ADULT BUSINESS: An Adult Theater, Adult Motion Picture Theater, Adult Bookstore or Adult Video store.

ADULT BOOKSTORE or ADULT VIDEO STORE: A Business which:

1. Holds itself out as such a business; or
2. For more than thirty (30%) percent of the retail floor or shelf space of the premises, offers for sale or rental, for any form of consideration, any one or more of the following: Books, magazines, periodicals or other printed matter, or photographs, films, motion pictures, video cassettes or video reproductions, slides or other visual representations the central theme of which depicts or describes Specified Sexual Activities or Specified Anatomical Areas, or instruments, devices or paraphernalia which are designated for use in connection with Specified Sexual Activities, except for legitimate medically-recognized contraceptives.

ADULT MOTION PICTURE THEATER: a Business which:

1. Holds itself out as such a business; or
2. As its principal business, regularly shows 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.

ADULT THEATER: A Business which:

1. Holds itself out as such a business; or
2. Regularly features persons who appear in a State of Nudity or live performances which are primarily characterized by the exposure of Specified Anatomical Areas or by Specified Sexual Activities.

NUDITY or STATE OF NUDITY: A state of dress in which the areola of the female breast, or male or female genitals, pubic region, or anus are covered by less than the covering required in the definition of Semi-Nude.

OBSCENE: Any material or performance is Obscene if:

1. The average person, applying contemporary community standards, finds that, taken as a whole, it appeals to prurient interest in sex;
2. It is patently offensive in the description or depiction of Nudity, sexual conduct, sexual excitement, sado-masochistic abuse, or excretion; and
3. Taken as a whole, it does not have serious literary, artistic, political or scientific value.

OPERATOR: The manager or other natural person principally in charge of a Sexually Oriented Business.

SEMI-NUDE: A state of dress in which a person wears opaque clothing covering

1. only the male or female genitals, pubic region, anus, by an opaque cover that is four inches wide in the front and five inches wide in the back tapering to one inch at the narrowest point; and if applicable,
2. the nipple and areola of the female breast.

SEMI-NUDE ENTERTAINMENT BUSINESS: A business, including an Adult Theater, where employees perform or appear in the presence of patrons of the business in a state of semi-nudity. A business shall also be presumed to be a Semi-Nude Entertainment Business if the business holds itself out as such a business.

SEXUALLY ORIENTED BUSINESS: Semi-Nude Entertainment Businesses, Adult Businesses, and Semi-Nude Dancing Agencies as defined by this Chapter.

SPECIFIED ANATOMICAL AREAS: 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.

SPECIFIED SEXUAL ACTIVITIES: Specified sexual activities means:

1. Acts of:
 - a. Masturbation;
 - b. Human sexual intercourse; or
 - c. Sodomy
2. Manipulating, caressing or fondling by any person of:
 - a. The genitals of a human;
 - b. The pubic area of a human; or
 - c. The breast or breasts of a human female.
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.

5.12.050 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 applicable federal or state statutes prohibiting obscenity. Notwithstanding anything contained in this chapter, nothing in this chapter shall be deemed to permit or allow conduct or the showing or display of any matter which is contrary to the provisions of the Criminal Code, § 8-4-20 "Lewdness". Provided; however, that for the purpose of Sexually-Oriented Businesses, the definition of "private parts" shall be construed to mean "Nudity" as defined in this chapter.

5.12.060 BUSINESS LICENSE REQUIRED, APPEAL PROCEDURE

It shall be 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 Sexually Oriented Business for which it is obtained. Any applicant denied a Sexually Oriented Business license may appeal to the Town Council pursuant to LMC 16.40.150, provided such request is filed within ten (10) days after receipt of notice of denial.

5.12.070 EXEMPTIONS FROM LICENSE REQUIREMENTS

The provisions of this Chapter shall not apply to any sex therapist or similar individual licensed by the State of Utah 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 of Utah for activities in the classroom.

5.12.080 ARTISTIC MODELING

The Town does not intend to unreasonably or improperly prohibit legitimate modeling or exhibitions which may occur in a State of Nudity for purposes protected by the First Amendment or similar state protections.

5.12.090 BUSINESS CATEGORIES, SINGLE LICENSE

It is unlawful for any business premises to operate or be licensed for more than one category of Sexually Oriented Business. The categories of Sexually Oriented Businesses are:

- A. Adult Bookstore or Adult Video Store
- B. Adult Motion Picture Theater

- C. Adult Theater
- D. Semi-Nude Entertainment Businesses.

5.12.100 LICENSE APPLICATION DISCLOSURE

Before any applicant may be licensed to operate a Sexually Oriented Business pursuant to this Title, the applicant shall submit, on a form to be supplied by the Levan Business License Officer, 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 or director. Any holding company, or any entity holding more than ten percent of an applicant, shall be considered an applicant for purposes of disclosure under this Title.
- 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 the application must also state:
 - 1. any other names or aliases used by the individual;
 - 2. present business address and telephone number;
 - 3. present residence and telephone number;
 - 4. Utah drivers license or identification number; and
 - 5. Social security number.
- E. Acceptable written proof that any individual is at least twenty-one (21) years of age;
- F. 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 possessed or previously possessed any liquor licenses. The statement shall list all other jurisdictions in which the applicant owned or operated a Sexually Oriented Business. The statement shall also state whether the applicant has ever had a license, permit, or authorization to do business denied, revoked or suspended in this or any other county, Town state, or territory. In the event of any such denial, revocation or suspension, state the date, the name or 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.
- G. 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 entity subject to disclosure under this Title for five 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 and 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 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;
- H. 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;
- I. A description of the services to be provided by the business, with sufficient detail to allow reviewing authorities to determine what business will be transacted on the premises, together with a schedule of usual fees for services to be charged by the licensee and any rules, regulations or employment guidelines under or by which the Sexually Oriented 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 Title 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.

- J. It is unlawful to knowingly submit false or materially misleading information on or with a Sexually-Oriented Business license application or to fail to disclose or omit information for the purpose of obtaining a Sexually-Oriented Business license.

5.12.110 LICENSE FEES

Each applicant for a Sexually Oriented Business license shall be required to pay regulatory license fee pursuant to the schedule established by resolution of the Levan Council.

5.12.120 SINGLE 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.
- B. It is unlawful for any Sexually Oriented Business to do business under any name other than the business name specified in the application.

5.12.130 LICENSE ISSUANCE CONDITIONS

The Police Chief or his designee shall approve or deny the issuance of a license to the applicant within thirty days of receipt of a completed application. The Police Chief shall not deny the issuance of a license pursuant to this Chapter unless the he/she finds one or more of the following:

- A. The applicant is under twenty-one (21) years of age;
- B. The applicant is overdue in payment to the Town of taxes, fees, fines, or penalties assessed against the applicant or imposed upon 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 violated a provision of this Chapter or similar provisions found in statutes or ordinances from any jurisdiction within two years immediately preceding the application. A criminal conviction for a violation of a provision of this chapter or similar provisions from any jurisdiction, whether or not being appealed, is conclusive evidence of a violation, but a conviction is not necessary to prove a violation;
- E. The premises to be used for the business has been disapproved by the Juab County Health Department, the Fire Department, the Police Department, the building officials, or the zoning officials as not being in compliance with applicable laws and ordinances of the Town. If any of the foregoing reviewing agencies cannot complete their review within the thirty-day (30) approval or denial period the agency or department may obtain an extension of time of no more than fifteen (15) days for its review. The total time for the Town to approve or deny a license shall not exceed forty-five (45) days from the receipt of a completed application and payment of all fees.
- 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 or similar provisions found in state statutes or ordinances from any other jurisdiction;
- I. An applicant has been convicted or pled nolo contendere to a crime involving:
 1. 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 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 or more misdemeanors within the five (5) years; or

- b. Less than five (5) years have elapsed from the date of conviction if the offense is a felony;
2. The fact that a conviction is being appealed shall have no effect on the disqualification pursuant to this Chapter.

5.12.140 CHANGES IN INFORMATION

Any change in the information required to be submitted under this Chapter for a Sexually Oriented Business license shall be given, in writing, to the Police Department, within fourteen (14) days after such change.

5.12.150 TRANSFER LIMITATIONS

Sexually Oriented Business licenses granted under this chapter are not transferable. It is unlawful for an individual to transfer a Sexually Oriented Business license. It shall be unlawful for a Sexually Oriented Business license held by a corporation, partnership or other non-corporate entity to transfer any part in excess of ten percent (10%) thereof, without filing a new application and obtaining prior Town approval. If any transfer of the controlling interest in a Sexually Oriented Business licensee occurs, the license is immediately null and void and the Sexually Oriented Business shall not operate until a separate new license has been properly issued by the Town as herein provided.

5.12.160 GENERAL REGULATIONS

It is unlawful for any Sexually Oriented Business to:

- A. Allow persons under the age of eighteen (18) years on the licensed premises, except that in Adult Businesses which exclude minors from less than all of the business premises, minors shall not be permitted in excluded areas;
- B. Allow, offer or agree to allow any alcohol being stored, used or consumed on or in the licensed premises;
- C. Allow the outside door to the premises to be locked while any customer is in the premises;
- D. Allow, offer or agree to gambling on the licensed premises;
- E. Allow, offer or agree to any employee of a Sexually Oriented Business touching any patron or customer;
- F. Allow, offer or agree to illegal possession, use, sale or distribution of controlled substances on the licensed premises;
- G. Allow Sexually Oriented Business employees to possess, use, sell or distribute controlled substances, while engaged in the activities of the business;
- H. 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;
 - I. Allow, offer, commit or agree to any Specified Sexual Activity in the presence of any customer or patron;
- J. Allow, offer or agree to allow a patron or customer to masturbate in the presence of an employee or on the premises of a Sexually Oriented Business;
- K. Allow, offer, or agree to commit an act of lewdness as defined in LMC 5.12.050; or
- L. Not permit the Police Department or other proper Town official to have access at all times to all premises licensed or applying for a license under this chapter, or to make periodic inspection of said premises whether the officer or official is in uniform or plain clothes.

5.12.170 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 a 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 be 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 must show marked internal dimensions, all overhead lighting fixtures and ratings for illumination capacity.
- B. It shall be the duty of licensee and licensee's employees to insure that the views from the manager's station of all areas specified in sub-section (A) above 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 licensee and 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.

5.12.180 SEMI NUDE ENTERTAINMENT BUSINESS. INTERIOR DESIGN

Adult Theaters shall require that the performance area shall be separated from the patrons by a minimum of three feet, which separation shall be delineated by a physical barrier at least three feet high. It is unlawful for business premises licensed for Semi-Nude Entertainment to:

- A. Permit a bed, sofa, mattress or similar item in any room on the premises, except that a sofa may be placed in a reception room open to the public or in any office to which patrons are not admitted, and except that in an Adult Theater such items may be on the stage as part of a performance;
- B. Allow any door on any room used for 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;
- C. 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;

5.12.190 ALCOHOL PROHIBITED

It is unlawful for any business licensed pursuant to this chapter to allow the sale, storage, supply, or consumption of alcoholic beverages on the premises. It is unlawful for any person to possess or consume any alcoholic beverage on the premises of any Sexually Oriented Business.

5.14 SOLICITORS, CANVASSERS, PEDDLERS AND ITINERANT MERCHANTS

5.14.010 LICENSE REQUIRED

5.14.020 DEFINITIONS

5.14.030 APPLICATION FOR LICENSE

5.14.040 INVESTIGATION AND ASSURANCE OF LICENSE

5.14.050 FEES

5.14.060 LICENSES, BADGES, REVOCATION, EXPIRATION, APPEAL

5.14.070 ADDITIONAL REQUIREMENTS

5.14.080 EXCEPTIONS

5.14.010 LICENSE REQUIRED

It shall be unlawful for:

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

5.14.020 DEFINITIONS

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 by 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.

Peddler as used in this part shall 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".

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.

5.14.030 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, or by an agent, including a state or regional agent, with the 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 therefore.
 10. If the applicant desires to sell fresh vegetables, fruits, meats, or other foodstuffs, a statement by a reputable physician of the state of Utah, dated not more than ten 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 \$10.00 which shall be deposited with the clerk, is required.

5.14.040 INVESTIGATION AND ASSURANCE OF LICENSE

- A. On receiving the application, the 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 therefore and return the application to the 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 is found to be satisfactory, the chief of police shall endorse such upon the application and return it to the 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.

5.14.050 FEES

- A. The license fee which shall be charged by the clerk for any license issued pursuant to this part shall be \$5.00 per day, \$5.00 per week, \$10.00 per month, or \$25.00 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.

5.14.060 LICENSES, BADGES, REVOCATION, EXPIRATION, APPEAL

- A. A 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 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 his last known address or at the address shown on his application. The hearing and notice shall in all other aspects substantially comply with LMC 1.10.
- E. Any person aggrieved by the action of the chief of police or the 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 sub-section (D) above.

F. All licenses issued pursuant to this part shall expire on the date specified on the license.

5.14.070 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.

5.14.080 EXCEPTIONS

The provisions of this part shall not apply to any individual who is 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 or charity which has a permanent structure located within the state of Utah, provided such church or charity 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.

5.16 CONSTRUCTION CONTRACTORS

5.16.010 PURPOSE

5.16.020 DEFINITIONS

5.16.030 DOING BUSINESS WITHOUT REGISTRATION AND A LICENSE UNLAWFUL

5.16.040 REGISTRATION

5.16.050 JOB LICENSE FOR EACH CONTRACT

5.16.060 JOB LICENSE FEE

5.16.070 RECORDS; INSPECTION

5.16.080 REGULATIONS

5.16.010 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 contract or 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.

5.16.020 DEFINITIONS

Contractor means any person, firm, co-partnership, 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 any one 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 defined.

1. 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, steam fitting; carpentry; cement and concrete; ceramic tile; cabinet and millwork; 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; weather stripping; welding; wrecking and

demolition; wood floor laying and finishing.

5.16.030 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 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 clerk.

5.16.040 REGISTRATION

- A. Any person desiring to engage in business as a contractor shall complete and file in the office of the 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 \$25.00.

5.16.050 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 require 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 therefore, 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.

5.16.060 JOB LICENSE FEE

Every contractor, for the privilege of engaging in the business of performing said services, shall pay the amount set forth in LMC 5.04.010.

5.16.070 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.

5.16.080 REGULATIONS

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

5.18 FRANCHISED UTILITIES AND CABLE TELEVISION OPERATORS

5.18.010 BUSINESS LICENSE REQUIRED

5.18.010 BUSINESS LICENSE REQUIRED

All franchised utilities and cable television operators must obtain from the Town a license to do business within the Town. It shall be unlawful for a franchised utility or cable television operator to conduct business in Levan without a license. The Town shall not charge a business license fee, but the fees for the franchise license amount below and any franchise fee imposed by virtue of a franchise agreement must be timely paid to receive a business license.

6 CRIMINAL CODE

6.02 NUISANCES

6.04 PROSTITUTION

6.06 INTOXICANTS AND LIQUOR

6.08 OFFENSES RE: MINORS

6.10 DISTURBING THE PEACE

6.12 OFFENSES WELFARE AND MORALS

6.14 INCHOATE OFFENSES

6.16 OFFENSES AGAINST PROPERTY

6.18 OFFENSES AGAINST GOVERNMENT

6.20 OFFENSES AGAINST PUBLIC ORDER AND DECENCY

6.22 WEAPONS

6.24 EXPLOSIVES

6.26 PORNOGRAPHIC AND HARMFUL MATERIALS AND PERFORMANCES

6.28 GAMBLING

6.30 PUBLIC PROPERTY; DOCUMENTS

6.32 FENCES

6.02 NUISANCES

6.02.010 "NUISANCE" DEFINED; VIOLATION; CLASSIFICATION OF OFFENSE

6.02.020 BEFOULING WATERS

6.02.030 "PUBLIC NUISANCE" DEFINED

6.02.040 MAINTAINING, COMMITTING OR FAILING TO REMOVE PUBLIC NUISANCE; CLASSIFICATION OF OFFENSE

6.02.050 CARCASS OR OFFAL; PROHIBITIONS RELATING TO DISPOSAL; CLASSIFICATION OF OFFENSE

6.02.060 NOT TO AFFECT OTHER PROVISIONS OF MUNICIPAL ORDINANCES

6.02.070 ACTION FOR ABATEMENT OF PUBLIC NUISANCES

6.02.010 "NUISANCE" DEFINED; VIOLATION; CLASSIFICATION OF OFFENSE

- A. A nuisance is any item, thing, manner, condition whatsoever that is dangerous to human life or health or renders soil, air, water or food impure or unwholesome.
- B. Any person, whether as owner, agent, or occupant who creates, aids in creating, or contributes to a nuisance, or who supports, continues or retains a nuisance, is guilty of a class B misdemeanor.

6.02.020 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 of 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.

6.02.030 "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 chapter is still a nuisance regardless of whether the extent of annoyance or damage inflicted on individuals is unequal.

6.02.040 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 B misdemeanor.

6.02.050 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 of a mile of this municipality is guilty of a class B misdemeanor.

6.02.060 NOT TO AFFECT OTHER PROVISIONS OF MUNICIPAL ORDINANCES

Nothing contained in this Municipal Criminal Code shall affect any other provisions of this municipalities ordinances, rules or regulations which regulate, prohibit or effect nuisances or public nuisances.

6.02.070 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.

6.04 PROSTITUTION

6.04.010 DEFINITIONS

6.04.020 PROSTITUTION

6.04.030 PATRONIZING A PROSTITUTE

6.04.040 AIDING PROSTITUTION

6.04.050 EXPLOITING PROSTITUTION

6.04.060 PERVERSION

6.04.010 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.

6.04.020 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.



6.04.030 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.

6.04.040 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 section.

B. Aiding prostitution is a class B misdemeanor.

6.04.050 EXPLOITING PROSTITUTION

A. A person is guilty of exploiting prostitution if he:

1. Procures an inmate for a house of prostitution or place in a house of prostitution for one who would be an inmate; or
2. Encourages, induces or otherwise purposely causes another to become or remain a prostitute; or
3. Transports a person into or within this municipality with a purpose to promote that person's engaging in prostitution or procuring or paying for transportation with that purpose; or
4. Not being a child or legal dependant of a prostitute, shares the proceeds of prostitution with a prostitute pursuant to their understanding that he is to share therein.
5. Owns, controls, manages, supervises, or otherwise keeps alone or in association with another a house of prostitution or a prostitute business.

B. Exploiting prostitution is a class B misdemeanor.

6.04.060 PERVERSION

It shall be a class B misdemeanor for any person to:

- A. Commit or offer or agree to commit a lewd act or an act of moral perversion.
- B. Secure or offer another for the purpose of committing a lewd act or an act of moral perversion.
- C. Be in or near any place frequented by the public, or any public place, for the purpose of inducing, enticing, or procuring another to commit a lewd act or an act of prostitution or moral perversion.
- D. Make a meretricious display in or near any public place, any place frequented by the public, or any place open to the public view.
- E. Knowingly transport any person to any place for the purpose of committing a lewd act or an act of moral perversion.
- F. Knowingly receive, or offer or agree to receive any person into any place or building for the purpose of performing a lewd act, or an act of moral perversion, or to knowingly permit any person to remain in any place or building for any such purpose.
- G. Direct or offer to direct any person to any place or building for the purpose of committing any lewd act or act of prostitution or moral perversion.
- H. Aid, abet, allow, permit, or participate in the commission of any of the acts prohibited in sub-sections (A) through (G) above.

6.06 INTOXICANTS AND LIQUOR

6.06.010 PUBLIC INTOXICATION PROHIBITED

6.06.020 ILLEGAL SALE, MANUFACTURING, STORAGE OF INTOXICATING LIQUOR

6.06.030 POSSESSION OF LIQUOR

6.06.040 LIQUOR TO DRUNKEN PERSON

6.06.050 ALCOHOLIC BEVERAGES AND MINORS

6.06.060 CANVASSING OR SOLICITING

6.06.070 SOLICITATION OF DRINKS

6.06.010 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 chapter if he believes imprisonment is unnecessary for the protection of the individual or another.
- C. Tobacco and Alcohol Use Prohibited in Outdoor Facilities. No person shall use any form of tobacco including E-cigarettes as defined in Utah Code 26-38-2, or alcohol at or on the following Town-owned or operated facilities: playgrounds, parks, athletic fields, walking trails, restrooms, and cemetery.
- D. Enforcement.
 - 1. Signage will be posted to notify residents and visitors of tobacco-free and alcohol free policy.
 - 2. The emphasis on enforcing the tobacco-free and alcohol-free policy is through voluntary compliance. However, violation of the tobacco-free provision is an infraction, and violation of the alcohol-free provision is a Class C Misdemeanor.

6.06.020 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.

6.06.030 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.

6.06.040 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.

6.06.050 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.

6.06.060 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.

6.06.070 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 chapter.

6.08 OFFENSES RE: MINORS

6.08.010 PURCHASE, POSSESSION PROHIBITED

6.08.020 CURFEW; MINORS; EXCEPTIONS

6.08.030 RESPONSIBILITY OF PARENTS, GUARDIANS FOR CURFEW

6.08.040 MINOR PROHIBITED WHERE BEER IS SOLD

6.08.010 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 the age of 19.
- D. In adult-private clubs, provided that such locations are inaccessible to persons under the age of 19.

6.08.020 CURFEW; MINORS; EXCEPTIONS

No person under the age of 12 years shall be or remain upon any of the streets, alleys or public places or vacant lots at night between the hours of 11:00 p.m. and 6:00 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 12:30 a.m. to 6:00 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 chapter, 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.

6.08.030 RESPONSIBILITY OF PARENTS, GUARDIANS FOR CURFEW

No person, guardian or other person having legal charge or custody of any person under 12 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 LMC 6.08.020.

6.08.040 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 19 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 19 years of age to enter upon or remain in any such premises or for any person under the age of 19 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.

6.10 DISTURBING THE PEACE

6.10.010 NOISE

6.10.020 FIGHTING; THREATENING

6.10.030 LOUDSPEAKERS

6.10.040 SALE OR USE OF FIREWORKS UNLAWFUL

6.10.050 THROWING OBJECTS PROHIBITED

- 6.10.060 VULGAR LANGUAGE
- 6.10.070 INDECENT EXPOSURE
- 6.10.080 OFFENSIVE, INDECENT ENTERTAINMENT
- 6.10.090 WINDOW PEEPING
- 6.10.100 LOOKOUTS FOR ILLEGAL ACTS
- 6.10.110 UNLAWFUL USE OF RESTROOMS

6.10.010 NOISE

It is a class C misdemeanor for any person to disturb the peace or quiet of any neighborhood, family or person by loud or unusual noises, by tumultuous or offensive conduct.

6.10.020 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.

6.10.030 LOUDSPEAKERS

- A. It is an infraction for any person to maintain, operate, connect or suffer or permit to be maintained, operated or connected any calliope or radio apparatus, sound device or any talking machine or loudspeaker attached thereto in such a manner that the loudspeaker or amplifier causes the sound from such radio apparatus or sound device or talking machine to be projected directly therefrom outside of any building, vehicle or out-of-doors, provided that the chief of police may grant a permit to so broadcast any events or happenings of cultural, political, intellectual or religious interest. Every person desiring a permit to so broadcast shall make application, file a statement showing the place where he proposes to broadcast, the times and probable duration, and the nature, topics or titles of said broadcast. Said permit shall not be arbitrarily denied and when an application for a permit is denied, the chief or police shall set forth in writing and with particularity the grounds for so denying the application for a permit.
- B. Nothing herein contained shall be construed to prevent the operation of a radio apparatus, sound device, amplifier or talking machine used in a reasonable manner by any person within any building, vehicle or structure even though the sound therefrom may be heard on the outside of such building, vehicle or structure, provided that the said apparatus, sound device, amplifier or talking machine shall not project the sound therefrom directly outside of any building, vehicle or out-of-doors, and provided further that no such radio apparatus, sound device, amplifier or talking machine is in any way fastened to or connected with any outside wall or window in any building, vehicle or structure so that sound therefrom is projected outside of such walls or window.

6.10.040 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.

6.10.050 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.

6.10.060 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.

6.10.070 INDECENT EXPOSURE

- A. It shall be a class B misdemeanor for any person over six years of age to indecently expose his body in public.
- B. For the purpose of this title:
 - 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.

6.10.080 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.

6.10.090 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.

6.10.100 LOOKOUTS 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.

6.10.110 UNLAWFUL USE OF RESTROOMS

No person over the age of six years shall use the restroom and washrooms designated for the opposite sex.

6.12 OFFENSES WELFARE AND MORALS

6.12.010 CHARITY DRIVES

6.12.020 CORPORATION FRAUDS

6.12.030 TRADE AND COMMERCE

6.12.040 TRADEMARKS, TRADE NAMES AND DEVICES

6.12.050 OFFENSES AGAINST THE FAMILY

6.12.060 OFFENSES AGAINST THE PERSON

6.12.010 CHARITY DRIVES

A. DEFINITIONS. As used in this part:

- 1. Person means any individual, organization, group, association, partnership, corporation, or any combination of them;
- 2. Professional fund raiser means any person who for compensation or any other consideration plans, conducts, or manages the solicitation of contributions for or on behalf of any charitable organization or any other person, or who engages in the business of, or holds himself out to persons as independently engaged in the business of soliciting contributions for such purpose, but shall not include a bona fide officer or employee of a charitable organization;
- 3. Professional solicitor means any person who is employed or retained for compensation by a professional

fund raiser to solicit contributions in this municipality for charitable purposes.

4. Charitable organization means any organization that is benevolent, philanthropic, patriotic, or eleemosynary or one purporting to be such.
5. Contribution means the promise or grant of any money or property of any kind or value.

- B. USE OF PERSON'S NAME WITHOUT CONSENT FOR SOLICITING CONTRIBUTIONS PROHIBITED; EXCEPTION. No charitable organization, professional fund raiser, or professional solicitor, seeking to raise funds for charitable purposes, shall use the name of any other person for the purpose of soliciting contributions without the written consent of the person; provided that this section shall not apply to religious corporations or organizations, charities, agencies, and organizations operated, supervised or controlled by or in connection with a religious corporation or organization.
- C. USE OF NAME WITHOUT CONSENT ON STATIONERY OR AS ONE WHO CONTRIBUTED TO ORGANIZATION PROHIBITED. It shall be deemed to be a violation of this part to use, without written consent, the name of a person for the purpose of soliciting contributions if the person's name is listed on any stationery, advertisement, brochure, or correspondence or a charitable organization, or his name is listed or referred to as one who has contributed to, sponsored, or endorsed the charitable organization or its activities.
- D. VIOLATIONS; CLASSIFICATION OF OFFENSE. Any person who violates the provisions of this part is guilty of a class B misdemeanor.

6.12.020 CORPORATION FRAUDS

A. DEFINITIONS. As used in this part:

1. 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.
2. 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.

- B. 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.
- C. 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.
- D. 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:
1. To make any dividend except as permitted by the Utah Business Corporation Act; or
 2. 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.
- E. FALSE REPORTS. Every director, officer, or agent of any corporation or joint stock association who knowingly makes or concurs in making or publishing any written report, exhibit, or statement of its affairs or pecuniary condition, containing any material statement which is false is guilty of a class B misdemeanor.
- F. REFUSING INSPECTION OF BOOKS. Every officer or agent of any corporation having or keeping an office, who has in his custody or control the books of such corporation, and who refuses to give a bona fide shareholder of record or member of the corporation, lawfully demanding during office hours, the right to inspect or take a copy of it or of any part thereof, is guilty of a class B misdemeanor.
- G. PRESUMPTION OF DIRECTOR'S KNOWLEDGE OF AFFAIRS. Every director of a corporation or joint stock association is deemed to possess a knowledge of the affairs of his corporation as to enable him to determine whether any act, proceeding, or omission of its directors is a violation of this part.
- H. PRESUMPTION OF DIRECTOR'S CONCURRENCE IN ACTION IF PRESENT AT MEETING- WRITTEN DISSENT REQUIRED. Every director of a corporation or joint stock association who is present at a meeting of the

directors at which any act, proceeding, or omission of the directors in violation of this part occurs is deemed to have concurred therein, unless he at the time causes, or in writing requires, his dissent therefrom to be entered in the minutes of the directors or forewords his dissent by registered mail to the secretary of the corporation immediately after the adjournment of the meeting.

- I. FOREIGN CORPORATIONS SUBJECT TO ORDINANCES. It is no defense to a prosecution for any violation of any of the provisions of this part that the corporation was one created by the laws of another state, government, or country if it was one carrying on business or keeping an office therefore within this municipality.

6.12.030 TRADE AND COMMERCE

- A. "JUNK DEALER" DEFINED. For the purpose of this part "junk dealer" means all persons, firms, or corporations engaged in the business of purchasing or selling secondhand, or castoff material of any kind, such as old iron, copper, brass, lead, zinc, tin, steel, aluminum, and other metals, metallic cables, wires, ropes, cordage, bottles, bagging, rags, rubber, paper, and other like materials.
- B. FRAUDULENT PRACTICES TO AFFECT MARKET PRICE. Every person who willfully makes or publishes any false statement, spreads any false rumor, or employs any other false or fraudulent means or device, with intent to affect the market price of any kind of property, is guilty of a class B misdemeanor.
- C. 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.
- D. 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.
- E. 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 sub-section (C) above relating to erasure, mutilation, or change and also to inspection.
- F. 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 he guilty of a class B misdemeanor.

6.12.040 TRADEMARKS, TRADE NAMES AND DEVICES

- A. DEFINITIONS. For the purpose of this part:
 - 1. Forged trademark, forged trade name, forged trade device, and counterfeited trademark, counterfeited trade name, counterfeited trade device, or their equivalents, as used in this part, include every alteration or imitation of any trademark, trade name, or trade device so resembling the original as to be likely to deceive.
 - 2. Trademark or trade name or trade device, as used in this part, includes every trademark registerable with the secretary of state.
- B. FORGING OR COUNTERFEITING TRADEMARK, TRADE NAME OR TRADE DEVICE. Every person who willfully forges or counterfeits, or procures to be forged or counterfeited any trademark, trade name, or trade device, usually affixed by any person, or by any association or union of workmen, to his or its goods, which has been filed in the office of the secretary of state, with intent to pass off any goods to which the forged or counterfeited trademark, trade name, or trade device is affixed or intended to be affixed, as the goods of the person or association or union of workmen, is guilty of a class B misdemeanor.
- C. SELLING GOODS UNDER COUNTERFEITED TRADEMARK, TRADE NAME OR TRADE DEVICE. Every person who sells or keeps for sale any goods upon or to which any counterfeited trademark, trade name, or trade

device has been affixed, after it has been filed in the office of the secretary of state, intending to represent the goods as the genuine goods of another, knowing it to be counterfeited, is guilty of a class B misdemeanor.

- D. SALES IN CONTAINERS BEARING REGISTERED TRADEMARK OF SUBSTITUTED ARTICLES. Every person who has or uses any container or similar article bearing or having in any way connected with it the registered trademark of another for the purpose of disposing, with intent to deceive or defraud any article or substance other than that which the container of similar article originally contained or was connected with by the owner of such trademark is guilty of a class B misdemeanor.
- E. 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.
- F. 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.
- G. 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.

6.12.050 OFFENSES AGAINST THE FAMILY

A. MARITAL VIOLATIONS

1. 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.

6.12.060 OFFENSES AGAINST THE PERSON

A. ASSAULT AND RELATED OFFENSES

1. 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.

2. 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.

3. 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.

B. INTERFERING WITH CUSTODIAL RIGHTS OR PERSONAL LIBERTY

1. CUSTODIAL INTERFERENCE

a. A person, whether a parent or other, is guilty of custodial interference if, without good cause, he takes, entices, conceals, or detains a child under the age of sixteen from his parent, guardian, or other lawful custodian:

(1) Knowing he has no legal right to do so; and

(2) With intent to hold the child for a period substantially longer than the visitation or custody period previously awarded by a court of competent jurisdiction.

b. A person, whether a parent or other, is guilty of custodial interference if, having actual physical custody of a child under the age of sixteen pursuant to a judicial award of any court of competent jurisdiction which grants to another person visitation or custody rights, and without good cause he conceals or detains the child with intent to deprive the other person of his lawful visitation or custody rights.

c. A person is guilty of custodial interference if without good cause he takes, entices, conceals, or detains an incompetent or other person under the age of sixteen who has been committed by authority of law to the custody of another person or institution from the other person or institution, knowing he has no legal right to do so.

d. Custodial interference is a class B misdemeanor.

2. UNLAWFUL DETENTION

a. A person commits unlawful detention if he knowingly restrains another unlawfully so as to interfere substantially with his liberty.

b. Unlawful detention is a class B misdemeanor.

C. SEXUAL OFFENSES

1. 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.

2. 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.

D. SODOMY

1. 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.

2. Sodomy is a class B misdemeanor.

E. MARRIED PERSONS' CONDUCT EXEMPT; LIMITATIONS OF ACTIONS; "PENETRATION" OR "TOUCHING" SUFFICIENT TO CONSTITUTE OFFENSE

1. The provisions of this part shall not apply to conduct between persons married to each other; provided, however, that for purposes of this part, persons living apart pursuant to a lawful order of a court of competent jurisdiction shall not be deemed to be married.

2. No prosecution may be instituted or maintained under this part unless the alleged offense was brought to the notice of public authority:

a. Within three months of its occurrence; or

b. 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.

3. 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.

6.14 INCHOATE OFFENSES

6.14.010 ATTEMPT

6.14.020 CRIMINAL CONSPIRACY

6.14.030 EXEMPTIONS AND RESTRICTIONS

6.14.010 ATTEMPT

A. ATTEMPT: ELEMENTS OF OFFENSE

1. 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.
2. 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.
3. No defense to the offense of attempt shall arise:
 - a. Because of the offense attempted was actually committed; or
 - b. 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.

B. ATTEMPT: CLASSIFICATION OF OFFENSES. Criminal attempt to commit:

1. A class B misdemeanor is a class C misdemeanor;
2. A class C misdemeanor is an infraction;
3. An infraction is punishable by a penalty not exceeding one-half the penalty for an infraction.

6.14.020 CRIMINAL CONSPIRACY

A. 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 any one 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.

B. CONSPIRACY: CLASSIFICATION OF OFFENSES. Conspiracy to commit:

1. A class B misdemeanor is a class C misdemeanor;
2. A class C misdemeanor is an infraction;
3. An infraction is punishable by a penalty not exceeding one half the penalty for an infraction.

6.14.030 EXEMPTIONS AND RESTRICTIONS

A. SPECIFIC ATTEMPT OR CONSPIRACY OF OFFENSE PREVAILS. Whenever any offense specifically designates or defines an attempt or conspiracy and provides a penalty for the attempt or conspiracy other than provided in this part, the specific offense shall prevail over the provisions of this part.

B. CONVICTION OF INCHOATE AND PRINCIPAL OFFENSE PROHIBITED. No person shall be convicted of both an inchoate and principal offense or of both an attempt to commit an offense and a conspiracy to commit the same offense.

6.16 OFFENSES AGAINST PROPERTY

6.16.010 PROPERTY DESTRUCTION

6.16.020 BURGLARY AND CRIMINAL TRESPASS

6.16.030 THEFT

6.16.040 FRAUD

6.16.010 PROPERTY DESTRUCTION

A. DEFINITIONS. For purposes of this chapter:

1. Property means any form of real property or tangible personal property which is capable of being damaged or destroyed and includes a habitable structure.
2. 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.
3. Property is that of another, if anyone other than the actor has a possessory or proprietary interest in any portion thereof.
4. Value means:
 - a. 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
- b. Where the market value cannot be ascertained, the cost of repairing or replacing the property within a reasonable time following the offense.
- c. 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.

B. ARSON

- 1. A person is guilty of arson if, by means of fire or explosives, a person unlawfully and intentionally damages the property of another.
- 2. 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.

C. RECKLESS BURNING

- 1. A person is guilty of reckless burning if he damages the property of another by reckless use of fire or causing an explosion.
- 2. 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.

D. CRIMINAL MISCHIEF

- 1. A person commits criminal mischief if:
 - a. He intentionally damages, defaces or destroys the property of another;
 - b. He recklessly or willfully shoots or propels a missile or other object at or against a motor vehicle, bus, airplane, boat, locomotive, train, railway car or caboose, whether moving or standing.
- 2. Criminal mischief is defined herein as a class B misdemeanor if the actor's conduct causes or is intended to cause pecuniary loss in excess of \$250.00 and a class C misdemeanor if the actor's conduct causes or is intended to cause loss of less than \$250.00.

6.16.020 BURGLARY AND CRIMINAL TRESPASS

A. DEFINITIONS. For purposes of this part:

- 1. 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.

B. 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.

C. CRIMINAL TRESPASS

- 1. For purposes of this section "enter" means intrusion of the entire body.
- 2. A person is guilty of criminal trespass if under circumstances not amounting to burglary as defined in sections 76-6-202 through 76-6-204 of the Utah Code:
 - a. He enters or remains unlawfully on property; and
 - (1) intends to cause annoyance or injury to any person thereon or damage to any property thereon; or
 - (2) intends to commit any crime, other than theft or a felony;
 - (3) is reckless as to whether his presence will cause fear for the safety of another.
 - b. Knowing his entry or presence is unlawful, he enters or remains on property as to which notice against entering is given by:
 - (1) personal communication to the actor by the owner or someone with apparent authority to act for the owner; or
 - (2) fencing or other enclosure obviously designed to exclude intruders; or
 - (3) posting of signs reasonably likely to come to the attention of intruders.

3. A violation of sub-section (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 sub-section (B)(2) is an infraction.
4. It is a defense to prosecution under this section:
 - a. That the property was open to the public when the actor entered or remained; and
 - b. The actor's conduct did not substantially interfere with the owner's use of the property.

6.16.030 THEFT

A. DEFINITIONS. For the purposes of this part:

1. Property means anything of value, including real estate, tangible and intangible personal property, captured or domestic animals and birds, written instruments or other writings representing or embodying rights concerning real or personal property, labor, services, or otherwise containing anything of value to the owner, commodities of a public utility nature such as telecommunications, gas, electricity, steam, or water, and trade secrets, meaning the whole or any portion of any scientific or technical information, design, process, procedure, formula or invention which the owner thereof intends to be available only to persons selected by him.
2. Obtain means, in relation to property, to bring about a transfer of possession or of some other legally recognized interest in property, whether to the obtainer or another; in relation to labor or services, to secure performance thereof; and in relation to a trade secret, to make any facsimile, replica, photograph, or other reproduction.
3. Purpose to deprive means to have the conscious object:
 - a. To withhold property permanently or for so extended a period or to use under such circumstances that a substantial portion of its economic value, or of the use and benefit thereof, would be lost; or
 - b. To restore the property only upon payment of a reward or other compensation;
 - c. To dispose of the property under circumstances that make it unlikely that the owner will recover it.
4. Obtain or exercise unauthorized control means, but is not necessarily limited to, conduct heretofore defined or known as common law larceny by trespassory taking, larceny by conversion, larceny by bailee, and embezzlement.
5. Deception occurs when a person intentionally:
 - a. Creates or confirms by words or conduct an impression of law or fact that is false and that the actor does not believe to be true and that it is likely to affect the judgment of another in the transaction; or
 - b. Fails to correct a false impression of law or fact that the actor previously created or confirmed by words or conduct that is likely to affect the judgment of another and that the actor does not now believe to be true; or
 - c. Prevents another from acquiring information likely to affect his judgment in the transaction; or
 - d. Sells or otherwise transfers or encumbers property without disclosing a lien, security interest, adverse claim, or other legal impediment to the enjoyment of the property, whether the lien, security interest, claim, or impediment is or is not valid or is or is not a matter of official record; or
 - e. Promises performance that is likely to affect the judgment of another in the transaction, which performance the actor does not intend to perform or knows will not be provided, however, that failure to perform the promise in issue without other evidence of intent or knowledge is not sufficient proof that the actor did not intend to perform or knew the promise would not be performed.

B. PRESUMPTIONS AND DEFENSES. The following presumption shall be applicable to this part:

1. 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.
2. 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 sub-section shall not include a security interest for the repayment of a debt or obligation.
3. It is a defense under this part that the actor:
 - a. Acted under an honest claim of right to the property or service involved; or
 - b. Acted in the honest belief that he had the right to obtain or exercise control over the property or service as he did; or
 - c. Obtained or exercised control over the property or service honestly believing that the owner, if present, would have consented.

- C. 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 this sub-section 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 fair notice or by surprise.
- D. 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.
- E. THEFT BY DECEPTION.
1. A person commits theft if he obtains or exercises control over property of another by deception and with a purpose to deprive him thereof.
 2. Theft by deception does not occur, however, when there is only falsity as to matters having no pecuniary significance, or puffing by statements unlikely to deceive ordinary persons in the group addressed. "Puffing" means an exaggerated commendation of wares or worth in communications addressed to the public or to a class or group.
- F. THEFT BY EXTORTION
1. A person is guilty of theft if he obtains or exercises control over the property of another by extortion and with a purpose to deprive him thereof.
 2. As used in this section, extortion occurs when a person threatens to:
 - a. Cause physical harm in the future to the person threatened or to any other person or to property at any time; or
 - b. Subject the person threatened or any other person to physical confinement or restraint; or
 - c. Engage in other conduct constituting a crime; or
 - d. Accuse any person of a crime or expose him to hatred, contempt or ridicule; or
 - e. Reveal any information ought to be concealed by the person threatened; or
 - f. Testify or provide information or withhold testimony or information with respect to another's legal claim or defense; or
 - g. Take action as an official against anyone or anything, or withhold official action, or cause such action or withholding; or
 - h. Bring about or continue a strike, boycott or other similar collective action to obtain property which is not demanded or received for the benefit of the group which the actor purports to represent; or
 - i. Do any other act which would not in itself substantially benefit him but which would harm substantially any other person with respect to that person's health, safety, business, calling, career, financial condition, reputation, or personal relationships.
- G. THEFT OF LOST, MISLAID OR MISTAKENLY DELIVERED PROPERTY. A person commits theft when:
1. He obtains property of another which he knows to have been lost or mislaid, or to have been delivered under a mistake as to the identity of the recipient or as to the nature or amount of the property, without taking reasonable measures to return it to the owner; and
 2. He has the purpose to deprive the owner of the property when he obtains the property or at any time prior to taking the measures designated in sub-section (A) above.
- H. RECEIVING STOLEN PROPERTY; DUTIES OF PAWNBROKERS
1. 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.
 2. The knowledge or belief required for sub-section (A) above is presumed in the case of an actor who:
 - a. Is found in possession or control of other property stolen on a separate occasion; or
 - b. Has received other stolen property within the year preceding the receiving offense charged; or
 - c. 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.
 - d. 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:

- (1) Every pawnbroker or person who has or operates a business dealing in or collecting used or secondhand merchandise or personal property, and every agent, employee or representative of the pawnbroker or person who fails to comply with the requirements of sub-section four (4) below 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.
- (2) 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 sub-section (4) below 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.

3. As used in this section:

- a. "Receives" means acquiring possession, control, or title or lending on the security of the property;
- b. "Dealer" means a person in the business of buying or selling goods.

I. THEFT OF SERVICES

1. A person commits theft if he obtains services which he knows are available only for compensation by deception, threat, force, or any other means designed to avoid the due payment therefore.
2. A person commits theft if, having control over the disposition of services of another, to which he knows he is not entitled, he diverts such services to his own benefit or to the benefit of another who he knows is not entitled thereto.
3. As used in this section "services" includes, but is not necessarily limited to, labor, professional service, public utility, and transportation services, restaurant, hotel, motel, tourist cabin, rooming house and like accommodations, the supplying of equipment, tools, vehicles, or trailers for temporary use, telephone or telegraph service, gas, electricity, water or steam, and the like, admission to entertainment, exhibitions, sporting events, or other events for which a charge is made.

J. THEFT BY PERSON HAVING CUSTODY OF PROPERTY PURSUANT TO REPAIR OR RENTAL AGREEMENT. A person is guilty of theft if:

1. Having custody of property pursuant to an agreement between himself or another and the owner thereof whereby the actor or another is to perform for compensation a specific service for the owner involving the maintenance, repair, or use of such property, he intentionally uses or operates it, without the consent of the owner, for his own purposes in a manner constituting a gross deviation from the agreed purpose; or
2. Having custody of any property pursuant to a rental or lease agreement where it is to be returned in a specified manner or at a specified time, intentionally fails to comply with the terms of the agreement concerning return so as to render such failure a gross deviation from the agreement.

K. THEFT: CLASSIFICATION OF OFFENSES. Theft of property and services as provided in this section shall be punishable as a class B misdemeanor.

6.16.040 FRAUD

A. FORGERY: "WRITING" DEFINED

1. A person is guilty of forgery, if, with purpose to defraud anyone, or with knowledge that he is facilitating a fraud to be perpetrated by anyone, he:
 - a. Alters any writing of another without his authority or utters any such altered writing; or
 - b. Makes, completes, executes, authenticates, issues, transfers, publishes, or utters any writing so that the writing, completion, execution, authentication, issuance, transference, publication, or utterance purports to be the act of another, whether the person is existent or nonexistent, or purports to have been executed at a time or place or in a numbered sequence other than was in fact the case, or to be a copy of an original when no such original existed.

2. As used in this section "writing" includes printing or any other method of recording information, checks, tokens, stamps, seals, credit cards, badges, trademarks, money, and any other symbols of value, right, privilege, or identification.
 3. Forgery is a class B misdemeanor.
- B. POSSESSION OF FORGED WRITING OR DEVICE FOR WRITING. Any person who, with intent to defraud, knowingly possesses any writing that is a forgery as defined in subsection (A) above, or who with intent to defraud knowingly possesses any device for making any such writing, is guilty of a class B misdemeanor.
- C. FRAUDULENT HANDLING OF RECORDABLE WRITINGS. Any person who with intent to deceive or injure anyone falsifies, destroys, removes or conceals any will, (Iced, mortgage, security instrument, or other writing for which the law provides public recording is guilty of fraudulent handling or recordable writings is a class B misdemeanor.
- D. TAMPERING WITH RECORDS
1. Any person who, having no privilege to do so, knowingly falsifies, destroys, removes, or conceals any writing, other than the writings enumerated in subsection (C) above, or record, public or private, with intent to deceive or injure any person or to conceal any wrongdoing is guilty of tampering with records.
 2. Tampering with records is a class B misdemeanor.
- E. ISSUING A BAD CHECK; PRESUMPTION
1. 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.
 2. 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.
 3. An offense of issuing a bad check shall be punished as a class B misdemeanor.
- F. FRAUDULENT USE OF A CREDIT CARD; "CREDIT CARD" DEFINED. Utah Code Annotated 76-6-506 through 76-6-506.3 are hereby incorporated herein by reference.
- G. DECEPTIVE BUSINESS PRACTICES; DEFINITIONS; DEFENSE
1. A person is guilty of a class B misdemeanor if, in the course of business, he:
 - a. Uses or possesses for use a false weight or measure, or any other device for falsely determining or recording any quality or quantity; or
 - b. Sells or offers or exposes for sale or delivers less than the represented quantity or quality of any commodity or service; or
 - c. Takes or attempts to take more than the represented quantity of any commodity or service when as buyer he furnishes the weight or measure; or
 - d. Sells, offers or exposes for sale adulterated or mislabeled commodities.
 - (1) "Adulterated" means varying from the standard of composition or quality prescribed, or pursuant to any statute or ordinance providing criminal penalties for such variance, or set by established commercial usage.
 - (2) "Mislabeled" means varying from the standard of truth or disclosure in labeling prescribed by or pursuant to any statute or ordinance providing criminal penalties for such variance, or set by established commercial usage
 - e. Makes a false or misleading statement in any advertisement addressed to the public or to a substantial segment thereof for the purpose of promoting the purchase or sale of property or services.
 - f. Offers, by advertising or other means of communication, to the public or a substantial number of persons, property, or services as part of the scheme or plan, with intent not to sell or provide the advertised property or services:
 - (1) At the price which he offered them; or
 - (2) In a quantity sufficient to meet the reasonably expected public demand, unless the quantity is specifically stated in the advertisement; or
 - (3) At all.
 2. It is affirmative defense to prosecution under this section that the defendant's conduct was not knowing

or reckless.

H. BRIBERY OF OR RECEIVING BRIBE BY PERSON IN THE BUSINESS OF SELECTION, APPRAISAL, OR CRITICISM OF GOODS OR SERVICES

1. A person is guilty of a class B misdemeanor when, without the consent of the employer or principal, contrary to the interests of the employer or principal:
 - a. He 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
 - b. He, as an employee, agent, or fiduciary of an employer or principal, solicits, accepts, or agrees to accept any benefit from another upon an agreement or understanding that such benefit will influence his 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.
2. 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.

I. DEFRAUDING CREDITORS. A person is guilty of a class B misdemeanor if:

1. He destroys, removes, conceals, encumbers, transfers, or otherwise deals with property subject to a security interest with a purpose to hinder enforcement of that interest; or
2. 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:
 - a. 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
 - b. 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.

J. USING OR MAKING SLUGS

1. A person is guilty of a class B misdemeanor if:
 - a. With a purpose to defraud the supplier of property or a service offered or sold by means of a coin machine, he inserts, deposits, or uses a slug in that machine; or
 - b. He makes, possesses, or disposes of a slug with the purpose of enabling a person to use it fraudulently in a coin machine.
2. As used in this section:
 - a. "Coin machine" means any mechanical or electronic device or receptacle designed to receive a coin or bill of a certain denomination, or a token made for the purpose, and, in return for the insertion or deposit thereof, automatically to offer, provide, assist in providing or permit the acquisition of property or a public or private service.
 - b. "Slug" means any object which, by virtue of its size, shape, or other quality, is capable of being inserted, deposited, or otherwise used in a coin machine as an improper substitute for a genuine coin, bill, or token.

K. CRIMINAL SIMULATION

1. A person is guilty of criminal simulation if, with intent to defraud another:
 - a. He makes or alters an object in whole or in part so that it appears to have value because of age, antiquity, rarity, source, or authorship that it does not have; or
 - b. He sells, passes, or otherwise utters an object so made or altered; or
 - c. He possesses an object so made or altered with intent to sell, pass, or otherwise utter it; or
 - d. He authenticates or certifies an object so made or altered as genuine or as different from what it is.
2. Criminal simulation is punishable as a class B misdemeanor.

L. FALSE OR FRAUDULENT INSURANCE CLAIM: PUNISHMENT AS FOR THEFT. Every person who presents, or causes to be presented, any false or fraudulent claim, or any proof in support of any such claim, upon any

contract of insurance for the payment of any loss, or who prepares, makes or subscribes any account, certificate of survey, affidavit or proof of loss, or other book, paper or writing, with intent to present or use the same, or to allow it to be presented or used, in support of any such claim is punishable as in the manner prescribed for theft of property of like value.

6.18 OFFENSES AGAINST GOVERNMENT

6.18.010 CORRUPT PRACTICES

6.18.020 ABUSE OF OFFICE

6.18.030 OBSTRUCTING GOVERNMENTAL OPERATIONS

6.18.040 OFFENSE AGAINST PUBLIC PROPERTY

6.18.050 FALSIFICATION IN OFFICIAL MATTERS

6.18.060 ABUSE OF PROCESS

6.18.070 SABOTAGE PREVENTION

6.18.010 CORRUPT PRACTICES

A. DEFINITIONS. For purposes of this chapter:

1. 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.
2. Party official means any person holding any post in a political party whether by election, appointment, or otherwise.
3. 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.
4. A person is a candidate for electoral office upon his filing or being nominated as a candidate for any municipal office.

B. 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.

C. BRIBERY TO INFLUENCE OFFICIAL OR POLITICAL ACTIONS. A person is guilty of a class B misdemeanor if:

1. 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
2. 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 sub-section (A) above.

D. THREATS TO INFLUENCE OFFICIAL OR POLITICAL ACTION

1. A person is guilty of a class B misdemeanor if he threatens any harm to a public servant, party official, or voter with a purpose of influencing his action, decision, opinion, recommendation, nomination, vote, or other exercise of discretion.
2. "Harm", as used in this section, means any disadvantage or injury, pecuniary or otherwise, including disadvantage or injury to any other person or entity in whose welfare the public servant, party official, or voter is interested.

E. RECEIVING BRIBE OR BRIBERY BY PUBLIC SERVANT. A person is guilty of a class B misdemeanor if:

1. Being a public servant, he solicits, accepts, or agrees to accept any pecuniary benefit in return for having given a decision, opinion, recommendation, nomination, vote, otherwise exercised in his discretion, or for having violated his duty; or
2. He promises, offers, or gives any pecuniary benefit, acceptance of which would be a violation of sub-section (A) above.

F. RECEIVING BRIBE OR BRIBERY FOR ENDORSEMENT OF PERSON AS PUBLIC SERVANT. A person is guilty of

a class B misdemeanor if:

1. He solicits, accepts, agrees to accept for himself, another person, or a political party, money or any other pecuniary benefit as compensation for his endorsement, nomination, appointment, approval, or disapproval of any person for a position as a public servant or for the advancement of any public servant; or
 2. He knowingly gives, offers, or promises any pecuniary benefit prohibited by sub-section (A) above.
- G. ALTERATION OF PROPOSED ORDINANCE OR RESOLUTION. Every person who fraudulently alters the draft of any ordinance or resolution which has been presented to the governing body of any municipality to be passed or adopted, with intent to procure it being passed or adopted by the governing body or signed by the mayor in language different from that intended by the governing body, is guilty of a class B misdemeanor.
- H. ALTERATION OF ENGROSSED COPY OF ORDINANCE OR RESOLUTION. Every person who fraudulently alters any ordinance or resolution which has been passed or adopted by the governing body with intent to have it printed or published as part of the ordinances or resolutions of this municipality in language different from that in which it was passed or adopted by the legislature, is guilty of a class B misdemeanor.
- I. 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.

6.18.020 ABUSE OF OFFICE

- A. 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.
- B. 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:
1. Acquires or divests himself of a pecuniary interest in any property, transaction, or enterprise which may be affected by such action or information; or
 2. Speculates or waters on the basis of such action or information; or
 3. Knowingly aids another to do any of the foregoing.
- C. UNOFFICIAL MISCONDUCT
1. A person is guilty of unofficial misconduct if he exercises or attempts to exercise any of the functions of a public office when:
 - a. He has not taken and filed the required oath of office; or
 - b. He has failed to execute and file the required bond; or
 - c. He has not been elected or appointed to office; or
 - d. 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.
 - e. 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.
 2. Unofficial misconduct is a class B misdemeanor.

6.18.030 OBSTRUCTING GOVERNMENTAL OPERATIONS

- A. INTERFERENCE WITH PUBLIC SERVANT. A person is guilty of a class B misdemeanor if he uses force, violence, intimidation, or engages in any other unlawful act with a purpose to interfere with a public servant performing or purporting to perform an official function.
- B. PICKETING OR PARADING IN OR NEAR COURT. A person is guilty of a class B misdemeanor if he pickets or parades in or near a building which houses a court of this municipality with intent to access to that court or to affect the outcome of a case pending before that court.
- C. PREVENTION OF GOVERNING BODY OR PUBLIC SERVANT FROM MEETING OR ORGANIZING. A person is

guilty of a class B misdemeanor if he intentionally and by force or fraud:

1. Prevents the governing body of this municipality or any of the members thereof, from meeting or organizing; or
2. Prevents any other public servant from meeting or organizing to perform a lawful governmental function.

D. DISTURBING GOVERNING BODY OR OFFICIAL MEETING.

1. A person is guilty of a class B misdemeanor if:

- a. He intentionally disturbs the governing body while in session; or
- b. He intentionally commits any disorderly conduct in the immediate view and presence of the governing body of this municipality which tends to interrupt its proceedings or impair the respect of its authority; or
- c. Intentionally disturbs an official meeting or commits any disorderly conduct in immediate view and presence of participants in an official meeting which tends to interrupt its proceedings.

2. "Official meeting," as used in this section, means any lawful meeting of municipal officials for the purposes of carrying on governmental functions.

E. INTERFERENCE IN ARREST BY LAW ENFORCEMENT OFFICIAL (RESERVED)

F. OBSTRUCTING JUSTICE

1. 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:

- a. Knowing an offense has been committed, conceals it from a magistrate; or
- b. Harbors or conceals the offender; or
- c. Provides the offender a weapon, transportation, disguise, or other means for avoiding discovery or apprehension; or
- d. Warns such offender of impending discovery or apprehension; or
- e. Conceals, destroys, or alters any physical evidence that might aid in the discovery, apprehension, or conviction of such person; or
- f. Obstructs by force, intimidation, or deception anyone from performing an act which might aid in the discovery, apprehension, prosecution or conviction of such person.

2. An offense under this section is a class B misdemeanor.

G. 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.

H. ACCEPTANCE OF BRIBE OR BRIBERY TO PREVENT CRIMINAL PROSECUTION; DEFENSE

1. A person is guilty of a class B misdemeanor if he:

- a. Solicits, accepts, or agrees to accept any benefit as consideration for his refraining from initiating or aiding in a criminal prosecution; or
- b. Confers, offers, or agrees to confer any benefit upon another as consideration for the person refraining from initiating or aiding in a criminal prosecution;

2. 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.

I. ESCAPE; TERM FOR ESCAPE FROM MUNICIPAL JAIL

1. A person is guilty of a class B misdemeanor if he escapes from official custody.

2. "Official custody," for the purpose of this section, means arrest, custody in the municipal jail, or any other institution for confinement to which an offender has been confined pursuant to an order of the municipal court. For purposes of this section a person is deemed to be confined in the municipal jail if he has been sentenced and committed and the sentence has not been terminated or voided or the prisoner is not on parole.

3. The term imposed upon a person escaping confinement in the municipal jail shall commence from the time the actor otherwise would have been discharged from the jail on the term or terms which he was serving.

J. BAIL; JUMPING

1. A person is guilty of an offense when having been released on bail or on his own recognizance by court order or by other lawful authority upon condition that he subsequently appear personally upon a charge of an offense, he fails without just cause to appear at the time and place which have been lawfully designated for his appearance.
2. Bail-jumping is an infraction.

6.18.040 OFFENSE AGAINST PUBLIC PROPERTY

- A. "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.
- B. MISUSING PUBLIC MONEYS
1. 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:
 - a. Without authority of law appropriates the money or any portion thereof to his own use, or to the use of another; or
 - b. Loans the money or any portion thereof without authority of law; or
 - c. Fails to keep the money in his possession until disbursed or paid out by authority of law; or
 - d. Unlawfully deposits the money or any portion in any bank or with any other person; or
 - e. Knowingly keeps any false account, or makes any false entry or erasure in any account of or relating to the money; or
 - f. Fraudulently alters, falsifies, conceals, destroys, or obliterates any such account; or
 - g. 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
 - h. Willfully omits to transfer the money when the transfer is required by law; or
 - i. 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.
 2. A violation of this section is a class B misdemeanor.
- C. 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.
- D. 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.
- E. FAILURE TO PAY OVER FINE, FORFEITURE OR FEE. Every public officer who receives any fine, forfeiture, or fee and refuses or neglects to pay it over within the time prescribed by law is guilty of a class B misdemeanor.
- F. OBSTRUCTING COLLECTION OF REVENUE. Every person who willfully obstructs or hinders any public officer from collecting any revenue, taxes, or other sums of money in which the people of this municipality have an interest and which such officer is by law empowered to collect, is guilty of a class B misdemeanor.
- G. REFUSING TO GIVE TAX ASSESSMENT INFORMATION, OR GIVING FALSE INFORMATION. Every person who unlawfully refuses, upon demand, to give to any county assessor or deputy county assessor or the municipal assessor a list of his property subject to taxation, or to swear to such list, or who gives a false name, or fraudulently refuses to give his true name when demanded by the assessor in the discharge of his official duties, is guilty of a class B misdemeanor.
- H. GIVING FALSE TAX RECEIPT OR FAILING TO GIVE RECEIPT. Every person who uses or gives any receipt, except that prescribed by the ordinances, resolutions or rules of this municipality, as evidence of the payment for the tax or license of any kind, or who receives payment for the tax or license without delivering the receipt prescribed, is guilty of a class B misdemeanor.
- I. REFUSING TO GIVE TAX ASSESSOR OR TAX OR LICENSE COLLECTOR LIST OF, OR DENYING ACCESS TO EMPLOYEES. Every person who, when requested by the assessor or collector of taxes or license fees, refuses to give to any assessor or collector the name and residence of each man in his employ, or to give the assessor or collector access to the building or place where such men are employed, is guilty of a class B misdemeanor.
- J. DOING BUSINESS WITHOUT LICENSE. Every person who commences or carries on any business, trade, profession, or calling, for the transaction or carrying on of which a license is required by any ordinance of this municipality, without taking out the license required is guilty of a class B misdemeanor.
- K. TRAFFICKING IN WARRANTS. No officer of this municipality shall, either directly or indirectly, contract for or purchase any warrant or order issued by this municipality at any discount whatever upon the sum due on the

warrant or order, and, if any officer of this municipality shall so contract for or purchase any such order or warrant on a discount, he is guilty of a class B misdemeanor.

- L. 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.
- M. 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.
- N. 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.
- O. 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 survey or survey of this municipality is guilty of a class B misdemeanor.
- P. 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.
- Q. TAMPERING WITH OFFICIAL NOTICE OR PROCLAMATION. Every person who intentionally defaces, obliterates, tears down or destroys any copy or transcript or extract from or of any law of the United States or state of Utah, or this municipality, or any proclamation, advertisement, notice, resolution or ordinance, set up at any place in this municipality by authority of any law of the United States or of the state of Utah or of this municipality, or by order of any court or of any public officer, before the expiration of the time for which the same was to remain, is guilty of an infraction.
- R. INJURING JAILS. Every person who willfully and intentionally breaks down, pulls down, or otherwise destroys or injures any public jail or other place of confinement, is guilty of a class B misdemeanor.
- S. INJURING HIGHWAYS OR BRIDGES. Every person who maliciously digs up, removes, displaces, breaks, or otherwise injures or destroys any public highway, or any private way laid out by authority of law, or any bridge upon such highway or private way, is guilty of a class B misdemeanor.
- T. REMOVING OR INJURING ROAD SIGNS. Every person who maliciously removes or injures any milepost, milestone or guidepost or any inscription on them, erected upon any highway, street, road or alley is guilty of a class B misdemeanor.

6.18.050 FALSIFICATION IN OFFICIAL MATTERS

A. DEFINITIONS. For the purposes of this part:

- 1. Official proceeding means any proceeding before the governing body, court or administrative body of this municipality authorized by any state or ordinance of the governing body to take evidence under oath or affirmation, including a notary or other person taking evidence in connection with any of these proceedings.
- 2. Material means capable of affecting the course or outcome of the proceeding. A statement is not material if it is retracted in the course of the official proceeding in which it was made before it became manifest that the falsification was or would be exposed and before it substantially affect the proceeding. Whether a statement is material is a question of law to be determined by the court.

B. 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:

- 1. 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
- 2. 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.

C. 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:

1. 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:
 - a. The falsification occurs in an official proceeding, or is made with a purpose to mislead a public servant in performing his official functions; or
 - b. 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
2. 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.
3. 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.

D. WRITTEN FALSE STATEMENT. A person is guilty of a class B misdemeanor if:

1. He makes a written false statement which he does not believe to be true on or pursuant to a form bearing a notification authorized by law to the effect that false statements made therein are punishable; or
2. With intent to deceive a public servant in the performance of his official function, he:
 - a. Makes any written false statement which he does not believe to be true; or
 - b. Knowingly creates a false impression in a written application for any pecuniary or other benefit by omitting information necessary to prevent statements therein from being misleading; or
 - c. Submits or invites reliance on any writing which he knows to be lacking in authenticity; or
 - d. Submits or invites reliance on any sample, specimen, map, boundary mark, or other object which he knows to be false.
3. 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.

E. PERJURY OR FALSE SWEARING; PROOF OF FALSITY OF STATEMENTS; DENIAL OR CRIMINAL GUILTY

1. On any prosecution for perjury or false swearing, except a prosecution upon inconsistent statements pursuant to sub-section (B)(2) above falsity of a statement may not be established solely through contradiction by the testimony of a single witness.
2. No prosecution shall be brought under this part when the substance of the defendant's false statement is his denial of guilty in a previous criminal trial.

F. FALSE REPORTS OF OFFENSES TO LAW ENFORCEMENT OFFICER. A person is guilty of a class B misdemeanor if he:

1. Knowingly gives or causes to be given false information to any law enforcement officer with a purpose of inducing the officer to believe that another has committed an offense; or
2. Knowingly gives or causes to be given information to any law enforcement officer concerning the commission of an offense, knowing that the offense did not occur or knowing that he has no information relating to the offense or danger.

G. FALSE NAME OR ADDRESS TO LAW ENFORCEMENT OFFICER. A person commits a class C misdemeanor if, with intent of misleading a law enforcement officer as to his identity, he knowingly gives a false name or address to a law enforcement officer in the lawful discharge of his official duties.

H. TAMPERING WITH WITNESS; RETALIATION AGAINST WITNESS OR INFORMANT; BRIBERY. A person is guilty of a class B misdemeanor if:

1. Believing that an official proceeding or investigation is pending or about to be instituted, he attempts to induce or otherwise cause a person to:
 - a. Testify or inform falsely; or
 - b. Withhold any testimony, information, document or thing; or
 - c. Elude legal process summoning him to provide evidence; or
 - d. Absent himself from any proceeding or investigation to which he has been summoned; or

2. He commits any unlawful act in retaliation for anything done by another in his capacity as a witness or informant; or
3. He solicits, accepts, or agrees to accept any benefit in consideration of his doing any of the things specified in sub-section (A) above.

I. EXTORTION OR BRIBERY TO DISMISS CRIMINAL PROCEEDING

1. 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.
2. "Victim," as used in this section, includes a child or other person under the care or custody of a parent or guardian.

J. 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:

1. Alters, destroys, conceals, or removes anything with a purpose to impair its verity or availability in the proceeding or investigation; or
2. 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.

K. FALSIFICATION OR ALTERATION OF GOVERNMENT RECORD. A person is guilty of a class B misdemeanor if he:

1. Knowingly makes a false entry in or false alteration of anything belonging to, received, or kept by this municipality for information or record, or required by law to be kept for information of this municipality; or
2. Presents or uses anything knowing it to be false and with a purpose that it be taken as a genuine part of information or records referred to in A; or
3. Intentionally and unlawfully destroys, conceals or otherwise impairs the verity or availability of any such thing.

L. IMPERSONATION OF OFFICER. A person is guilty of a class B misdemeanor if he impersonates a public servant or a peace officer of this municipality with intent to deceive another or with intent to induce another to submit to his pretended official authority or to rely upon his pretended official act.

M. FALSE JUDICIAL OR OFFICIAL NOTICE. A person is guilty of a class B misdemeanor who, with a purpose to procure the compliance of another with a request made by the person, knowingly sends, mails, or delivers to the person a notice or other writing which has no judicial or other sanction but which in its format or appearance simulates a summons, complaint, court order, or process, or an insignia, seal, or printed form of any official of this municipality, or is otherwise calculated to induce a belief that it does have a judicial or other official sanction.

6.18.060 ABUSE OF PROCESS

A. WRONGFUL COMMENCEMENT OF ACTION IN JUSTICES COURT. Any party to any suit or proceeding, and any attorney or agent for the party, who knowingly commences, prosecutes, or maintains any action, suit, or proceeding in the court of this municipality, other than as provided by Utah Code Annotated Title 78 A and B Justice Court and Judicial Code is guilty of a class B misdemeanor.

B. ASSUMING LIABILITY FOR CONFERRING JURISDICTION UPON JUSTICE. Any person who binds himself, or voluntarily becomes liable jointly or jointly and severally with any other person, for the purpose of conferring jurisdiction of any cause upon the court of this municipality which otherwise would be without jurisdiction except for the liability of the joint obligor, and any person who induces a person to assume the liability for the purpose of conferring jurisdiction upon the court, is guilty of a class B misdemeanor.

C. 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.

6.18.070 SABOTAGE PREVENTION

A. DEFINITIONS. For the purpose of this part:

1. Highway includes any private or public street, way or other place used for travel to or from property within this municipality.
2. 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.

B. POSTING OF SIGNS AT WAR OR DEFENSE FACILITIES; ENTERING POSTED PREMISES WITHOUT PERMISSION

1. 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 every one 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.
2. Any person willfully entering property enumerated in A, without permission of the owner, shall be guilty of a class C misdemeanor.

C. CLOSING OR RESTRICTING USE OF HIGHWAYS ABUTTING DEFENSE OR WAR FACILITIES; POSTING OF NOTICES

1. Any individual partnership, association, corporation, or any political subdivision of the state 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 any of the states for defense or for war or in the prosecution of war by the United States, or in the manufacture, transportation, distribution or storage of gas, oil, coal, electricity or water, or any of natural or artificial persons operating any public utility who has property so used which he or it believes will be endangered if public use and travel is not restricted or prohibited on one or more highways or parts thereof upon which the property abuts, may petition the governing body of this municipality to close one or more of the highways or parts thereof to public use and travel or to restrict by order the use and travel upon one or more of the highways or parts thereof. Upon receipt of the petition, the governing body shall by resolution set a date for hearing and give notice thereof by publication in a newspaper having general circulation in this municipality, which publication shall be made at least seven days prior to the date set for hearing. If, after hearing, the governing body determines that the public safety and the safety of the property of the petitioner so require, they shall by suitable order close to public use and travel or reasonably restrict the use of and travel upon one or more of the highways or parts thereof; provided the governing body may issue written permits to travel over the highway so closed or restricted to responsible and reputable persons for a term, under conditions and in a form as the governing body may prescribe. Appropriate notices in letters at least three inches high shall be posted conspicuously at each end of any highway so closed or restricted by an order. The governing body may at any time revoke or modify any order so made.
2. Any person who violates any order made under this section shall be guilty of a class C misdemeanor.

D. BARGAINING RIGHTS OF EMPLOYEES NOT IMPAIRED BY SABOTAGE PREVENTION LAWS. Nothing in this part shall be construed to impair, curtail, or destroy the rights of employees and their representatives to self-organize, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in concerted activities, for the purpose of collective bargaining or other mutual aid or protection as provided by state or federal laws.

6.20 OFFENSES AGAINST PUBLIC ORDER AND DECENCY

6.20.010 BREACHES OF THE PEACE AND RELATED OFFENSES

6.20.020 TELEPHONE ABUSE

6.20.030 CRUELTY TO ANIMALS

6.20.040 OFFENSES AGAINST PRIVACY

6.20.050 LIBEL AND SLANDER

6.20.060 OFFENSES AGAINST THE FLAG

6.20.070 MISCELLANEOUS PROVISIONS

6.20.010 BREACHES OF THE PEACE AND RELATED OFFENSES

A. RIOT

1. A person is guilty of riot if:

- a. 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
 - b. 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
 - c. 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.
2. 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 this sub-section is guilty of riot. It is no defense to a prosecution under this sub-section 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.
3. Riot is a class B misdemeanor.

B. DISORDERLY CONDUCT

1. A person is guilty of disorderly conduct if:

- a. 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
 - b. Intending to cause public inconvenience, annoyance, or alarm, or recklessly creating a risk thereof:
 - (1) He engages in fighting or in violent, tumultuous, or threatening behavior; or
 - (2) He makes unreasonable noises in a public place; or
 - (3) He makes unreasonable noises in a private place which can be heard in a public place; or
 - (4) He engages in abusive or obscene language or makes obscene gestures in a public place; or
 - (5) He obstructs vehicular or pedestrian traffic.
2. "Public place," for the purpose of this section, means any place to which the public or a substantial group of the public has access and includes but is not limited to streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.
3. Disorderly conduct is a class C misdemeanor if the offense continues after a request by a person to desist. Otherwise it is an infraction.

C. DISRUPTING A MEETING OR PROCESSIONS

1. A person is guilty of disrupting a meeting or procession if, intending to prevent or disrupt a lawful meeting, procession or gathering, he obstructs or interferes with the meeting, procession, or gathering by physical action, verbal utterance, or any other means.
2. Disrupting a meeting or procession is a class B misdemeanor.

D. FAILURE TO DISPERSE

1. A person is guilty of failure to disperse when he remains at the scene of a riot, disorderly conduct, or an unlawful assembly after having been ordered to disperse by a peace officer.
2. This section shall not apply to a person who attempted to but was unable to leave the scene of the riot or unlawful assembly.
3. Failure to disperse is a class C misdemeanor.

E. GIVING A FALSE ALARM

1. A person is guilty of giving a false alarm if he initiates or circulates a report or warning of any fire, impending bombing, or other crime or catastrophe, knowing that the report or warning is false or

baseless and is likely to cause evacuation of any building, place of assembly, or facility of public transport, to cause public inconvenience or alarm or action of any sort by any official or volunteer agency organized to deal with emergencies.

2. Giving a false alarm is a class B misdemeanor.

6.20.020 TELEPHONE ABUSE

A. TELEPHONE HARASSMENT

1. A person is guilty of telephone harassment and subject to prosecution if, with intent to annoy or alarm another, he:

- a. Makes a telephone call, whether or not a conversation ensues, without purpose of lawful communication; or
- b. Makes repeated telephone calls at extremely inconvenient hours or in offensively coarse language; or
- c. Insults, taunts, or challenges another in a manner likely to provoke a violent or disorderly response.

2. Telephone harassment is a class B misdemeanor.

B. EMERGENCY TELEPHONE ABUSE

1. A person is guilty of emergency telephone abuse if he:

- a. 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
- b. 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.

2. Emergency telephone abuse is a class C misdemeanor.

3. For the purposes of this section one (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.

4. "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.

6.20.030 CRUELTY TO ANIMALS

A. CRUELTY TO ANIMALS

1. SPECTATOR AT ORGANIZED ANIMAL FIGHT

a. A person commits cruelty to animals if he intentionally or knowingly:

- (1) Tortures or seriously overworks an animal; or
- (2) Fails to provide necessary food, care, or shelter for an animal in his custody; or
- (3) Abandons an animal in his custody; or
- (4) Transports or confines an animal in a cruel manner; or
- (5) Kills, injures or administers poison to an animal without legal privilege; or
- (6) Causes one animal to fight with another.

b. It is a defense to the prosecution under this section that the conduct of the actor towards the animal was by a licensed veterinarian using accepted veterinary practice or directly related to a bona fide experimentation for scientific research not be unnecessarily cruel unless directly necessary to the veterinary purpose or scientific research involved.

c. Cruelty to animals is a class B misdemeanor.

B. SPECTATOR AT ORGANIZED ANIMAL FIGHT

1. It is unlawful for any person to be a spectator at an organized animal fight.

2. For the purpose of this section only, an organized animal fight means a fight between animals for the benefit of spectators. There is no requirement that an admission fee be charged.

3. A violation of this section is a class C misdemeanor.

C. ALLOWING VICIOUS ANIMAL TO GO AT LARGE. Any owner of a vicious animal, knowing its propensities, who willfully allows it to go at large or who keeps it without ordinary care, and any animal, while at large or

while not kept with ordinary care, causes injury to another animal or to any human being who has taken reasonable precaution which the circumstances permitted is guilty of a class B misdemeanor.

D. OFFICERS AUTHORITY TO TAKE POSSESSION OF ANIMALS; LIEN FOR CARE. Section 76-9.305, Utah Code Annotated, 1953, is incorporated herein by reference.

6.20.040 OFFENSES AGAINST PRIVACY

A. DEFINITIONS. For purposes of this part:

1. Private place means a place where one may reasonably expect to be safe from casual or hostile intrusion or surveillance.
2. 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.
3. Public includes any professional or social group of which the victim of a defamation is a member.

B. PRIVACY VIOLATION

1. A person is guilty of privacy violation if, except as authorized by law, he:
 - a. Trespasses on property with intent to subject anyone to eavesdropping or other surveillance in a private place; or
 - b. 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
 - c. 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.
2. Privacy violation is a class B misdemeanor.

C. COMMUNICATION ABUSE

1. A person commits communication abuse if, except as authorized by law, he:
 - a. Intercepts, without the consent of the sender or receiver, a message by telephone, telegraph, letter, or other means of communicating privately; this sub-section does not extend to:
 - (1) Overhearing of messages through a regularly installed instrument on a telephone party line or on an extension; or
 - (2) Interception by the telephone company or subscriber incident to enforcement of regulations limiting use of the facilities or to other normal operation and use; or
 - b. Divulges without consent of the sender or receiver the existence or contents of any such message if the actor knows that the message was illegally intercepted or if he learned of the message in the course of employment with an agency engaged in transmitting it.
2. Communication abuse is a class B misdemeanor.

D. CRIMINAL DEFAMATION

1. A person is guilty of criminal defamation if he knowingly communicates to any person orally or in writing any information which he knows to be false and knows will tend to expose any other living person to public hatred, contempt, or ridicule.
2. Criminal defamation is a class B misdemeanor.

E. ABUSE OF PERSONAL IDENTITY

1. A person is guilty of abuse of personal identity if, for the purpose of advertising any articles of merchandise for purposes of trade or for any other advertising purposes, he uses the name, picture, or portrait of any individual or uses the name or picture of any public institution of this state, the official title of any public officer of this state, or of any person who is living, without first having obtained the written consent of the person or, if the person be a minor, the written consent of his parent or guardian, or, if the person is dead, without the written consent of his heirs or personal representatives.
2. Abuse of personal identity is a class B misdemeanor.

6.20.050 LIBEL AND SLANDER

- A. CONVEYING FALSE OR LIBELOUS MATERIAL TO NEWSPAPER OR BROADCASTING STATIONS. Any person who willfully states, conveys, delivers, or transmits, by any means whatsoever, to the manager, editor, publisher, reporter, or agent of any radio station, television station, newspaper, magazine, periodical, or serial for publication therein, any false or libelous statement concerning any person, and thereby secures actual publication of the same, is guilty of a class B misdemeanor.

6.20.060 OFFENSES AGAINST THE FLAG

A. ABUSE OF A FLAG

1. A person is guilty of abuse of a flag if he:
 - a. Intentionally places any unauthorized inscription or other things upon any flag of the United States or of any state of the United States; or
 - b. Knowingly exhibits any such flag, knowing the inscription or other thing to be unauthorized; or
 - c. 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
 - d. 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.
2. Abuse of a flag is a class B misdemeanor.

6.20.070 MISCELLANEOUS PROVISIONS

A. INTOXICATION; RELEASE OF ARRESTED PERSON

1. A person is guilty of intoxication if he is under the influence of intoxicating liquor, a controlled substance, or 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 other persons.
2. A peace officer or a 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.
3. An offense under this section is a class C misdemeanor.

B. LEWDNESS

1. A person is guilty of lewdness if he fornicates, exposes his genitals or private parts, or performs any other act of gross lewdness under circumstances which he should know will likely cause affront or alarm or does any such act in a public place.
2. Lewdness is a class B misdemeanor.

C. LOITERING

1. A person is guilty of loitering if he appears at a place or at a time under circumstances that warrant alarm for the safety of persons or property in the vicinity, and upon inquiry by a law enforcement official, he fails to give a reasonably credible account of his identity, conduct, or purposes.
2. No person shall be convicted under this section if the explanation he gave of his conduct and purposes was true and, if believed by the law enforcement official at the time, would have dispelled the alarm.
3. Loitering is a class C misdemeanor.

D. ABUSE OF A CORPSE

1. A person is guilty of abuse of a corpse if he intentionally and unlawfully:
 - a. Removes, conceals, dissects, or destroys a corpse or any part thereof; or
 - b. Disinters a corpse that has been buried or otherwise interred.
2. An offense under this section is a class B misdemeanor.

6.22 WEAPONS

Levan Town will adopt the Utah State Code as it applies to weapons for the Town Ordinance. This is currently found in Title 76 – Utah Criminal Code – Chapter 10 – Sections 500 through 532.

6.24 EXPLOSIVES

6.24.010 UNLAWFUL HANDLING OF EXPLOSIVES

6.24.020 MARKING OF CONTAINERS OF EXPLOSIVES BEFORE TRANSPORTATION OR STORAGE

6.24.030 POWDER HOUSES

6.24.040 MARKING OF CONTAINERS OF EXPLOSIVES HELD FOR SALE OR USE

6.24.050 DIFFERENT DATES ON CONTAINERS OF EXPLOSIVE PROHIBITED; REUSE OF CONTAINERS PROHIBITED

6.24.060 "INFERNAL MACHINE" DEFINED

6.24.070 INFERNAL MACHINE: DELIVERY TO COMMON CARRIER, MAILING, OR PLACEMENT ON PREMISES

6.24.080 INFERNAL MACHINE: CONSTRUCTION OR POSSESSION

6.24.010 UNLAWFUL HANDLING OF EXPLOSIVES

- A. Every person who makes or keeps nitroglycerin or other high explosive substances of five or more pounds of gunpowder within this municipality, or who carries it through the streets hereof, without first obtaining a permit therefore from the clerk, shall be guilty of a class B misdemeanor.
- B. The clerk may impose as a condition of receiving and keeping a permit under this section, that the person comply with reasonable safety standards as the chief of police may require.

6.24.020 MARKING OF CONTAINERS OF EXPLOSIVES BEFORE TRANSPORTATION OR STORAGE

Every person who knowingly leaves with or delivers to another, or to any express or railway company or other common carrier, or to any warehouse or storehouse, any package containing nitroglycerin, dynamite, guncotton, gunpowder, or other highly explosive compound, or any benzine, gasoline, phosphorus, or other highly inflammable substance, or any vitriol, sulphuric, nitric, carbolic, muriatic, or other dangerous acid, chemical or compound, to be handled, stored, shipped, or transported, without plainly marking and indicating on such package the name and nature of the contents thereof, is guilty of a class B misdemeanor.

6.24.030 POWDER HOUSES

Every person who builds, "constructs, or uses within 300 feet of any residence or traveled county road any powder house, magazine, or building in which more than five pounds of gunpowder, dynamite or other explosive is kept in quantities exceeding 500 pounds is guilty of a class B misdemeanor.

6.24.040 MARKING OF CONTAINERS OF EXPLOSIVES HELD FOR SALE OR USE

It shall be a class B misdemeanor to sell or offer for sale or take or solicit orders of sale, or purchase or use, or have on hand or in store for the purpose of sale or use, any giant, hercules, atlas, venture or any other high explosive containing nitroglycerin, unless on each box or package and wrapper containing any such high explosive there shall be plainly stamped or printed the name and place of business of the person, partnership, or corporation by whom or by which it was manufactured, and the exact and true date of its manufacture, and the percentage of nitroglycerin or other high explosive contained therein.

6.24.050 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.

6.24.060 "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.

6.24.070 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.

6.24.080 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.

6.26 PORNOGRAPHIC AND HARMFUL MATERIALS AND PERFORMANCES

6.26.010 DEFINITIONS

6.26.020 MATERIAL HARMFUL TO MINOR; NO EXPERT WITNESS REQUIRED

6.26.030 PORNOGRAPHIC MATERIAL OR PERFORMANCE; DETERMINATION OF PREDOMINANT APPEAL TO PRURIENT INTEREST; EXPERT TESTIMONY NOT REQUIRED

6.26.040 DISTRIBUTING PORNOGRAPHIC MATERIAL

6.26.050 INDUCING ACCEPTANCE OF PORNOGRAPHIC MATERIAL

6.26.060 DEALING IN HARMFUL MATERIAL TO A MINOR

6.26.070 ALLOWING PROPERTY OR LAND TO BE USED FOR LEWDNESS OR OBSCENITY

6.26.080 AFFIRMATIVE DEFENSES

6.26.090 SEIZURE AND DISPOSITION OF PROHIBITED MATERIALS; INJUNCTIVE RELIEF AGAINST SALE AND DISTRIBUTION OF MATERIAL OR PERFORMANCES (Reserved)

6.26.010 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 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 or is criminally negligent.
- 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.
- K. Harmful to minors means that quality of any description or representation, in whatsoever form, of nudity, sexual conduct, sexual excitement, or sado-masochistic abuse when it:
 - 1. Taken as a whole, appeals to the prurient interest in sex of minors;
 - 2. Is patently offensive to prevailing standards in the adult community as a whole with respect to what is

- suitable material for minors; and
3. Taken as a whole, does not have serious value for minors. Serious value includes only serious literary, artistic, political or scientific value for minors.
 4. "Contemporary community standards" means those current standards in the vicinage where an offense alleged under this act has occurred, is occurring, or will occur.
 5. "Public place" includes a place to which admission is gained by payment of a membership or admission fee, however designated, notwithstanding its being designated a private club or by words of like import.

6.26.020 MATERIAL HARMFUL TO MINOR: NO EXPERT WITNESS REQUIRED

- A. In any prosecution dealing with an offense relating to harmful material to minors, the question whether the predominant appeal of the material is to prurient interest shall be determined with reference to average minors.
- B. Neither the prosecution nor the defense shall be required to introduce expert witness testimony concerning the harmful character of the material or performance which is the subject of a prosecution.

6.26.030 PORNOGRAPHIC MATERIAL OR PERFORMANCE: DETERMINATION OF PREDOMINANT APPEAL TO PRURIENT INTEREST: EXPERT TESTIMONY NOT REQUIRED

- A. Any material or performance is pornographic if:
 1. The average person, applying contemporary community standards finds that, taken as a whole, it appeals to prurient interest in sex;
 2. It is patently offensive in the description or depiction of nudity, sexual conduct, sexual excitement, sadomasochistic abuse, or excretion; and
 3. Taken as a whole it does not have serious literary, artistic, political or scientific value.
- B. In prosecutions under this part, where circumstances of production, presentation, sale, dissemination, distribution, exhibition, or publicity indicate that the matter is being commercially exploited by the defendant for the sake of its prurient appeal, this evidence is probative with respect to the nature of the matter and can justify the conclusion that, in the context in which it is used, the matter has no serious literary, artistic, political, or scientific value.
- C. Neither the prosecution nor the defense shall be required to introduce expert witness testimony as to whether the material or performance is or is not harmful to adults or minors or is or is not pornographic, or as to any element of the definition of pornographic, including contemporary community standards.

6.26.040 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.

Each distributing of pornographic material, as defined in this subsection A is a separate offense under this section. A separate offense shall be regarded as having been committed for each day's exhibition of any pornographic motion picture film and for each day in which any pornographic publication is displayed or exhibited in a public place with intent to distribute or exhibit it to others.

- B. Each separate offense under this section is a class B misdemeanor punishable by a minimum mandatory fine of not less than \$100 plus \$10.00 for each article exhibited up to a maximum of \$299.00 and by incarceration, without suspension of sentence in any way, for a term of not less than seven days.

6.26.050 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 material reasonably believed by the purchaser or consignee to be pornographic; 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 or material reasonably believed by the purchaser or consignee to be pornographic.

B. A violation of this section is a class B misdemeanor punishable by a fine of not less than \$ 299.00 and by incarceration, without suspension of sentence in any way, for a term of not less than 14 days.

6.26.060 DEALING IN HARMFUL MATERIAL TO A MINOR

A. A person is guilty of dealing in harmful material when, knowing that a person is a minor, or having failed to exercise reasonable care in ascertaining the proper age of a minor, he:

1. Knowingly distributes or offers to distribute, exhibits or offers to exhibit, any harmful material to a minor; or
2. Produces, presents, or directs any performance before a minor, harmful to minors, or participates in any performance before a minor, harmful to minors; or
3. Falsely pretends to be the parent or legal guardian of a minor and thereby causes the minor to be admitted to an exhibition of any harmful material.

B. This section does not prohibit any parent or legal guardian from distributing any harmful material to his minor child or ward or for permitting his minor child or ward to attend an exhibition of any harmful material if the minor child or ward is accompanied by him. This section does not prohibit a person from exhibiting any harmful material to a minor child who is accompanied by his parent or legal guardian or by any person whom he reasonably believes to be the parent or legal guardian of that child.

C. Each separate offense under this section is a class B misdemeanor punishable by a minimum mandatory fine of not less than \$100.00 plus \$10.00 for each article exhibited up to a maximum \$299.00 and by incarceration, without suspension of sentence in any way, for a term of not less than fourteen (14) days.

6.26.070 ALLOWING PROPERTY OR LAND TO BE USED FOR LEWDNESS OR OBSCENITY

It shall be unlawful for a landlord or landowner to willfully or knowingly allow his property or land to be used for the commercial exploitation of lewdness or obscenity.

A. If a tenant or occupant of real property uses this property for an activity for which he or his employee is convicted under any provision of this part, the conviction makes void the lease or other title under which beholds at the option of the fee owner or any intermediate lessor; and ten days after the fee owner or any intermediate lessor gives notice in writing to the tenant or occupant that he is exercising the option, the right of possession to the property reverts to the person exercising the option. This option does not arise until all avenues of direct appeal from the conviction have been exhausted or abandoned by the tenant or occupants, or his employee.

B. It shall be unlawful for a fee owner or intermediate lessor of real property to knowingly allow this property to be used for the purpose of distributing or exhibiting pornographic materials, or for pornographic performances, by a tenant or occupant if the tenant or occupant, or his employee, has been convicted under any provision of this part of an offense occurring on the same property and all avenues of direct appeal from the conviction have been exhausted or abandoned.

1. "Allow" under this subsection B means a failure to exercise the option arising under subsection A within ten days after the fee owner or lessor receives notice in writing from the county attorney of the county where the property is situated, or if situated in a city of the first or second class, from the city attorney of that city, that the property is being used for a purpose prohibited by this subsection B.
2. A willful violation of this subsection B is a class A misdemeanor and any fine assessed, if not paid within 30 days after judgment, shall become a lien upon the property.

C. Any tenant or occupant who receives a notice in writing that the fee owner or intermediate lessor is exercising the option provided by subsection A and who does not quit the premises within ten days after the giving of that notice is guilty of a class A misdemeanor.

6.26.080 AFFIRMATIVE DEFENSES

The following shall be affirmative defenses to prosecution under this part:

- A. It is an affirmative defense to prosecution under this part that the distribution of pornographic material was restricted to institutions or persons having scientific, educational, governmental, or other similar justification for possessing pornographic material.
- B. It is not a defense to prosecution under this part that the actor was a motion picture projectionist, usher, ticket-taker, book store employee, or otherwise was required to violate any provision of this part incident to his employment.

6.26.090 SEIZURE AND DISPOSITION OF PROHIBITED MATERIALS: INJUNCTIVE RELIEF AGAINST SALE AND DISTRIBUTION OF MATERIAL OR PERFORMANCES (Reserved)

6.28 GAMBLING

6.28.010 DEFINITIONS

6.28.020 GAMBLING

6.28.030 GAMBLING FRAUD

6.28.040 GAMBLING PROMOTION

6.28.050 POSSESSING A GAMBLING DEVICE OR RECORD

6.28.060 FAILURE OF PROSECUTING ATTORNEY OR LAW ENFORCEMENT OFFICER TO PROSECUTE OFFENSES

6.28.070 SEIZURE AND SALE OF DEVICES OR EQUIPMENT USED FOR GAMBLING

6.28.080 SEIZURE AND DISPOSITION OF GAMBLING DEBTS OR PROCEEDS

6.28.090 CONFIDENCE GAME; PUNISHMENT AS FOR THEFT; DESCRIPTION IN CHARGE

6.28.010 DEFINITIONS

For the purpose of this part:

- A. Gambling means risking anything of value for a return or risking anything of value upon the outcome of a contest, game, gaming scheme, or gaming device when the return or outcome is based upon an element of chance and is in accord with an agreement or understanding that someone will receive something of value in the event of a certain outcome, and gambling includes a lottery; gambling does not include:
 - 1. A lawful business transaction, or
 - 2. Playing an amusement device that confers only an immediate and unrecorded right of replay not exchangeable for value.
- B. Lottery means any scheme for the disposal or distribution of property by chance among persons who have paid or promised to pay any valuable consideration for the chance of obtaining property or portion of it, or for any share or any interest in property upon any agreement, understanding, or expectation that it is to be distributed or disposed of by lot or chance, whether called a lottery, raffle, or gift enterprise, or by whatever name it may be known.
- C. Gambling bet means money, checks credit, or any other representation of value.
- D. Gambling device or record means anything specifically designed for use in gambling or used primarily for gambling.
- E. Gambling proceeds means anything of value used in gambling.

6.28.020 GAMBLING

- A. A person is guilty of gambling if he:
 - 1. Participates in gambling, or
 - 2. Knowingly permits any gambling to be played, conducted, or dealt upon or in any real or personal property owned, rented or under the control of the actor, whether in whole or in part.
- B. Gambling is a class B misdemeanor.

6.28.030 GAMBLING FRAUD

- A. A person is guilty of gambling fraud if he participates in gambling and wins or acquires to himself or another any gambling proceeds when he knows he has a lesser risk of losing or greater chance of winning than one or

more of the other participants, and the risk is not known to all participants.

- B. A person convicted of gambling fraud shall be punished as in the case of theft of property of like value, provided that the penalty shall not exceed a class B misdemeanor.

6.28.040 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.

6.28.050 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.

6.28.060 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.

6.28.070 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.

6.28.080 SEIZURE AND DISPOSITION OF GAMBLING DEBTS OR PROCEEDS

- A. At the commencement of any prosecution for a violation of this part any gambling bets or gambling proceeds which are reasonably identifiable as having been used or obtained in violation of this part may be seized and they shall be held pending the disposition of the proceedings. At the conclusion of the proceedings, any person who is found guilty of a violation of this part shall forfeit any sums held by the Court which were acquired or being used in violation of this part. Any sums not identifiable, or in the event the individual is found not guilty, the sums shall be returned to him.
- B. A commencement of prosecution shall occur upon arrest, or issuance of a complaint, or citation, whichever occurs first.
- C. All sums forfeited under this section shall be paid into the treasury of the municipality conducting the prosecution.

6.28.090 CONFIDENCE GAME: PUNISHMENT AS FOR THEFT: DESCRIPTION IN CHARGE

- A. Any person who obtains or attempts to obtain from any other person any money or property by any means, instrument or device commonly called a confidence game shall be punished as in the case of theft of property of like value.
- B. In every complaint or citation under this section, it shall be deemed and held a sufficient description of the offense to charge that the accused did, on _____(insert the date) unlawfully and knowingly

obtain or attempt to obtain (as the case may be) from _____ (insert name of the person or persons defrauded or attempted to be defrauded) his money or property (as the case may be) by means and by use of a confidence game.

6.30 PUBLIC PROPERTY; DOCUMENTS

6.30.010 PUBLIC PROPERTY

6.30.020 UNLAWFUL ACTS

6.30.010 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.

6.30.020 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.
- G. Climb any tree or walk, stand or sit on monuments, fountains, railings, fences, planted areas or upon any other property not designed or customarily used for such purposes or to intentionally stand, sit or lie in or upon any street, sidewalk, stairway or crosswalk so as to prevent free passage of persons or vehicles passing over, along or across any street, sidewalk, stairway or crosswalk.
- H. Drop, throw, place, discard, dump, leave or otherwise deposit any bottles, broken glass, garbage, ashes, paper, boxes, cans, dirt, rubbish, waste, refuse or other trash on any public property except in waste containers provided therefore. No such refuse or trash shall be placed in any waters contiguous to any park or planted area or left anywhere on the grounds thereof.
- I. Sleep on seats, benches, sidewalks, curbs, planters, walls or other areas.
- J. Expose or offer for sale any article or thing or station or place any stand, cart or vehicle for the transportation, sale or display of any such article or thing, without first obtaining a license, except that the governing body may exempt designated areas from this subsection by resolution on such terms and conditions as it may prescribe.
- K. To beg or to go from door to door of private homes or commercial and business establishments or place himself in or upon any public way or public place to beg or to receive money or other things of value.

6.32 FENCES

6.32.010 FENCING OF SHAFTS AND WELLS

6.32.010 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.

7 PUBLIC UTILITIES

7.02 UTILITY SERVICES

7.04 SEWERS

7.06 WATER

7.08 ELECTRICITY

7.10 NATURAL GAS

7.02 UTILITY SERVICES

7.02.010 OWNER TO SIGN AND PAY FOR UTILITIES AND PROVIDING FOR TERMINATION OF SERVICE

7.02.020 UTILITY RATES; OWNER OF PREMISES LIABLE

7.02.030 FAILURE TO PAY FOR SERVICE; TERMINATION

7.02.040 DELINQUENT BILLS

7.02.050 UTILITY SERVICE

7.02.060 UTILITY DISCONNECT AND RECONNECT FEES

7.02.010 OWNER TO SIGN AND PAY FOR UTILITIES AND PROVIDING FOR TERMINATION OF SERVICE

- A. Before furnishing utilities to a property, the Town requires that the property owner(s) or authorized agent(s) submit a written application signed by the owner(s) or the agent agreeing to pay for all utilities furnished whether occupied by the owner or by a tenant or other occupant.
- B. If the owner fails to pay for the utilities furnished, provided to the owner's property, the Town will discontinue furnishing utilities until all amounts for the utilities are paid.

7.02.020 UTILITY RATES; OWNER OF PREMISES LIABLE

No City or Town which is the owner or in control of a system furnishing utilities to its inhabitants shall be required to furnish utilities for use in any house, tenement apartment building place, premises or lot, whether such utility is for the use of the owner or tenant, unless the application for utilities shall be made in writing, signed by such owner or his duly authorized agent in which application such owner shall agree that he will pay for all utilities furnished such house, tenement, apartment, building, place, premises or lot according to the ordinances, rules and regulations enacted or adopted by such city or town, in case an application for furnishing utilities shall be made by a tenant of the owner, such city or town may require as a condition of granting the same that such application contain an agreement signed by the owner thereof or his duly authorized agent, to the effect that in consideration of the granting of such application the owner will pay for all utilities furnished such tenant, or any other occupant of the place named in the application, in case such tenant or occupant shall fail to pay for the same according to the ordinances, rules, regulations enacted or adopted by such city or town.

7.02.030 FAILURE TO PAY FOR SERVICE; TERMINATION

- A. SET UP FEE. In case the owner of any of the premises mentioned in LMC 7.02.010 or the tenant or occupant shall fail to pay for utilities furnished such owner, tenant or occupant, according to such ordinances, rules, regulations enacted or adopted, the city or town may cause the utilities to be shut off until all arrears for utilities furnished shall be paid in full.

The town discontinues the deposit fee, but will charge a \$25.00 one time set up fee per address.

7.02.040 DELINQUENT BILLS

- A. Anyone delinquent on their utility bill will be charged a late fee of \$5.00 plus 1.5% of the balance. This fee will be assessed on the 25th of each month.
- B. Utility bills have consistently been being paid late, or not being paid.
- C. The Levan Town Council finds that any bills not paid need to be paid in full by the following month or utilities will be shut off.

7.02.050 UTILITY SERVICE

All utility services can be terminated for nonpayment if other arrangements have not been made.

7.02.060 UTILITY DISCONNECT AND RECONNECT FEES

- A. There is not a fee for utilities to be disconnected, and only a \$25.00 fee to reconnect them. This costs the town more than that amount to do this.
- B. The Levan Town Council finds that a disconnect and a reconnect fee be paid, which fees shall be set by resolution.

7.04 SEWERS

7.04.010 ADMINISTRATION

7.04.020 REGULATION AND CONTROL OF SEWER

7.04.010 ADMINISTRATION

- A. SEWER DEPARTMENT AND SYSTEM. The sewer department is hereby created. It shall comprise all of the property, equipment and personnel necessary to the maintenance and operation of the municipality's sewage collection and disposal system. The department shall administer the operation and maintenance of the municipal sewer system.
- B. SUPERINTENDENT OF THE SEWER DEPARTMENT. There is hereby created the position of superintendent of the sewer department.
- C. DUTIES OF THE SUPERINTENDENT. The superintendent of the sewer department shall manage and supervise the municipality's sewer system under the direction of the governing body which from time to time shall by resolution or otherwise prescribe his powers and duties and direct the manner and frequency with which he shall make reports to the mayor relating to the sewer system.
- D. APPLICATION FOR SEWER. Any person who desires or is required to secure sewer service when such service is available from the municipal sewer systems shall apply therefore to the clerk and file an agreement with the municipality which shall be in substantially the below-stated form:

APPLICATION FOR SEWER SERVICE

(Date)

TO THE MUNICIPALITY OF LEVAN

The undersigned hereby applies for sewer services from the municipality for premises located at _____ and hereby agrees to pay charges for such sewer services as shall be fixed by the governing body of the municipality by resolution or ordinance until such time as shall direct such service to be discontinued.

In the event of a failure to pay for this service within the due dates fixed by the governing body or of a failure of the occupant of the premises to conform to the ordinances and regulations established by the governing body relating to the use of the sewer system, the municipality shall have the right to discontinue my water service from the municipal water system until all delinquencies and any reconnection fees imposed are paid in full or until any failure to conform to the sewer ordinances or regulations issued thereunder is eliminated.

Additionally, I agree that the municipality shall have the right to institute collection proceedings by all means available to it, including suit in a court of proper jurisdiction. The applicant agrees to pay all costs of collection including court costs and attorney's fees.

The undersigned agrees to be bound by the rules, regulations resolutions or ordinances enacted or adopted by the governing body of the municipality applicable to the municipality's sewer system.

----- (signed)

- E. NON-OWNER APPLICANTS- AGREEMENT BY OWNER. Applications for sewer services made by the tenant or an owner must in addition to the above requirement be guaranteed by an agreement signed by the owner of the premises or his duly authorized agent to the following effect:

In consideration of the acceptance of the application for sewer service submitted by (any present



or future tenant)_____, I, or we, will pay for all sewer services furnished to such tenant, or other occupant of _____(premises)in case such tenant or occupant shall fail to pay for the same according to the ordinances, resolutions, rules or regulations of the municipality.

_____ (owner)

- F. RATES AND CONNECTION FEES. The rates, penalty fee for delinquency in payment and connection fees for sewer services from the municipal sewer system shall be fixed from time to time by resolution or ordinance of the governing body. The governing body may from time to time enact rules for levying, billing, guaranteeing and collecting charges for sewer services and all other rules necessary for the management and control of the sewer system.
- G. SPECIAL RATES. The governing body may from time to time fix by agreement or resolution special rates and conditions upon such terms as they may deem proper for users of the sewer service discharging wastes of unusual characteristics or making use thereof under exceptional circumstances.
- H. BOARD OF EQUALIZATION, RATES AND REBATES. The governing body is hereby constituted a board of equalization of sewer rates to hear complaints and make corrections of any assessments or charges deemed to be illegal, unequal, or unjust.
- I. DELINQUENCY; DISCONTINUANCE OF SERVICE
 1. The sewer department, or such other person as the governing body may designate, shall furnish to each user or mail or leave at his place or residence or usual place of business, a written or printed statement stating the sewer service charges assessed against him once each month or at such other regular intervals as the governing body shall direct. The statement shall specify the amount of the bill, the place of payment, and the date due.
 2. If any person fails to pay his sewer charges within 30 days of the date due, the treasurer or clerk or the sewer superintendent shall give the customer notice in writing of the intent to discontinue the service of water to the premises unless the customer pays the bill in full within five days from date of notice.
 3. If the water service is thereafter discontinued for failure to make payment of the sewer service charges, before the water service to the premises shall again be provided, all delinquent sewer charges must have been paid to the municipal treasurer or arrangements made for their payment that are satisfactory to the municipality.
 4. In the event water is turned off for nonpayment of sewer charges, before the water service to the premises shall again be provided, the customer shall pay, in addition to all delinquent charges, such extra charge for turning the water on and off as the governing body may have established by resolution or ordinance.
 5. If any person fails to pay his sewer charges within 30 days of the due date, the treasurer or clerk or the sewer supervisor is hereby authorized to take all action necessary to enforce collection, including but not limited to the commencement of legal proceedings in a court of proper jurisdiction seeking judgment for the amount of the delinquent fees and service charges and all costs of collection, including court costs and attorney's fees.
- J. USE OF SEWER SYSTEM MANDATORY. It shall be unlawful for the owner or any other person occupying or having charge of any premises within the municipality which are located within 300 feet of a sewer main to dispose of sewage therefrom by any means other than by use of the municipal sewer system. It shall be unlawful to construct or to continue the use of any other sewage disposal system such as a privy, vault, cesspool, or septic tank on the property except by written approval of the governing body in cases of undue hardship.
- K. QUALIFIED PLUMBING NECESSARY. 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 licensed plumber, any proposed connection to, alteration of, or change of connection to the sewer system shall be first submitted to the sewer superintendent for review and approval. After such approval, the installation or work done shall be subject to inspection by the superintendent or his agent.
- L. PERMITS FOR INSTALLATIONS. It shall be unlawful for any person to directly or indirectly engage in the laying, repairing, altering or connecting of any drain or sewer pipe connected with or part of the municipal sewer system without first having received a permit from the office of the clerk or the sewer superintendent.
- M. 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.

- N. REVOCATION OF PERMITS. All construction permits for sewer connections or installations shall be issued to the plumber who is to do the work or to the owner of the property, subject to the supervision and inspection by the superintendent or his agents. The clerk or superintendent may at any time revoke a permit because of defective work or because of undue delay in completing the permitted work.
- O. PIPES TO BE KEPT IN GOOD REPAIR. All users of the sewer services 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 the sewer superintendent, shall be allowed to dig into the street for the purpose of removing or repairing any sewer service pipe or main.
- P. QUALITY OF SERVICE PIPE. All service and other pipes used in conjunction with the sewer services of the municipality shall be of such material, quality and specifications as the governing board may from time to time by resolution provide and shall be installed at such distances below ground as may be specified by regulations relating to the sewer department. All work, alterations or extensions affecting sewer pipes shall be subject to the acceptance of the sewer superintendent, and no connections with sewer mains shall be made without first obtaining a permit therefore from the clerk.
- Q. DEPARTMENT TO HAVE FREE ACCESS. The sewer superintendent and his agents shall at all ordinary hours have free access to places supplied with sewer services from the municipal system for the purpose of examining the apparatus, ascertaining the sewer service being used and the manner of its use.
- R. TRIAL SEWER SURVEY. In order to determine the feasibility of connecting a basement or proposed basement to the sanitary sewer, the owner or plumber may make application for a trial sewer survey, the cost of which shall be as established from time to time by resolution of the governing body. The result of a trial sewer survey shall not constitute a permit to connect to the sewer and is merely for information purposes.

7.04.020 REGULATION AND CONTROL OF SEWER

A. PROHIBITED USES

1. Inflammables. It shall be unlawful for any person to injure, break or remove any part or portion of any sewer appliance or appurtenance, or to discharge into a sewer any inflammable gas, gasoline or oil, any calcium carbide or residue therefrom, or any liquid or other materials or substance which will emit an inflammable gas when in contact with water, sewage or fire. Oil separators installed in any building where volatile fluids are used must not be connected directly or indirectly with a sewer.
2. Waste pipes from enumerated establishments. The contents of waste pipes from water filters, gas engines, air compressors, vacuum or dry cleaners, garages, wash racks, stores or warehouses containing inflammable substances, car barns, buildings for the stabling or keeping of horses, cows and other animals, or plants using milk or processing milk products, and all similar establishments shall not be disposed of through connection with a sanitary sewer unless such contents are discharged into settling tanks properly trapped and vented. The construction of such tanks must be approved by the municipal engineer, and must be subject to his inspection, approval, or condemnation before cement is poured and at all times thereafter until completion of such construction. Upon condemnation by the municipal engineer, the sewage from the tanks shall not be allowed to flow into the sewer until satisfactory alterations have been made and the construction approved by the municipal engineer.
3. Obstructive material. It shall be unlawful for any person to empty or discharge into the public sanitary sewer any garbage, refuse or other similar matter or substance likely to obstruct the sewer, or any substance, solid or liquid other than the waste products for which the sewer is provided.
4. Drainage waters and destructive materials. It shall be unlawful for any person to connect with a public sanitary sewer any drain or pipe which discharges rain water, cellar or surface water, acids, alkalies, lye or other injurious liquids, or the contents of any spring, flowing well, creek, ditch, or other water courses. No boiler or heating plant shall be directly connected to the sanitary sewer. The overflow from boilers or heating plants, when cooled to a temperature not to exceed 120 degrees Fahrenheit, will be allowed to run to a sump, which sump shall be connected to the sewer. The discharge of the contents of waste pipes from water filters, gas engines, air compressors, vacuum or dry cleaners, garages, wash racks, stores or warehouses which contain inflammable substances, buildings, for the stabling or keeping of horses, cows and other animals, and all similar establishments, shall not be made into or connected with a sanitary sewer, unless such contents are discharged into settling tanks properly trapped and vented. Settling tanks shall be constructed of a material approved by the superintendent and shall be at all times subject to his inspection and approval or condemnation. Upon condemnation by the superintendent, the sewage from said tanks shall not be allowed to flow into sewer until satisfactory alterations have been made and the construction approved by the superintendent.

- B. REGULATIONS. The governing body shall have power to and retains the right to adopt regulations controlling the manner and circumstances under which the sewer system may be used in addition to the regulatory provisions set forth expressly in this chapter.
- C. OWNERSHIP OF CONNECTING LINES. Unless provision is expressly made for ownership of mains or lines by the owner of the adjacent property by means of written agreement, all lines and mains connecting the sewer system to a land owner or resident's premises which are situated on the public way between the main and the property line shall be deemed to be the property of the municipality and subject to its absolute control and supervision even though actual installation may have been performed by the owner or resident of the premises.
- D. SEWER MAN-HOLES. It shall be unlawful for any person to open any sewer man-hole without permission from the superintendent.
- E. DESTRUCTION. It shall be unlawful for any person to destroy, deface, injure or interfere with the operation of any part or appurtenance of the sewer system.

7.06 WATER

7.06.010 WATER DEPARTMENT AND SYSTEM

7.06.020 SERVICE OUTSIDE MUNICIPALITY

7.06.010 WATER DEPARTMENT AND SYSTEM

- A. SUPERINTENDENT. There is hereby created the position of superintendent of the water department.
- B. DUTIES OF THE SUPERINTENDENT. The superintendent of the water system shall manage and supervise the municipal water system pursuant to the provisions of this part and pursuant to resolutions, rules and regulations adopted by the governing body from time to time prescribing his powers and duties and directing the manner and frequency with which he shall make reports to the mayor relating to the water system. All of the functions and activities of the superintendent shall be carried on under the direction of the mayor.
- C. APPLICATION FOR WATER CONNECTION. Any person, other than a subdivider or developer seeking multiple connections, who desires or is required to secure a new connection to the municipal water system, shall file with the water department for each such connection a written and signed connection application in substantially the following form:

LEVAN, UTAH

APPLICATION FOR WATER CONNECTION

TO THE MUNICIPALITY OF LEVAN

I hereby apply to the municipality of Levan for permission

to connect my premises at _____ with the municipality of Levan water system and hereby agree as follows:

1. (a) The municipality shall make the requested connection from its water main to and including the water meter and up to my property line or to the meter if the meter is installed within my property. I agree to pay the municipality the connection charges and fees as may be fixed by the governing body by resolution or ordinance including a reservoir charge if so provided.

Additionally, I agree to pay \$25.00 for inspection and overhead charges and other miscellaneous costs of the municipality as may be fixed by the governing body by resolution or ordinance.

The work of extending the water connection from the point to which the municipality installs it to the place at which the water is to be used shall be my responsibility and shall be performed at my sole cost.

(b) The connection so made by the municipality, including the meter, shall remain the property of the municipality at all times, and the municipality shall have access thereto at all times.

2. The location of the meter, whether on my premises or at some point near my premises, may be decided



solely by the municipality.

3. Before making connection with the water system, I shall cause the plumbing upon my premises to be inspected by the municipality and if the plumbing is not approved, I will cause the plumbing to be rectified at my own expense to meet the requirements of the municipality or of any other governmental agency having jurisdiction to regulate the water system within the municipality.

4. I will be bound by the rules, regulations, resolutions or ordinances enacted now or hereafter by the municipality applicable to the municipality's water system.

5. The purpose for which the water connection will be used is_____

6. The municipality shall have free access to the lines and meters installed under this agreement and, at reasonable times, through my property if necessary.

Dated this_____ day of_____ 20_____.

_____(Applicant)

D. APPLICATION FOR WATER CONNECTION BY SUBDIVIDER. Whenever a subdivider or developer desires or is required to install water connections and extensions for a subdivision or development, the subdivider or developer shall enter into a written extension agreement which shall constitute an application for permission to make the extensions and connections and an agreement specifying the terms and conditions under which the water extensions and connections shall be made and the payments that shall be required.

E. APPLICATION FOR WATER SERVICE. Any person who desires or is required to secure water service when such service is available from the municipal water system, shall file with the water department a written application and agreement for the service which shall be in substantially the following form:

LEVAN, UTAH

APPLICATION FOR WATER SERVICE

TO THE MUNICIPALITY OF LEVAN, UTAH

The undersigned hereby applies for water service from the municipality of Levan Utah, for premises located at

_____ and hereby agrees:

1. To pay charges for such water service as are fixed from time to time by the governing body until such time as I shall direct such service to be discontinued.

2. In the event of a failure to pay water charges within the due dates fixed by the governing body or of a failure of the occupant of the premises to conform to the ordinances and regulations established by the governing body regulating the use of the water system, that the municipality shall have the right to discontinue the water system service at its election, pursuant to five days written notice of the municipality's intention, until all delinquencies and any reconnection fees imposed are paid in full or until any failure to conform to this ordinance or regulations issued thereunder is eliminated.

3. To be bound by the rules, regulations, resolutions, or ordinances enacted or adopted by the governing body applicable to the municipality's water system. Additionally, I agree to pay \$25.00 for inspection and overhead charges and other miscellaneous costs of the municipality as may be fixed by the governing body by resolution or ordinance.

Dated this_____ day of_____ 20_____.

_____(Applicant)



F. NON-OWNER APPLICANTS AGREEMENT OF OWNER. Applications for water service made by the tenant of an owner must in addition to the above requirements be guaranteed by an agreement signed by the owner of the premises or his duly authorized agent in substantially the following form:

"In consideration of the acceptance of the application for water

service submitted by (tenant), I or we will pay for all water services for any such tenant or any other occupant of premises in case such tenant or occupant shall fail to pay for the same according to the ordinances, rules regulations or resolutions enacted by the municipality. Dated this _____ day of _____ 20_____.

_____ (Owner)

G. DRINKING WATER SOURCE PROTECTION

1. SHORT TITLE AND PURPOSE

- a. This ordinance (shall be known as the "Drinking Water Source Protection Ordinance."
- b. The purpose of this ordinance is to insure the provision of a safe and sanitary drinking water source protection zones surrounding the wellheads/springheads for all wells/springs which are the supply sources for the Levan Town water system and by the designation and regulation of property uses and conditions which may be maintained within such zones.

2. DEFINITIONS. When used in this ordinance the following words and phrases shall have meanings given in this Section:

- a. Design standard means a control which is implemented by a potential contamination source to prevent discharges to the ground water. Spill protection is an example of a design standard.
- b. Land management strategies means zoning and non-zoning controls which include, but are not limited to the following; zoning and subdivision ordinances, site plan reviews, design and Operating standards, source prohibitions, purchase of property and development rights, public education programs, ground-water monitoring, household hazardous waste collection programs, water conservation programs, memoranda of understanding, written contracts and agreements. and so forth.
- c. Pollution source means point source discharges of contaminants to ground water or potential discharges of the liquid forms of "extremely hazardous substances" which are stored in containers in excess of "applicable threshold planning quantities" as specified in SARA Title III. Examples of possible pollution sources include, but are not limited to, the following: storage facilities that store the liquid forms of extremely hazardous substances, septic tanks, drain fields, class V underground injection wells, landfills, open dumps, land filling of sludge and septage, manure piles, salt piles, pit privies, and animal feeding operations with more than ten animal units. The following clarify the definition of pollution source:

- (1) Animal feeding operation means a lot or facility where the following conditions are met: animals have been or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12 month period, and crops, vegetation forage growth, or post-harvest residues are not sustained in the normal growing season over any portion of the lot or facility. Two or more animal feeding operations under common ownership are considered to be a single feeding operation if they adjoin each other, if they use a common area, or if they use a common system for the disposal of wastes.
- (2) Animal unit means a unit of measurement for any animal feeding operation calculated by adding the following numbers: the number of slaughter and feeder cattle multiplied by 1.0, plus the number of mature dairy cattle multiplied by 1.4, plus the number of swine weighing over 55 pounds multiplied by 0.4. plus the number of sheep multiplied by 0.1, plus the number of horses multiplied by 2.0.
- (3) Extremely hazardous substances means those substances which are identified in the Sec. 302 (EHS) column of the TITLE III LIST OF LISTS - Consolidated List of Chemicals Subject to Reporting Under SARA Title in, (EPA 560/4-91-011).

- d. Potential contamination source means any facility or site which employs an activity or procedure which may potentially contaminate ground water, A pollution source is also a potential



- contamination source.
 - e. Regulatory agency means any governmental agency with jurisdiction over hazardous waste as defined herein.
 - f. Sanitary landfill means a disposal site where solid wastes, including putrescible wastes, or hazardous wastes, are disposed of on land by placing, earth cover thereon.
 - g. Septic tank/drain-field systems means a system which is comprised of a septic tank and a drain-field which accepts domestic wastewater from buildings or facilities for subsurface treatment and disposal. By their design, septic tank/drain-field system discharges cannot be controlled with design standards.
 - h. Wellhead/springhead means the upper terminal of a well/spring, including adapters, ports, seals, valves and other attachments.
3. ESTABLISHMENT OF DRINKING WATER SOURCE PROTECTION ZONES. There are hereby established use districts to be known as zones one, two, three, and four of the drinking water source protection area, identified and described as follows:
- a. Zone one is the area within a 100-foot radius from the wellhead or springhead.
 - b. Zone two is the area within a 250-day ground-water time of travel to the wellhead or springhead, the boundary of the aquifer(s) which supplies water to the ground-water source, or the ground-water divide, whichever is closer.
 - c. Zone three is the area within a 3-year ground-water time of travel to the wellhead or springhead, or margin of the collection area, the boundary of the aquifer(s) which supplies water to the ground-water source, or the ground-water divide, whichever is closer.
 - d. Zone four is the area within a 15-year ground-water time of travel to the wellhead or springhead, the boundary of the aquifer(s) which supplies water to the ground-water source, or the ground-water divide, whichever is closer.
4. PERMITTED USES. The following uses shall be permitted within drinking water source protection zones:
- a. Any use permitted within existing agricultural, single family residential, multi-family residential, and commercial districts so long as uses conform to the rules and regulations of the regulatory agencies.
 - b. Any other open land use where any building located on the property is incidental and accessory to the primary open land use.
5. PROHIBITED USES. The following uses or conditions shall be and are hereby prohibited within drinking water source protection zones, whether or not such use or condition may otherwise be ordinarily included as a part of a use permitted under Section D of the ordinance.
- a. Zone one- The location of any pollution source as defined herein,
 - b. Zone two- The location of a pollution source unless its contaminated discharges can be controlled with design standards.
 - c. Zone three and four- The location of a potential contamination source unless it can be controlled through land management strategies.
6. ADMINISTRATION. The policies and procedures for administration of any source protection zone established under this ordinance, including without limitation those applicable to nonconforming uses, exception, enforcement and penalties shall be the same as provided in the existing zoning ordinance for the County of Juab, as the same is presently enacted or may from time to time be amended.
- H. RATES AND CONNECTION FEES. The rates, penalty fee for delinquency in payment, connection fee, reservoir fee, inspection fee and other charges incidental to connection and services from the municipal water system shall be fixed from time to time by resolution enacted by the governing body. The governing body may from time to time promulgate rules for levying, billing, guaranteeing and collecting charges for water services and all other rules necessary for the management and control of the water system. Rates for services furnished shall be uniform with respect to each class or classes of service established or that may hereafter be established.
- I. SPECIAL RATES. The governing body may from time to time fix by agreement or resolution special rates and conditions for users using exceptionally large amounts of water service or making use of the water system under exceptional circumstances, upon such terms and conditions as they may deem proper.
- J. BOARD OF EQUALIZATION, RATES, AND REBATES. The governing body is hereby constituted a board of equalization of water rates to hear complaints and make corrections of any assessments deemed to be illegal, unequal, or unjust. They may, if they see fit, rebate all or any part of the water bill of any indigent person.

- K. USE WITHOUT PAYMENT PROHIBITED. It shall be unlawful for any person by himself, family, servants, or agents to utilize the municipal water or sewer system without paying therefore, as herein provided or, without authority, to open any fire hydrant, stopcock, valve, or other fixtures attached to the system of water supply unless it is done pursuant to proper application, agreement, or resolution. It shall be unlawful to injure, deface, or impair any part or appurtenance of the water or sewer system, or to cast anything into any reservoir or tank belonging to the water system.
- L. DELINQUENCY; DISCONTINUANCE OF SERVICE.
1. The treasurer or clerk or water supervisor shall furnish to each user, or mail to, or leave at his place of residence or usual place of business, a written or printed statement stating thereon the amount of water service charges assessed against him once each month or at such other regular interval as the governing body shall direct.
 2. The statement shall specify the amount of the bill for the water service and the place of payment and date due. If any person fails to pay the water charges within 30 days of the date due, the treasurer or clerk or water supervisor shall give the customer notice in writing of intent to discontinue the service to the customer unless the customer pays the bill in full within five days from the date of notice.
 3. If the water service is thereafter discontinued for failure to make payment, then before the water service to the premises shall again be provided, all delinquent water charges must have been paid to the treasurer or arrangements made for their payment in a manner satisfactory to the municipality. In the event water is turned off for nonpayment of water charges, then before the water service to the premises shall again be provided, the customer shall pay, in addition to all delinquent water charges, such extra charge for turning the water on and off as the governing body may have established by resolution. Furthermore, in addition to such payments and penalties, a delinquent customer may be required to make and file a new application. The clerk is hereby authorized and empowered to enforce the payment of all delinquent water charges by an action at law in the name of the municipality.
- M. TURNING ON WATER AFTER BEING TURNED OFF PROHIBITED. It shall be unlawful for any person, after the water has been turned off from the premises for nonpayment of water charges or other violation of the ordinances, rules, regulations, or resolutions pertaining to the water supply, to turn on or allow the water to be turned on or used without authority from the superintendent or clerk.
- N. SEPARATE CONNECTIONS. It shall be unlawful for two or more families or service users to be supplied from the same service pipe, connection or water meter unless special permission for such combination usage has been granted by the governing body and the premises served are owned by the same owner. In all such cases, a failure on the part of any one of the users to comply with this section shall warrant a withholding of a supply of water through the service connections until compliance or payment has been made, and in any event, the property owner shall be primarily liable to the municipality for all water services utilized on all such premises. Nothing herein shall be deemed to preclude the power of the municipality to require separate pipes, connections, or meters at a subsequent time.
- O. UNAUTHORIZED USERS. It shall be unlawful for any water service user to permit any person from other premises or any unauthorized person to use or obtain water services regularly from his premises or water facilities, either outside or inside his premises.
- P. PIPES TO BE KEPT IN GOOD REPAIR. All users of water services shall keep their service pipes and connections and other apparatus in good repair and protected from frost at their own expense. No person except under the direction of the water superintendent shall be allowed to dig into the street for the purpose of laying, removing or repairing any service pipe.
- Q. QUALITY OF SERVICE PIPE
1. All service and other pipe used in conjunction with the water services of the municipality shall be of such material, quality, and specifications as the governing body may from time to time by resolution provide, and shall be installed at such distances below ground as may be specified by regulations relating to the water department. All work, alterations, or extensions affecting water pipes shall be subject to the acceptance of the water superintendent, and no connections with any water mains shall be made without first obtaining a permit therefore from the clerk.
 2. No consumer shall be permitted to conduct water pipes across lots or buildings to adjoining premises without permission from the water superintendent and subject to such requirements relating to controls as may be imposed by him.
- R. FAULTY EQUIPMENT. It shall be unlawful for any water user to:
1. Waste water.

2. Allow it to be wasted by stops, taps, valves, leaky joints or pipes, or to allow tanks or watering troughs to leak or overflow.
 3. Wastefully run water from hydrants, faucets, or stops or through basins, water closets, urinals, sinks or other apparatus.
 4. Use the water for purposes other than for those which he has applied, or to use water in violation of the rules and regulations for controlling the water supply.
- S. SPRINKLING VEHICLES. Vehicles for sprinkling shall be regulated and controlled by the water department through the superintendent of the water department.
- T. DEPARTMENT TO HAVE FREE ACCESS. The water superintendent and his agents shall at all ordinary hours have free access to any place supplied with water services from the municipal system for the purpose of examining the apparatus and ascertaining the amount of water service being used and the manner of its use.
- U. NON-LIABILITY FOR DAMAGES. The municipality shall not be liable for any damage to a water service user by reason of stoppage or interruption of his or her water supply service caused by fires, scarcity of water, accidents to the water system or its mains, or which occurs as the result of maintenance and extension operations, or from any other unavoidable cause. This section shall not be construed to extend the liability of the municipality beyond that provided in the Governmental Immunity Act.
- V. WATER NOT SUPPLIED FOR MOTORS, SIPHONS, ETC. No water shall be supplied from the pipes of the municipal water system for the purpose of driving motor, siphon, turbine, or other wheels, or any hydraulic engines, or elevators, or for driving or propelling machinery of any kind whatsoever, nor shall any license be granted or issued for any such purpose except by special permission of the governing body.
- W. SPRINKLERS
1. It shall be unlawful for any person to use such number of outlets simultaneously or to use such sprinkler or combinations of sprinkler or outlets as will in the opinion of the governing body materially affect the pressure or supply of water in the municipal water system or any part thereof, and the governing body may from time to time, by resolution, specify combinations or numbers of outlets which may have such effect.
 2. The governing body shall, after determining that such improper use exists, notify the affected water user or the owner of the premises whereon such use occurs of such determination in writing, order such use discontinued and advise that such continued usage constitutes a violation of this part.
- X. SCARCITY OF WATER. In time of scarcity of water, whenever it shall in the judgment of the mayor and the governing body, be necessary, the mayor shall by proclamation limit the use of water to such extent as may be necessary. It shall be unlawful for any person, his family, servants, or agents, to violate any proclamation made by the mayor in pursuance of this part.
- Y. WASTE OF WATER
1. Users of water from the municipal water system shall not permit water to continue to run wastefully and without due efforts to conserve water. If, in the judgment of the water superintendent or of any of the officers of the municipality, a user of municipal water engages in practices which result in the needless waste of water and continues so to do after reasonable notice to discontinue wastefulness has been given, the superintendent or any officer may refer the matter to the governing body.
 2. The governing body may thereupon consider terminating the right of the individual to use culinary water. If it elects to consider the matter of termination, it shall give notice to the water user of the intention to terminate his water connection at least five days prior to the meeting of the governing body at which termination of water service is to be considered. The notice shall inform him of the time and place of the meeting and of the charges which lead to the consideration of the termination.
 3. A water user whose right to utilize municipal water is being reviewed shall have opportunity to appear with or without counsel and present his reasons why his water service should not be discontinued.
 4. After due hearing, the governing body may arrive at a determination. If the determination is to discontinue the wasteful water user's service connection, it shall notify him of the decision and of the period during which the service will remain discontinued.
- Z. WATER METERS
1. Except as otherwise expressly permitted by this part, all structures, dwelling units, establishments and persons using water from the municipal water system must have such number of water meters connected to their water system as are necessary in the judgment of the superintendent to adequately measure use and determine water charges to the respective users.
 2. Meters will be furnished by the municipality upon application for a connection, and upon payment of

such connection fees and other costs as may be established by the governing body from time to time by resolution.

3. Meters shall be deemed to be and remain the property of the municipality. Whenever a dispute between superintendent and the property owner arises as to the appropriate number of meters to be installed on any premises, the matter shall be heard and determined by the governing body after due notice in writing to the parties involved.
4. The superintendent shall cause meter readings to be taken regularly and shall advise the treasurer or clerk thereof for the purpose of recording the necessary billings for water service.
5. Meters may be checked, inspected or adjusted at the discretion of the municipality, and they shall not be adjusted or tampered with by the customer. Meter boxes shall not be opened for the purpose of turning on or off the water except by an authorized representative of the municipality unless special permission is given by the municipality through its representatives to the customer to do so.
6. If a customer submits a written request to the superintendent to test his water meter, the municipality may, if under the circumstances it deems it advisable and in its discretion, order a test of the meter measuring the water delivered to such customer. If such request is made within twelve months after the date of the last previous test, the customer may be required to pay the cost of such test. If the meter is found in such test to record from 97% to 103% of accuracy under methods of testing satisfactory to the governing body, the meter shall be deemed to accurately measure the use of water.
7. If the municipality's meters fail to register at any time, the water delivered during the period of failure shall be estimated on the basis of previous consumption during a period which is not questioned. In the event a meter is found to be recording less than 97% or more than 103% of accuracy, the municipality shall make such adjustments in the customer's previous bills as are just and fair under the circumstances.
8. All damages or injury to the lines, meters or other materials of the municipality on or near the customer's premises caused by any act or neglect of the customer shall in the discretion of the municipality be repaired by and at the expense of the customer, and the customer shall pay all costs and expenses, including a reasonable attorney fee, which may arise or accrue to the municipality through its efforts to repair the damage to the lines, meters or to other equipment of the department or collect such costs from the customer.

AA. PERMITS FOR INSTALLATION. It shall be unlawful for any person to lay, repair, alter or connect any water line to the municipal culinary water system without first having received a construction permit from the office of the clerk or from the water superintendent.

AB. APPLICATIONS FOR INSTALLATION PERMIT

1. Applications for permits to make water connections or other alteration or for laying or repairing lines connected directly or indirectly to the municipal water system must be made in writing by a licensed plumber, his authorized agent, or by the owner of the premises who shall describe the nature of the work to be done for which the application is made.

The application shall be granted if the superintendent determines that:

- a. The connection, repair, alteration or installation will cause no damage to the street in which the water main is laid, or that it will not be prejudicial to the interests of persons whose property has been or may thereafter be connected to the water main.
- b. The connection conforms to the ordinances, regulations, specifications and standards of materials required by the municipality.

All connections, alterations or installations shall be to the line and grade designated by the water superintendent.

2. Fees for permits or for inspection services shall be of such amounts as the governing body shall from time to time determine by resolution.

AC. MOVING OR REPLACEMENT OF WATER LINES. In the event that the municipality in its sole discretion determines that any water line of the municipality must be moved or replaced, the municipality shall bear that portion of the cost of such move or replacement which applies to main lines up to the property line of the customer. The cost of reconnecting such new line or lines from the house of the customer to his property line shall be borne by the customer.

AD. WHEN PERMITS SHALL NOT BE ISSUED. Permission to connect with the municipal water system shall not be given unless the plumbing in the house or building to be connected meets the provisions of the building and

plumbing codes of the municipality.

- AE. DISCONTINUANCE OF SERVICE. Any customer desiring to discontinue service shall notify the municipality in writing of such fact at least ten days before the date when such service shall be discontinued. On giving such written notice, the customer shall not be responsible for water bills incurred after the date specified in the notice. Any credit balance in favor of the customer as a result of an advance payment of bills or a deposit made will be refunded upon discontinuance of service.
- AF. FIRE HYDRANTS. Water for fire hydrants will be furnished free of charge by the municipality. Installation and repairs on such hydrants shall be at the expense of the municipality and shall be made under the direction of the municipality. All customers shall grant the municipality, upon demand, a right-of-way or easement to install and maintain such hydrants on their premises if the municipality concludes that hydrants shall be so installed for the protection of the residents of the municipality.
- AG. EXTENSION OF WATER MAINS WITHIN THE MUNICIPALITY. Any person or persons, including any subdivider, who desires to have the water mains extended within the municipality, and is willing to advance the whole expense of such extension and receive the return of an agreed portion thereof, as hereinafter provided, may make application to the governing body by petition. The petition shall contain a description of such proposed extension accompanied by a map showing the location of the proposed extension together with an offer to advance the whole expense thereof, which cost shall be verified by the water superintendent. The governing body may grant or deny the petition as in its discretion seems best for the welfare of existing water users in the municipality.
- AH. COST OF EXTENSIONS DETERMINED. Upon the receipt of such petition and map and before the petition is granted, the governing body shall obtain from the water superintendent a certified statement showing the whole cost of expense of making such extension.
- AI. AMOUNT OF COST TO BE DEPOSITED WITH CLERK. If the governing body grants the petition, the amount of the cost of making the extension, as certified by the superintendent shall be deposited with the clerk before any work shall be done on such extension. The deposit shall be made within 30 days, or such other time as the governing body shall indicate, after the granting thereof.
- AJ. RETURN OF ANY MONEY; FORFEITURE
 - 1. At the time the governing body decides whether or not to grant petition for an extension, it shall also decide whether or not any portion of the costs is to be refunded and the manner and circumstances under which such refund shall be made or credited to the applicant, his successors or representatives. Such determination shall be duly recorded in writing and a copy thereof furnished to the applicant.
 - 2. In the event any deposit remains unclaimed for a period of five years after the depositor has discontinued water service, the deposit may be forfeited and then transferred to the water utility fund.
- AK. OWNERSHIP OF EXTENSION. Any such extension shall be deemed the property of the municipality.

7.06.020 SERVICE OUTSIDE MUNICIPALITY

- A. SUPPLY OF WATER SERVICES TO PERSON OUTSIDE THE MUNICIPAL LIMITS. The municipality may furnish water service from its water system to persons outside the municipality in accordance with the provisions of this part.
- B. PETITION FOR SERVICE. Any person located outside the municipal limits who desires to be supplied with water services from the municipal water system and is willing to pay in advance the whole expense of extending the water system to his property, including the cost of extending any water main beyond its present location, may make application to the governing body by petition containing:
 - 1. A description of the proposed extension.
 - 2. A map showing the location thereof.
 - 3. An offer to pay the whole expense incurred by the municipality in providing such extension and to advance such expense as shall be verified to by the water superintendent. The governing body and the person or persons seeking such extension may enter into an agreement providing in detail the terms under which the extension may be utilized by others in the future and the terms under which all or any portion of the cost of installing such extension may be refunded.
 - 4. An acknowledgement that the municipality in granting the petition need supply only such water to the petitioner which from time to time the governing body deems beyond the requirements of water users within the municipal limits, and that such extension shall be the property of and subject to the control of the municipality.
- C. EXTENSIONS MAY BE MASTER METERED. When an extension supplying more than one house or user

outside the municipal limits is connected to municipal water mains, the water superintendent may require a master meter to be installed near the point where the connection is to be made to the municipal main. This installation will bear the expense of the persons served by such extension according to the regular rates for meter installation. Responsible parties must agree to pay all bills for water served through the meter at the applicable water rates.

- D. COST OF EXTENSIONS TO BE DETERMINED BY WATER SUPERINTENDENT. Upon receipt of such petition and map and before the petition is granted, the governing body shall determine what portion, if any, of the extension of the municipal water mains to the municipal limits the municipality shall construct, and shall obtain from the water superintendent a verified statement showing the whole cost and expense of making such extension. Such costs and expenses shall include administrative and supervisory expenditures of the municipal water department, which shall in no event be deemed to be less than ten percent of the cost of materials and labor.

7.08 ELECTRICITY

7.08.010 ELECTRIC DEPARTMENT AND SYSTEM

7.08.020 SERVICE OUTSIDE MUNICIPALITY

7.08.030 ELECTRIC GENERATORS

7.08.040 CABLE TV AND LOADSHEDDING

7.08.010 ELECTRIC DEPARTMENT AND SYSTEM

The electric department of the Town of Levan is hereby created. It shall administer the operation and maintenance of the municipality.

- A. SUPERINTENDENT. There is hereby created the position of superintendent of the electric department.
- B. DUTIES OF THE SUPERINTENDENT. The superintendent of the electric department shall manage and supervise the municipal electric system pursuant to resolutions, rules and regulations adopted by the governing body from time to time prescribing his powers and duties and directing the manner and frequency which he shall make reports to the mayor relating to the electric system. All of the functions and activities of the superintendent shall be carried on under the direction of the mayor.
- C. APPLICATION FOR ELECTRIC SERVICE. Any person who desires or is required to secure electric service when such service is available from the municipal electric system, shall file with the electric department a written application and agreement for the service which shall be in substantially the following form:

Levan, Utah

APPLICATION FOR ELECTRIC SERVICE

TO THE MUNICIPALITY OF LEVAN, UTAH

The undersigned hereby applies for electric service from the municipality of Levan, Utah for premises located at _____ and hereby agrees:

- 1. To pay all charges for such electric service as are fixed from time to time by the town council until such time as I shall direct such service to be discontinued.*
- 2. In the event of a failure to pay electric charges within the due dates fixed by the town council or of a failure of the occupant of the premises to conform to the ordinances and regulations established by the town council regulating the use of the electric system, the town shall have the right to discontinue the electric service at its election, pursuant to five days written notice of the town's intention, until all delinquencies and any reconnection fees imposed are paid in full or until any failure to conform to this ordinance or regulations issued thereunder is eliminated.*
- 3. To be bound by the rules, regulations, resolutions or ordinances enacted or adopted by the governing body applicable to the town's electric system. Applicant does hereby pay any and all fees as set by resolution to the town on the filing of the application, and it is agreed and understood that additional fees may be required.*
- 4. That the connection fee shall not be considered as an advance payment for any service. Charges and*

unpaid balance shall be considered delinquent notwithstanding the existence of the connection fee and the applicant or user of electric service shall not have the right to compel the town to apply the connection fee to any account to avoid delinquency.

Dated this _____ day of _____ 20_____

_____ (Applicant)

- D. NON-OWNER USERS. It shall be the responsibility of the property owner to guarantee and pay the delinquent electric bills for all electric services left unpaid by any tenant or any other occupant of his or her property.
- E. RATES AND CONNECTION FEES. The rates, penalty fee for delinquency in payment, connection fee, inspection fee, and other charges incidental to connection and services from the municipal electric system shall be fixed from time to time by resolution enacted by the town council. The town council may from time to time promulgate rules for levying, billing, guaranteeing and collecting charges for electric services and all other rules necessary for the management and control of the electric system. Rates for services furnished shall be uniform with respect to each class or classes of service established or that may hereafter be established.
- F. SPECIAL RATES. The town council may from time to time fix by agreement or resolution special rates and conditions for users using exceptionally large amounts of electricity or making use of the electric system under exceptional circumstances, or for use outside the municipal limits, upon such terms and conditions as they may deem proper.
- G. BOARD OF EQUALIZATION, RATES, AND REBATES. The town council is hereby constituted a board of equalization of electric rates to hear complaints and make corrections of any assessments deemed to be illegal, unequal, or unjust. They may, if they see fit, rebate all or any part of the electric bill of any indigent person.
- H. USE WITHOUT PAYMENT PROHIBITED. It shall be unlawful for any person by himself, family, servants, or agents to utilize the municipal electric system without paying therefore, as herein provided or, without authority, to attach any device to any power line or supply line 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 electric system.
- I. DELINQUENCY; DISCONTINUANCE OF SERVICE
 - 1. The treasurer or clerk, electric supervisor or meter reader shall furnish to each user, or mail to, or leave at his place of residence or usual place of business, a written or printed statement stating thereon the amount of electric service charges assessed against him once each month or at such other regular interval as the town council shall direct.
 - 2. The statement shall specify the amount of the bill for electric service and the kilowatt hours of electricity used. If any person fails to pay the electric charges by the 25th of the month a penalty of 10% of the total bill will be added to the charges. If the bill is unpaid at the end of 30 days from the date of the bill the clerk or electric supervisor shall give the customer notice in writing of intent to discontinue service to the customer unless the customer pays the bill in full within five days from the date of notice.
 - 3. If electric service is thereafter discontinued for failure to make payment, then before the electric service to the premises shall again be provided, all delinquent electric charges must have been paid to the treasurer or arrangements made for their payment in a manner satisfactory to the town council. In the event electric service is turned off for non-payment of electric charges, then before the electric service to the premises shall again be provided, the customer shall pay, in addition to all delinquent electric charges, such extra charge for turning the electricity on and off as the town council may have established by resolution. Furthermore, in addition to such payments and penalties, a delinquent customer may be required to make and file a new application. The treasurer or clerk is hereby authorized and empowered to enforce the payment of all delinquent electric charges by an action of law in the name of the Town of Levan.
- J. TURNING ON ELECTRICITY AFTER BEING TURNED OFF PROHIBITED. It shall be unlawful for any person, after the electric service has been turned off from the premises for nonpayment of electric charges or other violation of the ordinances, rules, regulation, or resolutions pertaining to the electric supply, to turn on or allow the electricity to be turned on or used without authority from the superintendent or clerk.
- K. SEPARATE CONNECTIONS. It shall be unlawful for two or more families or service users to be supplied from the same service, connection or electrical meter unless special permission for such combination usage has



been granted by the governing body and the premises served are owned by the same owner. In all such cases, a failure on the part of any one of the users to comply with this section shall warrant a withholding of a supply of electricity through the service connections until compliance or payment has been made, and in any event, the property owner shall be primarily liable to the municipality for all electric services utilized on all such premises. Nothing herein shall be deemed to preclude the power of the municipality to require separate connections, or meters at a subsequent time.

- L. UNAUTHORIZED USERS. It shall be unlawful for any electric service user to permit any person from other premises or any unauthorized person to use or obtain electrical services regularly from his premises or electrical facilities, either outside or inside his premises.
- M. WIRES TO BE KEPT IN GOOD REPAIR. All wiring on the premises served by a hookup to the Levan electric system shall conform to the Levan Town Electric Code and shall be upgraded from time to time at the customer's expense.
- N. QUALITY OF SERVICE WIRES
 - 1. All service used in conjunction with the electric services of the municipality shall be of such material, quality, and specifications as the governing body from time to time by resolution provide, and shall be installed in such a manner as may be specified by regulations relating to the electric department. All work, alterations, or extensions affecting electric wires shall be subject to the acceptance of the electrical superintendent, and no connections with any electric mains shall be made without first obtaining a permit therefore from the clerk.
 - 2. No consumer shall be permitted to conduct electricity across lots or buildings to adjoining premises without permission from the electrical superintendent and subject to such requirements relating to controls as may be imposed by him.
- O. DEPARTMENT TO HAVE FREE ACCESS. The electrical superintendent and his agents shall at all ordinary hours have free access to any place supplied with electrical services from the municipal system for the purpose of examining the apparatus and ascertaining the amount of electric service being used and the manner of its use.
- P. NON LIABILITY FOR DAMAGES. The municipality shall not be liable for any damage to an electric service user by reason of stoppage or interruption of his or her electrical supply service caused by fires, scarcity of electricity, accidents to the electrical system or its wires, or which occurs as the result of maintenance and extension operations, or from any other unavoidable cause. This section shall not be construed to extend the liability of the municipality beyond that provided in the Governmental Immunity Act.
- Q. SCARCITY OF ELECTRICITY. In time of scarcity of electricity, whenever it shall in the judgment of the mayor and the governing body be necessary, the mayor shall by proclamation limit the use of electricity to such extent as may be necessary. It shall be unlawful for any person, his family, servants, or agents, to violate any proclamation made by the mayor in pursuance of this part.
- R. ELECTRICAL METERS
 - 1. Except as otherwise expressly permitted by this part, all structures, dwelling units, establishments and persons using electricity from the municipal electrical system must have such number of electric meters connected to their electric system as are necessary in the judgment of the superintendent to adequately measure use and determine electrical charges to the respective users.
 - 2. Meters will be furnished by the municipality upon application for a connection, and upon payment of such connection fees and other costs as may be established by the governing body from time to time by resolution.
 - 3. Meters shall be deemed to be and remain the property of the municipality. Whenever a dispute between superintendent and the property owner arises as to the appropriate number of meters to be installed on any premises, the matter shall be heard and determined by the governing body after due notice in writing to the parties involved.
 - 4. The superintendent shall cause meter readings to be taken regularly and shall advise the clerk thereof for the purpose of recording the necessary billings for electric service.
 - 5. Meters may be checked, inspected or adjusted at the discretion of the municipality, and they shall not be adjusted or tampered with by the customer. Meter boxes shall not be opened for the purpose of turning on or off the electricity except by an authorized representative of the municipality unless special permission is given by the municipality through its representatives to the customer to do so.
 - 6. If a customer submits a written request to the superintendent to test his electric meter, the municipality may, if under the circumstances it deems it advisable and in its discretion, order a test of the meter measuring the electricity delivered, to such customer. If such request is made within 12 months after the

date of the last previous test, the customer may be required to pay the cost of such test. If the meter is found in such test to record from 97% to 103% of accuracy under methods of testing satisfactory to the governing body, the meter shall be deemed to accurately measure the use of electricity.

7. If the municipality's meters fail to register at any time, the electricity delivered during the period of failure shall be estimated on the basis of previous consumption during a period which is not questioned. In the event a meter is found to be recording less than 97% or more than 103% of accuracy, the municipality shall make such adjustments in the customer's previous bills as are just and fair under the circumstances.
8. All damages or injury to the wires, meters or other materials of the municipality on or near the customer's premises caused by any act or neglect of the customer shall in the discretion of the municipality be repaired by and at the expense of the customer, and the customer shall pay all costs and expenses, including a reasonable attorney fee, which may arise or accrue to the municipality through its efforts to repair the damage to the lines, meters or to other equipment of the department or collect such costs from the customer.

S. PERMITS FOR INSTALLATION. It shall be unlawful for any person to lay, repair, alter or connect any line to the municipal electrical system without first having received a construction permit from the office of the clerk or from the electrical superintendent.

T. APPLICATIONS FOR INSTALLATION PERMIT

1. Applications for permits to make electric connections or other alteration or for laying or repairing lines connected directly or indirectly to the municipal electrical system must be made in writing by a licensed electrician, his authorized agent, or by the owner of the premises who shall describe the nature of the work to be done for which the application is made.

The application shall be granted if the superintendent determines that:

- a. The connection, repair, alteration or installation will cause no damage to the street in which the electric lines are laid, or that it will not be prejudicial to the interests of persons whose property has been or may thereafter be connected to the electrical line.
- b. The connection conforms to the ordinances, regulations, specifications and standards of materials required by the municipality.

All connections, alterations or installations shall be to the line and grade designated by the electrical superintendent.

2. Fees for permit or for inspection services shall be of such amounts as the governing body shall from time to time determine by resolution.

U. MOVING OR REPLACEMENT OF ELECTRICAL LINES. In the event that the municipality in its sole discretion determines that any electrical line of the municipality must be moved or replaced, the municipality shall bear that portion of the cost of such move or replacement which applies to main lines up to the property line of the customer. The cost of reconnecting such new line or lines from the house of the customer to his property line shall be borne by the customer.

V. WHEN PERMITS SHALL NOT BE ISSUED. Permission to connect with the municipal electric system shall not be given unless the wires in the house or building to be connected meet the provisions of the building and electrical codes of the municipality.

W. DISCONTINUANCE OF SERVICE. Any customer desiring to discontinue service shall notify the municipality in writing of such fact at least ten days before the date when such service shall be discontinued. On giving such written notice, the customer shall not be responsible for electric bills incurred after the date specified in the notice. Any credit balance in favor of the customer as a result of an advance payment of bills or a deposit made will be refunded upon discontinuance of service.

X. EXTENSION OF ELECTRICAL LINES WITHIN THE MUNICIPALITY. Any person or persons, including any subdivider, who desires to have the electrical lines extended within the municipality, and is willing to advance the whole expense of such extension and receive the return of an agreed portion thereof, as hereinafter provided, may make application to the governing body by petition. The petition shall contain a description of such proposed extension accompanied by a map showing the location of the proposed extension together with an offer to advance the whole expense thereof, which cost shall be verified by the electrical superintendent. The governing body may grant or deny the petition as in its discretion seems best for the welfare of existing electricity users in the municipality.

Y. COST OF EXTENSIONS DETERMINED. Upon the receipt of such petition and map and before the petition is granted, the governing body shall obtain from the electrical superintendent a certified statement showing the

whole cost of expense of making such extension.

- Z. AMOUNT OF COST TO BE DEPOSITED WITH TREASURER. If the governing body grants the petition, the amount of the cost of making the extension, as certified by the superintendent shall be deposited with the treasurer before any work shall be done on such extension. The deposit shall be made within 30 days, or such other time as the governing body shall indicate after the granting thereof.
- AA. RETURN OF ANY MONEY; FORFEITURE
 - 1. At the time the governing body decides whether or not to grant petition for an extension, it shall also decide whether or not any portion of the costs is to be refunded and the manner and circumstances under which such refund shall be made or credited to the applicant, his successors or representatives. Such determination shall be duly recorded in writing and a copy thereof furnished to the applicant.
 - 2. In the event any deposit remains unclaimed for a period of five years after the depositor has discontinued electrical service, the deposit may be forfeited and then transferred to the electrical utility fund.
- AB. OWNERSHIP OF EXTENSION. Any such extension shall be deemed the property of the municipality.

7.08.020 SERVICE OUTSIDE MUNICIPALITY

- A. SUPPLY OF ELECTRICITY SERVICES TO PERSON OUTSIDE THE MUNICIPAL LIMITS. The municipality may furnish electrical service from its electric system to persons outside the municipality in accordance with the provisions of this part.
- B. PETITION FOR SERVICE. Any person located outside the municipal limits who desires to be supplied with electricity from the municipal electric system and is willing to pay in advance the whole expense of extending the electric system to his property, including the cost of extending any electric main beyond its present location, may make application to the governing body by petition containing:
 - 1. A description of the proposed extension.
 - 2. A map showing the location thereof.
 - 3. An offer to pay the whole expense incurred by the municipality in providing such extension and to advance such expense as shall be verified to by the electrical superintendent. The governing body and the person or persons seeking such extension may enter into an agreement providing in detail the terms under which the extension may be utilized by others in the future and the terms under which all or any portion of the cost of installing such extension may be refunded.
 - 4. An acknowledgement that the municipality in granting the petition need supply only such electricity to the petitioner which from time to time the governing body deems beyond the requirements of electricity users within the municipal limits, and that such extension shall be the property of and subject to the control of the municipality.
- C. EXTENSIONS MAY BE MASTER; METERED. When an extension supplying more than one house or user outside the municipal limits is connected to municipal electric lines the electrical superintendent may require a master meter to be installed near the point where the connection is to be made to the municipal main. This installation will be at the expense of the persons served by such extension according to the regular rates for meter installation. Responsible parties must agree to pay all bills for electricity served through the meter at the applicable electrical rates.
- D. COST OF EXTENSIONS TO BE DETERMINED BY ELECTRICAL SUPERINTENDENT. Upon receipt of such petition and map and before the petition is granted, the governing body shall determine what portion, if any, of the extension of the municipal electric lines to the municipal limits the municipality shall construct, and shall obtain from the electrical superintendent a verified statement showing the whole cost and expense of making such extension. Such costs and expenses shall include administrative and supervisory expenditures of the municipal electric department, which shall in no event be deemed to be less than ten percent of the cost of materials and labor.
- E. RATES FOR SERVICE OUTSIDE THE MUNICIPAL LIMITS. Special rates shall be set by agreement or resolution of the town council.

7.08.030 ELECTRIC GENERATORS

- A. UNLAWFUL TO CONNECT. It shall be unlawful to connect any generator, alternator, co-generating or other electricity producing device to the Levan Electric System without obtaining a permit and approval of the Levan town council.

7.08.040 CABLE TV AND LOADSHEDDING

Cable TV and Loadshedding is hereby created as a division of the Levan Town Electric System. The same operating rules and regulations will apply to this division as to the Electric Department under LMC 7.08.010(A-Q) to LMC 7.08.010(Q) and LMC 7.08.010(Q-T). For the purpose of this section Cable TV and Loadshedding lines and equipment shall mean "electric service equipment".

7.10 NATURAL GAS

7.10.010 DEFINITIONS

7.10.020 RESPONSIBILITY OF DEPARTMENT

7.10.030 REGULATION OF NATURAL GAS SERVICE

7.10.040 CONNECTION AND INSTALLATION OF SYSTEM

7.10.050 GAS METERS AND REGULATIONS

7.10.060 CONTROL AND PROTECTION OF NATURAL GAS SYSTEM

7.10.010 DEFINITIONS

Unless the context specifically indicates otherwise, the following terms, as used in this Ordinance, shall have the meanings hereinafter designated:

By-pass or By-passing means any line, pipe, hose or other instrument, device or contrivance connected to the natural gas supply system, service line, fuel piping or any part thereof in such a manner as to transport or distribute any such natural gas without passing through an authorized meter for measuring or registering the amount of such gas.

Chapter or This chapter means Chapter 7.10 of Title 7 of the Ordinance of Levan Town.

Certified operator or Operator means any person certified by the Gas Department of Levan Town to install natural gas lines.

Customer means the person, authorized agent or employee of the person responsible for the gas service account for the premises being served.

Distribution line means a pipe transporting natural gas, high or low pressure, which is used for the purpose of general distribution of natural gas to the user.

Distribution system means that portion of the natural gas system of the Town which is used primarily for the distribution of natural gas to the user.

Department or Gas department means the operating department of the Town of Levan which is responsible for the operation and maintenance of the natural gas supply system of the Town.

Fuel piping means the piping downstream of the Gas Department's meter set, which is owned and maintained by the owner of the premise being served.

Main line means a distribution line that serves as a common source of supply for more than one service line.

Manager means the manager or supervisor of the Gas Department or his designated representative.

Master meter system means any system of distributing gas whereby an owner buys metered gas from the town then distributes and sells the gas through the owner's own underground piping system to the ultimate user.

Meter set means the Gas Department's piping, fittings, service regulator, service meter, associated equipment, and instruments installed downstream of the service riser shutoff valve and upstream of the connection to the owner's fuel piping.

Natural gas means any fuel consisting in whole or in part of natural gas or synthetic natural gas derived from petroleum liquids, coal organic wastes, etc.

Natural gas supply system or Natural gas system means:

1. Any and all services, facilities, structure, equipment or works owned or used by the Town for the purpose of the production, transmission, distribution or regulation of natural gas, including but not limited to

- natural gas main lines, service lines, regulators, meter set, valves and associated appurtenances;
- 2. Any and all rights, property and obligations of the Town concerning natural gas transmission and distribution facilities;
- 3. Any and all standby or contingency equipment, facilities, devices or materials which may be necessary to provide reliable natural gas service.
- 4. Any and all land or sites owned or used by the Town for the purpose of measuring and regulating natural gas and/or providing natural gas service to users, including any and all Gas Department facilities, easements and rights of way; and
- 5. Any and all appurtenances, extension, improvements, additions, alterations or replacements thereof.

Owner means the person who holds record title to the premise being served.

Service line means a distribution line that transports natural gas from a main line to a gas department meter set.

Service stub means that portion of the service line which extends from the main line to the owner's property line, or to the Town's utility easement line, whichever is appropriate.

Tamper or Tampering Means damaging, altering, adjusting or in any manner interfering with or obstructing the action or operation of any regulator, meter or related instrument provided for measuring, controlling or registering the amount of natural gas passing through such meter.

Unauthorized metering means removing, moving, installing, connecting, reconnecting or disconnecting any meter or metering device for natural gas service by a person other than an authorized employee of the Department.

User means any person who uses, consumes natural gas from or is connected to the natural gas supply system of the Town. A user may also be a owner, customer, or neither.

7.10.020 RESPONSIBILITY OF DEPARTMENT

The Gas Department shall be responsible for the natural gas supply system serving the Town and such other areas as authorized by the Town Council.

A. RESPONSIBILITY OF THE MANAGER

- 1. The manager shall be responsible for the management of the natural gas supply system of the Town and all of the property appertaining thereto. He shall see that such system is properly maintained and kept in good working order and repair and he shall ensure proper compliance with all local, State and Federal regulations concerning the distribution of natural gas.
- 2. The manager shall perform such other duties in connection with operations of the Department as may be required by the Town Administrator.

B. RULES AND REGULATIONS; ADOPTION OF. Rules and regulations adopted by the Manager shall pertain to but shall not be limited to installation, construction, operation and maintenance of the natural gas distribution system of the Town and standards, specifications, procedures and guidelines for regulating the distribution and use of natural gas supplied by the Town. In establishing such rules and regulations, the Manager shall seek to assure the safe and efficient operation of the natural gas supply system and the protection of such system, process, equipment and facilities appurtenant thereto.

7.10.030 REGULATION OF NATURAL GAS SERVICE

- A. The rates, charges and regulations, including conditions for all classes of natural gas service, for customers and users inside and outside of the corporate limits of the Town shall be determined by the Town Council, except in the case of a sale of natural gas by the Department to another public utility. The rates, charges and regulations including conditions for all classes of natural gas service, shall be set forth in tariff sheets to be adopted by reference by resolution of the Town Council.
- B. One copy of the current effective tariff sheets for natural gas service shall be kept on file with the Town Clerk and shall be open for public inspection during regular business hours. Copies thereof may be purchased by any person upon payment of the cost of reproduction.
- C. Notice of any change in the base rates or regulations shall be mailed to all gas customers. This notice may be



sent with utility bills.

D. Standard for setting rates: All rates, as established by the Town Council shall be just, reasonable, sufficient and not unduly discriminatory. All rates and regulations shall be designated in tariff sheets as provided above and shall indicate an approval date and an effective date to be set by the Town Council.

1. REGULATIONS; PRIORITY OF

a. The use or connection to the natural gas supply system of the Town by any person except a public utility shall be subject to one or more of the following as applicable:

- (1) All ordinances and resolutions of the Town;
- (2) The provisions of the currently effective tariff sheets governing natural gas service for the various classes, including regulations set forth herein;
- (3) The most current Levan Town Gas Department service line design and construction specifications.
- (4) Applicable provisions of the United States Department of Transportation as published in the Federal Register concerning natural gas; and
- (5) Applicable provisions of the Uniform Mechanical Code and any other applicable codes adopted by the Town Council.

2. SERVICE; SPECIAL CONTRACT. The Town may provide by special contract for the use of a connection to the natural gas supply system of the Town by institutions, plants, districts, governments, municipal corporations or other similar users. Any connection outside municipal boundaries shall be supplied by gas surplus to the needs of the municipality.

3. SERVICE; EXCAVATIONS FOR

- a. All excavations for natural gas service installation or repair shall be performed in accordance with the Town Ordinances and the rules and regulations of the department as applicable. Such excavations shall meet all applicable safety standards, including any requirements as to barricades and lights. Streets, sidewalks, parkways and other public property disturbed in the course of work shall be restored in a manner satisfactory to the Town Administrator.
- b. All gas mainlines shall be a minimum of 2 feet in depth. Service lines shall be 12" to 18" in depth. All transmission lines having a pressure of over 100 lbs. shall be a minimum of 3 feet in depth.

7.10.040 CONNECTION AND INSTALLATION OF SYSTEM

A. CONNECTION TO SYSTEM. The owner or developer of premises shall notify the Department when such premises are ready for connection to the natural gas distribution system of the Town. No premises shall be supplied with permanent natural gas from the natural gas distribution system unless the same shall be designated by official street name and number and such official number shall be placed and maintained conspicuously thereon. Connection of such premises shall only be performed upon approval by the Department. The Town shall not be subject to any liability for any deficiency or defect which is not discovered by inspection nor shall the owner or developer of such premises be absolved from liability for such deficiency or defect and any resulting damage or from responsibility to correct such deficiency or defect.

B. UNAUTHORIZED CONNECTION PROHIBITED. It shall be unlawful for any person to connect any line, pipe, hose or other instrument, device or contrivance to the natural gas supply system or any part thereof without the written consent of the Manager. Any person found in violation of this Part shall be guilty of a misdemeanor. In addition to any other penalties that may be imposed, the Court may order any person who is found guilty of violating the provisions of this Part to pay estimated user charges for the period during which such violation existed.

C. UNAUTHORIZED CONNECTION; RECOVERY OF USER CHARGES. In addition to other penalties set out in this Title, estimated user charges may be recovered by the Town from any person who connects any line, pipe, hose or other instrument, device or contrivance to the natural gas supply system or any part thereof without the written consent of the manager.

D. MAIN LINES INSTALLATION. The Manger shall determine the location, type and capatown of all main lines. Easements may be required where deemed necessary by the manager to ensure the safety or efficiency of the operation or maintenance of the natural gas supply system.

E. SERVICE LINES; INSTALLATION AND FITTER CERTIFICATION

1. The Manager shall determine the location or locations at which any owner service line shall be connected to the gas distribution system of the Town. Such connections shall be made without entering upon

property other than the property of the owner so connected, unless an acceptable recorded utility easement is provided.

2. The gas service line from the property line of the premise to be served, Or the Town's utility easement line, to the meter set shall be installed for the Department by a certified service lien fitter or the Gas Department at the expense of the owner of the premise and in accordance with the Town of Levan's Gas Department specifications. The Town of Levan's Gas Department shall be responsible for the inspection of all such installations. Upon inspection and approval, the department shall be responsible for the operation and maintenance of the service line.
3. There is hereby established a service line fitter certification process to be administered by the Department. The Department shall review applications, conduct training courses, and administer exams as part of the service line fitter certification process. The certification process shall be conducted in accordance with the Gas Department's service line certification procedures. The certification process shall be successfully completed by all persons engaging or proposing to engage on the installation of natural gas service lines destined to be connected to the Town's natural gas supply system. Upon successful completion of the certification process, the applicant shall be certified as service line fitter.
4. Conditions for continued certification, recertification, and issuance of violations or revocation of certification shall be as set forth by the Department's service line fitter certification procedures. The Department reserves the right to revoke certification of any person determined by the Department to be inadequately qualified to install natural gas service lines.
5. As a condition precedent to receiving a natural gas service, the owner of the premise being served shall grant the Department permission to locate any porting of the natural gas supply system necessary to provide service, on or within the boundaries of the premise; and, further grant the Department the irrevocable right of access for the purpose of reading the meter, and installation, removal, operation and maintenance of all such portions of the natural gas supply system, including permission to make necessary excavation for such purposes.

F. EXTENSION AND INSTALLATION; CONFORMANCE WITH RULES AND REGULATIONS. All extensions of the natural gas supply system, including the installation of new main lines and service lines, shall be in conformance with all applicable rules and regulations of the Department. The manager in his discretion may refuse to extend service to any person failing to so conform with such rules and regulations.

7.10.050 GAS METERS AND REGULATIONS

- A. LOCATION. The user shall be required to provide a location for the Town's meter set which is safe from damage and is accessible for reading, operation and maintenance.
- B. MULTIPLE METER LOOPS; MARKING REQUIRED. In the event that gas is served to more than one user at a single premise, through a multiple meter set, the owner shall be responsible for plainly marking each meter of the multiple meter set with a permanent brass tag or approved plastic tag which identifies the apartment, office, room or other areas served by each meter.
- C. MASTER METERS. In the event that gas is served through a master meter system, it shall be the responsibility of the owner of such premise to install, operate and maintain the gas piping and facilities downstream of the meter. Master meters shall be installed only upon the approval of the Department Manager. Installation and operation of piping downstream of a master meter shall be in compliance with the current regulations of the Levan Town Gas Department.
- D. UNLAWFUL ACTS
 1. It shall be unlawful for any person to install a by-pass without the express written authorization of the Manager.
 2. It shall be unlawful for any customer or the user at any premises knowingly to receive natural gas service by means of a by-pass which has not been authorized in writing by the Manager.
 3. It shall be unlawful for any person to tamper with a gas meter, regulator or related instrument without the express written authorization of the Manager.
 4. It shall be unlawful for any customer or the user at any premises knowingly to receive natural gas service by means of tampering which has not been authorized in writing by the Manager.
 5. It shall be unlawful for any person to engage in unauthorized metering.
 6. It shall be unlawful for any customer or the user at any premises knowingly to receive natural gas service by means of unauthorized metering which has not been expressly authorized in writing by the Manager.

E. PROSECUTION; AND RESTITUTION. Anyone found guilty of violating any of the provisions of subsection (D) above is guilty of a misdemeanor. As a condition of granting probation, deferred prosecution, deferred sentence, or suspended sentence, the Court may order any person who is charged with or found guilty of, as the case may be, to pay as restitution estimated or actual user charges for the period during which the violation existed, the cost of repairing or replacing any damaged utility equipment, and any other costs incurred by the Town related to the violation including, but not limited to costs of investigation, disconnection, reconnection and service calls.

F. EVIDENCE OF VIOLATIONS

1. Proof of the existence of any by-pass tampering or unauthorized metering, as prohibited in this Ordinance, shall be deemed prima facie evidence that the user at the premises where such by pass, tampering or unauthorized metering is proved to exist had knowledge of the by-pass, tampering or unauthorized metering if it is proved that the user is an occupant of the premises and that said user had access to the gas meter or other utility equipment where the by-pass, tampering or unauthorized metering is proved to exist.
2. Proof of the existence of any by-pass, tampering or unauthorized metering, as prohibited by this ordinance, shall be deemed prima fade evidence that the customer had knowledge of the by-pass, tampering or unauthorized metering if it is proved that said customer controlled access to the gas meter, regulator or other related equipment where the by-pass, tampering or unauthorized metering is proved to exist.

G. INTERRUPTION OF SERVICE ON ACCOUNT OF TAMPERING, BY-PASSING OR UNAUTHORIZED METERING. Tampering, by-passing or unauthorized metering, as defined in this ordinance is subterfuge and constitutes a safety hazard. Such tampering, by passing or unauthorized metering shall be grounds for immediate disconnection of service without notice to the customer or user at such premises, and service shall not be reconnected until any and all deficiencies in piping, connections, meters and/or other natural gas facilities of the premises have been repaired, corrected or otherwise altered to conform to the requirements of all applicable ordinances, rules and regulations, and until the requirements of subsection (H) below are met.

H. RECONNECTION CHARGES FOR TAMPERING, BY PASSING OR UNAUTHORIZED METERING. In order for gas service to be reconnected to premises where tampering, by-passing or unauthorized metering has occurred, the customer or user at the premises shall pay the following charges to the Town prior to the reconnection.

1. A service charge calculated to compensate the Town for all reasonable expenses incurred on account of the tampering, by-passing or unauthorized metering, including, but not limited to, costs of investigation, disconnection, reconnection and service calls, but in no event less than seventy five dollars (\$75.00); and
2. The cost of repairing or replacing any damaged utility equipment; and
3. The actual or estimated user charges not previously billed to the customer as a result of the tampering, by-passing or unauthorized metering.

7.10.060 CONTROL AND PROTECTION OF NATURAL GAS SYSTEM

A. UNLAWFUL TO DAMAGE SYSTEM

1. It shall be unlawful for any person to interfere or tamper in any manner with any transmission or distribution line, service stub, service line, meter set or any appurtenance thereof connected to or part of the natural gas system without prior written permission obtained from the Manager.
2. It shall be unlawful for any person to damage, impair or deface any part, appliance or appurtenance of the natural gas distribution system of the Town.
3. It shall be unlawful for any person to excavate, obstruct or disconnect any transmission or distribution facility of the Town, or to do any act or thing to divert, damage or otherwise impede or hinder, or tend to impede or hinder, the flow of natural gas through the natural gas distribution system of the Town.
4. It shall be unlawful for any person to excavate with other than hand tools within eighteen inches(18") of any underground natural gas pipeline or facility. Excavation near such facilities shall be in combination with careful probing. For the purpose of this subpart, "hand tools" shall include only non-motorized tools.
5. It shall be unlawful for any person to excavate on a premise located within the Town's certified natural gas service area which is served by natural gas, or within a street right of way or utility easement which contains natural gas facilities owned by the Town without first requesting utility locations from the Town's central locating unit at least two (2) working days prior to beginning the excavation.
6. In the event that piping or equipment attached to or part of the Town's gas distribution system is exposed or damaged, it shall be the responsibility of the party causing exposure or damage to immediately notify

the gas department of such exposure or damage, and further, to provide for the continued exposure of said facilities until the Town can appropriately inspect or repair its facilities.

- B. PROSECUTION; AND RESTITUTION. Anyone found guilty of violating any of the provisions of subsection (A) above is guilty of a misdemeanor. As a condition of granting probation, deferred prosecution, deferred sentence, or suspended sentence, the Court may order any person who is charged with or found guilty of, as the case may be, to pay as restitution estimated or actual user charges for the period during which the violation existed, the cost of repairing or replacing any damaged utility equipment, and any other costs incurred by the Town related to the violation including, but not limited to costs of investigation, disconnection, reconnection and service calls.
- C. DISCONNECTION FOR UNSAFE CONDITION. The owner of the premises served by the gas distribution system of the Town shall maintain all natural gas piping downstream of the meter set to the end use at the premises and shall keep other gas equipment and facilities of such premises in safe condition in accordance with all ordinances, rules and regulations of the Town; provided, however, that all the natural gas supply system installed, owned or operated by the Gas Department shall be maintained by the Department. In the event that the Manager determines that any gas piping or other natural gas equipment or facility on a premises is unsafe, service to such premises may be disconnected and shall not be reconnected until the unsafe condition has been corrected by the owner of such premises and approved by the Department.
- D. LIABILITY OF TOWN; EXCLUSION OF. The Town shall not be liable to any person for failure to maintain gas service during repairs or extensions to the gas supply system, nor shall the Town be liable where such failure is caused by or results from a strike, an act of God, an unavoidable accident or other contingency beyond the control of the Town.

8 PUBLIC HEALTH AND SAFETY

8.02 GARBAGE AND LITTER

8.04 NUISANCES

8.06 HEALTH

8.08 CIGARETTES AND TOBACCO AND PSYCHOTOXIC CHEMICAL SOLVENTS

8.10 WATERS

8.12 FIRES; DEPARTMENT; CODE

8.02 GARBAGE AND LITTER

8.02.010 GARBAGE REGULATION

8.02.020 LITTER; HANDBILLS

8.02.010 GARBAGE REGULATION

A. DEFINITIONS

1. Garbage means waste from the preparation, handling, storing, cooking or consumption of food and food products.
2. Residential garbage refers to garbage produced in places of private residence and dining halls not open to the public.
3. Commercial garbage refers to garbage produced in commercial establishments, public or quasi-public institutions or establishments, including restaurants, hotels, motels and similar establishments.
4. Refuse means all waste matter, except garbage, attending or resulting from the occupancy of residences, apartments, hotels, or other places of dwelling and from the operation of a business. Refuse shall not be deemed to include industrial waste or waste matter resulting from the construction, demolition or repair of a building or other structure.
5. Community waste means lawn cuttings, clippings from bushes and shrubs, leaves and trees and tree branches.
6. Container or regulation container means a type of garbage or trash container of galvanized metal or other approved material and having a tight fitting lid or properly and sufficiently treated weather resistant paper bag manufactured specifically for use in garbage and refuse collection.

B. COLLECTION OF GARBAGE (Reserved)

C. SERVICE CHARGE (Reserved)

D. METHOD OF PAYMENT OF SERVICE CHARGES (Reserved)

E. 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.

F. CONTAINERS (Reserved)

G. CLOSING OF GARBAGE CONTAINERS REQUIRED (Reserved)

H. TIME AND PLACE OF PICKUP (Reserved)

I. DISPOSAL OF COMMUNITY WASTE

1. Community waste may be disposed of by residents and business establishments in vehicles provided by them subject to regulation by the governing body as to the places of disposal and as to the type of vehicle used to avoid spillage upon the public ways of the municipality, hazards to safety and the prevention of nuisances.
2. The governing body from time to time may provide for the collection and disposal of such types of community waste as it may decide to collect and haul in connection with its regular garbage, waste collection and disposal service. In the event community waste disposal service should require a charge to be made by the municipality, the determination of the charge will be made by negotiation with the residents or business enterprises and the residents or business enterprises will be given an opportunity to choose from among services offered by persons other than the municipality.

J. BURNING OF REFUSE PROHIBITED. It shall be unlawful for any person to burn garbage, market waste,

manure or other refuse in the open air or in any furnace or stove within the municipality.

- K. DUMPING REFUSE PROHIBITED. It shall be unlawful for any person to place, deposit, or dump garbage, ashes, market waste, paper boxes, cartons, trade waste, manure or night r soil, or any other refuse upon any lot within the municipality whether such lot is occupied or vacant and whether such person so placing, depositing or dumping such refuse is the owner, tenant, occupant or lessor thereof or has the same under his jurisdiction and control.
- L. LIMITATIONS UPON DUMPING. Dumping waste and garbage shall be permitted only in such places as are designated by the governing body. Dumping shall be subject to such rules and regulations as may be formulated by the governing body.
- M. REGULATIONS. The governing body may adopt such regulations as in its opinion are necessary to implement this part and its objectives.

8.02.020 LITTER: HANDBILLS

A. DEFINITIONS. For the purposes of this part:

1. Authorized receptacle is a public or private litter storage and collection receptacle.
2. Commercial handbill is any printed or written matter, any sample or device, dodger, circular, leaflet, pamphlet, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter or literature:
 - a. Which advertises for sale any merchandise, product, commodity, or thing;
 - b. Which directs attention to any business or mercantile or commercial establishment, or other activity, for the purpose of either directly or indirectly promoting the interest in sales thereof;
 - c. Which directs attention to or advertises any meeting, theatrical performance, exhibition, or event of any kind, for which an admission fee is charged for the purpose of private gain or profit. However, the terms of this clause shall not apply where an admission fee is charged or a collection is taken up for the purpose of defraying the expenses incident to such meeting, theatrical performance, exhibition, or event of any kind, when either of the same is held, given or takes place in connection with the dissemination of information which is not restricted under the ordinary rules of decency, good morals, public peace, safety and good order, provided that nothing contained in this clause shall be deemed to authorize the holding, giving or taking place of any meeting, theatrical performance, exhibition, or event of any kind without a license, where such license is or may be required by any law of this state, or under any ordinance of this municipality; or
 - d. Which, while containing reading matter other than advertising matter, is predominantly and essentially an advertisement, and is distributed or circulated for advertising purposes or for the private benefit and gain of any person so engaged as advertiser or distribution.
3. Garbage means waste from the preparation, cooking, or consumption of food, condemned food products and all refuse and waste from the handling, storage, preparation and sale of produce. Garbage originates primarily in kitchens, stores, markets, restaurants, hotels and other places where food is handled, stored, sold, cooked or consumed.
4. Litter is garbage, refuse, and rubbish as defined herein and all other waste material which, if thrown or deposited as herein prohibited, tends to create a danger to public health, safety, welfare or appearance of the municipality.
5. Newspaper is any newspaper of general or local circulation or any periodical or current magazine regularly published with not less than four issues per year, and sold to the public.
6. Non-Commercial Handbill is any printed or written matter, any sample, or device, dodger, circular, leaflet, pamphlet, newspaper, magazine, paper, booklet, or any other printed or otherwise reproduced original or copies of any matter of literature not included in the aforesaid definitions of a commercial handbill or newspaper.
7. Park is a park, reservation, playground, beach, recreation center or any other public area in the municipality, owned or used by the municipality.
8. Refuse is all putrescible and non-putrescible solid wastes (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, and solid market and industrial wastes.
9. Rubbish is non-putrescible solid wastes consisting of both combustible and non-combustible wastes, such as paper, wrapping, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.
10. Vehicle is every device in, on, or by which any person or property is or may be transported or drawn upon

a highway, including devices used exclusively on stationary rails or tracks.

- B. LITTER IN PUBLIC PLACES. No person shall throw or deposit litter in or on any street, sidewalk or other public place except:
1. In authorized receptacles for collection or in official municipal garbage dumps, or
 2. For collection as authorized by the governing body.
- C. PLACEMENT OF LITTER IN RECEPTACLES SO AS TO PREVENT SCATTERING. Persons placing litter in authorized receptacles shall do so in such a manner as to prevent it from being carried or deposited by the elements on any street, sidewalk or other public place or on private property.
- D. SWEEPING LITTER INTO GUTTERS PROHIBITED EXCEPT AS OTHERWISE AUTHORIZED BY THE GOVERNING BODY. No person shall sweep into or deposit in any gutter, street or other public place the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying property shall keep the sidewalk in front of their premises free of litter.
- E. MERCHANTS' DUTY TO KEEP SIDEWALKS FREE OF LITTER. No person owning or occupying a place of business shall sweep into or deposit in any gutter, street or other public place the accumulation of litter from any building or lot or from any public or private sidewalk or driveway. Persons owning or occupying places of business shall keep the sidewalk in front of their business premises free of litter.
- F. LITTER THROWN BY PERSONS IN VEHICLES. No person, while a driver or passenger in a vehicle, shall throw or deposit litter on any street or other public place, or on private property.
- G. TRUCK LOADS CAUSING LITTER. No person shall drive or move any truck or other vehicle unless such vehicle is so constructed or loaded as to prevent any load, contents or litter from being blown or deposited on any street, alley or other public place. Nor shall any person drive or move any vehicle or truck, the wheels or tires of which carry onto or deposit in any street, alley or other public place, mud, dirt, sticky substances, litter or foreign matter of any kind.
- H. LITTER IN PARKS. No person shall throw or deposit litter in any park except in authorized receptacles and in such a manner that the litter will be prevented from being carried or deposited by the elements on any part of the park or on any street or other public place. Where authorized receptacles are not provided, all such litter shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere as provided herein.
- I. LITTER IN LAKES AND FOUNTAINS. No person shall throw or deposit litter in any fountain, pond, lake, stream, bay or any other body of water in a park or elsewhere.
- J. THROWING OR DISTRIBUTING COMMERCIAL HANDBILLS IN PUBLIC PLACES. No person shall throw or deposit any commercial or non-commercial handbill in or on any sidewalk, street or other public place. Unless otherwise authorized by the governing body, it is an infraction for any person to handout, distribute or sell any commercial handbill in any public place, provided, however, that it shall not be unlawful on any sidewalk, street, or other public place for any person to handout or distribute, without charge to the receiver thereof, any non-commercial handbill to any person willing to accept it.
- K. PLACING COMMERCIAL AND NON-COMMERCIAL HANDBILLS ON VEHICLES. Unless otherwise authorized by the governing body, no person shall throw or deposit any commercial or non-commercial handbill in or on any vehicle, provided, however, that it shall not be unlawful in any public place for a person to hand out or distribute without charge to the receiver thereof a non-commercial handbill to any occupant of a vehicle who is willing to accept it.
- L. DEPOSITING COMMERCIAL AND NON-COMMERCIAL HANDBILLS ON UNINHABITED OR VACANT PREMISES. No person shall throw or deposit any commercial or non-commercial handbill in or on any private premises which are temporarily or continuously uninhabited or vacant.
- M. PROHIBITING DISTRIBUTION OF HANDBILLS WHERE PROPERLY POSTED. No person shall throw, deposit or distribute any commercial or non-commercial handbill on any private premises, if requested by anyone thereon not to do so or if there is placed on said premises in a conspicuous position near the entrance thereof a sign bearing the words: "No Trespassing," "No Peddlers or Agents," "No Advertisement," or any similar notice, indicating in any manner that the occupants of the premises do not desire to be molested or have their right of privacy disturbed or to have any such handbills left on such premises.
- N. DISTRIBUTING COMMERCIAL AND NON-COMMERCIAL HANDBILLS AT INHABITED PRIVATE PREMISES. No person shall throw, deposit or distribute any commercial or non-commercial handbill in or on private premises which are inhabited, except by handling or transmitting any such handbill directly to the owner, occupant, or other person then present in or on such private premises. However, in case of inhabited private premises which are not posted, as provided in this part, such person, unless requested by anyone on such premises not to do so, may place or deposit any such handbill in or on such inhabited private premises if such

handbill is so placed or deposited as to secure or prevent such handbill from being blown or drifted about such premises or sidewalks, streets, or other public places, and except that mailboxes may not be so used when prohibited by federal postal law or regulations.

- O. EXEMPTION FOR MAIL AND NEWSPAPERS. The provisions of this part shall not apply to the distribution of mail by the United States, nor to newspapers except that newspapers shall be placed on private property in such a manner so as to prevent their being carried or deposited by the elements on any street, sidewalk, or other public place or on private property.
- P. POSTING NOTICE PROHIBITED. No person shall post or affix any notice, poster or other paper or device, calculated to attract the attention of the public, to any lamp post, public utility pole or shade tree, or on any public structure or building, except as may be authorized or required by law.
- Q. LITTER ON OCCUPIED PRIVATE PROPERTY. No person shall throw or deposit litter on any occupied private property, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements on any street, sidewalk or other public place or on any private property.
- R. LITTER ON VACANT LOTS. No person shall throw or deposit litter on any open or vacant private property whether or not owned by such person.
- S. HANDBILLS AND POSTERS
 - 1. No person or business shall post, stick, stamp, paint or otherwise fix, or cause the same to be done by any person, any notice, placard, bill, card, poster, advertisement or other paper or device calculated to attract the attention of the public, or upon any sidewalk, curb, or any other portion or part of any public way or public place or any lamp post, electric light, telegraph, telephone or railway structure, hydrant, shade tree or tree-box, or upon the columns, trusses, girders, railings, gates or other parts of any bridge or other public structure or building, or upon any pole, box or fixture of the fire alarm or police telegraph system, except such as may be authorized or required by the laws of the United States, or state, and the ordinances of this municipality.
 - 2. It shall be unlawful to distribute indiscriminately to the public by leaving at houses or residences in the municipality any cards, circulars, handbills, samples of merchandise, or any advertising matter whatsoever without having first secured a permit therefore. This section shall not be construed to apply to the sale of articles by licensed peddlers.
 - 3. Applications for such permit shall be made to the clerk and shall contain a statement of the nature of the article, cards or advertisement to be distributed, the name of the applicant and the name of the manufacturer or distributor of such article or service advertised.
 - 4. Licenses shall be issued only to persons of good character. The chief of police shall make or cause to be made an investigation into the character of each applicant and shall report the results thereof to the clerk before any such license is issued.

8.04 NUISANCES

8.04.010 NUISANCES GENERALLY

8.04.020 ABATEMENT OF WEEDS AND DELETERIOUS OBJECTS

8.04.030 NUISANCES ON PROPERTY

8.04.040 DANGEROUS BUILDINGS

8.04.050 ADMINISTRATIVE NOTICE; HEARINGS; DISPOSAL OF NUISANCE; LIEN; PENALTY FOR VIOLATION

8.04.010 NUISANCES GENERALLY

- A. NUISANCES DEFINED. 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 shall be 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. 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 contributing to the continuance of such nuisance shall be deemed the authors.
- C. DECLARATION OF NUISANCE
 - 1. Every act or condition made, permitted, allowed or continued in violation of subsection (A) above, is

hereby declared to be a nuisance and may be abated and punished as hereinafter provided.

2. Nuisances include but are not limited to:

- a. Befouling water in any spring, stream, well, or water source supplying water for culinary purposes.
- b. Allowing any privy, vault or cesspool or other individual waste water disposal system to become a menace to health or a source of odors to air or water.
- c. Permitting any garbage container to remain on premises when it has become unclean and offensive.
- d. Allowing vegetable waste, 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.
- e. Permitting the accumulation of manure in any stable, stall, corral, feed yard, yard, or in any other building or area in which any animals are kept.
- f. Permitting any slaughterhouse, 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.
- g. Discharging or placing any offensive water, liquid waste, or refuse of any kind into any street, alley, sidewalk, gutter, stream, wash, natural water course, 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.
- h. Keeping or collecting any stale or putrid grease or other offensive matter.
- i. Having or permitting upon any premises any fly or mosquito-producing condition.
- j. Keeping any drinking vessel for public use without providing a method of decontamination between uses.
- k. Permitting or performing any ablutions in or near any public drinking fountain.
- l. 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.
- m. Neglecting or refusing to discontinue use of, clean out, disinfect, and fill up all privy vaults and cesspools or other individual waste water disposal systems within 20 days after notice from an enforcement officer or official of the municipality.
- n. Permitting any lot or excavation to become the repository of stagnant water or any decaying or offensive substances.
- o. 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 governing body.

D. THE ENUMERATION OF NUISANCES. The types of nuisances above stated shall be deemed in addition to and in no way a limitation of the nuisances subject to this chapter.

E. TOILET OR SEWER FACILITIES. All toilet or sewer facilities shall be constructed and maintained in accordance with the ordinances of the municipality. All such facilities that do not comply with such provisions are hereby declared to be a nuisance and are subject to abatement as herein prescribed.

F. RESTRICTIONS ON BLOCKING WATER

1. It shall be unlawful for any person or persons to permit any drainage system, canal, ditch, conduit or other water course of any kind or nature, natural or artificial, to become so obstructed as to cause the water to back up and overflow there from, or to become unsanitary.
2. Maintenance of any such water course in such condition shall constitute a nuisance and the same shall be subject to abatement.

8.04.020 ABATEMENT OF WEEDS AND DELETERIOUS OBJECTS

A. REAL PROPERTY TO BE KEPT CLEAN. It shall be an infraction for any person owning or occupying real property to allow weeds to grow higher on such property than is permitted by this part or not to remove from such property any cuttings of such weeds or any refuse, unsightly or deleterious objects after having been given notice from the health director as hereinafter provided.

B. WEEDS: DEFINED. Weeds shall include any vegetation commonly referred to as a weed, or which shall have been designated a noxious weed by the Utah commission of agriculture.

C. STANDARDS OF WEED CONTROL. It is here by declared that the above stated weeds constitute a nuisance when they: create a fire hazard, a source of contamination, or pollution of the water, air or property, a danger to health, a breeding place or habitation for insects or rodents or other forms of life deleterious to humans or are unsightly or deleterious to their surroundings.

8.04.030 NUISANCES ON PROPERTY

- A. DEFINITION OF NUISANCE. For the purpose of this part the term "nuisance" is defined to mean 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:
1. Lumber, junk, trash, or debris.
 2. Abandoned, discarded or unused objects or equipment such as furniture, stoves, refrigerators, freezers, cans or containers.
- B. DUTY OF MAINTENANCE OF PRIVATE 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 in the value of the other property in the neighborhood in which such premises are located.
- C. 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 usable for the purposes for which it was manufactured, for a period of 30 days or more (except in licensed junk yards) within this municipality, is hereby declared to be a nuisance and dangerous to the public safety.
- D. 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 the foregoing Subsection (C) above 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 buildings to be used for such purposes, or otherwise to remove such property from the municipality.

8.04.040 DANGEROUS BUILDINGS

- A. ADOPTION OF A CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS. The "Uniform Code for the Abatement of Dangerous Buildings," 1981 edition, printed as a code in book form by the International Conference of Building Officials (providing for a just, equitable and practicable method whereby buildings or structures which from any cause endanger the life, limb, health, morals, property, safety or welfare of the general public or their occupants, may be required to be repaired, vacated, or demolished), one copy of which has been filed for use and examination by the public in the office of the clerk of this municipality, is hereby approved and adopted as the Abatement of Dangerous Buildings Code of this municipality.
- B. APPLICATION. The provisions of the Abatement of Dangerous Buildings Code shall apply to all dangerous buildings as therein defined, which now exist or which may exist or hereafter be constructed in this municipality.
- C. ALTERATIONS, ADDITIONS AND REPAIRS. All buildings or structures which are required to be repaired under the provisions of the Abatement of Dangerous Buildings Code shall be subject to the provisions of subsections (a), (b), (c), (d), (e), and (i) of Section 104 of the Uniform Building Code.
- D. ABATEMENT OF DANGEROUS BUILDINGS. All buildings or portions thereof which are determined after inspection by the building official to be dangerous, as defined in the Abatement of Dangerous Building Code, are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with procedures specified in section 401 of the Abatement of Dangerous Buildings Code.
- E. ESTABLISHMENT OF A BOARD OF APPEALS. In order to interpret provisions of the Abatement of Dangerous Buildings Code and to hear appeals provided for thereunder, there is hereby established an abatement of dangerous building board of appeals 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 board may adopt reasonable rules and regulations for conducting its business and shall render all decisions and findings in writing to the applicant with a copy to the building official. Appeals to the board shall be processed in accordance with the provisions contained in the adopted codes. Copies of all rules and regulations adopted by the board shall be delivered to the building official who shall make them accessible to the public without cost.
- F. DANGEROUS BUILDINGS; NUISANCES. All dangerous buildings within the terms of this part are hereby declared to be public nuisances and shall be vacated or demolished as hereinbefore and hereinafter provided.

8.04.050 ADMINISTRATIVE NOTICE; HEARINGS; DISPOSAL OF NUISANCE; LIEN; PENALTY FOR VIOLATION

A. APPOINTMENT AND DUTIES OF INSPECTOR

1. There is hereby established the position of nuisance inspector whose duties it shall be to enforce the

provisions of this section. Until another person is designated, the chief of police shall enforce the provisions of this section. More than one person may be appointed to act as inspector under this sub-section.

2. The nuisance inspector is authorized to:

- a. Perform all functions necessary to enforce the provisions of the section.
- b. 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 section.

3. If he concludes there exists an objectionable condition in violation of this section, the inspector shall:

- a. Ascertain the names of the owners and occupants and descriptions of the premises where such objects and conditions exist.
- b. 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 sub-section 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:

- (1) Contain a specific statement of the nature of the violation and generally describe the premises on which the violation exists.
- (2) Inform the owner, occupant or other person that in the event he disagrees with the determination of the inspector and does not wish to comply with the provisions of the notice or that he objects to the factual or legal basis for the notice, he may request in writing a hearing before the governing body at a time and place to be set by the governing body. A written application for a hearing shall stay the time within which the person must conform to the provisions of the notice.
- (3) Inform the person that in the event he 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 will be assessed such costs together with reasonable attorneys' fees and court costs, or will charge the cost of correcting the violation against the property as a tax.

- c. In the event the owner or occupant makes such request for a hearing, the governing body shall set the time and place for hearing objections and the 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 days from the date of service or mailing of the notice of hearing.

B. HEARING

1. At the written request of an owner, occupant or other person having an interest in property which is the subject of a notice to remove or abate weeds, objectionable conditions, or objects from the property, the governing body shall conduct an informal hearing (which need not be reported) wherein such persons 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 section. The governing body shall also permit the presentation of evidence and argument by the inspector and other interested parties. Thereafter within not less than five nor more than ten days, the governing body shall over the signature of the mayor or such other member of the governing body 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.
2. In the event the decision of the governing body upholds the determination of the inspector, the notice originally given by the inspector as above provided shall be deemed to be sufficient to require the owner or occupant to remove or abate the objectionable objects or conditions, and he 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.
3. In the event that the decision of the governing body either overrules or modifies the determination of the inspector, the written decision of the governing body 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 conform to the decision of the governing body 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 governing body.

4. The inspector shall file an amended notice and proof of service of notice and file the same in the office of the county treasurer.
- C. 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.
- D. 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.
- E. 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 either may cause suit to be brought in an appropriate court of law or may refer the matter to the county treasurer as provided in this section.
- F. 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 attorneys' fees, interest and court costs, and shall execute upon such judgment in the manner provided by law.
- G. COLLECTION THROUGH TAXES. In the event that the inspector elects to refer the expenses of destruction or removal to the county treasurer for inclusion in the tax notice of the property owner, he 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 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 costs of the work shall be pursued by the county treasurer in accordance with the provisions of section 10-14-4, 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.
- H. CRIMINAL PROCEEDING. The commencement of criminal proceedings for the purpose of imposing penalties for violations of this section 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 section relating to notice and abatement shall be deemed merely alternative and additional methods of securing conformity to the provisions of this section.
- I. PENALTY FOR FAILURE TO COMPLY
 1. Any owner, occupant or person having an interest in the property subject to this section who shall fail to comply with the notice or order given pursuant to this section shall be guilty of a class C misdemeanor for each offense and further sum of \$299.00 for each and every day such failure to comply continues beyond the date fixed for compliance.
 2. Compliance by any owner, occupant or person to whom a notice has been given as provided in this section shall not be admissible in any criminal proceeding brought pursuant to this sub-section.

8.06 HEALTH

8.06.010 BOARD OF HEALTH AND HEALTH OFFICER

8.06.020 HEALTH DIRECTOR

8.06.030 OFFENSIVE BUSINESS AND FACILITIES

8.06.040 PROHIBITED IN OUTDOOR FACILITIES

8.06.010 BOARD OF HEALTH AND HEALTH OFFICER

The Central Utah Public Health Department is hereby designated as the board of health of this municipality

A. DUTIES AND POWERS OF BOARD OF HEALTH

1. The municipality may contract with the Central Utah Public 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.

2. The board of health shall adopt such rules and regulations as it shall deem necessary to govern its meetings and conduct.
3. 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.
4. 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.

B. 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.

1. Handling, selling, offering for sale, preparing or serving any food or food products or beverages or water intended for human consumption.
2. Operating or permitting public access to any public swimming pool.
3. Commercially operating any public dump, garbage or refuse collection or disposal facility, or cleaning out or installing any privy, cesspool or septic tank.
4. Fumigating or eradicating pests, insects, vermin or any other infestation from any building occupied or to be occupied by humans.

C. APPLICATIONS

1. Applications for a permit from the board of health shall be made in writing.
2. The board of health shall forward any applications with its recommendation to the mayor for approval or disapproval by the governing body.

8.06.020 HEALTH DIRECTOR

A. POSITION CREATED. The health director of the Central Utah Public Health Department is hereby designated as the health director of this municipality.

B. POWERS AND DUTIES OF HEALTH DIRECTOR

1. The health director may appoint or designate any qualified person to act as his assistant for the purpose of enforcing the ordinances of this municipality.
2. Subject to the terms and conditions of the contract between the Central Utah Public Health Department, the health director shall:
 - a. Be the executive officer of the board of health.
 - b. Enforce all ordinances of this municipality and the state of Utah which relate to the health and welfare of the residents of this municipality.
 - c. Enforce all rules, regulations and ordinances relating to:
 - (1) Plumbing, sanitation, contagious infectious diseases, quarantine and sewage disposal.
 - (2) Producing, storing, keeping and selling meat, dairy or other foods or food products.
 - (3) The quarantine and disposal of all animals affected with any contagious or infectious diseases.
 - d. Enforce the nuisance ordinances of this municipality.
 - e. Have the power to impose and maintain a strict quarantine of all infected persons and premises having contagious or infectious diseases, and to require such persons or premises to be disinfected.
 - f. Have the right and authority, when he shall deem necessary to secure or preserve the public health, to enter into or upon any premises, building, or other places during the daytime to examine, analyze, or test any building, structure, premise, product or good manufactured, stored, or kept within the municipality for the purposes of enforcing this chapter.

C. 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.

D. VACATING PREMISES

1. 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.

2. 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.

E. DISCHARGE OF SEWAGE POLLUTION

1. 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.
2. 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.
3. The health director shall use all due measures to prevent the fouling of any streams, water courses, reservoirs, or any source furnishing water to any of the inhabitants of this municipality.

F. 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.

8.06.030 OFFENSIVE BUSINESS AND FACILITIES

A. COMMENCEMENT OF OFFENSIVE BUSINESS

1. No person shall commence or change the location of an offensive business or establishment in or within one mile of the limits of this municipality without first filing an application for a permit to do so with the clerk.
2. Offensive businesses, within the meaning of this part, shall include but not be limited to, packing houses, dairies, tanneries, canneries, renderies, junk or salvage yards, bone factories, slaughter houses, butcher shops, soap factories, foundries, breweries, distilleries, livery stables, blacksmith shops, or any other enterprise or establishment which creates excessive odors, fumes, smoke, gases, or noises.
3. The application for a permit shall specify the location at which the business or establishment is to be operated and maintained or the new location to which it is to be moved. The application shall describe the type of activity which will be conducted and describe the manner in which the business or establishment shall eliminate, control, or modify the emission by the business of the undesirable odors, fumes, noises, and other noisome features and the manner in which it shall be screened from public view, if its appearance is offensive.

B. ISSUANCE OF PERMITS

1. The clerk shall cause a study to be made of the proposed business or relocation of any offensive business or establishment by the board of health and by personnel engaged in the inspection of buildings and other facilities. A report and recommendation shall be made to the governing body. The governing body, after review, may grant to the applicant an opportunity to be heard and present additional facts. Thereafter the governing body may:
 - a. Deny the application.
 - b. Recommend a modification thereof.
 - c. Grant a limited permit to enter into the business or make the change of location subject to the requirement that the business or facility conform to standards established by the governing body with reference to controlling the offensive features of the business.
2. In the event a permit is granted, it shall be subject to revocation either upon failure of the operator or owner to conduct his business in the manner specified by the governing body at the time of the granting of the permit, or because a change of circumstances makes the continued operation or maintenance of the business or facility a public nuisance.
3. The governing body shall have power to revoke or modify the permission to operate and maintain the business in such a manner as it deems necessary for the public good.

C. EXISTING OFFENSIVE BUSINESS AND FACILITIES

1. 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.
2. 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.

D. CONTROL OF ANIMAL AND FOWL FACILITIES

1. The governing body shall have the power to prohibit or control the location and management of any offensive, unwholesome business or establishment in or within one mile of the municipality and may compel the owner of any pigsty, privy, barn, corral, fur-bearing animal farm, feed yard, poultry farm, or other unwholesome or nauseous house or place to cleanse, abate or remove the same.
2. The governing body may on its own initiative and shall, on complaint of a member of the public, examine the operation, control or location of any business or facility for the purpose of determining whether or not the operation of such business or facility should be improved so as to minimize the offensive and unwholesome characteristics or whether the business or activity should be moved or abated.
3. In the event that the governing body decides that the business or facility should be abated, removed, or controlled, it shall notify the owner or operator of the business or facility of such fact.
4. After a hearing, the governing body may issue a limited license wherein it may prescribe the specifications and standard which must be followed by the business or facility in order to be permitted to continue in operation.
5. Upon a determination by the governing body that the business or facility is a nuisance, it shall have power to order the abatement or removal of the facility or establishment. If the owner fails to conform to such order, the governing body shall have power to bring all necessary legal proceedings to force removal, abatement, or adherence to standards.

8.06.040 PROHIBITED IN OUTDOOR FACILITIES

A. TOBACCO-FREE AND ALCOHOL-FREE

1. Tobacco and Alcohol Use Prohibited in Outdoor Facilities. No person shall use any form of tobacco including E-cigarettes as defined in Utah Code 26-38-2, or alcohol at or on the following Town-owned or operated facilities: playgrounds, parks, athletic fields, walking trails, restrooms, and cemetery.
2. Enforcement
 - a. Signage will be posted to notify residents and visitors of tobacco-free and alcohol free policy.
 - b. The emphasis on enforcing the tobacco-free and alcohol-free policy is through voluntary compliance. However, violation of the tobacco-free provision is an infraction, and violation of the alcohol-free provision is a Class C Misdemeanor.

8.08 CIGARETTES AND TOBACCO AND PSYCHOTOXIC CHEMICAL SOLVENTS

8.08.010 "PLACE OF BUSINESS" AND "ENCLOSED PUBLIC PLACE" DEFINED

8.08.020 CIGARETTES AND TOBACCO- ADVERTISING RESTRICTIONS

8.08.030 PERMITTING MINORS TO USE TOBACCO IN PLACE OF BUSINESS

8.08.040 FURNISHING CIGARS, CIGARETTES OR TOBACCO TO MINORS

8.08.050 BUYING OR POSSESSING CIGARS, CIGARETTES OR TOBACCO BY MINORS

8.08.060 USE OF CIGARS, CIGARETTES OR TOBACCO IN ENCLOSED PUBLIC PLACE

8.08.070 ABUSE OF PSYCHOTOXIC CHEMICAL SOLVENTS

8.08.080 DESIGNATED SMOKING AREAS

8.08.090 DUTIES OF PROPRIETOR OF PUBLIC PLACE

8.08.100 TOBACCO-FREE IN OUTDOOR FACILITIES

8.08.110 VIOLATIONS

8.08.010 "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.

8.08.020 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.

8.08.030 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.

8.08.040 FURNISHING CIGARS, CIGARETTES OR TOBACCO TO MINORS

Any person who sells, gives, or furnishes any cigars, cigarette or tobacco in any form, to any person under nineteen years of age, is guilty of a class C misdemeanor.

8.08.050 BUYING OR POSSESSING CIGARS, CIGARETTES OR TOBACCO BY MINORS

Any person under the age of nineteen years who buys, accepts, or who has in his possession any cigar, cigarette or tobacco in any form is guilty of a class C misdemeanor, or may be classified as a delinquent child and referred to the juvenile courts.

8.08.060 USE OF CIGARS, CIGARETTES OR TOBACCO IN ENCLOSED PUBLIC PLACE

Section 76-10-106, Utah Code Annotated, 1953, as amended, is incorporated herein by reference.

8.08.070 ABUSE OF PSYCHOTOXIC CHEMICAL SOLVENTS

- A. A person is guilty of abuse of psychotoxic chemical solvents if:
 - 1. For the purpose of causing a condition of intoxication, inebriation, excitement, stupefaction, or the dulling of his brain or nervous system, he intentionally:
 - a. Smells or inhales the fumes of any psychotoxic chemical solvent; or
 - b. Possesses, purchases, or attempts to possess or purchase any psychotoxic chemical solvent.
 - 2. Knowing or believing that a purchaser or another intends to use a psychotoxic chemical in violation of subsection (A) (1) or (A) (2), sells or offers to sell any psychotoxic chemical solvent.
- B. This section shall not apply to the inhalation of any anesthesia for medical or dental purposes.
- C. Abuse of psychotoxic chemical solvents is a class B misdemeanor.
- D. As used in this section, psychotoxic chemical solvent includes any glue, cement or other substance containing one or more of the following chemical compounds: acetone and acetate, benzene, butyl-alcohol, ethylene dichloride, isopropyl alcohol, methyl alcohol, methyl ethyl ketone, pentachlorophenol, petroleum ether, or other chemical substance capable of causing a condition of intoxication, inebriation, excitement, stupefaction, or the dulling of the brain or nervous system as a result of the inhalation of the fumes or vapors

of such chemical substance. Nothing in this section shall be construed to include any controlled substance regulated by the provisions of Utah Code Annotated section 58-37-1 et seq.

8.08.080 DESIGNATED SMOKING AREAS

Section 76-10-108, Utah Code Annotated, 1953, as amended, is incorporated herein by reference.

8.08.090 DUTIES OF PROPRIETOR OF PUBLIC PLACE

Section 76-10-109, Utah Code Annotated, 1953, as amended, is incorporated herein by reference.

8.08.100 TOBACCO-FREE IN OUTDOOR FACILITIES

- A. Tobacco and Alcohol Use Prohibited in Outdoor Facilities. No person shall use any form of tobacco including E-cigarettes as defined in Utah Code 26-38-2, or alcohol at or on the following Town-owned or operated facilities: playgrounds, parks, athletic fields, walking trails, restrooms, and cemetery.
- B. Enforcement.
 - 1. Signage will be posted to notify residents and visitors of tobacco-free and alcohol free policy.
 - 2. The emphasis on enforcing the tobacco-free and alcohol-free policy is through voluntary compliance. However, violation of the tobacco-free provision is an infraction, and violation of the alcohol-free provision is a Class C Misdemeanor.

8.08.110 VIOLATIONS

Section 76-10-110, Utah Code Annotated, 1953, as amended, is incorporated herein by reference.

8.10 WATERS

8.10.010 INTERFERENCE WITH CONTROL OF WATER COMMISSIONER

8.10.020 TAKING WATER OUT OF TURN OR EXCESS AMOUNT- INJURING FACILITIES

8.10.030 OBSTRUCTION OF WATERGATES BY LOGS

8.10.040 INJURING BRIDGE, DAM, CANAL OR OTHER WATER-RELATED STRUCTURE

8.10.050 PROTECTION OF TOWN WATER

8.10.010 INTERFERENCE WITH CONTROL OF WATER COMMISSIONER

Every person who in any way interferes with or alters the flow of water in any stream, ditch, or lateral while under the control or management of the water commissioner or superintendent is guilty of a class B misdemeanor.

8.10.020 TAKING WATER OUT OF TURN OR EXCESS AMOUNT- INJURING FACILITIES

Every person who, in violation of any right of any other person, willfully turns or uses the water, or any part thereof, of any canal, ditch, pipeline, or reservoir, except at a time when the use of the water has been duly distributed to the person or willfully uses any greater quantity of water than has been duly distributed to him, or in any way changes the flow of water when lawfully distributed for irrigation or other useful purposes, except when duly authorized to make the change, or willfully and maliciously breaks or injures any dam, canal, pipeline, watergate, ditch, or other means of diverting or conveying water for irrigation or other useful purposes, is guilty of a class B misdemeanor.

8.10.030 OBSTRUCTION OF WATERGATES BY LOGS

Every person who rafts or floats logs, timber, or wood down any river or stream and allows the logs, timber, or wood to accumulate at or obstruct the watergates owned by any person or irrigation company taking or diverting the water of the river or stream for irrigation or manufacturing purposes is guilty of a class B misdemeanor.

8.10.040 INJURING BRIDGE, DAM, CANAL OR OTHER WATER-RELATED STRUCTURE

Every person who willfully and maliciously cuts, breaks, injures, or destroys any bridge, dam, canal, flume, aqueduct, levee, embankment, reservoir, or other structure erected to create hydraulic power, or to drain or reclaim any swamp and overflowed or marshland, or to conduct water for mining, manufacturing, reclamation, or agricultural purposes, or for the supply of the inhabitants of municipality; or willfully or maliciously 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 a class B misdemeanor.

8.10.050 PROTECTION OF TOWN WATER

A. CROSS CONNECTIONS. No water service connection to any premises shall be installed or maintained by the Town or any other water utility unless the water supply in the premises is protected as required.

1. DEFINITIONS

- a. Backflow. The reversal of the normal flow of water caused by either back-pressure or back-siphonage.
- b. 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.
- c. 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.
- d. Flow Prevention Assembly. Assembly or means designed to prevent back- flow. See appendix J, Chapter 10, International Plumbing Code as adopted for specifications of such assemblies.
- e. Cross Connections. Any connection which may allow non-potable water or industrial fluids or other material of questionable quality to come into contact with potable water inside a distribution system, including any temporary connections, swing connections, removable connections, four-way plug valves, swivel change-over devices, or other similar plumbing arrangements.

2. DUTY TO INSPECT. It shall be the responsibility of the water consumer to purchase, install, test and maintain backflow prevention devices where necessary and to control cross connections. The consumer shall have certified inspections and operational tests at least once a year upon request of the Town. Where the Town deems a hazard to be great, the consumer may be required to have such inspections and test at a more frequent interval as prescribed by the Town. All such tests shall be made according to the standard set forth by the Utah Department of Health.
3. NEW CONSTRUCTION. The Building Official of the Town will review all plans for new construction and insure that unprotected cross connections are not an integral part of the consumer's 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 the International Plumbing Code as adopted. 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 Code.
4. INSTALLATION REQUIRED. Whenever the Town deems 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 in any event. The type of protective assembly required shall depend upon the degree of hazard existing at the point of cross connection. The Town may test all back-flow prevention assemblies after the initial installation in order to determine their adequacy.
5. EXISTING EQUIPMENT. All back-flow prevention assemblies existing at the time this ordinance is adopted which do not meet the requirements hereof shall be excluded from the requirements hereof provided they were approved for the purposes described herein at the time of installation and have been properly maintained. Such previously existing assemblies shall be subject to the periodic inspection and testing required by Section B above. Whenever an existing assembly is moved to another location, or where it is determined to constitute a hazard to health, the unit shall be replaced by an approved back-flow prevention assembly.
6. REPAIR AND MAINTENANCE OF EQUIPMENT. The maintenance of all back-flow prevention assemblies and cross connection control devices required hereunder shall be the responsibility of the consumer, and failure to adequately maintain the required equipment shall be a violation. All installations and repairs of such equipment shall be effected by a Certified Back-flow Technician as provided in Section H below.
7. ACCESS FOR INSPECTION. A consumer system shall be open for inspection at all reasonable times to authorized representative of the Town in order to determine if cross connections or other hazards exist. Consumers 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.

8. 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:
 - a. Assure that acceptable testing equipment and procedures are used for the testing, repairing or overhauling of back-flow prevention assemblies.
 - b. Make reports of such testing and/or repair to the consumer, the Town, and the Bureau of Drinking Water and Sanitation. Reports shall be in accordance with the Bureau's requirements.
 - c. Include in all reports a list of any materials or replacement parts used.
 - d. 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.
 - e. Maintain license in current condition and testing equipment in proper operating conditions.
 - f. Be competent to use all necessary equipment to properly test and maintain back-flow prevention assemblies.
 - g. Tag each double check valve and pressure vacuum breaker; reduce pressure back-flow assembly and high hazard air gap; show the serial V number, date tested and by whom, including the technician's license number.
9. PUBLIC NOTIFICATION. Although failure of a consumer to be aware of this ordinance shall be no defense to violation, the water department shall use reasonable means to notify its customers of the hazards of cross connections and the need for annual inspection of back-flow assemblies.
10. RECORDS. The water department shall keep reasonable records of cross connection hazards and the condition of back-flow assemblies, including those records required by state and federal agencies. It shall provide the tags required by Section H (7) above upon request.
11. VIOLATIONS. Service of water to a consumer found to be in violation of this Ordinance shall be discontinued by the Town after written notice of the violation, ten (10) days suspended for voluntary compliance, and due process otherwise extended by the Town before termination of water service. A violation exists:
 - a. If back-flow prevention assembly required herein for control of cross connections is not installed, tested or maintained;
 - b. It is found that a back-flow prevention assembly is removed or has been bypassed;
 - c. If an unprotected cross connection exists on the premises;
 - d. If the periodic system inspection has not been conducted.

Where written notification of a deficiency is provided by the Town to the Consumer to take required corrective action within ten (10) days after the date of mailing such a notice, the Town shall thereafter discontinue service in accordance herewith. Water service will not be restored until all such conditions or defects are corrected.

In addition to any penalty provided herein, violation of this Section shall be a class B misdemeanor.

8.12 FIRES: DEPARTMENT; CODE

8.12.010 DEPARTMENT

8.12.020 PERSONNEL AND DUTIES

8.12.030 POWERS OF FIRE DEPARTMENT

8.12.040 UNIFORM FIRE CODE

8.12.050 STANDARD FIRE-FIGHTING EQUIPMENT

8.12.010 DEPARTMENT

A. CREATION

1. Levan Town consent to the inclusion of the area within Levan Town into the service area for the Juab County Special Service District for Fire Protection.
2. The Levan Town Board will appoint a suitable individual to represent the interests of Levan Town on the administrative control board.

8.12.020 PERSONNEL AND DUTIES

A. CREATION OF POSITION OF CHIEF. There is hereby created the position of chief of the fire department.

B. POWERS AND DUTIES OF CHIEF

1. The chief shall have responsibility for the general supervision of the department.

2. 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.
 3. 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.
 4. The chief shall strictly enforce all of the provisions of the ordinances of this municipality relating to the protection against and prevention of fire.
 5. The chief shall maintain the equipment of the department in good repair and order and ready for use.
 6. The chief, subject to the approval of the mayor and governing body, shall establish rules and regulations for the operation of the department.
 7. 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.
 8. 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.
- C. 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.

8.12.030 POWERS OF FIRE DEPARTMENT

- A. EMERGENCY VEHICLES. Fire trucks are hereby designated authorized emergency vehicles.
- B. REMOVAL OF OBSTRUCTIONS AT FIRE. The officer in charge at any fire may order the removal or destruction of any fence, building or structure, or that any utility be closed, cut or removed when deemed necessary to control, extinguish or prevent the spread of fire.
- C. CONTROL OF PERSONS. All persons present at a fire shall obey the orders of any firemen.
- D. INTERFERENCE WITH FIREMEN IN DISCHARGE OF DUTIES. Every person at the scene of any fire who disobeys the lawful orders of any public officer or fireman, or offers any resistance to or interference with the efforts of any fireman, or company of firemen to extinguish the same, or engages in any disorderly conduct calculated to prevent the same from being extinguished, or who forbids, prevents or dissuades others from assisting to extinguish the same, is guilty of an infraction.
- E. UNLAWFUL INTERFERENCE WITH OFFICERS, APPARATUS, WATER, ETC. Any person who shall willfully hinder any officer or fireman in the discharge of his duty at a fire, or in any manner injure, deface or destroy any engine, hose or other fire apparatus belonging to the fire department, or who shall interfere with any fire company or person, or who shall willfully break or injure any water pipe, or interfere with the water or its source of supply shall be deemed guilty of a class B misdemeanor and shall be punished accordingly.
- F. INVESTIGATION AFTER FIRE REPORT. The chief, or such other persons as he shall designate, shall, after extinguishing a fire, make a prompt and thorough investigation of the cause of the fire, the time the fire began, the amount of loss and insurance, a description of the affected buildings and premises, and shall secure all other useful information available, and record the same in a record book kept for that purpose in the office of the department and shall report the same to the governing body at such time as it may direct.
- G. RIGHT TO ENTER UPON AND INSPECT PREMISES. The fire chief or his deputies upon presentation of proper credentials shall have the right to enter upon any premises at all reasonable hours for the purpose of making inspections.
- H. 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.
- I. 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.

8.12.040 UNIFORM FIRE CODE

- A. 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 1981 edition of the Uniform Fire Code as recommended by the Western Fire Chiefs Association and the International Conference of Building Officials, except to the extent it is hereinafter modified or amended by sub-section F below, one copy of which has been and is now filed in the office of the clerk for use and inspection by the public.
- B. ESTABLISHMENT AND DUTIES OF BUREAU OF FIRE PREVENTION

1. 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.
2. 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.

C. DEFINITIONS

1. The word jurisdiction as used in the Uniform Fire Code, shall mean the boundaries of this municipality.
2. The term corporation counsel as used in the Uniform Fire Code shall mean the attorney for this municipality.

D. ESTABLISHMENT OF LIMITS OF DISTRICTS IN WHICH STORAGE OF FLAMMABLE OR COMBUSTIBLE LIQUIDS IN OUTSIDE ABOVEGROUND TANKS IS TO BE PROHIBITED

1. 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.
2. 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.

E. 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.

F. 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.

G. 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.

H. 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.

I. 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.

J. PENALTIES

1. Any person who shall violate any of the provisions of the Uniform Fire Code or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the governing body or by a court of competent jurisdiction within the time fixed herein shall, severally for each and every such violation and noncompliance respectively, be guilty of a class B misdemeanor punishable by a fine of not less than \$25.00 nor more than \$299.00 or by imprisonment of not less than 10 days nor more than 60 days or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue. All persons shall be required to correct or remedy such violations or defects within a reasonable time, and when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.
2. The application of the above penalty shall not be held to prevent the enforced removal of the prohibited condition.

K. BUILDING PERMIT FEES APPENDIX. APPENDIX ESTABLISHING LIMITS OF DISTRICTS IN WHICH STORAGE

OF FLAMMABLE OR COMBUSTIBLE LIQUIDS IN OUTSIDE ABOVE-GROUND TANKS AND EXPLOSIVES ARE PROHIBITED, AND IN WHICH BULK STORAGE OF LIQUEFIED PETROLEUM GAS IS RESTRICTED, AND AMENDMENTS TO THE FIRE CODE.

1. APPENDIX IDENTIFIED. This Appendix is the Appendix referred to in sub-sections D-G above of the Code of Revised Ordinances of this municipality which relate to the Uniform Fire Code.
2. PROHIBITED STORAGE ABOVE GROUND. The limits referred to in Section 15.201 of the Uniform Fire Code in which storage of flammable or combustible liquids in outside above-ground tanks are prohibited are as follows:
3. BULK PLANTS FOR FLAMMABLE OR COMBUSTIBLE RESTRICTED. The limits referred to in Section 15.601 of the Uniform Fire Code in which bulk plants for flammable or combustible liquids are prohibited are as follows:
4. BULK STORAGE OF LIQUEFIED PETROLEUM GASES. The limits referred to in sub-section E above of the Code of Revised Ordinances - Section 20.105(a) of the Uniform Fire Code in which the storage of liquefied petroleum gas is prohibited are:
5. EXPLOSIVES RESTRICTED. 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 as follows:
6. AMENDMENTS. The amendments to the Uniform Fire Code referred to in sub-section G above of the Code of Revised Ordinances are as Follows:

Note of Explanation to This Appendix:

1. STORAGE OF FLAMMABLE OR COMBUSTIBLE LIQUIDS in outside above-ground tanks (Sub-section D(1) above of the Code of Revised Ordinances - Section 15.201 of the Uniform Fire Code) should be prohibited in the mercantile and other congested areas.
2. NEW BULK PLANTS FOR FLAMMABLE OR COMBUSTIBLE LIQUIDS (Sub-section D(2) above of the Code of Revised Ordinances - Section 15-601 of the Uniform Fire Code) should be prohibited in areas zoned to be used solely for residential occupancies and for mercantile establishments, primarily retail in character.
3. BULK STORAGE OF LIQUEFIED PETROLEUM GASES (Sub-section E above of the Code of Revised Ordinances- Section 20.105(a) of the Uniform Fire Code should be restricted in areas of heavy population and in the congested commercial areas.
4. STORAGE OF EXPLOSIVES AND BLASTING AGENTS (Sub-section E above of the Code of Revised Ordinances - Section 11.106(b) of the Uniform Fire Code) should be prohibited in the business district, closely built commercial areas and heavily populated areas.

8.12.050 STANDARD FIRE-FIGHTING EQUIPMENT

- A. EQUIPMENT FOR NEW FIRE PROTECTION SYSTEMS; STANDARD EQUIPMENT. See U.C.A. section 11-4-1.
- B. DUTY OF LOCAL GOVERNING BODY TO MAINTAIN AND COMPLY. See U.C.A. Section 11-4-2.
- C. PROHIBITED SALES AND PENALTIES. See U.C.A. Sections 11-4-3 and 11-4-4.

9 ANIMAL SERVICES AND CONTROL

9.02 POUNDMASTER

9.04 CARE AND KEEPING

9.06 DOGS

9.08 ESTRAYS

9.02 POUNDMASTER

9.02.010 OFFICE OF POUNDMASTER CREATED

9.02.020 DUTIES OF POUNDMASTER

9.02.030 INTERFERENCE WITH OFFICER PROHIBITED

9.02.040 FEES; SERVICES OF POUNDMASTER

The position of municipal poundmaster hereby is created. Until such time as a poundmaster is appointed, the chief of police shall be poundmaster ex officio.

9.02.010 OFFICE OF POUNDMASTER CREATED

The position of municipal poundmaster hereby is created. Until such time as a poundmaster is appointed, the chief of police shall be poundmaster ex officio.

9.02.020 DUTIES OF POUNDMASTER

The poundmaster shall perform the following duties:

- A. Carry out and enforce the provisions of this chapter.
- B. Take into his possession and impound all strays running at large and dispose of the same as hereinafter provided.
- C. Enforce the licensing of and control all dogs within the municipality as hereinafter provided.
- D. File complaints in the courts against any person, firm, or corporation failing to comply with the provisions of this chapter and obtain licenses when required thereunder.
- 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 his charge or otherwise impounded by him shall be maintained.
- G. Enter a description thereof in records kept for that purpose stating the kind of animal, the circumstance under which received or impounded, and a description thereof sufficient to provide identification, the costs expended for the maintenance of the animal and amounts received arising out of maintenance or sale of animals.

9.02.030 INTERFERENCE WITH OFFICER PROHIBITED

It shall be unlawful for any person to interfere, molest, hinder or obstruct the poundmaster or any of his authorized representatives in the discharge of their duties as herein prescribed.

9.02.040 FEES; SERVICES OF POUNDMASTER

The poundmaster shall charge, and the owners of animals taken into his possession for impound disposal or other services shall pay, such fees and charges for services performed by the pound or poundmaster as the governing body shall establish from time to time by resolution. All fees received by the poundmaster shall be paid over to the municipal treasurer.

9.04 CARE AND KEEPING

9.04.010 ANIMALS AT LARGE

9.04.020 ABANDONMENT

9.04.030 TRESPASSING ANIMALS AND FOWL

9.04.040 KILLING OR POISONING PROHIBITED

9.04.050 DEAD ANIMALS

9.04.060 DISEASED ANIMALS

9.04.070 SALE OF DISEASED ANIMALS

9.04.080 REPORTING OF RABID ANIMALS

9.04.090 BITING ANIMAL QUARANTINED FOR OBSERVATION

9.04.100 RABIES CONTACTS QUARANTINED

9.04.110 UNLAWFUL ACTS

9.04.010 ANIMALS AT LARGE

No cattle, horses, mules, sheep, goats, or swine 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 this municipality, and all such animals so found may be impounded. Nothing herein contained shall be so construed as to prevent any person from driving cows, horses, mules or other animals from outside municipal limits to any enclosure within the municipal limits or from any enclosure in the municipality to a place outside the municipality or from one enclosure to another within limits of the municipality.

9.04.020 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.

9.04.030 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.

9.04.040 KILLING OR POISONING PROHIBITED

It shall be unlawful for any person willfully to kill any domestic animal, or to administer poison to any such animal or to expose any poisonous substance with the intent that it shall be taken by any such animal.

9.04.050 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, ox, or other animal shall be buried within the closely-inhabited portions of this municipality. A violation of this section is a class C misdemeanor.

9.04.060 DISEASED ANIMALS

It is a class C misdemeanor for any person to bring into the municipality for sale or have in his possession with intent to sell or offer for sale, any animal which has a communicable disease or which has been exposed to or which is liable to carry infection from a communicable disease.

9.04.070 SALE OF DISEASED ANIMALS

It is a class C misdemeanor for any person to bring into the municipality for sale or to sell, or offer for sale any cattle, sheep, swine, fish, game, fowl, or poultry which is diseased, unsound, and unwholesome or which for any other reason is unfit for human food.

9.04.080 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 the municipal health officer. The health officer shall likewise be notified of any person or animal bitten by a rabid or suspected rabid animal.

9.04.090 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 veterinary hospital or the municipal pound and shall not be killed or released until at least 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, its head shall be removed and immediately taken to the state health laboratory to be examined for rabies.

9.04.100 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 120 days or destroyed.

9.04.110 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 charge or custody with necessary sustenance, drink, and 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.

9.06 DOGS

9.06.010 DEFINITIONS

9.06.020 LICENSE AND REGISTRATION REQUIRED

9.06.030 TAG AND COLLAR

9.06.040 RUNNING AT LARGE PROHIBITED

9.06.050 FEMALE IN HEAT

9.06.060 STRAYS

9.06.070 RABIES

9.06.080 DOGS REQUIRED TO HAVE RABIES SHOT

9.06.090 DOGS WHICH DISTURB NEIGHBORHOOD

9.06.100 VICIOUS ANIMALS- SPECIAL PROVISIONS

9.06.110 DOG POUND

9.06.120 IMPOUNDING

9.06.130 RECORD OF IMPOUNDING ANIMALS

9.06.140 REDEMPTION OF IMPOUNDED DOGS

9.06.150 DISPOSITION OF UNCLAIMED AND INFECTED DOGS

9.06.160 INTERFERENCE WITH IMPOUNDING PROHIBITED

9.06.010 DEFINITIONS

As used in this ordinance, unless the context otherwise indicates, the following words shall mean:

- A. Dog shall mean any male, female, or spayed female dog of any age.
- B. Unlicensed dog is hereby defined and declared to mean a dog for which the license for the current year has not been paid, or to which the tag provided for in this part is not attached.
- C. 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.
- D. At large shall be intended to mean off the premises of the owner and not under the control of the owner or a member of his immediate family either by leash, cord, chain or otherwise.
- E. Pound shall mean an animal shelter, lot, premises, or buildings maintained by or authorized or employed by the town for the confinement or care of dogs seized either under the provision of this chapter or otherwise.
- F. Impounded shall mean having been received into the custody of the municipal pound or into the custody of any authorized agent or representative of the municipality.
- G. Vicious dog means a dog that has bitten a person without provocation or a dog that has a known propensity to attack or bite human beings.
- H. Poundmaster shall mean the custodian selected by the governing body to be responsible for the operation of the dog pound.

9.06.020 LICENSE AND REGISTRATION REQUIRED

- A. It is unlawful for any person to keep, harbor or maintain any dog three or more months old 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 governing body may authorize to receive such applications.
- C. A dog license shall be issued by the poundmaster or such other person as the governing body may authorize.
- D. No dog license shall be issued by the municipality until the fee required herein is paid. Fees will be set by resolution of the governing body.
- E. The fee due and payable pursuant to this section shall be due September 1 and shall be delinquent after October 1 of each year. A penalty of fifty (50) percent shall be added to delinquent payments.
- F. The owner of any newly acquired dog of licensing age or of any dog which attains licensing age after October 1 of any year shall make an application for registration and license within 30 days after such acquisition or dogs attain the above stated age; (as provided in Subsection (A) above) provided that the license fee shall be one-half (1/2) of that above required for new applications received after March 1 of any year.
- G. The owner shall state at the time application is made for such license, his name and address and the sex, breed, and color of each dog owned or kept by him. The license fee shall cover the calendar year in which the license was issued, expiring on the 31st day of August, regardless of the date when issued.
- H. The provisions of this section shall not be 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 commercial kennels.
- I. Dogs used as guides for blind persons and commonly known as seeing eye dogs shall be licensed and registered as other dogs hereinabove provided; except that the owner or keeper of such dog shall not be required to pay any fee therefore.

9.06.030 TAG AND COLLAR

Upon payment of the license fee, the clerk shall issue to the owner a license certificate and a metallic tag for each dog so licensed. The tag shall be changed every year and shall have stamped thereon the year for which it was issued and 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 replacement will be issued by the clerk upon presentation of a receipt showing the payment of the license fee for the current year and the payment of \$5.00 for such replacement. Dog tags shall not be transferable from one dog to another, and no refunds shall be made on any dog license fee because of death of the dog or the owner's leaving the municipality before expiration of the license period. It shall be unlawful to deprive a registered dog if its collar and/or tag.

9.06.040 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 herein.

9.06.050 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.

9.06.060 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 clerk or poundmaster who shall impound for running at large contrary to the terms of this part. If there shall be attached to such dog a license tag for the then current fiscal year, the poundmaster shall notify the person to whom such license was issued, at the address given in the license.

9.06.070 RABIES

Every owner of any dog over the age of six months within the municipality shall have the dog vaccinated against rabies by a duly licensed veterinarian, shall secure from the veterinarian a certificate thereof, and shall attach to the collar or harness, which such person is hereby required to place upon the dog, a tag showing that such vaccination has been done, provided that the governing body may, by resolution provide that the owners of any dog may themselves purchase serum and vaccinate their own dogs. The resolution shall also prescribe the conditions with which the owner must comply to obtain the tag hereinafter required.

9.06.080 DOGS REQUIRED TO HAVE RABIES SHOT

It shall be 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 every two years against rabies as above provided within the past two years, and without there being on such dog a collar or harness with a license tag thereon showing that such dog has been so vaccinated.

9.06.090 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. A violation of this section shall be a class C misdemeanor and such is hereby declared to be a nuisance, and each day a violation is permitted to exist or continue shall constitute a separate offense. This section shall not apply to the municipal dog pound, veterinary hospitals, or medical laboratories.

9.06.100 VICIOUS ANIMALS- SPECIAL PROVISIONS

- A. It shall be unlawful for any person to own and possess a vicious dog within the municipality. 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. 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.

9.06.110 DOG POUND

The governing body 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.

9.06.120 IMPOUNDING

It shall be the duty of every police officer or other designated official to apprehend any dog found running at large, not wearing his tag, or which is in violation of this part and to impound such dog in the pound or other suitable place. 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.

9.06.130 RECORD OF IMPOUNDING ANIMALS

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.

9.06.140 REDEMPTION OF IMPOUNDED DOGS

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 supervisor or person having charge of said pound, a certificate of registry as provided in LMC 9.06.120, showing that the license imposed by this part has been paid for such dog and upon paying at the town office, or a town council member an impounding fee of \$100.00 for the first offense and

\$200.00 for the second offense, plus the sum of \$20.00 for each and every day such dog shall have been impounded. Any persons redeeming a dog impounded as unlicensed shall be required to pay applicable licensing fee plus a licensing penalty of 200%. All impounded dogs not redeemed within five 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 sold or redeemed in the required time shall be disposed of in a humane manner.

9.06.150 DISPOSITION OF UNCLAIMED AND INFECTED DOGS

All impounded dogs not redeemed within five 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. 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 five-day period.

9.06.160 INTERFERENCE WITH IMPOUNDING PROHIBITED

It shall be unlawful for any person to hinder, delay, interfere with, or obstruct the poundmaster or any of his 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.

9.08 ESTRAYS

9.08.010 IMPOUNDING AND DISPOSAL OF ESTRAYS, GENERALLY

9.08.020 NOTICE OF SALE OF ESTRAYS

9.08.030 RETURN TO OWNER ON PAYMENT OF COSTS; SALE

9.08.040 RECORD OF ESTRAYS

9.08.050 TRESPASSING ANIMALS; DAMAGING; IMPOUNDING

9.08.060 APPRAISEMENT OF DAMAGES

9.08.070 OWNER TO BE NOTIFIED

9.08.080 FAILURE TO NOTIFY WAIVES DAMAGES

9.08.090 WHERE OWNER UNKNOWN; DUTY OF POUNDMASTER

9.08.100 NOTICE OF SALE OF DISTRAINED ANIMALS

9.08.110 OWNER MAY PAY AND TAKE ANIMALS; DISPUTED APPRAISAL

9.08.120 SALE; BILL OF SALE

9.08.130 REDEMPTION WITHIN NINETY DAYS

9.08.140 OWNER ENTITLED TO RESIDUE OF PROCEEDS

9.08.150 RECORD OF TRESPASSING ANIMALS

9.08.160 RETAKING ANIMAL UNLAWFULLY

9.08.010 IMPOUNDING AND DISPOSAL OF ESTRAYS, GENERALLY

It is hereby made the duty of the poundmaster to take into his possession and impound all estrays running at large, and to dispose of the same as hereinafter provided. Whenever the word "estray" appears in this part, it is defined to mean any valuable animal, except dogs or cats, not wild, found wandering from its owner.

9.08.020 NOTICE OF SALE OF ESTRAYS

Within three days after an estray shall come into the possession of the poundmaster, he shall advertise the same in a newspaper published in and having general circulation in the county by publishing a notice in at least one issue of the newspaper, and by posting notices for a period of ten days in three public places in the municipality, one of which places shall be at or near the post office. He shall immediately deliver a copy of such notice to the clerk or mail the same to him by registered letter. The notice so filed with the clerk should be available during reasonable hours for inspection by the public free of charge. The notice herein provided for shall contain a description of the animals, 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 Juab In the Town of Levan I have in my possession the following described estray animals, which, if not claimed and taken away, will be sold at public auction to the highest cash bidder at

the municipal pound in the Town of Levan, on _____, the _____ day of _____, 20____, at the hour of_____;

(Description of Animals)

The estrays were taken up by me in this municipality on the _____ day of _____, 20_____.

Poundmaster of the Town of Levan, State of Utah".

9.08.030 RETURN TO OWNER ON PAYMENT OF COSTS: SALE

If at any time before the sale of any estrays, such animals shall be claimed and proved to be the property of any person, the poundmaster shall deliver them to the owner upon receiving from him the cost of impounding, keeping and advertising the same. If the animals are not so claimed and taken away, he shall, at the time and place mentioned in the notice, 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 animals to the purchaser or purchasers 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_____ for the sum of \$_____ he/she being the highest bidder, _____ head of _____branded with the municipality estray brand and otherwise described as follows, to-wit:

(Description of Animals)

Witness my hand this_____ day of _____, 20_____

Poundmaster of the Town of Levan, State of Utah

The poundmaster shall immediately file a copy of such bill of sale with the clerk or forward the same to him by registered mail. Such bill of sale shall transfer and vest in such purchaser the full title to the animals thus sold.

9.08.040 RECORD OF ESTRAYS

The poundmaster shall keep an accurate record of all estrays received by him, their age, color, sex, marks, and brands, 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 treasury, and all other matters necessary to a compliance with the provisions of this part. The governing body shall provide the poundmaster with a suitable book 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 at all reasonable hours, and shall be deposited by the poundmaster with his successor in office.

9.08.050 TRESPASSING ANIMALS: DAMAGING: IMPOUNDING

If any cattle, horses, asses, mules, sheep, goats or swine shall trespass or do damage upon the premises of any person, the party aggrieved, whether he 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.

9.08.060 APPRAISEMENT OF DAMAGES

The owner or occupant of any property may distrain any or all of said animals trespassing or doing damage thereon. He shall, within 24 hours thereafter, deliver said animals to the poundmaster together with a certificate of the appraisement of the damage done by such animals. 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 damaged, the name of the owner of the animals, if known, and if not known, it must state that fact together with a description of



the animals, including all visible marks and brands. If the animals appear to be owned by different parties, a separate appraisalment 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 at different times.

9.08.070 OWNER TO BE NOTIFIED

The person distraining the animals must, if the owner of the same be known to him and if he resides within ten miles of the place of the trespass, immediately deliver to such owner, or leave at his place of residence if he cannot be found, a copy of such certificate of appraisalment; but if the owner does not live within ten miles of the place of trespass, the party distraining the animals may at his 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 shall be entitled to charge 20 cents a mile one way for the first ten miles necessarily traveled in delivering such certificate, and 20 cents for each additional mile, to be taxed as costs against the animals.

9.08.080 FAILURE TO NOTIFY WAIVES DAMAGES

If the party distraining any animals shall fail to deliver them or the certificate of appraisalment to the poundmaster within 48 hours, or shall fail to deliver to the owners of the animals, if known, a copy of the certificate of appraisalment within 24 hours after he receives the same or to deposit the same in a post office as herein provided, he shall not be entitled to recover damages under the provisions of this part.

9.08.090 WHERE OWNER UNKNOWN: DUTY OF POUNDMASTER

Whenever any animals are delivered to the poundmaster and the certificate of appraisalment is filed with him as herein provided and such certificate states that the owner is unknown, the poundmaster shall immediately examine all brand books or brand sheets in his possession. If the owner be ascertained thereby or if the owner be already known to the poundmaster, he shall, if the owner lives within ten miles, immediately deliver a copy of such certificate of appraisalment to such owner, or leave the same at his residence if he cannot be found. If the owner lives more than ten miles away, the poundmaster may at his option deliver such copy personally to the owner, or deposit the same in the nearest post office in a registered letter addressed to such owner. He shall, however, serve a copy in one of the ways provided herein; provided that whenever personal service of a copy of any paper is required by this chapter, service by agent shall be deemed sufficient.

9.08.100 NOTICE OF SALE OF DISTRAINED ANIMALS

As soon as any such animals are delivered to the poundmaster, he shall immediately proceed to advertise the same as hereinafter provided except when the owner is known and has been notified, in which case he shall hold said animals 48 hours before advertising the same. He shall advertise in a newspaper published in and having general circulation in the county, by publishing a notice in at least one issue of said paper, by posting notices in three public places in the municipality, one of which shall be at or near the post office, and he shall deliver a copy of the same to the clerk or send the same by deputy or by registered mail. The clerk should preserve such notice and post a copy thereof. 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 animals, including all visible marks and brands, and the day, hour, and place at which such animals will be sold, which shall be not 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 Juab In the Town of Levan

I have in possession the following described animals, which, if not claimed and taken away, will be sold at public auction to the highest cash bidder at the municipal pound in the town of Levan, on the ____ day of _____, 20____, at the hour of _____:

(Description of Animals)

The above described animals are held by me to secure the payment of \$_____ damages done by those animals on

the premises of _____ on the _____ day of
_____ 20_____.

Poundmaster of the Town of Levan, State of Utah

9.08.110 OWNER MAY PAY AND TAKE ANIMALS: DISPUTED APPRAISAL

The owner of any trespassing animals taken up under the provisions of this part may at any time before the sale thereof claim and take such animals away upon paying the amount of damages set forth in the certificate of appraisement and the accrued costs, and if such animals 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 shall pay his proportion of the total amount of damages and costs assessed against such animals, according to the number of animals he owns when compared with the number of the entire lot or group. If he deems the appraisal too high, he 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.

9.08.120 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 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 shall execute and deliver a bill of sale therefore, and file a copy with the county clerk as hereinbefore provided.

9.08.130 REDEMPTION WITHIN NINETY DAYS

The owner of any trespassing animals sold under the provisions of this part may, at any time within 90 days of the date of such sale, redeem such animals from the purchaser or assignee having the same in his possession, upon paying to such purchaser or assignee the sum for which such animals were originally sold, together with an additional ten percent and reasonable compensation for the care and keeping of the same. If such purchaser or assignee refuses to give up such animals on the owner proving his title to the same and on his 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 animals shall not be liable to such owner in any amount. If redemption of such animals is not made within 90 days after the date of such sale, such sale shall be absolute and shall vest the title to such animals in the purchaser or assignee. Any person selling or disposing of any such animal within 90 days of its sale under the provisions of this part shall notify the purchaser of the same of the date of the original sale and the amount paid for such animal at that time, and if he fails to do so, he shall be liable for any loss that may accrue to such purchaser by reason of such animal being redeemed for an amount less than he paid therefore.

9.08.140 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 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 animals to the owner thereof, less the amount of damages and the expense of taking, keeping, and selling the same. In the event such animals are not claimed as aforesaid, such money shall become the property of the municipality, provided that in case there is a contest between two or more persons claiming to be the owners of any such animals, the treasurer shall pay the residue to the party who shall establish by action his right to the same.

9.08.150 RECORD OF TRESPASSING ANIMALS

The poundmaster shall keep an accurate record of all trespassing animals received by him, 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 at all reasonable hours without charge.

9.08.160 RETAKING ANIMAL 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.

10 TRANSPORTATION CODE

10.02 SUPERINTENDENT OF STREETS

10.04 PARKING REGULATIONS

10.06 STREETS; TRAFFIC CONTROL

10.08 ANIMALS ON STREETS (Reserved)

10.10 SIDEWALK REGULATIONS

10.12 CONSTRUCTION AND REPAIR OF STREETS AND SIDEWALKS

10.02 SUPERINTENDENT OF STREETS

10.02.010 DEPARTMENT; SUPERINTENDENT OF STREETS

10.02.020 POWERS AND DUTIES OF STREET DEPARTMENT

10.02.010 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.

10.02.020 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 LMC Title 10 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.

10.04 PARKING REGULATIONS

10.04.010 PARKING OR BLOCKING STREETS OR HIGHWAYS

10.04.020 SIGNS

10.04.030 NO PARKING

10.04.040 UNLAWFUL PARKING

10.04.010 PARKING OR BLOCKING STREETS OR HIGHWAYS

In addition to the parking provisions contained in the Utah Traffic Code, as adopted by this municipality, it shall be a class B misdemeanor for any person to:

- A. Remain standing, lying or sitting on any street or highway in such a manner as to obstruct the free passage of vehicular or pedestrian traffic thereon.
- B. Willfully remain standing, lying or sitting on any street or highway in such manner for more than one minute after being requested to move by any police officer.
- C. Willfully remain on such street or highway in such manner as to obstruct the free passage of any person or vehicle into or out of any property abutting upon the street or highway or any property having access to such street or highway.

10.04.020 SIGNS

The governing body may authorize or direct any person employed by the municipality to erect or install any sign or traffic control device required to enforce the provisions of this part.

10.04.030 NO PARKING

It shall be a class B misdemeanor to park or leave standing at any time a motor vehicle, as defined in the "Utah

Traffic Code - Rules of the Road, 1980" as adopted by this municipality, except when necessary to avoid interference with other traffic or in compliance with the directions of a policeman or traffic control device.

10.04.040 UNLAWFUL PARKING

- A. Parking at curb. No motor vehicle shall be parked with the left side of the vehicle next to the curb, except on one way streets. It shall be unlawful to stand or park any motor vehicle in a street other than parallel with the curb and with the two right wheels of the vehicle within twelve inches of the regularly established curb line except on those streets which have been marked for angle parking; then vehicles shall be parked at the angle to the curb indicated by such marks.
- B. Vehicles for sale, It shall be unlawful to park any vehicle on any street for the purpose of displaying it for sale, or to park any vehicle from which merchandise is peddled on any business street.
- C. Loading Zone. When so posted, it shall be unlawful for the driver of a passenger vehicle to stand or park such vehicle for a period of time longer than is permitted by the posted sign for the loading or unloading of passengers, or for the driver to stand or park any freight carrying motor vehicle for a period of time longer than is necessary to load, unload and deliver materials in any place designated as a loading zone and marked as such.
- D. Parking Prohibited. It shall be unlawful for any person, except physicians on emergency calls or designated emergency vehicles when properly posted, to park any motor vehicle on any street in violation of the posted restrictions.
- E. Alleys. No person shall park a motor vehicle within an alley in such manner or under such conditions as to leave less than ten (10) feet of the width of the roadway available for the free movement of vehicular traffic. No person shall stop, stand, or park a vehicle within an alley in such a position as to block the driveway entrance to any abutting property.
- F. Cab Stands - Bus Stands. No motor vehicle other than a licensed taxicab shall be parked in any area designated by ordinance as a taxicab stand and no vehicle other than a bus shall be parked in a place so designated as a bus loading zone.
- G. Parking Prohibited. It shall be an infraction for any person to park or leave standing on any public road, street, alley or municipal property any motor vehicle for 48 or more consecutive hours, and any vehicle so parked or left standing may be impounded or removed by the chief of police. For purposes of impoundment and removal, the chief of police may impound and remove any motor vehicle which reasonably appears to have remained unmoved for 48 consecutive hours. The cost of impoundment and removal shall be charged to the owner or any person who claims the impounded motor vehicle.

10.06 STREETS: TRAFFIC CONTROL

10.06.010 ADOPTION OF UNIFORM TRAFFIC CODE

10.06.020 DEFINITIONS CONTAINED IN CODE

10.06.030 LOAD LIMIT

10.06.040 PRIMA FACIE SPEED; DESIGNATED STREETS

10.06.050 ANGLE PARKING

10.06.060 THROUGH STREETS DESIGNATED

10.06.070 AUTHORITY TO ERECT STOP OR YIELD SIGNS

10.06.080 PENALTIES

10.06.010 ADOPTION OF UNIFORM TRAFFIC CODE

The Utah Traffic Code-Rules of the Road, 1981 edition- as compiled, prepared and published as a code in book form by the Utah Department of Public Safety and the Utah League of Cities and Towns, one copy of which has been filed for use and examination by the public in the office of the clerk, hereby is 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

10.06.020 DEFINITIONS CONTAINED IN CODE

Unless the context otherwise requires, all references in the traffic code to:

- A. The State Road Commission or State Department of Transportation shall mean this municipality and its officers; departments, agencies, and agents.
- B. Local Authorities shall mean the governing body of this municipality.
- C. The Department of Public Safety of the State of Utah shall mean the chief of police of this municipality or his

agent.

D. Magistrate shall mean the justice of the peace or judge of this municipality.

10.06.030 LOAD LIMIT

There shall be a 10-ton load limit on 100 South and 100 East in Levan Town. There is an exception for agriculture vehicles, and delivery trucks coming into the Town to make deliveries within the Town. Violation of this ordinance shall be a Class C misdemeanor, including a fine of \$182 for the first offense, and \$282 for subsequent offenses.

10.06.040 PRIMA FACIE SPEED: DESIGNATED STREETS

- A. When appropriate street signs giving notice of the maximum permitted speed thereon are erected, the prima facie speed limits designated in the appropriate appendix of this code shall apply to the appropriate streets listed therein.
- B. Unless otherwise provided in this part or in any other ordinance of this municipality, the prima facie speed limits on the streets of this municipality shall be 30 miles per hour.

10.06.050 ANGLE PARKING

Angle parking shall be permitted upon the streets or parts of streets described in the appropriate appendix of this code. The chief law enforcement officer shall mark or sign such streets or parts of streets and also indicate the angle of such parking.

10.06.060 THROUGH STREETS DESIGNATED

Those streets and parts of streets described in the appropriate appendix are hereby declared to be through streets.

10.06.070 AUTHORITY TO ERECT STOP OR YIELD SIGNS

Whenever any ordinance of this municipality designates and describes a through street, it shall be the duty of the chief law enforcement officer or the superintendent of streets to place and maintain a stop sign or, where safety and efficiency require at any intersection, a yield sign on each and every street intersecting such through street unless traffic at such intersection is controlled at all times by traffic control signals. However, at the intersection of two through streets or at the intersection of a through street and a heavily traveled street, stop signs shall be erected at the approaches to either streets as determined by the chief law enforcement officer and on the basis of an engineering and traffic study.

10.06.080 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 "Utah Traffic Code - Rules of the Road, 1980 hereby adopted. Any violator of this part, upon conviction, shall be punished by a fine of not more than \$299.00, or by a jail sentence not to exceed six months, or by both a fine and jail sentence.

10.08 ANIMALS ON STREETS (Reserved)

10.10 SIDEWALK REGULATIONS

10.10.010 REMOVAL OF SNOW

10.10.020 PLACING TRASH OR OTHER OBSTRUCTION IN STREETS, GUTTERS, SIDEWALKS

10.10.030 OPENINGS IN STREET

10.10.040 DOORS OPENING INTO STREETS

10.10.050 DISCHARGE OF WATER ON STREET

10.10.060 CROSSING AT INTERSECTIONS

10.10.070 BUSINESS TO KEEP SIDEWALK CLEAN

10.10.080 PLACING GOODS ON SIDEWALKS FOR SALE OR SHOW

10.10.090 PLACING GOODS ON SIDEWALKS FOR RECEIPT OR DELIVERY

10.10.100 PLAYING ON SIDEWALKS

10.10.110 CONGREGATING ON SIDEWALKS

10.10.010 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.

10.10.020 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.

10.10.030 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.

10.10.040 DOORS OPENING INTO STREETS

It shall be unlawful for any person, firm, or corporation owning or having the control or management of any alley, road, or passageway to construct or hang gates or doors to such alley, road, or passageway so that the gates or doors thereto, when open, shall project outwardly more than two feet over or upon the sidewalk beyond the property line.

10.10.050 DISCHARGE OF WATER ON STREET

It shall be unlawful for any person owning, occupying, or having control of any premise to fail, refuse or neglect to prevent water from the roof or eaves of any house, building, or other structure, or from any other source under the control of such person to be discharged upon the surface of any sidewalk.

10.10.060 CROSSING AT INTERSECTIONS

It shall be unlawful for any person to drive or park a self-propelled vehicle or lead, drive, or ride any animal upon any sidewalk except across a sidewalk at established crossings.

10.10.070 BUSINESS TO KEEP SIDEWALK CLEAN

It shall be unlawful for any owners or occupants of any place of business to refuse, neglect or fail to cause the sidewalk abutting thereon to be swept or cleaned each morning before the hour of 9 a.m.

10.10.080 PLACING GOODS ON SIDEWALKS FOR SALE OR SHOW

No goods, wares, or merchandise shall be placed, maintained or permitted for sale or show in or on any parking area, street, or sidewalk beyond two feet from the front line of the lot, without first obtaining the written approval of the governing body. Such approval shall be granted only when such sale or show shall be a promotional activity not exceeding 48 hours and when participated in by a majority of firms seeking approval in their business areas.

The governing body's written approval shall specifically provide that no goods, wares, or merchandise shall be placed in such a manner as to leave less than a six-foot passageway for pedestrians.

10.10.090 PLACING GOODS ON SIDEWALKS FOR RECEIPT OR DELIVERY

It shall be unlawful for any person to place, or suffer to be placed or kept upon any sidewalk, any goods, wares or merchandise which he may be receiving or delivering, without leaving a foot passageway upon such sidewalk. It shall be unlawful for any person receiving or delivering such goods, wares or merchandise to suffer the same to be or remain on such sidewalk for a longer period than 24 hours.

10.10.100 PLAYING 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.

10.10.110 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.

10.12 CONSTRUCTION AND REPAIR OF STREETS AND SIDEWALKS

10.12.010 CONSTRUCTION BY PERSONS

10.12.020 PERMIT REQUIRED; SUPERVISION

10.12.030 CONSTRUCTION OF DRIVEWAYS OR CHANGES OF CONSTRUCTION

10.12.040 BUILDING MATERIALS IN STREET; PERMIT

10.12.050 PLACING OR MIXING SAND OR GRAVEL ON PAVED STREET OR SIDEWALK

10.12.060 OVERFLOWING OF WATER ON PUBLIC PROPERTY

10.12.070 IRRIGATION DITCHES ACROSS SIDEWALKS

10.12.080 REMOVAL OF SOD, EARTH FROM STREETS OR OTHER PROPERTY

10.12.090 EXTENSION OF STREETS WITHIN THE MUNICIPALITY

10.12.010 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.

10.12.020 PERMIT REQUIRED; SUPERVISION

- A. No person, either as owner, agent, servant, contractor, or employee, shall construct any permanent sidewalk without first obtaining from the 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.

10.12.030 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 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.

10.12.040 BUILDING MATERIALS IN STREET; PERMIT

It shall be unlawful for any person to occupy or use any portion of the public streets when erecting or repairing any building upon land abutting thereon, without first making application to and receiving from the governing

body a permit for the occupation or use of such portions of streets for such periods of time and under such limitations and restrictions as may be required by the governing body. Any such permit may be revoked by the governing body at any time when the holder thereof fails to comply with any rule or regulation under which it is granted, or when, in the opinion of the governing body, the public interest requires such revocation.

10.12.050 PLACING OR MIXING SAND OR GRAVEL ON PAVED STREET OR SIDEWALK

Unless a permit from the superintendent has been obtained, it shall be unlawful to:

- A. Place or pile, or permit to be placed or piled, any sand, gravel, lime, cement, mortar, plaster, concrete, or any like substance or mixture, or allow the same to remain on any portion of any paved street or sidewalk.
- B. Make or mix or permit to be made or mixed any mortar, plaster, concrete or any like substance or mixture on any portion of any paved street or sidewalk.

10.12.060 OVERFLOWING OF WATER ON PUBLIC PROPERTY

It shall be unlawful for any person to allow water to overflow from any ditch, canal, well, or irrigation stream onto the streets, sidewalks or property of the municipality.

10.12.070 IRRIGATION DITCHES ACROSS SIDEWALKS

All owners or occupants of lots in this municipality who require water from a main ditch for irrigation or other purposes shall dig ditches, erect flumes, lay pipes and install culverts, as needed, and maintain the same to convey water under sidewalks to or from their respective lots. All culverts, ditches, pipes and flumes conveying water under sidewalks shall meet such reasonable standards and specifications as may be established by the superintendent of streets.

10.12.080 REMOVAL OF SOD, EARTH FROM STREETS OR OTHER PROPERTY

No person shall dig, cut or remove any sod or earth from any street or other public place without a permit from the superintendent of streets.

10.12.090 EXTENSION OF STREETS WITHIN THE MUNICIPALITY

Any person or persons, including any subdivider, who desires or is required to have the streets extended within the municipality, must make application to the governing body by petition. The petition shall contain a description of such proposed extension accompanied by a map showing the location of the proposed extension together with an offer to advance the whole expense thereof, which cost shall be verified by the street superintendent. The governing body may grant or deny the petition as in its discretion seems best for the welfare of existing street users in the municipality.

- A. COST OF EXTENSIONS DETERMINED. Upon the receipt of such petition and map and before the petition is granted, the governing body shall obtain from the street superintendent a certified statement showing the whole cost of expense of making such extension.
- B. AMOUNT OF COST TO BE DEPOSITED WITH CLERK. If the governing body grants the petition, the amount of the cost of making the extension, as certified by the superintendent shall be deposited with the clerk before any work shall be done on such extension. The deposit shall be made within 30 days, or such other time as the governing body shall indicate, after the granting thereof.
- C. RETURN OF ANY MONEY—FORFEITURE. At the time the governing body decides whether or not to grant petition for an extension, it shall also decide whether or not any portion of the cost is to be refunded and the manner and circumstances under which such refund shall be made or credited to the applicant, his successors or representatives. Such determination shall be duly recorded in writing and a copy thereof furnished to the applicant. In the event any deposit remains unclaimed for a period of five years it shall be considered abandoned and become Town property.
- D. OWNERSHIP OF EXTENSION. Any such extension shall be deemed the property of the municipality.
- E. STREET IMPROVEMENTS REQUIRED. Street Grading and Surfacing. All streets dedicated to the public use shall be graded and surfaced, from curb to curb, in accordance with the standards and specifications of Levan Town.
 - 1. For building lots within the established block system of Levan Town with previously-surfaced streets, the developer shall surface the area to match the existing oiled surface or as directed by the Town Council.

2. For building lots within the established block system of Levan Town, where existing streets are not presently surfaced, the developer shall have the responsibility of surfacing said streets at its own expense.
3. For building lots not within the established block systems of Levan Town, where existing streets are not presently surfaced, the developer shall surface from the curb on the subdivision side of the street to and including the traveled portion of the street.
4. Half streets along the boundary of land proposed for a building lot will not be permitted.

11 BUILDING STANDARDS

11.02 GENERAL PROVISIONS

11.04 BUILDING OFFICIAL

11.06 BUILDING CODE

11.08 ELECTRICAL CODE

11.10 ELECTRICAL INSTALLATIONS

11.12 PLUMBING CODE

11.14 BUILDING PERMIT FEES APPENDIX

11.16 OTHER BUILDING OR CONSTRUCTION CODES

11.02 GENERAL PROVISIONS

11.02.010 PERMIT REQUIRED; EXCEPTIONS

11.02.020 APPLICATION FOR PERMIT

11.02.030 APPROVAL OF PLAN

11.02.040 VARIATIONS OF PLAN PROHIBITED

11.02.050 FEE SCHEDULE

11.02.010 PERMIT REQUIRED; EXCEPTIONS

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, or trailer court, without first securing the permit required by this title.

11.02.020 APPLICATION FOR PERMIT

APPLICATION FOR PERMIT. A building permit shall be secured from the 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.

11.02.030 APPROVAL OF PLAN

The application and plans shall be forwarded from the 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 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 therefore shall be attached to the plans. On receipt of an approved plan, the 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 municipality.

11.02.040 VARIATIONS OF PLAN PROHIBITED

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

11.02.050 FEE SCHEDULE

The clerk shall collect a fee for the application of a permit in the amount set forth in the appropriate appendix to this code.

11.04 BUILDING OFFICIAL

11.04.010 BUILDING OFFICIAL

11.04.020 STOP ORDER

11.04.030 ENTRY POWERS

11.04.040 ADDITIONAL DUTIES OF BUILDING INSPECTOR

11.04.010 BUILDING OFFICIAL

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

11.04.020 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 Levan Town 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.

11.04.030 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 LMC Title 11 and LMC 11.16 and LMC 8.12.

11.04.040 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 buildings, 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 LMC 9-560.
- 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.

11.06 BUILDING CODE

11.06.010 PURPOSE AND INTENT

11.06.020 CODES ADOPTED

11.06.030 SUCCESSOR CODES

11.06.040 ESTABLISHMENT OF FIRE DISTRICTS OR ZONES

11.06.010 PURPOSE AND INTENT

It is the purpose and intent of this Part to establish the regulatory codes and guidelines to govern, which codes together with any amendments specified under these rules, are adopted as the standards to be applied to structures and building standards, safety, construction, alteration, remodeling and repair and in the regulation of structures and building standards, safety, construction, alteration, remodeling and repair in the town in a thorough and concise manner while also providing for the adoption of changes to the codes and guidelines without the necessity of adopting new ordinances for each changes or amendment to said codes and guidelines.

11.06.020 CODES ADOPTED

As authorized in Section 10-3-711, Utah Code Annotated, 1953, the most recent provisions of all codes relating to

structures and building standards, safety, construction, alteration, remodeling and repair, adopted by the State of Utah, including all tables and appendices therein, are hereby adopted verbatim, and by this reference made part of this Title to the same extent and effect as though said codes were copied in full. Said codes include, but are not limited to, the following codes adopted by the State.

- A. International Building Code, with current statewide amendments adopted by the "State of Utah Department of Commerce Division of Occupational and Professional Licensing" [hereafter referred to as DOPL];
- B. International Mechanical Code, with current amendments adopted by DOPL;
- C. International Plumbing Code, with current amendments adopted by DOPL;
- D. National Electrical Code, with current amendments adopted by DOPL;
- E. International Residential Code, with current amendments adopted by DOPL;
- F. Utah Wildland Urban Interface Code, with current amendments adopted by DOPL;
- G. Uniform Code for the Abatement of Dangerous Buildings; with current amendments adopted by DOPL;
- H. International Existing Building Code; with current amendments adopted by DOPL;
- I. International Fire Code, with current amendments adopted by DOPL; and
- J. Federal Manufactured Housing Construction and Safety Standards Act; with current amendments adopted by DOPL.

11.06.030 SUCCESSOR CODES

The adoption of any and all codes, as established herein, as the adopted codes of Levan Town, shall also adopt any replacement or successor codes as they become adopted by the State and shall become effective by the Town immediately upon passage by the State.

11.06.040 ESTABLISHMENT OF FIRE DISTRICTS OR ZONES

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

11.08 ELECTRICAL CODE

11.08.010 ELECTRICAL INSPECTION

11.08.020 PERMITS AND INSPECTIONS

11.08.030 PERMIT FEES

11.08.040 ELECTRICAL DISTURBANCES

The National Electrical Code, 1981 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, one copy of which has been previously filed with the clerk for use and examination by the public, hereby is approved and adopted as the electrical code of this municipality.

11.08.010 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.

11.08.020 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 LMC 11.02.020. 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.

11.08.030 PERMIT FEES

The electrical permit fees applicable in this municipality for use under the National Electrical Code, 1981 Edition, shall be the amount set forth in the appropriate appendix to this code.

11.08.040 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.

11.10 ELECTRICAL INSTALLATIONS

11.10.010 ELECTRICAL INSTALLATIONS; BUSINESS LICENSE REQUIRED

11.10.020 NOTIFICATION

11.10.030 INSPECTION

11.10.040 UNLAWFUL INSTALLATION; DISCONNECTION

11.10.050 NOTIFICATION TO INSPECT

11.10.010 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 therefore as provided in LMC 11.08.030.

11.10.020 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.

11.10.030 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 LMC 11.08.020.

11.10.040 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.

11.10.050 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.

11.12 PLUMBING CODE

11.12.010 PLUMBING CODE ADOPTED

11.12.020 APPLICATION AND SCOPE

11.12.030 PLUMBING INSPECTOR; DUTIES

11.12.040 ALLOWANCE FOR EXCEPTION TO ORDINANCE

11.12.050 RIGHT OF ENTRY GRANTED

11.12.060 POWER TO CONDEMN GRANTED

11.12.070 INTEREST IN SALE OR INSTALLATION OF EQUIPMENT PROHIBITED

11.12.080 PERMITS REQUIRED

11.12.090 REVOCATION OF PERMIT

11.12.100 EXPIRATION OF PERMIT

11.12.110 DENIAL OF PERMIT

11.12.120 PERMITS NOT REQUIRED

11.12.130 HOME OWNER PERMIT

11.12.140 PERMIT FEES

11.12.150 REINSPECTION CHARGE

11.12.160 REFUSAL TO COMPLY WITH ORDER OF INSPECTOR

11.12.170 PENALTY

11.12.010 PLUMBING CODE ADOPTED

The Utah State Plumbing Code, 1979. Edition, published by the Utah Plumbing, Heating and Cooling Contractors as a code in book form, one copy of which has been filed for use and examination by the public in the office of the town 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.

11.12.020 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.

11.12.030 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.

11.12.040 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.

11.12.050 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.

11.12.060 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.

11.12.070 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.

11.12.080 PERMITS REQUIRED

No plumbing shall be installed, nor additions or alterations made in existing plumbing, except as provided in LMC 11.12.120 without first obtaining a permit. Application for such permits shall be in writing to the 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.

11.12.090 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 there under in conformance with this part, or when the permit is issued in error.

11.12.100 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.

11.12.110 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.

11.12.120 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.

11.12.130 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.

11.12.140 PERMIT FEES

Before a permit shall be issued, permit fees in the amount set forth in the appropriate appendix to this code shall be paid to the treasurer.

11.12.150 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 ten dollars (\$10.00) 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.

11.12.160 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.

11.12.170 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 B misdemeanor.

11.14 BUILDING PERMIT FEES APPENDIX

This is the appendix referenced in LMC 11.02.050, LMC 11.08.030 and LMC 11.12.140. The fees charged are as follows:

- ELECTRICAL/PLUMBING UPGRADES NEED INSPECTIONS \$35.00.
- \$15.00 RE-SHINGLE/SIDING (IF SHINGLES ARE LESS THAN 2 LAYERS).
- IF SHINGLES ARE 3 LAYERS OR MORE \$35.00 MAY NEED AN INSPECTION.
- SPRINKLERS/IRRIGATION LINES NOT A PERMIT ITEM -FOLLOW BLUE STAKE RULES AND CROSS CONNECTION RULES FOR TOWN.
- DEMOLITION OF NON-RESIDENTIAL BUILDINGS/FENCES NO FEE
- DEMOLITION OF RESIDENTIAL BUILDINGS \$50.00 (for utility disconnect) WITH A CHECKLIST OF ITEMS FOR TOWN EMPLOYEES TO CHECK BEFORE DEMOLITION CAN OCCUR (EX. UTILITIES ARE DISCONNECTED).
- USE A HIGHER ELECTRIC UTILITY RATE UNTIL OCCUPANCY PERMIT IS RETURNED. THERE WILL BE A DOUBLE USAGE RATE UNTIL THE OCCUPANCY PERMIT IS RETURNED.
- BUILDINGS THAT ARE SQUARE FOOT BASED WILL HAVE THEIR VALUATION FIGURED USING THE ATTACHED BUILDING VALUATION DATA SHEET. THE APPLICABLE FEE CHARGED IS THEN BASED ON THE VALUE OF THE PROJECT USING ATTACHED TABLE 1-A-BUILDING PERMIT FEES.

This is the appendix referenced in LMC 11.06.030.

1. FIRE DISTRICTS OR ZONES REFERENCED. This is the Appendix referenced in LMC 11.06.030 of this municipality in which the fire districts or zones are described.
2. ENTIRE MUNICIPALITY DESIGNATED FIRE DISTRICT. The entire municipality is declared to be and hereby is designated a fire zone for the purposes of the Uniform Building Code and any ordinances of the municipality relating to building and fire prevention.
3. FIRE DISTRICT NUMBER ONE. Fire district number one shall include the following described areas:
 - a. None
4. FIRE DISTRICT NUMBER TWO. Fire district number two shall include all of those areas of the municipality located in areas zoned commercial or industrial by the zoning ordinances of the municipality, except the areas above described in Subsection 3 above.

5. FIRE DISTRICT NUMBER THREE. Fire district number three shall include all areas of the municipality not included in fire districts one or two.

Fire District Number One. Fire district number one is heavily concentrated buildings in large downtown cities. Examples include downtown Salt Lake City, Provo, Logan, St. George, Cedar City, Price and Brigham City. Most towns and small cities would not have a fire district number one. Only limited areas of most downtown small cities would be designated to this classification. In this district the opportunity for fire spreading to other buildings is great.

Fire District Number Two. Fire district number two is less concentrated commercial and industrial areas. Fire district number two is characterized by commercial and industrial buildings having minimum setbacks of 20 feet from side (sometimes front) property lines.

Fire District Number Three. Fire district number three is characterized by residential zoning and buildings. Generally, in district three, there is little risk of fire spreading to adjacent buildings. It is recommended that your building inspector or fire inspector be consulted for the purpose of describing the fire districts. It is important that the descriptions of districts one and two be accurate. You may describe the districts by blocks or feet. Many municipalities describe their fire districts by both blocks and feet. For example: 150 feet west of State street and 250 feet east of State street from First North to Seventh South.

11.16 OTHER BUILDING OR CONSTRUCTION CODES

11.16.010 INDIVIDUAL WASTEWATER (SEWAGE) DISPOSAL CODE ADOPTED

11.16.020 SMALL UNDERGROUND WASTEWATER DISPOSAL SYSTEM CODE ADOPTED

11.16.030 CODE FOR INSTALLING GAS PIPING AND APPLIANCES ADOPTED

11.16.040 UNIFORM SIGN CODE ADOPTED (Reserved)

11.16.050 UNIFORM HOUSING CODE

11.16.060 FALLOUT SHELTERS

11.16.010 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, one copy of which has been filed for use and examination by the public in the office of the 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 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.

11.16.020 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, one copy of which has been filed for use and examination by the public in the office of the 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 title. Occupancies in existing building may be continued as provided in section 104 (g) of the Uniform Building Code, except as to those structures which are found to be substandard as defined in the Housing Code.

11.16.030 CODE FOR INSTALLING GAS PIPING AND APPLIANCES ADOPTED

- A. CODE ADOPTED. Recommended good practices for gas piping, appliance installation and venting, 1980 revision, published by Mountain Fuel Supply in book form, one copy of which has been filed for use and examination by the public in the office of the is hereby adopted by this municipality.
- B. SECTIONS OF CODE NOT ADOPTED. Section I of the Gas Code is not adopted.
- C. 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.

- D. VIOLATIONS DECLARED NUISANCE. Violation of this part is hereby made a nuisance and shall be abated in the manner provided in LMC 8.04.050, provided that conditions which present an immediate danger to life may be abated by causing the gas to be immediately turned off.

11.16.040 UNIFORM SIGN CODE ADOPTED (Reserved)

11.16.050 UNIFORM HOUSING CODE

- A. ADOPTION OF A HOUSING CODE. The "Uniform Housing Code," 1982 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), one copy of which has been filed for use and examination by the public in the office of the clerk of this municipality, is hereby approved and adopted as the Housing Code of this municipality.
- B. 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.
- C. 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.
- D. RELOCATION. Existing buildings which are moved or relocated shall be considered as new buildings and shall comply with all requirements of the Housing Code.
- E. 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.
- F. VIOLATIONS. It shall be unlawful for any person, firm, or corporation, whether as owner, lessee, sub lessee, 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.
- G. 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.

11.16.060 FALLOUT SHELTERS

- A. 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.
- B. 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.
- C. 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.
- D. 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.
- E. 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.

13 COMMUNITY DEVELOPMENT AND PUBLIC FACILITIES

13.02 MUNICIPAL IMPROVEMENT DISTRICT ACT

13.04 BIDS ON PUBLIC IMPROVEMENTS

13.06 PUBLIC CONTRACTS

13.08 MUNICIPAL RESOURCES

13.10 EXCAVATIONS

13.12 REGULATION AND CONTROL OF MUNICIPAL PROPERTY

13.14 CEMETERIES

13.02 MUNICIPAL IMPROVEMENT DISTRICT ACT

See U.C.A. § 10-16-1 et seq.

13.04 BIDS ON PUBLIC IMPROVEMENTS

12.04.010 BIDS REQUIRED; LOWEST RESPONSIBLE BIDDER; EXEMPTIONS; PREFERRED BIDDERS

12.04.010 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."

13.06 PUBLIC CONTRACTS

12.06.010 PERFORMANCE BOND REQUIRED FOR PUBLIC BUILDINGS

12.06.020 CLAIMS FOR LABOR OR MATERIALS

12.06.030 LIABILITY OF GOVERNING BODY ON FAILURE TO REQUIRE BOND

12.06.010 PERFORMANCE BOND REQUIRED FOR PUBLIC BUILDINGS

See U.C.A. Ch. 14-1.

12.06.020 CLAIMS FOR LABOR OR MATERIALS

See U.C.A. Ch. 14-1.

12.06.030 LIABILITY OF GOVERNING BODY ON FAILURE TO REQUIRE BOND

See U.C.A. Ch. 14-1.

13.08 MUNICIPAL RESOURCES

13.08.010 MUNICIPAL RESOURCE DEVELOPMENT BOARD

13.08.010 MUNICIPAL RESOURCE DEVELOPMENT BOARD

See U.C.A. § 10-7-79 through 10-7-84.

13.10 EXCAVATIONS

13.10.010 PERMIT FRANCHISE REQUIRED

13.10.020 EXCLUDED EXCAVATIONS

13.10.030 SUBJECT EXCAVATIONS

13.10.040 PREPARATION

13.10.050 BACKFILL

13.10.060 RESTORATION OF SURFACES

13.10.070 RESTORING BITUMINOUS

13.10.080 CONCRETE SURFACES

13.10.090 CONCRETE BASE, BITUMINOUS WEARING SURFACES

13.10.100 GRAVEL SURFACES

13.10.110 PROTECTION OF PUBLIC DURING EXCAVATION PROJECT

13.10.120 RELOCATION AND PROTECTION OF UTILITIES

13.10.130 JETTING PIPE

13.10.140 INSPECTION AND ACCEPTANCE

13.10.150 APPLICATION FOR STREET EXCAVATION PERMIT

13.10.010 PERMIT FRANCHISE REQUIRED

- A. No person shall make any excavation in any street, lane, or alley, or remove any pavement or other material from any street or improvement thereon without first obtaining a permit from the superintendent of streets or other authorized representative of the municipality.
- B. No person shall excavate any sidewalk without first obtaining a permit from the superintendent of streets or other authorized personnel.
- C. Nothing contained in this part shall be construed to waive the franchise required for any person by the ordinances of this municipality or laws of Utah.

13.10.020 EXCLUDED EXCAVATIONS

The following types of excavations do not come within the scope of this part:

- A. Excavations of any kind in municipal streets in projects designed, contracted for, and inspected by the municipal engineer or other authorized personnel of the municipality.

13.10.030 SUBJECT EXCAVATIONS

The following types of excavations are subject to the provisions of this part:

- A. Excavations for installation or repair of water lines, sewer lines, gas lines, electrical cable and conduits, telephone cable and conduits, and all other excavations for any other purpose within the street rights-of-way of the municipality or in other public places.

13.10.040 PREPARATION

The pavement, sidewalk, driveway, or other surface shall be cut vertically along the lines forming the trench in such a manner as to not damage the adjoining pavement or hard surfacing. An undercut bevel at the rate of one inch per foot of thickness will be provided at the proposed junction between the old and new surfaces. The portion to be removed shall be broken up in a manner that will not cause damage to the pavement outside the limits of the trench. However, any pavement damaged by operations outside the limits of the trench shall be replaced. All waste material resulting from the excavation shall be removed immediately from the site of the work.

13.10.050 BACKFILL

- A. Materials for backfill will be of select nature. All broken concrete, peat, decomposed vegetable matter and similar materials obtained from excavation will be removed from the site prior to beginning of backfilling. All backfill will be placed in layers not over eight inches loose measure in thickness. Compaction will be obtained by mechanical rollers, mechanical tampers or similar means. Material for backfilling will have optimum moisture to insure compaction to a degree equivalent to that of the undisturbed ground in which the trench was dug. Jetting or internal vibrating methods of compacting sand fill or similar methods of compacting sand or similar granular free draining materials will be permitted.
- B. The density (dry) of the backfill under pavements, sidewalks, curbs, or other structures will be not less than that existing prior to excavation. The fill shall be restored and placed in a good condition which will prevent settling.

13.10.060 RESTORATION OF SURFACES

- A. GENERAL. All street surfacing, curbs, gutters, sidewalks, driveways, or other hard surfaces falling in the line of the excavation which must be removed in performance of the work shall be restored in kind by the excavator, unless otherwise directed by the governing body, in accordance with the specifications contained herein governing the various types of surfaces involved.
- B. PROTECTION OF PAVED SURFACES. In order to avoid unnecessary damage to paved surfaces, track equipment shall use pavement pads when operating on or crossing paved surfaces.
- C. TIME. In traffic lanes of paved streets, the excavator shall provide temporary gravel surfaces or cold mulch in good condition immediately after backfill has been placed, and shall complete permanent repairs on the street, sidewalk, curb, gutter, driveway and other surfaces, within five days from the date of completion of the

backfill except for periods:

1. When permanent paving material is not available.
 2. When weather conditions prevent permanent replacement.
 3. When an extension of time is granted by the superintendent of streets.
- D. TEMPORARY REPAIR. If temporary repair has been made on paved street with gravel and a permanent repair cannot be made within the time specified above due to any of the above mentioned conditions, then the excavator shall be required to replace the gravel with cold mulch as soon as possible.

13.10.070 RESTORING BITUMINOUS

Concrete or asphalt street surfaces.

- A. TEMPORARY GRADE SURFACE. Where excavations are made in paved areas, the surface shall be replaced with a temporary gravel surface. The gravel shall be placed deep enough to provide a minimum of six inches below the bottom of the bituminous or concrete surface. Normally, this will require nine inches of gravel for bituminous surfaces, twelve inches of gravel for concrete and concrete base for asphalt wearing surfaces. The gravel shall be placed in the trench at the time it is backfilled. The temporary gravel surface shall be maintained by blading, sprinkling, rolling, adding gravel, to maintain a safe, uniform surface satisfactory to the inspector until the final surface is laid. Excess material shall be removed from the premises immediately. Material for use on temporary gravel surfaces shall be obtained from sound, tough, durable gravel or rock meeting the following requirements for gradings:

Passing 1-inch sieve 100 percent
Passing 3/4-inch sieve 85%-100 percent
No. 4 sieve 45%- 65 percent
Passing No. 10 sieve 30%- 50 percent
Passing No. 200 sieve 5%- 10 percent

- B. BITUMINOUS SURFACE. The exposed edges of existing pavement shall be primed with Type MC-1 bituminous material. The type, grade, and mixture of the asphalt to be used for street surface replacement shall be approved by the superintendent of streets. The thickness shall be equal to the adjacent surface thickness but not less than three inches. The complete surface shall not deviate more than one-half inch between old and new work.

13.10.080 CONCRETE SURFACES

The sub-base for concrete surfaces shall be sprinkled just before placing the concrete. Joints and surfaces shall be made to match the original surfaces. The thickness of concrete shall be equal to the adjacent concrete but in no case less than six inches thick. The mixing, cement, water content, proportion, placement, and curing of the concrete will be approved by the superintendent of streets. In no case shall the concrete have less compressive strength than 3,000 pounds per square inch at the end of twenty-eight (28) days.

13.10.090 CONCRETE BASE, BITUMINOUS WEARING SURFACES

This type of surfacing shall be constructed as above described.

13.10.100 GRAVEL SURFACES

Trenches excavated through gravel-surfaced area, such as gravel roads and shoulders and unpaved driveways, shall have the gravel restored and maintained as described in LMC 13.10.080, except that the gravel shall be a minimum of one inch more than the thickness of the existing gravel.

13.10.110 PROTECTION OF PUBLIC DURING EXCAVATION PROJECT

Excavation operations shall be conducted in such a manner that a minimum amount of interference or interruption of street traffic will result. Inconvenience to residents and businesses fronting on public streets shall be minimized. Suitable, adequate and sufficient barricades shall be available and used where necessary to prevent accidents involving property or persons. Barricades must be in place until all of excavator's equipment is removed from site and excavation has been backfilled and proper temporary gravel surface is in place. From sunset to

sunrise all barricades and exactions must be clearly outlined by acceptable warning lights, lanterns, flares, and other devices. Police and fire departments shall be notified at least 24 hours in advance of any planned excavation requiring street closures or detour.

13.10.120 RELOCATION AND PROTECTION OF UTILITIES

An excavator shall not interfere with any existing utility without the written consent of the governing body and without advance notice to the owner of the utility. If it becomes necessary to relocate an existing utility, it shall be done by its owner unless the owner otherwise directs. No utility, whether owned by the municipality or by a private enterprise, shall be moved to accommodate the permittee unless the cost of such work be borne by the permittee or an expressly written agreement is made whereby the utility owner and the excavator make other arrangements relating to such cost. The permittee shall support and protect by timbers or otherwise all pipes, conduits, poles, wires, or other apparatus which may be in any way affected by the excavation work, and shall do everything necessary to support, sustain and protect them under, over, along, or across the work. In case any of the pipes, conduits, poles, wires, or apparatus should be damaged (and for this purpose pipe coating or other encasement or devices are to be considered as part of a substructure), they shall be repaired by the agency or person owning them, but the utility owner shall be reimbursed for the expense of such repairs by the permittee. It is the intent of this part that the permittee shall assume all liability for damage to substructures, and any resulting damage or injury to anyone because of such substructure damage and such assumption of liability shall be deemed a contractual obligation which the permittee accepts upon acceptance of an excavation permit. The municipality need not be made a party to any action because of this part. The permittee shall inform itself as to the existence and location of all underground utilities and protect the same against damage.

13.10.130 JETTING PIPE

Jetting pipe by means of water under pressure, or compressed air, is permitted only when approved by the municipality.

13.10.140 INSPECTION AND ACCEPTANCE

- A. In order to insure proper backfill and restoration of surface, the permittee shall deposit a surety bond or cash deposit with the clerk payable to the municipality, except that a public utility operating or using any of the streets under a franchise from the municipality will not be required to furnish such bond, providing such franchise obligates the holder thereof to restore the streets and to hold the municipality harmless in the event of any injury to any person or damage to any property due to negligence of such holder in conducting excavation and restoration operations under such franchise. The required surety bond must be:
1. With good and sufficient surety.
 2. By a surety company authorized to transact business in the state.
 3. Satisfactory to the municipal attorney in form and substance.
 4. Conditioned upon the permittee's compliance with this part in order to secure and hold the municipality and its officers harmless against any and all claims, judgments, or other costs arising from the excavation and other work covered by the excavation permit or for which the municipality, the governing body or any municipal officer may be made liable by reason of any accident or injury to any person or property through the fault of the permittee arising out of failure to properly guard the excavation or for any other negligence of the permittee.
 5. Conditioned to fill up, restore and place in good and safe condition, as near as may be to its original condition, and to the satisfaction of the municipality, all openings and excavations made in streets, and to maintain any street where excavation is made in as good condition for the period of 24 months after the work shall be done, usual wear and tear excepted, as it was before the work shall have been done.
- B. The amount of the surety bond or cash deposit shall be established by resolution and may be changed from time to time, but until such resolution is passed the amount of the surety or cash deposit shall be \$50.00 and \$2.00 for each foot of street the permittee shall excavate.

13.10.150 APPLICATION FOR STREET EXCAVATION PERMIT

It shall be unlawful for any person to break, excavate, tunnel, undermine, or in any manner affect the surface or base of any street or to place, deposit or leave upon any street any earth or any other excavated material obstructing or tending to interfere the free use of the street, unless such persons shall first have obtained an

excavation permit therefore from the clerk. Any public utility regulated by the state of Utah or holding a franchise from the municipality which in the pursuit of its calling has frequent occasion to open or make excavations in streets, may, upon application, receive a general permit from the municipality to cover all excavations such utilities may make within the streets of the municipality. All permits shall be subject to revocation and the municipality may refuse to issue a permit for failure of the permittee or applicant to abide by the terms and conditions of this part. Excavation permits will not be requested prior to excavation in case of emergency endangering life or property, providing the municipality is notified as soon as practicable and a permit is applied for upon the next regular working day following the emergency.

13.12 REGULATION AND CONTROL OF MUNICIPAL PROPERTY

13.12.010 CONTROL OF PROPERTY

13.12.020 ACQUISITION AND DISPOSAL

13.12.030 ERECTION AND CARE OF BUILDINGS

13.12.040 CONTROL OF MUNICIPAL PROPERTY

13.12.010 CONTROL OF 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.

13.12.020 ACQUISITION AND DISPOSAL

Cities see U.C.A. § 10-8-2.

13.12.030 ERECTION AND CARE OF BUILDINGS

Cities see U.C.A. § 10-8-5.

13.12.040 CONTROL OF MUNICIPAL PROPERTY

- A. 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:
1. 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.
 2. Enter upon any property of this municipality contrary to posting or marking restricting or prohibiting use of the area.
 3. Intentionally use or perform acts upon property of the municipality which materially impairs, alters, or damages the property.
- B. 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.
- C. FRANCHISE
1. 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 Subsections A and B above 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.
 2. Any franchise or easement granted by this municipality shall be in writing and any franchise or easement not in writing shall be void.
- D. 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.

13.14 CEMETERIES

13.14.010 DEFINITIONS

13.14.020 THE NAME

13.14.030 CEMETERIES COVERED

13.14.040 LOCATION AND ACCESS

13.14.050 CARE RESERVED

13.14.060 CEMETERY STAFF

13.14.070 REGULATION OF CEMETERY AND BURIALS

13.14.080 ERRORS

13.14.090 FEES AND CHARGES

13.14.100 SALE OF LOTS

13.14.110 PERPETUAL CARE

13.14.120 CONDUCT

13.14.130 MISCELLANEOUS

13.14.010 DEFINITIONS

The following words or phrases shall have the following meanings unless the context otherwise clearly requires:

- A. Lot owner or purchaser and grave owner or purchaser shall mean the owner or purchaser of burial privileges or the collateral right of use of any burial lot evidenced by a deed or burial right for a described lot or by proved and recognized descent or devise from the original owner.
- B. Lot shall include the partial lots or single graves in the municipal cemetery.
- C. Superintendent shall refer to the Levan Town Council.
- D. Sexton shall refer to the caretaker and/or employees responsible for maintenance and care of cemetery.
- E. Administrator shall refer to the employee responsible for the record or book-keeping of cemetery files. If an employee is not given the duties of cemetery administrator it shall be the responsibility of the Levan Town clerk/recorder to serve as administrator for the cemetery.

13.14.020 THE NAME

The burial ground of this municipality, shall be known and designated by the name of "Levan Cemetery"

13.14.030 CEMETERIES COVERED

All cemeteries owned and/or maintained by the municipality or which may hereafter be acquired by the municipality wherever situated are hereby declared subject to the provisions of this chapter.

13.14.040 LOCATION AND ACCESS

The Levan Cemetery is located at approximately 400 South and 600 East. Access to the cemetery is restricted to daylight hours.

13.14.050 CARE RESERVED

The municipality reserves the right to enter upon any grave and to perform all work necessary for the care and upkeep of all lots and graves in its cemeteries.

13.14.060 CEMETERY STAFF

- A. OFFICE OF CEMETERY SUPERINTENDENT. There is hereby created the position of cemetery superintendent which shall be referred to as the Levan Town Council.
- B. DUTIES OF LEVAN TOWN COUNCIL
 - 1. The Levan Town Council shall have the overall supervision and administration of the municipal cemetery.
 - 2. All work in the cemetery including but not limited to interments, disinterment's, planting, landscaping, grading, record keeping, placement of grave markers, grounds keeping, construction, and all maintenance, improvements, and beautifying of the grounds shall be approved by and done under the supervision of the Levan Town Council.
 - 3. The Levan Town Council is responsible for enforcing the policies and procedures of the cemetery. The Levan Town Council may take such action necessary to protect property, graves, space owners, and the cemetery from injury; to preserve the peace and good order; and to prevent injury to the appearance of the lots, graves, grounds, and buildings.
- C. OFFICE OF CEMETERY SEXTON. There is hereby created the position of cemetery sexton.

D. DUTIES OF CEMETERY SEXTON

1. Recommending to the Levan Town Council such additional rules and regulations as may be necessary for the operation, maintenance, use and protection of the cemetery.
2. Keeping in proper repair the enclosure around the cemetery and preventing its being entered by animals and, so far as practical, preventing the destruction or defacing of any tablet or marker placed or erected therein.
3. Opening any graves in the cemetery upon application to him being made by the recorder/clerk or by any person having the right to make such application and being responsible for closing all graves.
4. Removing floral pieces or displays left on any grave as deemed necessary to the appearance of the cemetery. Additional regulations governing the decoration of graves and the removal of decorations are set forth in the cemetery regulations adopted by the Town Council.
5. Keeping the streets, alleys, walks and avenues in the cemetery in good order and unobstructed.
6. Erecting a suitable marker firmly set upon the northwest corner of each lot with the number of the lot inscribed thereon and which location shall be shown on the cemetery records.
7. Any and all other duties that the Cemetery Superintendent shall deem necessary.

E. OFFICE OF CEMETERY ADMINISTRATOR. There is hereby created the position of cemetery administrator.

F. DUTIES OF CEMETERY ADMINISTRATOR

1. Subdividing the cemetery into lots and grave sites.
2. Maintaining a record of the location of the graves and preventing any lot from being used beyond its capacity.
3. Keeping a duplicate plat of the cemetery and, at the request of any person wishing to purchase any of the lots or parts of lots, pointing out any of the lots or parts of lots for sale; and upon disposal of any lots or part thereof. The administrator shall, after payment of the lot price has been received in the treasury, issue a certificate of burial rights which shall describe the lot or grave to which the right to burial is granted. The certificate shall be signed by the mayor and the recorder/clerk.
4. Any and all other duties that the Cemetery Superintendent shall deem necessary.

13.14.070 REGULATION OF CEMETERY AND BURIALS

- A. HUMAN DEAD. Interments are limited to human dead.
- B. STATE TRANSIT PERMIT. Remains sent from other states must also be accompanied by a transit permit to be filed in the Levan Town office.
- C. HOURS WHEN BURIALS PERMITTED. Burials are accepted from 8:00 a.m. to 4:00 p.m. daily at the cemeteries. No burials will be accepted on Sundays or on the holidays of Christmas and Memorial Day (other holiday burials require the express permission of the Levan Town Council.)
- D. ORIENTATION OF GRAVES. By convention, burial spaces are laid out in rows with the head of the grave to the west and the foot to the east. Individual grave tracks usually measure four feet wide by eight feet long except on odd sized lots. Traditional burial custom has the wife placed on the North side of the husband, however placement is a matter of choice. The sexton will assist in the decision as needed.
- E. CREMATIONS. Cremations will be treated as a regular burial including fees, services, and opening and closing charges. Cremations require a sealable urn made of plastic, metal, or other like material. If a family desires, a cremation may be buried on top of an existing grave. Two or three cremations may be placed in one grave spot with approval by the Levan Town Council. Headstone placement for cremations also requires special approval.
- F. BURIAL PERMIT. It shall be unlawful for any person to bury the body of a deceased person in the municipal cemetery without first obtaining a certificate of burial right for the lot used or producing satisfactory evidence of a right to burial based on a properly acquired certificate of burial right. The necessary information and fees should be given to the cemetery administrator by the family representatives or the funeral director. Proper and complete information is required for accurate record keeping. A 24 hour notice is required for opening of a regular grave.
- G. BURIAL RIGHTS CONVEYED. Burial rights are conveyed to the person or persons named therein and their heirs. All legal heirs are presumed to have legal claim to the rights of burial, unless specified differently in a legal will or by probate court. Burials by or of heirs, after the original parties named on the burial certificates are deceased, require the permission of all known living heirs.

The cemetery master file is considered to be the correct record. Any discrepancy between the master file and

the certificate of burial rights will be considered a clerical error. The town reserves the right to recall, correct, and re-issue the correct certificate.

- H. REGISTRATION OF BURIALS. At the Levan Town Office arrangements for a grave opening can be made with the cemetery administrator by the funeral director, the relatives, or person having charge of the deceased. The required permits need to be filled out and fees paid.

A written statement shall be provided to the cemetery administration, which statement shall contain, the name of the deceased, when and where born, the date and cause of death, the name of the attending physician, date of burial, the place of interment (obtained from the cemetery master file, unless newly purchased); the location, date, and time of funeral services; and the name of the funeral director or mortician.

You may contact the cemetery administrator by phoning (435) 623-1959 or in person at 20 North Main, Levan, Utah.

- I. BURIALS AND DISINTERMENT. Cemetery grounds are sacredly devoted to the interment or repose of the dead. In those circumstances where it is necessary to disinter or remove remains from the cemetery all applicable state laws must be complied with. The sexton will schedule and direct the exhumation after applicable fees have been paid. Consultation with a funeral director is recommended for this procedure.

1. It is an infraction for any person to:

- a. Disinter any body buried in any cemetery, except under the direction of the cemetery superintendent who shall, before disinterment, require a written permission from the lawful representative of the interred person, which written authorization shall be filed and preserved in a record kept for such purposes.

(1) In those circumstances when it is necessary to disinter or remove remains from the cemetery, all applicable State Laws must be complied with.

- b. Disinter or remove the body of a person who has died from a contagious disease within two years after the date of burial, unless the body was buried in a hermetically sealed casket or vault and is found to be so incased at the time of disinterment.

2. It is an infraction to inter anything other than the remains of human bodies in cemeteries.

3. It is an infraction to bury the body of any person within this municipality except in the municipal cemetery or a private cemetery, unless by special permission of the governing body under such rules and regulations that it may prescribe.

J. VAULTS REQUIRED. Vaults are required for all burials as required by Utah State Law.

K. BURIALS PER GRAVE. One interment only shall be allowed in a casket except a father or mother with an infant child, or two children buried at the same time. Not more than one casket is allowed in one grave.

L. SALE SUBJECT TO RULES. Every burial right sold is subject to rules and regulations that have been or may be adopted. The rules and regulations shall be subject to such changes as are found necessary for the protection of lot owners, the remains of the dead and the preservation of the cemetery.

1. Cemetery Fees. Fees for services are set by resolution of the Levan Town Council and are changed from time to time as needed and without notice.

A copy of current fees charged is available at the Levan Town office.

2. Nature and Extent of Burial Rights. Only permissive burial rights are sold. Levan Town retains title to the cemetery property. A maximum of eight (8) graves can be purchased per couple or household who are registered voter residents of Levan. Non-resident, non-registered voters will have made available a maximum of four (4) grave sites per couple or household. A certificate of burial rights will be issued to each purchaser after fees are paid in full.

M. INJURY TO CEMETERY PROPERTY PROHIBITED

1. It is a class B misdemeanor for any person to tie or attempt to tie any horse, animal or motor vehicle to any monument, gravestone, tablet, marker, tree, shrub, fence or enclosure on the premises of the cemetery for the purpose of injuring, defacing or attempting the removal of same.
2. It shall be a class B misdemeanor for any person to injure, deface, break, destroy or remove any headstone,

tombstone, monument, tree, shrub or any other property in the cemetery.

N. DECORATIONS AND LANDSCAPING BY PRIVATE PERSONS

1. The cemetery superintendent shall, whenever required, furnish the true lines of any lots according to official survey, shall prevent and prohibit any markings of the same except by official landmarks, and shall prevent and prohibit any grading thereof that might destroy or interfere with the general slope of the land.
2. All work in the cemetery, including, but not limited to, interments, disinterments, planting, landscaping, grading, record keeping, placement of grave markers, groundskeeping, construction, and all maintenance, improvement and beautifying of the grounds, shall be under the supervision of the Levan Town Council.
3. No ornaments, brackets, foot markers, flagpoles, or other obstruction or installation, except a headstone, will be permitted in the cemetery.
4. Flowers on New Graves. Decorations or flowers on new graves will be removed by the cemetery crew after seven (7) days. Special flower mementos should be removed at the conclusion of services by family members. After the grave is closed the casket spray is placed at the center of the grave. Other flower containers and wreaths are laid down in an orderly fashion around the spray with the containers extending outward. Only the last row of containers is visible, the others being covered by each succeeding row of flowers. Flowers are laid down to prevent them from being blown around the cemetery by nightly canyon winds.
5. Flower Regulations. All flowers, real or artificial, must be placed in a container or attached to the monument or placed in a container that does not interfere with cemetery maintenance.
6. Flower Containers. The placing of baskets, boxes, jars, cans, wire, bottles, etc. will not be permitted on sodded areas except during the Memorial Day holiday.
Permanent containers must be a part of the marker or cast into the cement base.
7. Artificial Flowers. For the protection of the workers and the beauty of the cemetery, artificial flowers and grave decorations are not permitted from April 1 to November 1 with the exception of Mothers Day, Fathers Day, July 4th, July 24th, Memorial Day, and Labor Day. Artificial flowers and grave decorations are permitted from November 1 to March 31.
8. Fresh Cut Flowers. Fresh cut flowers will be permitted any time provided they do not interfere with the upkeep of the cemetery such as grass mowing and edging.
9. Holiday Decorations. All holiday decorations will be removed after seven (7) days.
10. Removal of Decorations. Artificial and fresh-cut floral pieces and other decorations will be removed without notice when they become unsightly.
11. Planting of Flowers, Trees, and Shrubs. Town ordinance prohibits the planting of any trees, shrubs, or flowers or digging or disturbing the sod within the cemeteries.
12. Landscaping by Private Persons. Except as provided by the rules and regulations of the governing body, it shall be unlawful for any person to erect or maintain any fence, corner post, coping or boundary of any kind, to plant any vegetation upon any lot or lots, street, alley or walk in the cemetery or to grade the ground or land thereof.
13. General Clean-Up. All flowers and decorations not in permanent containers and those that are damaged or wilted in permanent containers will be removed from the cemetery during the first week of April and the fourth week of October each year. All flowers and decorations picked up are taken to the Juab County landfill for disposal. Those who regularly bring in fresh cut flowers are encouraged to wait until the spring and fall cleanups are completed before freshening up their displays.
14. Memorial Day. Cemetery crews begin early in the spring to prepare for Memorial Day. Preparations including mowing, watering, edging, spraying, planting, and tree trimming require all spring to accomplish.

The cemeteries are prepared and ready for decorations by Friday afternoon. The sprinklers are turned off Friday afternoon through the end of Memorial week to allow for the placement of decorations.

The removal of decorations will begin the Monday morning following Memorial Day. Anyone desirous of picking up their wreaths or decorations should do so prior to Monday. All decorations are disposed of at the Juab County landfill.

15. Town Responsibility. Flowers properly displayed add to the beauty and character of the cemetery.

Levan Town and the cemetery staff will not be responsible for flowers or other personal property left in the cemetery. Be aware that on occasion uncaring individuals have removed expensive flower arrangements without patron or staff consent.

O. HEADSTONES

1. It shall be unlawful for any person to erect, place or cause to be placed any marker or monument on any lot in cemetery in violation of the rules and regulations promulgated the governing body regarding the placement, construction, and design of all such markers.
2. Ownership and Responsibilities. Headstones are personal property. All headstones within the cemetery are the property of lot owners, their heirs, or the responsible party who ordered and placed them. All care and upkeep of the headstones are the responsibility of the owner. The cemetery is maintained by town crews who exercise great care in keeping the grounds groomed. The town will not be responsible for inadvertent scratches and chips that occur from routine maintenance. Such happenings are a condition that goes with the privilege of placing markers in the cemetery.
3. It shall be unlawful for any person to place or have placed any headstone upon any lot or lots in said cemetery except under the direction and supervision of the Levan Town Council.
4. Specifications for Headstones. It shall be unlawful for any person to place or to have placed any monument on any lot in said cemetery not made of metal inlay, stone, or cement. Such monument shall be securely set in a cement foundation of at least four inches deep with a cement mow strip not less than seven inches around said marker.

The following are headstone size recommendations. Maximum lengths are: singles 40", doubles 80", and triples 120". Maximum height is 36". Maximum width is 24". Any marker size that exceeds these recommendations requires the prior written approval of the Levan Town Council.

Only one headstone and no other monument or marker will be permitted on the grave. Said headstone shall be at the head of the grave. Headstones will be placed in an orderly manner in pre-designated rows and as directed by the cemetery sexton.

Placement of permanent markers is encouraged to take place within one year after interment.

5. Vases. All permanent vases must be attached to the stone base or cast into the cement base with at least two (2) inches from the edge of the cement base.
6. Obstructions. No iron ornaments, brackets, foot markers, flag poles or other obstructions or installations except a headstone or monument will be permitted in the cemetery.
7. Modifications. If a monument is determined by the sexton to be oversized and interfering with the sprinkler irrigation system, the owner will pay for the necessary modifications (applicable to stones placed after July 1, 2009).
8. Interference with Excavation. The owner or responsible party is responsible for the removal and replacement of a marker that must be moved for the excavation of a grave, or for the expenses of such services if contracted. If the owner or responsible party wishes, the city will make arrangements for the service with a local monument dealer at the owner's expense.
9. Recommendations. Consult with a monument manufacturer on monument materials suitable to handle conditions at the cemetery. Markers are subject to temperature extremes, snow, ice, sprinkler irrigation water, and occasional nicks and chips from mowing equipment. It is recommended that raised markers have a rough-nosed base or edge rather than a polished, smooth surface. Persons ordering headstones from a monument dealer should check, or caused to be checked, the restrictions first, to insure that the stone will meet cemetery specifications.

P. ADDITIONAL RULES AND REGULATIONS

1. Levan Town reserves the right to make, amend, and repeal the policies and procedures of the cemetery and to make exceptions thereto; but such exceptions shall not amend or repeal any policies or procedures.
2. The Levan Town Council may promulgate by resolution such additional rules and regulations concerning the care, use, operation and maintenance of the cemetery as it shall deem necessary.
3. The mayor may from time to time as the governing body deems necessary direct and publish a booklet of rules and regulations for the convenience of the purchasers of lots in the municipal cemetery. Such rules and regulations shall constitute a part of the terms and conditions under which owners and users may

utilize the cemetery and shall form a supplement to this ordinance after they have been adopted as official by resolution of the governing body.

4. Any changes in the rules and regulations shall be adopted by the governing body before such changes shall be official.

13.14.080 ERRORS

- A. ORDERS AND RESPONSIBILITIES FOR ERRORS. Under no circumstances will the municipality assume responsibility for errors in opening graves when orders are given by telephone.

The Levan Town Council shall have the right to correct any errors that may be made by the municipality either in making interments, disinterments or removals, or in the description, transfer or conveyance of any interment property, either by canceling such conveyance and substituting and conveying in lieu thereof other interment property of equal value and similar location as near as possible, or as may be selected by the superintendent, or by refunding the amount of money paid on account of that purchase.

Levan Town will not be responsible for any mistake occurring from the lack of precise and complete instructions as to the proper space on the lot where interment is desired. When a grave on a lot cannot be opened where specified the sexton under direction from the Levan Town Council may open it in such location on the lot as he/she deems best and proper, so as not to delay the funeral and affect the interment. Under no circumstances will the municipality assume responsibility for errors in opening graves when orders are given by telephone.

In the event the error shall involve the interment of remains of any person in such property, the Levan Town Council shall have the right to remove and reinter the remains in such other property of equal value and similar location as may be substituted and conveyed in lieu thereof.

13.14.090 FEES AND CHARGES

- A. COLLECTION OF FEES. The cemetery administrator, and such other persons as the governing body may designate, are hereby authorized and required to collect in advance prices and fees for the opening and closing of graves or other services which shall include but not be limited to properly disinterring bodies and properly restoring the earth and grounds, recording each burial, disinterment or removal, and raised monument privileges. The fees shall be such amounts as are determined by the governing body from time to time by resolution.
- B. FEE TO BE PAID FOR OPENING GRAVE
 1. No grave shall be opened in the municipal cemetery until payment of a fee for the labor and expense in so opening the grave shall be paid.
 2. The presentation of a receipt from the recorder/clerk or person designated by the governing body when presented to the cemetery superintendent, shall be authority to open a grave for the burial of a deceased person. However, upon a contract being entered into between any mortician and the municipality wherein the mortician agrees to be responsible and liable for fees for the opening of a grave, and wherein that mortician will be personally liable for such fees and for perpetual care payments, the recorder/clerk or authorized person may give the cemetery superintendent authority to open graves without the presentation of a receipt from the recorder/clerk or authorized person.
- C. PURCHASE PRICE AND FEES. Fees for services are set by resolution of the Levan Town Council and are changed from time to time as needed and without notice. A copy of current fees charged is available at the Levan Town office.
- D. PERPETUAL CARE FEES. This fee is collected and kept in a special fund which may be used for the general care, maintenance, and improvement of the cemetery. Perpetual care fees are included in the charges for certificates or burial rights. They are considered paid in full at the time of interment.

Voluntary contributions to the perpetual care fund will be graciously accepted.

13.14.100 SALE OF LOTS

- A. SALE

1. The cemetery administrator, and such other person as the governing body may designate, are hereby authorized to sell the use of lots in the municipal cemetery for burial purposes only and to collect all sums arising from the sale. The cemetery administrator shall keep a complete record of all sales, which record shall describe the location of the lot purchased and the price paid therefore. The cemetery administrator or designated person shall deliver to each purchaser a certificate of burial rights for each lot purchased, which certificate shall, among other things, describe the location of the lot, the purchase price, and the type of maintenance services which are to be provided, e.g., perpetual care, prepaid continued maintenance, or currently paid services.
2. A certificate and rights to burial shall be exempt from execution, taxation or assessment for care and maintenance from and after full payment of the purchase price. Payments made pursuant to this section shall not be construed to be in payment for cemetery services other than perpetual care or prepaid maintenance.

Title Retained: Only permissive burial rights are sold. The city retains title to the cemetery property.

Perpetual Care Required: No burial rights will be sold without perpetual care.

B. RESTRICTIONS OF RESALE

1. From and after March 15, 1911, the lots sold by this municipality shall not be further sold, transferred, conveyed or assigned to any person except the municipality. The municipality hereby agrees to buy back any municipal cemetery grave lot which it may hereafter sell. The repurchase of such lots shall be for the original price paid by the purchaser, or the current selling price of the lot, whichever is less.
2. Whenever a certificate to burial rights or lots reverts to the municipality, as provided for in this part, or becomes vested in the municipality for any reason, before new certificates are issued, the original certificate shall be cancelled or an assignment given, and the record shall be so changed.
3. The certificates shall be issued and signed by the mayor and shall be attested by the recorder/clerk. All lots or parts of lots, as provided in this section, together with all improvements, shall be exempt from execution and from taxation and assessment for care and maintenance charges from and after said payment.
4. Purchase of Unused Lots By City. The town may buy back the unused lots of those desiring the action when directed by the owner or all living heirs to do so, at a buy-back price established by resolution of the town council. The deed of burial rights must be turned in, or other documented proof of ownership must be given to the city recorder before the purchase can be authorized

Unused Lots:

- a. Lots that have been unused for, or have no written notice of claim or interest on, for over sixty (60) years can be reclaimed by Levan Town. Every effort, practically and legally, will be made to find the owner or legal heirs before the lots, by lawful means, will be reverted.
- b. Should a certificate of title or right to a lot that has been reverted to the town be presented, the legal holder is entitled to be compensated at the buy-back price established by resolution of the Levan Town Council. All proceeds from the resale of reverted property shall be placed in the perpetual care fund.

13.14.110 PERPETUAL CARE

- A. PERPETUAL CARE. No other improvements, changes, or service, except perpetual care shall be made on any lot without the certificate/holder or his heirs first submitting to and receiving from the cemetery superintendent, written approval for such improvements, changes or services, which improvements, changes or services shall be subject to the rules and regulations promulgated by the governing body.
- B. CARE INCLUDED. The essential perpetual care that the municipality agrees to give shall consist of care of the cemetery generally, and shall include, but is not limited to, mowing of all lots and graves at reasonable intervals, re-sodding, seeding, and filling in sunken graves, sodding the surface of the graves to lot level, edging around headstones, sprinkler irrigation, removing dead flowers and decorations and trimming trees and shrubbery when necessary, raking and cleaning the lots and straightening of tilting stones or markers, and other clean-up as needed. Perpetual care does not include repairing or replacing markers or memorial structures of any nature, except when the need for repair or replacement is directly caused by the municipality. No burial right will be sold without perpetual care.

C. PERPETUAL CARE FUND CREATED

1. There hereby is established a perpetual care fund according to the laws of the state of Utah and this chapter. All funds received from the sale of perpetual care services shall be placed in a special perpetual care fund, invested in compliance with the laws of the state of Utah and used for the purposes herein provided.
2. The income from the perpetual care fund shall be used to pay the general care, maintenance, upkeep and development or improvements of the cemetery. The city may borrow from the fund from time to time, but any funds borrowed shall be repaid to the funds with interest thereon at the prevailing rate paid by the city to borrow funds from commercial lenders.
3. If the city borrows from the fund, it shall pay into a fund for the operation of the cemeteries the interest accrued upon the money annually. Should it be found that the interest returned upon the perpetual care funds shall be more than is required to pay for the operation and upkeep of the municipal cemetery, then the surplus shall be added to the principal amount of the perpetual care fund herein created, and shall be so handled until changed by resolution to provide for the use of such accumulated interest.

D. DUTIES OF TREASURER. It shall be the duty of the treasurer to keep an accurate record of the perpetual care trust fund account, including investments, to see that the principal portion thereof is properly invested in accordance with resolutions of the governing body and the laws of the state of Utah.

13.14.120 CONDUCT

A. DECORUM. Cemetery grounds are sacredly devoted to the interment and repose of the dead. Strict observance of decorum due such a place shall be required of all persons.

B. TRAFFIC RULES

1. Traffic Rules, Driving and Parking. The provisions of the municipal traffic ordinances relative to the operation of vehicles and conduct of pedestrians shall be in effect in the cemetery, except as herein otherwise modified by this ordinance.

It shall be unlawful for any person to ride or drive within the municipal cemetery at a speed greater than 10 miles per hour.

Cars must not drive or park on lawn areas or drive on corners.

2. Motorcycles, Bicycles, and All Terrain Vehicles (ATVs). Motorcycles and all terrain vehicles (ATVs) are not permitted in the cemeteries except for those used for maintenance or professional suppliers or those that are part of a funeral procession.

Bicycles are permitted, but are subject to the same policies and procedures as motorized vehicles. Cutting corners and driving on the lawns are prohibited.

C. CHILDREN. Children under the age of 12 years shall not be allowed in cemeteries unless accompanied by their parents or other adults, except for the purposes of attending authorized funerals or, in the company of adults, placing flowers on the grave of a deceased relative or friend, or performing any other customary evidence of respect in accordance with their religious principles.

D. ANIMALS PROHIBITED. Horses, dogs, or other types of pets or livestock are not permitted on the cemetery grounds.

13.14.130 MISCELLANEOUS

A. MISCELLANEOUS

1. Records. The official cemetery records are kept at the Levan Town office. The office is open Monday through Thursday from 8:30 a.m. until 12:30 p.m., with the exceptions of holidays. All business pertaining to the cemetery is to be transacted at this office.

The location of all graves is shown by maps and by a system of recorded measurements from fixed permanent landmarks. All maps and records are on file at the Levan Town office.

All owners of burial rights or spaces are requested to notify the Levan Town office of any change of



address.

2. Powers of Levan Town Council. The Levan Town Council is responsible for enforcing the policies and procedures of the cemetery. The Levan Town Council may take such action necessary to protect property, graves, space owners, and the cemetery from injury; to preserve the peace and good order; and to prevent injury to the appearance of the lots, graves, grounds, and buildings.
3. Contractors and Outside Workers. Contractors and others working in the cemetery must make their business known to the Levan Town Council or sexton before the work is started.
4. Boundaries, Roads, and Waterlines. The right to enlarge, reduce, re-plat, or change the boundaries of the cemetery or of a section or sections from time to time, including the right to modify or change the locations of roads and drives, is hereby expressly reserved by Levan Town. The right to maintain and operate pipelines or gutters for water supply or drainage is also expressly reserved.
5. Location of Documents. All maps, plats, records, and other documents pertaining to the Levan Cemetery are on file at the Levan Town office.
6. Liability of Cemetery. Levan Town personnel will, at all times, exercise diligence and reasonable care in the protection of the rights and property of the lot owners, but shall not be liable for any damage or loss.
7. Alteration and Repeal of Policies and Procedures. Levan Town reserves the right to make, amend, and repeal the policies and procedures of the cemetery and to make exceptions thereto; but such exceptions shall not amend or repeal any policies or procedures.
8. Walkers and Joggers. The Levan Cemetery is a public park and will continue to be so. Walkers and joggers are therefore encouraged and welcome to enjoy the beauty and serenity of the cemeteries.

B. BURIAL OF INDIGENTS

1. 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 cemetery administrator 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 cemetery administrator.
2. The mayor shall communicate his decision to both the cemetery administrator and the cemetery sexton. 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.

14 CONSTRUCTION AND DEVELOPMENT STANDARDS

14.02 GENERAL PROVISIONS

14.04 PLATS

14.06 SITE PLANS

14.08 IMPROVEMENTS AND REQUIREMENTS

14.10 WATER/SEWER

14.12 STREETS AND PAVEMENTS

14.14 ELECTRICAL/COMMUNICATIONS

14.16 INSPECTIONS AND TESTING

14.02 GENERAL PROVISIONS

14.02.010 IMPROVEMENT REQUIREMENTS

14.02.020 DEFINITIONS

14.02.010 IMPROVEMENT REQUIREMENTS

- A. GENERAL. This policy defines the general requirements for improvements to be built by the Developer, subdivider, owner, or Contractor for all types of construction, (to include residential, commercial, industrial, institutional, governmental and professional office). All improvements which are in areas that are or will become public rights-of-way and/or easements, or that will be under the responsibility of a homeowners association shall meet the requirements of these specifications. The improvements shall include all street improvements in front of all lots and along all dedicated streets to a connection with existing improvements of the same kind and to the boundaries of the development. Layout must provide for future extension to adjacent development and to be compatible with the contour of the ground for proper drainage. All culinary water, sanitary sewer, pressurized irrigation, electric, communication, storm, land or groundwater drains and any other buried utilities or conduits shall be installed to the boundary lines of the Subdivision or development.
- B. IMPROVEMENTS MADE BEFORE RECORDING. Prior to the commencement of any improvements made before recording, the following must be in place:
1. Approved sets of construction plans;
 2. The minimum cash security required by LMC 15.04.210 deposited with the Town;
 3. All inspection fees for the development paid to the Town; The development agreement; and the preconstruction meeting. All construction and development standards must be met and inspections must be obtained and passed. All off-site improvements must be bonded for the full one hundred twenty-five percent (125%) of the total estimated cost as required by these standards.
- C. VARIATIONS, SUBSTITUTIONS AND EXCEPTIONS. Any variation, substitution or exception from the standards in this policy must be authorized in writing by the Town Engineer or his/her designee. Product options and substitutions must meet the requirements of APWA 01630. Any item of construction not covered in these standards must have plans and specifications approved by the Town Engineer or his/her designee.
- D. PROTECTION OF EXISTING IMPROVEMENTS. The Contractor shall be responsible for the protection of any existing improvements on public or private property at the start of work or placed there during the progress of the work. Existing improvements shall include but are not limited to permanent surfacing, curbs, ditches, driveways, culverts, fences, walls and landscaping. Any surface improvements damaged as a result of construction shall be restored or replaced to an equal or better condition than before. This shall be accomplished in a timely manner.
- E. MAINTAINING EXISTING ROAD SURFACES. The Contractor shall be responsible for maintaining existing road surfaces suitable for travel by the public. The Contractor shall be responsible for all dust and mud control and all claims and damages resulting from failure to maintain the construction area.
- F. NEW MATERIALS. Only new materials may be used during construction unless otherwise authorized by the Town.
- G. TOWN FURNISHED PRODUCTS. If the Town furnishes any products the Contractor shall conform to requirements and specifications of APWA 01640.
- H. PRODUCT DELIVERY AND HANDLING. The Contractor shall conform to requirements and specifications of APWA 01650 for product delivery and handling.
- I. PRODUCT STORAGE AND PROTECTION. The Contractor shall conform to requirements and specifications of APWA 01660 for product storage and protection.

J. BUILDING PERMITS. The Town may issue a building permit upon application, in compliance with all laws, ordinances, rules, and regulations. No building permit will be issued until all the improvements are installed, accepted, and in service for the entire plat.

1. When asphalt pavement plants are closed for the winter, building permits may be issued before paving if there is six inches (6") of compacted road base in all areas to be paved.
2. The Town Engineer or his/her designee is hereby designated as the responsible official to accept the improvements.

K. OTHER SPECIFICATIONS STANDARDS. Town standards and ordinances shall supersede all other Standards whenever they conflict.

14.02.020 DEFINITIONS

APWA: The Utah Chapter, American Public Works Association Manual of Standard Specifications, 2002 Edition. These standard specifications can be viewed on-line at <http://www.apwa.utah.usu.edu/>. When sections of the APWA manual are referred to in these standards, the Contractor shall also adhere to the requirements and specifications of all related sections referred to by the section of the APWA manual.

AWWA: The American Water Works Association Standards, April 2002 Edition.

Town: The Town of Levan, Utah.

Town Engineer: The person appointed by the Town to be the Town Engineer.

Town Planner: The person appointed by the Town to be the Town Planner.

Civil Engineer: A person registered with the State of Utah to practice as a professional engineer.

County: Juab County, Utah.

General Plan: The general plan document as approved by the Town council.

Construction Plans: Construction plans include drawings showing all required improvements for a development showing their location, size, grade, and elevations.

Consumer: A person or company receiving service from any Town utilities.

Contractor: A person or company hired by the Town or a Developer to perform construction in or for the Town, having appropriate state licenses to perform said work.

Council or Town Council: The governing body of the Town of Levan.

Cul-de-sac: A permanent dead end street.

Development Review Committee: The Development Review Committee (DRC) of LevanTown.

Developer: Person, persons, partnership or corporation developing residential, commercial or industrial property.

Energy Division: The division of Town government responsible for the Town owned Electric and Communication utilities.

Final Plat: An original recordable plat drawn on Mylar in a form approved by the Town and County, showing all lots, streets, utility easements, etc.

Flood Plain: That area designated on the most recent Flood Insurance Rate Map for the Town of Levan, prepared by the Federal Emergency Management Agency, as a flood plain as amended.

Improved Lot: A lot which has all the improvements required in the Subdivisions ordinance

Improvements: Includes roads, streets, curb, gutters, sidewalks, grading, landscaping, water and sanitary sewer systems, irrigation systems, drainage systems, power and communication systems, fences, public facilities, trees or other requirements by this chapter or by the Town.

Land Surveyor: A person registered with the State of Utah to practice as a licensed land surveyor.

Lot: A parcel or tract of land within a subdivision which is or may be occupied by a building or structure and the accessory buildings, structures or uses customarily incident thereto, including such open spaces as are arranged and designed to be used in connection with the building according to the zone within which the lot is located.

Offsite Facilities: Facilities outside of the boundaries of the subdivision or development site which are designated and located to serve the needs of the subdivision or development or adjacent property, usually lying between a development and existing facilities.

Onsite Facilities: Facilities installed within or on the perimeter of the subdivision or development site.

Parcel of Land: A contiguous area of land in the possession or ownership of one (1) person with one tax identification number.

Planning Commission: The Planning Commission of Levan Town.

Preliminary Plat: A map or plat of a proposed subdivision or development with accompanying supplementary documents.

Public Utility Easements: The easements required to place public utilities across any privately owned property.

Site Plan: A plan for a commercial, industrial, institutional, governmental or planned residential development in the Town.

Streets: A thoroughfare which has been dedicated and accepted by the Town council, which the Town has acquired by prescriptive right or which the Town owns, or is offered for dedication on an approved recorded final plat. For further explanation see the streets section.

Subdivision: Any parcel of land that is divided, re-subdivided or proposed to be divided into two (2) 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. A subdivision includes

1. The division or development of land whether by deed, metes and bounds description, lease, map, plat, or other recorded instrument; and
2. Divisions of land for all land for all residential and nonresidential uses, including land used or to be used for commercial, agricultural, and industrial purposes.

Utilities: Includes culinary water lines; irrigation lines; sanitary sewer; storm, land and groundwater drains; gas lines; electric power lines; cable television and telephone lines; underground conduits; and junction boxes and all appurtenances to the above.

Zoning Ordinance: The comprehensive zoning ordinance adopted by the Town council as LMC Title 16.

14.04 PLATS

14.04.010 PRELIMINARY PLAT

14.04.020 FINAL PLAT

14.04.010 PRELIMINARY PLAT

A. FILING

1. Submission. Developers should review conceptual plans with the Town Planner before preparing preliminary plats. To apply for a preliminary plat, complete a preliminary plat application form. Forms are available at the Town office. Submit the completed form to the Planning & Zoning secretary with the following:
 - a. Five (5) 24x36 inch copies of the preliminary plat drawings folded to a 9x12 inch size so the name of the subdivision is visible;
 - b. Two (2) clearly legible 11x17 inch copies of the preliminary plat drawings;
 - c. Payment of all the fees for preliminary plats.

- (1) If anything is submitted by e-mail the Town office must be contacted for the proper e-mail address and for confirmation the e-mail was received.
2. Review. The Town will review the submission and notify the Developer of any changes that must be made. Once these changes are made, one (1) 24x36 inch copy, one (1) 11x17 inch copy and a computer file of the plat must be submitted to the Town office. Ten (10) bound subdivision packets must also be submitted for master planned developments.
 - a. All drawings, computer files, and packets must be updated and re-submitted to the Town with any changes made that were required by the Development Review Committee, Planning Commission, or Town Council after each meeting.

B. FORM AND CONTENTS

1. Preliminary Plat. The preliminary plat of a subdivision shall contain the following information:
 - a. The proposed name of the subdivision;
 - b. The names and addresses of the Developer, the Civil Engineer of the subdivision, and other persons to whom notice of the hearing to be held by the Town Council should be sent;
 - c. The names of all adjacent subdivisions and property owners;
 - d. The location of the subdivision as a part of some larger subdivision or tract of land referred to in the records of the county recorder. In such case, a sketch of the prospective street system of the unplatted parts of the subdivider's land shall be submitted and the street system of the part submitted shall be considered in light of existing master street plans or other planning commission street studies;
 - e. A tie to a section corner. All horizontal data shall be based on the 1927 North American Datum (NAD27) State Plane Coordinate System, Utah Central Zone, US Foot. Horizontal datum shall be clearly written on all plat drawings;
 - f. A contour map with vertical intervals not to exceed two feet. Contours shall be clearly labeled. All vertical data shall be based on the 1929 North American Vertical Datum (NAVD29). Vertical datum shall be written on plat; and
 - g. Show all existing and proposed streets, alleys, easements, watercourses, fence lines, utilities, buildings, public areas and any other important features within two-hundred feet (200') of the tract to be subdivided;
 - h. A table including: total acreage of area proposed for development, total acreage in lots, total acreage in open space, percent of open space, total number of lots, density in lots per acre.
 - i. The date of preparation, a standard engineering scale of not more than one-hundred feet (100') to the inch, a north arrow, and a vicinity map;
 - j. A stamp and signature of a Civil Engineer licensed in the state of Utah.
2. Master Planned Development Subdivision Packet. The subdivision packet shall include a project overview, plat drawings, product elevations, landscape plan, description and design of amenities, CC&R's, and soil reports. The description and design of amenities shall include detailed drawings and pictures of proposed playgrounds, open space, trails, streetscapes, architectural variety, fencing, and any other items deemed necessary by the Town Planner.
3. Soils Report. The Developer must provide a detailed soils report addressing the following issues for the subdivision: hill stabilization, road design including CBR of existing soils, foundation design, groundwater impacts, and general soil stability. Report must be stamped and signed by a Civil Engineer licensed in the state of Utah.
 - a. Whenever the soils report for a development requires foundation drains a storm drain system with laterals to each foundation drain must be installed. Storm drain system must be at a lower elevation than the sewer system.
4. Storm Water Plan. The Developer must provide a detailed storm water plan for the subdivision. This plan shall include all calculations showing that it meets all the requirements of the Construction and Development Standards. Plan and calculations required by LMC 14.08. Improvement and Design Requirements must be stamped and signed by a Civil Engineer licensed in the state of Utah.

14.04.020 FINAL PLAT

A. GENERAL

1. Time Limitation for Completion. All improvements within subdivisions must be completed within one (1) year of the date of pre-construction meeting. Improvements which are not completed within the time limitation imposed herein shall work a forfeiture of any bond or surety which shall have been posted by the owner or subdivider.

B. FILING

1. Submission. To apply for a final plat, complete a final plat application form. Forms are available at the town office. Submit the completed form to the town office with five (5) 24x36 inch copies of the final plat and construction drawings stapled and folded to a 9 x 12 inch size so the name of the subdivision and plat is visible, the final plat on top.
2. Review. The town will review the submission and notify the developer of any changes that must be made. Once these changes are made submit the following:
 - a. One (1) 24x36 inch copy of the final plat and construction drawings stapled and folded to a 9 x 12 inch size so the name of the subdivision and plat is visible, the final plat on top;
 - b. One (1) 11x17 inch copy of the final plat and construction drawings;
 - (1) If anything is submitted by e-mail the town office must be contacted for the proper e-mail address and for confirmation the e-mail was received.
 - c. Once accepted by the development review committee, four (4) 24x36 inch copies, one (1) clearly legible 11x17 inch copies and a computer file of the plat must be submitted to the town office. Two (2) 24x36 inch copies will be retained by the town, the other two (2) 24x36 inch copies will be signed and stamped by the town and returned to the developer. The developer must insure that a copy of the signed and approved construction plans is on site at all times during construction.
3. Recordation. Only the town may record final plats with the county recorder. All inspection, testing and/or connection fees required by ordinance shall be paid and permits required shall be obtained prior to the recording of final plat.

C. FORM AND CONTENTS

1. Final Plat. The developer must submit a Mylar of the final plat to the town in a format approved by the town and the county. The final plat of a subdivision shall contain the following:
 - a. A tie to a section corner and the state plane coordinates of each point. All horizontal data shall be based on the 1927 North American datum (NAD27) state plane coordinate system, Utah central zone, US foot. Horizontal datum shall be clearly written on the plat;
 - b. Accurate dimensions for all lines, angles and curves used to describe boundaries, streets, alleys, easements, areas to be reserved for public use, and other important features; the lines, angles, dimensions, state plane coordinates, bearings, areas and numbers of all lots, blocks and parts reserved for any reason within the subdivision. All dimensions shall be determined by an accurate field survey which shall balance and close as required by the county;
 - c. All lots and blocks are to be numbered, addressed, and named in accordance with the street numbering and naming system assigned by the town on the preliminary plat;
 - d. A statement that "all culinary water and pressurized irrigation lines up to and including the meter, all sanitary sewer mains, all electric meters, and all electric and communication service lines up to the mast on overhead installations and to the top of the meter base for underground installations are dedicated to Levan Town.";
 - e. Plats and signatures shall be in waterproof ink on a 24x36 inch Mylar sheet. There shall be an unencumbered margin of one and one-half inches (1 1/2") on the left-hand side of the sheet and not less than a half inch (1/2") margin around the outer three (3) sides of the sheets. The scale shall be a standard engineering scale of no more than one-hundred feet (100') to the inch;
 - f. Stamp and signature of a surveyor licensed in the State of Utah.
2. Construction Plans. A complete set of construction plans must be submitted with all final plats. Construction plans must conform to the standards for construction plans found in the improvement and design requirements section.

14.06 SITE PLANS

14.06.010 GENERAL

14.06.020 FILING

14.06.030 FORM AND CONTENTS

14.06.010 GENERAL

TIME LIMITATION FOR COMPLETION. All Town improvements required for a site plan must be completed within one (1) year of the date of approval by the Development Review Committee.

Improvements which are not completed within the time limitation imposed herein shall work a forfeiture of any bond or surety which shall have been posted by the owner or subdivider.

14.06.020 FILING

- A. SUBMISSION. Developers should review conceptual plans with the Town Planner before preparing site plans. To apply for a site plan, complete a site plan application form. Forms are available at the Town office. Submit the completed form to the Town office with one (1) 24x36 inch copies of the site plan drawings folded to a 9x12 inch size so the name of the site plan is visible.
- B. REVIEW. The Town will review the submission and notify the Developer of any changes that must be made. Once these changes are made submit the following:
1. One (1) 24x36 inch copies of the final plat and construction drawings stapled and folded to a 9 x 12 inch size so the name of the subdivision and plat is visible, the final plat on top;
 2. One (1) 11x17 inch copies of the Final Plat and construction drawings;
 3. If anything is submitted by e-mail the Town office must be contacted for the proper e-mail address and for confirmation the e-mail was received.

Once accepted by the Development Review Committee, four (4) 24x36 inch copies, one (1) clearly legible 11x17 inch copies and a computer file of the plat must be submitted to the Town office. Two (2) 24x36 inch copies will be retained by the Town, the other two (2) 24x36 inch copies will be signed and stamped by the Town and returned to the developer. The developer must insure that a copy of the signed and approved construction plans is on site at all times during construction.

14.06.030 FORM AND CONTENTS

- A. SITE PLAN. A Site plan shall contain the following information:
1. The proposed name of the development;
 2. The names of all adjacent property owners;
 3. A tie to a section corner. All horizontal data shall be based on the 1927 North American Datum (NAD27) State Plane Coordinate System, Utah Central Zone, US Foot. Horizontal datum shall be clearly written on all plat drawings;
 4. A statement that "All culinary water and pressurized irrigation lines up to and including the meter, all sanitary sewer mains, all electric meters, and all electric and communication service lines up to the mast on overhead installations and to the top of the meter base for underground installations are dedicated to Levan Town.";
 5. A contour map with vertical intervals not to exceed two feet (2'). Contours shall be clearly labeled. All vertical data shall be based on the 1929 North American Vertical Datum (NAVD29). Vertical datum shall be written on the plan; and
 6. The location, areas, and principal dimension of all existing and proposed streets, alleys, easements, watercourses, fence lines, utilities, buildings, public areas and any other important features within two-hundred feet (200') of the site;
 7. A table including the following:
 - a. Total area of site;
 - b. Total area of landscaping;
 - c. Total area of building;
 - d. Total developed and undeveloped area;
 - e. Total impervious area;
 - f. Total number of parking spaces;
 - g. Total number of handicap parking spaces;
 - h. Type of building construction for the Fire Code;
 - i. Whether the building will have sprinklers inside for fire protection.

8. The date of preparation, a standard engineering scale of not more than one-hundred feet (100') to the inch, a north arrow, and a vicinity map;
 9. A stamp and signature of an engineer licensed in the state of Utah.
- B. CONSTRUCTION PLANS. A complete set of construction plans must be submitted with each site plan. Construction plans must conform to the standards for construction plans found in the improvement and design requirements section.
 - C. EASEMENTS AND DEEDS. The developer must provide the legal documents for all easements and deeds required by the town.
 - D. SOILS REPORT. The developer must provide a detailed soils report addressing the following issues for the site: hill stabilization, road design, foundation design, groundwater impacts, and general soil stability. Report must be stamped and signed by an engineer licensed in the State of Utah. Whenever the soils report for a development requires foundation drains a storm drain system with laterals to each foundation drain must be installed. Storm drain system must be at a lower elevation than the sewer system.
 - E. STORM WATER PLAN. The developer must provide a detailed storm water plan for the site. This plan shall include all calculations showing that it meets all the requirements of the construction and development standards. Plan and calculations required by LMC 14.08. Improvement and design requirements must be stamped and signed by an engineer licensed in the State of Utah.
 - F. ELEVATIONS. The developer must provide a detailed elevation in color for all buildings for a site plan.
 - G. LANDSCAPING PLAN. The developer must provide a detailed landscape plan for the entire area of a site plan.

14.08 IMPROVEMENTS AND REQUIREMENTS

14.08.010 IMPROVEMENTS AND DESIGN REQUIREMENTS

14.08.020 CONTRACTOR REQUIREMENTS

14.08.030 EARTHWORK AND TRANCHES

14.08.040 PORTLAND CEMENT CONCRETE AND MASONRY WORK

14.08.050 HILLSIDE SITE DEVELOPMENT

14.08.060 LANDSCAPING

14.08.010 IMPROVEMENTS AND DESIGN REQUIREMENTS

A. GENERAL

1. Easements. Developer shall provide easements for all utility extensions through private property. Developer shall also provide a ten (10) foot public utility easement along public right-of-ways or streets and along one side of all other property lines. If setbacks are less than ten feet (10') then public utility easements shall be the extent of the setback.
2. Traffic Control. A traffic control plan shall be submitted to the Town prior to construction in or along public streets. All traffic control shall comply with APWA 01555.
3. Survey. The alignment of the side property lines for each lot in a subdivision shall be marked in the top back of curb with a lot line witness marker that meets the requirements and specifications of APWA 02895. All property corners shall be marked with a rebar corner marker that meets the requirements and specifications of APWA 02895. Corners must be marked before acceptance of a subdivision's improvements by the Town. These rebar must be offset two (2) to four (4) inches by a steel tee post four feet out of the ground on the property line alignment.
4. Temporary Controls. Temporary controls such as noise, dust, mud, surface water, ground water, pollution and erosion controls shall be made. Controls shall meet the requirements and specifications of APWA 01570. The pumping of groundwater across sidewalks, into gutters or into the sanitary sewer system is prohibited.

B. CONSTRUCTION PLANS

1. General. The following instructions are for the purpose of standardizing the preparation of construction plans to obtain uniformity in appearance, clarity, size, and style. Plans and designs shall meet the standards defined in the specifications and drawings hereinafter outlined. All drawings and/or prints shall be clear and legible and conform to good engineering and drafting room practice.

Include the following in construction plans for all developments:

- a. A copy of the proposed final plat or site plan;
- b. A plan view of the entire project showing all utilities, roads, and appurtenances;

- c. Plan and profiles of all storm, land and groundwater drains, sanitary sewer, curb, gutter, and irrigation;
 - d. Detail drawings of street cross sections according to the standard drawings and other detail drawings only for items not found in the town standard drawings. Detail drawings shall be to scale and completely dimensioned and described. All items shall be designed in accordance with minimum requirements established by the town construction and development standards;
 - e. Complete plans for all off-site work to be done in conjunction with the project.
 - f. A stamp and signature of a Civil Engineer licensed in the state of Utah on each plan sheet, detail drawing, and design sheet.
 - g. Engineer's take off quantities and cost estimate for all construction work related to the project.
2. Plan Sheets. Include the following on each plan sheet:
- a. North Arrow;
 - b. A standard engineering scale between one inch (1") equals ten feet (10') and sixty feet (60'). A scale of one inch (1") equals one-hundred feet (100') may be used on the plan view of the entire project if necessary to fit project on one sheet.
 - c. Title block along right side of sheet with title of drawing in lower right corner. Include in title block:
 - (1) Name of subdivision and plat or site plan;
 - (2) Name of Town;
 - (3) Specific type of drawing (construction drawings, plan view, plan and profiles, off-site construction, detail drawings);
 - (4) Name of engineer, surveyor, or firm preparing drawings;
 - (5) Drawing number of total number of drawings.
 - d. Also include the following with profile drawings:
 - (1) Vertical scale of one inch (1") equals one (1), two (2), three (3), four (4), five (5), or six (6) feet.
 - (2) Reference to the vertical datum. The 1929 North American Vertical Datum (NAVD29) shall be used for all elevation data.
 - (3) Benchmark location and elevation for checking construction.
 - (4) Stationing aligned from plan view with the profile view.
 - (5) Existing ground, ditch, and utility lines.
3. Electric and Communication Plans. Construction plans must include the location of all existing poles, transformers, secondary junction boxes, sectionalizes, overhead electrical wire and overhead communication cable. After plans are updated to meet the approval of the development review committee, the developer shall submit a computer aided design file of the plans to the energy division. Thereafter the energy division will design and make available plans for the proposed electric and communication lines for the development.
4. Street, parking lot, and driveway plans. Include the following for curb, gutter, storm, land and groundwater drains, drainage structures, sidewalks, and street surfacing plans:
- a. Plan and profile for top back of curb for each side of the street. Label profile line as top back of curb for both sides of street if it is the same.
 - b. Stationing and top back of curb elevations with curve data for curb returns.
 - c. Flow direction and type of cross drainage structures at intersections with adequate flow line elevations.
 - d. Type of curb and gutter if other than the standard two foot curb and gutter in the standard drawings.
 - e. Location and width of driveways if known.
 - f. Street cross sections with all proposed and existing utilities and base sections as per soils report.
5. Sanitary sewer, storm, land and groundwater drain plans. Include the following for sanitary sewer, storm, land and groundwater drain plans:
- a. Plan and profile of all new and existing mains and manholes.
 - b. Box and manhole size, location, and elevations of flow lines and rim.
 - c. Location, size, grade, and type of pipe of new and existing mains.
 - d. Location of each lateral with distance stubbed back into property clearly drawn and dimensioned.
 - e. Storm water calculations for a twenty-five (25) year and one hundred (100) year storm.
6. Culinary water and pressurized irrigation plans. Include the following for culinary water and pressurized

irrigation plans:

- a. Location, size, and type of pipe of new and existing water mains.
 - b. Location of valves, fittings, hydrants, boxes, meters, and appurtenances.
 - c. Minimum cover.
 - d. Location of each lateral with distance stubbed back into property clearly drawn and dimensioned.
7. Landscaping plans. For landscaping that will be maintained by the town or a homeowner's association submit one copy of the landscaping plans including all irrigation system layouts, details, legends, and drawings. These project plans shall meet the requirements of the LMC 14.08 landscaping and LMC 14.10 irrigation sprinkler systems.
8. Irrigation canal and pipe plans. Plans that affect canals or irrigation pipes must be stamped approved by those responsible for their maintenance before they will be approved by the town.

C. STREET IMPROVEMENTS

1. General. The Developer shall construct all streets and appurtenances required for the development as specified by the Town Council in accordance with the Town Construction and development standards and/or other codes adopted by the Town. The design and all street work shall be done as directed and under the supervision of the Town Engineer or his/her designee.
2. Cul-de-sacs. The maximum length of a cul-de-sac is four hundred feet (400') measured from the nearest right-of-way line of the adjoining street to the center of the cul-de-sac, and the minimum radius of the cul-de-sac is sixty feet (60') at the property line.
3. Curbs, Gutters, and Sidewalks. Curbs, gutters, and sidewalks shall be built along all public streets according to the standard drawings. All curbs, gutters, and sidewalks shall connect to existing curbs, gutters, and sidewalks within a reasonable area as determined by the Town Engineer or his/her designee.
4. Partial-Streets Widths. In certain conditions, and when special approval is given, partial road widths may be allowed. A partial road width shall include half the road plus ten feet (10'). The road shall also include a two foot (2') shoulder along the unfinished portion of the street with a minimum three percent (3%) slope away from the edge of pavement. All Town improvements must be made in dedicated Town right-of-way or public utility easements.
5. Driveway and Intersection Location. No driveways or streets shall be constructed within the following distances from an adjoining street. These distances are from right-of-way to the edge of driveway for accesses and from right-of-way to right-of-way for streets and offset intersections:

a. Along Local Streets:

- (1) Fifty feet (50') from an adjoining local street
- (2) Fifty feet (50') from an adjoining minor collector
- (3) Seventy five feet (75') from an adjoining major collector
- (4) One hundred fifty feet (150') from an adjoining arterial

b. Along Minor Collectors:

- (1) Seventy five feet (75') from an adjoining local street
- (2) Seventy five feet (75') from an adjoining minor collector
- (3) One hundred feet (100') from an adjoining major collector
- (4) One hundred fifty feet (150') from an adjoining arterial

c. Along Major Collectors:

- (1) One hundred feet (100') from an adjoining local street
- (2) One hundred feet (100') from an adjoining minor collector
- (3) One hundred feet (100') from an adjoining major collector
- (4) One hundred fifty feet (150') from an adjoining arterial

d. Along Arterials:

- (1) One hundred fifty (150') from all adjoining streets

Curb cuts shall only be allowed for driveways. Driveways shall be a minimum of three feet (3') from any above grade utility box. All accesses and streets onto collectors and arterials must be approved by the Town.

6. Parking. Parking shall meet the requirements of the zoning ordinance and standard drawings.

7. Reverse Frontage Lots. New residential developments shall not be designed to allow direct access from individual lots or dwelling units to arterial streets or major collector streets. Masonry walls shall be provided along the sides of residential developments, which have reverse or side frontage to arterial streets, major collector streets or interstates. The walls will be of decorative block, brick, or similar materials together with design elements such as columns, capping, inlays, and variations in materials. The material, style, and color of the wall must be reviewed and approved by the Town. The wall shall be constructed according to a design stamped by a licensed professional civil engineer and Town construction standards. The Town Council may waive this requirement in those instances where the height of the interstate, arterial street, or major collector street is significantly higher than the top of the wall. The Town Council may also waive the requirement for a masonry fence if a park or open space area is adjacent to such streets. The Town Council may waive all fencing requirements or impose non-sight obscuring fencing, at their sole discretion.
8. Temporary Turn-Around. Temporary turn-arounds are to be provided on all streets which extend more than one lot from an intersection. These are to be recorded as easements. They shall be eighty-four feet (84') in diameter and consist of a minimum of eight inches (8") of compacted road base.
9. Allowable Grades. The maximum grade allowed for any Town street is eight percent (8.0%) unless otherwise approved by the Town. In no case shall grades greater than twelve percent (12.0%) be allowed. The minimum grade allowed for any Town street is 0.45%.
10. Stamped Concrete. The color and pattern of stamped concrete shall be approved by the development review committee.
11. Precast Concrete or Block Walls. The design of all walls must be approved by the development review committee. Design must be stamped and signed by an engineer registered in the state of Utah.
12. Pedestrian Ramps. Pedestrian ramps shall be placed at all corners of intersections and at all other locations of regular pedestrian traffic across roads as determined by the Town. All ramps shall conform to the requirements of the American Disabilities Act and Town standards.
13. Minimum Curve Radius. Minimum curve radius shall be determined by AASHTO design standards.

D. UTILITY IMPROVEMENTS

1. General. It shall be the responsibility of the developer to connect to existing utilities or improvements wherever they are located and extend those improvements to and through the development. Workmanship and details of construction shall be in accordance with the town construction and development standards and/or other codes adopted by the Town. All work shall be done under the supervision of the Town Engineer or his/her designee.
2. Communication. Communication lines shall be underground except when the Town feels that such underground lines are not in the best interest of the Town.
3. Electric. Electrical lines shall be underground except when the Town feels that such underground lines are not in the best interest of the Town.
4. Pressurized Irrigation. The developer shall connect the development with the Town pressurized irrigation system with all appurtenances and shall make such pressurized irrigation available to each lot or unit within the development. Adequacy of supply and sizes of pressurized irrigation mains shall be established by the Town Engineer or his/her designee.
5. Sanitary Sewer. The developer shall provide each lot with a sanitary sewer system in accordance with the ordinances of the Town. All said work shall be done as directed and under the supervision of the Town Engineer or his/her designee.
6. Storm Drain. The developer shall provide on-site facilities for a twenty-four (24) hour long twenty-five (25) year storm event and piping and appurtenances to convey a one hundred (100) year storm event to a regional storm facility. The maximum allowable storm water discharge from any commercial and industrial development will be limited to 0.2 cfs/acre of development.
7. Culinary Water. The Developer shall connect the development with the culinary Town water system with all appurtenances and shall make such culinary water available to each lot or unit within the development. Adequacy of supply and sizes of culinary mains shall be established by the Town Engineer or his/her designee.

14.08.020 CONTRACTOR REQUIREMENTS

A. GENERAL

1. Contractors Working for a Developer. Contractors and sub-contractors working for a developer must

prequalify before doing any work in existing or proposed Town property, streets, easements, or right-of-way and for any work on existing or proposed Town utilities. To prequalify the following must be on file in the Town Engineer's office:

- a. A current Contractor's license;
- b. Insurance information;
- c. Contractor information sheet;
- d. Project Bond;
- e. Excavation Permit;
- f. UDOT Permit for construction in state right-of-way; and
- g. Railroad Permit for construction in railroad right-of-way.

Failure to pre-qualify before doing any construction shall constitute grounds for legal action.

2. Contractors Working for the Town. Bids for Town projects will only be awarded to the lowest responsible bidder as specified in the Utah State Code. The Town's contractor qualifications and experience forms shall be completely filled out and submitted with bid. Failure to do so is basis to reject the bid. Levan Town reserves the right to determine a non-responsible bidder based upon these forms or any other research conducted by the Town.

B. INSURANCE

1. General. A contractor must acquire the insurance stipulated in this section to prequalify to do construction work. The Town must receive and accept proof of the insurance before any work may begin. The submittal of said evidence to the Town shall not relieve or decrease the liability of the contractor hereunder.
2. Workers' Compensation. Contractor shall obtain workers compensation insurance as required by State law.
3. Commercial General Liability Insurance. The follow commercial general liability insurance must be obtained and submitted on ISO Form CG 00 01 (11/85) or equivalent, occurrence policy, with limits not less than
 - a. General Aggregate \$1,000,000
 - b. Products - Comp/OPS Aggregate \$1,000,000
 - c. Personal and Advertising Injury \$ 500,000
 - d. Each Occurrence \$ 500,000 18
 - e. Fire Damage (any one fire) \$ 50,000
 - f. Medical Expense (any one person)\$ 5,000

Also include the follow endorsements or their equivalents attached thereto:

- (1) ISO Form CG 25 03 (11/85), Amendment of Limits of Insurance (Designated Project or Premises), describing the subject contract and specifying limits as shown above.
 - (2) ISO Form CG 20 10 (11/85), Additional Insured – Levan Town, Lessees, or Contractors (Form B), naming the Town as additional insured and containing the following statement, "This Endorsement Also Constitutes Primary Coverage in the Event of any Occurrence, Claim, or Suit".
4. Automobile Liability Insurance. Contractor shall obtain automobile liability insurance with limits of not less than \$500,000 Combined Single Limit per accident. Coverage shall apply to any auto.

C. BONDING

1. General. The owners and/or developers of property shall deposit security with the Town to guarantee proper installation of all required improvements in accordance with the plans, specifications, time limitations, and conditions relating thereto as meets with the approval of the Town council or such personnel as the Town council shall designate. Security shall be in the form of cash in the minimum amount of fifteen percent (15%) of the Town's bond amount. The balance of the security shall be in the form of cash, an irrevocable letter of credit, or an escrow bond. The amount of the security shall be one hundred twenty-five percent (125%) of the Town's estimated costs of the improvements.

Irrevocable letters of credit or escrow bonds shall be executed by financial institutions acceptable to the Town and authorized to conduct business in the State of Utah, and must be in the form approved by the

Town. The bond or letter of credit as required by this section must be posted prior to recording. Upon completion of the punch list for the end of construction inspection, the security less the fifteen percent (15%) cash bond and the amount estimated for the one (1) year overlay shall be released to the developer. Fifteen percent (15%) of the security amount shall be held for a period of one (1) year following final inspection and acceptance to warrant improvements for this time period. The fifteen percent (15%) retained shall be the cash amount required as the minimum security.

D. EXCAVATION PERMITS

1. General. Contractors are required to pre-qualify before obtaining an excavation permit to do construction work unless a project is already approved, bonded and insured. The permit must be approved forty-eight (48) hours prior to construction. The permittee is given a copy of the permit and plan after the Town Engineer or his/her designee has approved and signed them.

The Town may stipulate time limits for completion of work and suspend permits for non-compliance. A copy of the excavation permit shall be on site during construction. The following fee factors shall be applied toward excavation permits for more recently paved streets:

FEE FACTORS

Fee Factor	Age of Pavement
4.00	Less than 1 Year
3.00	1 to 3 Years
2.00	3 to 5 Years
1.50	5 to 10 Years

If utilities are bored then the excavation permit fee shall be reduced by one half.

2. Contractors. Contractors are required to submit the following information to obtain an excavation permit:
 - a. Copy of Contractors license;
 - b. Certificate of Insurance;
 - c. Cash bond of \$10,000.00;
 - d. Detailed drawing of proposed work and traffic control (4 copies).
3. Property Owners. Individual property owners doing his/her own work for drive approaches and other similar, minor concrete work in the Town right-of-way are required to submit the following information to obtain an excavation permit:
 - a. Proof of homeowners or similar insurance;
 - b. Cash or escrow bond in the amount of \$1,000.00;
 - c. Detailed drawings of the proposed work, including safety, barricades, traffic and pedestrian control.

E. INSPECTION FEE

1. General. For bonded developments an inspection fee will be collected. The fee will be for Town costs relating to the construction. These costs include but are not limited to survey, inspection, testing and administration. The fee will be estimated based upon previous projects. Portions of the fee not used shall be refunded to the Developer after the punch list of the final acceptance inspection is completed.

If Town costs relating to inspection exceed the inspection fee, these costs will be paid for by the developer or they will be deducted from the fifteen percent (15%) cash bond. The Town will hold ten percent (10%) of the inspection fee until the final acceptance inspection punch list is completed.

14.08.030 EARTHWORK AND TRANCHES

A. EXCAVATION

1. General. Excavation shall meet the requirements and specifications of APWA 02315 unless otherwise indicated.
2. Safety. All construction shall be done in accordance with the provisions of the Utah State Industrial



Commission, OSHA regulations and APWA 02250 Excavation Protection. No trenches deeper than four feet (4') shall be left open at anytime unless construction is in process. When construction is in process only two hundred feet (200') of trench may be open at one time and must be completely backfilled before proceeding. No trenches shall be left open at any time unless guarded with adequate barricades, warning lamps and signs.

Any injury or damage resulting from lack of adequate bracing and shoring shall be the responsibility of the developer/contractor and the developer/contractor shall, at his/her own expense, effect all necessary repairs or reconstruction resulting from such damage. No inspections will be done in unsafe trenches and will be the cause for immediate shutdown at the project.

3. In Gravel and Paved Surface Areas. Where any excavation occurs in a gravel or paved surface area such as a road, driveway or parking area, the surface shall be restored according to the requirements and specifications of APWA 02985 and the following conditions:
 - a. Base. Only engineered fill may be used as backfill or sub-base material under gravel and paved surfaces. A minimum of eight inches (8") of untreated base course shall be placed over backfill or sub-base. All fill material shall be placed and compacted to Town standards. Flowable fill shall not be allowed for backfill unless authorized by the Town.
 - b. Surface Maintenance. The surface shall be maintained by blading, sprinkling, rolling, adding gravel, etc., to maintain a safe uniform surface satisfactory to the Town.
 - c. Cutting of Pavement. Before any excavation in a paved area, the surface along the entire excavation shall be cut to provide a vertical joint in the surface. Cut shall be made six inches (6") from the edge of excavation in straight lines parallel or perpendicular to the trench or edge of pavement. A pavement saw shall be used for all pavement cutting. If excavation damages the cut pavement, pavement shall be cut again before patching. A rotomilled edge shall be acceptable as a cut.
 - d. Time Limitation: All road cuts shall be repaired within two (2) working days of excavation unless otherwise authorized by the Town Engineer or his/her designee.
 - e. Cold Weather Patching. Trenches cut during winter months or when asphalt plants are not operating shall be patched the same day of the cut with a good quality cold mix according to the requirements and specifications of APWA 2985. These trenches shall be maintained until asphalt plants open. When asphalt plants open, the temporary cold patch shall be removed and a new patch of hot mix asphalt shall be placed. All cold mix patches shall be replaced with hot mix patches within twenty (20) days of the opening of the hot mix plant.
 - f. Adjust Incidental Structures to Grade. Adjust incidental structures to grade according to APWA 02990. Town standard concrete collars around valves and manholes shall be installed one (1) year from the time that pavement is placed or at the time of an overlay.
4. In Areas with Concrete. When damaged, existing concrete improvements shall be removed and replaced to the next joint or scoring line beyond the damaged or broken sections. In the event that joints or scoring lines do not exist or are three (3) or more feet from the removed or damaged section, the damaged portions shall be removed and reconstructed to neat, plane faces. All concrete work shall meet the requirements and specifications of LMC 14.08 Portland Cement Concrete Work and APWA 02985.
5. Rock Excavations. Rock excavations shall meet the requirements and specifications of APWA 02317.
6. Site Clearing and the Disposal of Excess Materials. Site clearing shall be conducted according to APWA 02115. All excavation material, which is not required for construction or is unsuitable for fill material, shall be immediately disposed of by the contractor. All roads, sidewalks, curbs, gutters and ditches shall be kept clean of excavated material.

All demolition work shall meet the requirements and specifications of APWA 02220 for site demolition, 02222 for pavement demolition and 02223 for pavement pulverizing.

B. SUB-SURFACE PIPE INSTALLATION

1. General. Pipes, conduits or casings, four inches (4") in diameter or less, may be bored, jacked, augured or jetted under sidewalk, curb, gutter if authorized by the Town Engineer or his/her designee. The resulting whole diameter does not exceed one inch (1") plus the outside diameter of the pipe or sleeve installed.
2. Boring or Jacking. Boring or jacking work shall meet the requirements and specifications of APWA 02445.
3. Tunneling. Where sidewalk, curb, and gutter exists, excavation may be made by tunneling provided the

following requirements are met:

- a. Excavation shall be vertical and as near to the curb or sidewalk as possible;
- b. The length of the tunnel shall not exceed the width of the sidewalk, curb, and gutter;
- c. Where a separate sidewalk and curb exist, an excavation shall be made between the sidewalk and the curb;
- d. At least three feet (3') of undisturbed earth shall be left under the sidewalk or curb; and
- e. Where the sidewalk has been tunneled, the hole shall be filled from each end with flowable fill.

Where the excavation cannot meet these requirements, a section of sidewalk, curb, or gutter, from joint to joint shall be removed and replaced.

C. SUB-GRADE

1. Preparation. All sub-grades shall be shaped and compacted in reasonably close conformity with lines, grades and typical cross section as established by the Town Engineer or his/her designee. All grading shall be based on an engineered survey, accepted by Levan Town.

In trenches and cut or fill areas the sub-grade shall be scarified to a depth of eight inches (8") and compacted according to the compaction standards of this chapter. No rocks larger than four inches (4") in diameter, organic material, soft clay, spongy material, or other deleterious material will be permitted in this scarified sub-grade layer.

2. Soft and Yielding Areas. Soft and yielding areas which do not compact to Town standards shall be removed and replaced with enough compacted engineered fill to bridge the area.
3. Trenches. When the sub-grade material does not afford a sufficiently solid foundation to support the pipe and superimposed load, the trench shall be over-excavated to a sufficient depth and backfilled with enough compacted fill as approved by the Town to bridge the area.
4. Roads. Road sub-grades shall be shaped and graded to within a tolerance of 0.15 feet of design grade. Drainage shall be maintained at all times.
5. Structures. Sub-grade material for all concrete structures, regardless of type or location, shall be firm, dense, thoroughly compacted and consolidated; shall be free from mud and muck; and shall be sufficiently stable to remain firm and intact under the feet of the workmen engaged in sub-grade surfacing, laying reinforcing steel, and depositing concrete.

Coarse gravel or crushed stone may be used for subsoil reinforcement if results are satisfactory to the Town Engineer or his/her designee. Such material shall be applied in layers, not exceeding 6 inches in thickness, each layer being embedded in the sub-soil by thorough tamping. All excess soil shall be removed to compensate for the displacement of the gravel or crushed stone and the finished elevation of any subsoil reinforced in this manner and shall not be above the specified sub-grade.

The Town Engineer may require a soil analysis and design for any area.

D. FILL MATERIAL

1. General. All fill material shall be placed on sub-grade prepared according to the specifications of this chapter. All fill material shall be compacted according to the specifications of this chapter.

Only engineered fill or untreated base course may be used as fill material under and within a foot of streets, future street areas, driveways, and concrete unless otherwise specified. All fill material under and within a foot of electrical and communications boxes shall be untreated base course. In other areas native excavated material may normally be used unless such material cannot be properly compacted according to specifications in this chapter. All fill material, including native fill material, must be free from debris, organic material, and rocks larger than 6 inches in diameter and have a liquid limit not to exceed 35 and plastic limit not to exceed 15.

2. Bedding Material. Use APWA No. 4 sewer rock for gravity pipe bedding material. Use sand as a bedding material for pressure pipe and electrical and communication conduit. Bedding sand must compact sufficiently to support the pipe and shall meet the following gradation:

SAND GRADATION

Sieve/Screen Size	% Passing
No. 4	100
No. 200	10 to 20

3. Engineered Fill. Engineered fill shall be used for all imported material unless otherwise specified. Engineered fill shall be granular and well graded meeting the following gradation:

ENGINEERED FILL GRADATION

Sieve/Screen Size	% Passing
4"	100
¾"	70 to 100
No. 200	0 to 15

On that portion of the aggregate passing the No. 40 sieve, the liquid limit shall not exceed 30, nor shall the plasticity index exceed 15 when tested in accordance with AASHTO T89 and T90. Imported material under Town streets shall have a minimum CBR of 25.

Reclaimed asphalt pavement (RAP) that meets the requirements and specifications of APWA 02748 may be used as engineered fill.

4. Untreated Base Course. All untreated base course shall meet the requirements and specifications of APWA 02060 for untreated base course.
5. Cement Treated Fill. Cement treated fill shall meet the requirements and specifications of APWA 02062. Cement treated fill includes following fill materials:
- a. Controlled low-strength material (CLSM) (flowable fill),
 - b. Lime treated fill,
 - c. Asphalt treated fill.
6. Defective Fill. Fill not conforming to the requirements of this specification shall be reworked to the requirements or removed and replaced with acceptable fill.

E. SLOPES, EMBANKMENTS, FILLS AND OPEN CHANNELS

1. Preparation. Unsuitable materials that occur in the foundation for slopes, embankments, and fills shall be removed by clearing, stripping, and/or grubbing. Where suitable materials occur, after stripping, the foundation shall be scarified to a depth of not less than 8 inches. All materials in slopes, embankments, and fills, including the scarified foundation layer, shall be placed, moistened, and compacted according to the compaction standards in this chapter.
2. Material. When the slope, embankment, or fill exceeds the amount of excavation, sufficient additional material shall be obtained from borrow pits provided by the Contractor. All material proposed to be imported shall be subject to the review and approval of the Town Engineer or his/her designee prior any hauling operations.

The materials used for slope, embankment and fill construction shall be free from sod, grass, trash, rocks larger than 6 inches in diameter and all other material unsuitable for construction of compacted fills.

3. Grading. Grading of completed slope, embankment, or fill shall bring the surfaces to a smooth, uniform condition with final grades being within 0.1 foot of the design grade. All grading shall be done to an engineered red-head.
4. Slope Safety. All slope construction shall be in accordance with all Town, State and Federal regulations. Plans and Specifications for structures must be approved by the Town if the excavation is greater than five feet (5'). No permanent slopes steeper than 3:1 shall be allowed without a retaining structure unless otherwise approved in writing by the Town Engineer or his/her designee. The width of the excavation shall be increased if necessary to provide space for sheeting, bracing, shoring and/or other supporting installations. Unsafe slopes will be the cause for immediate shutdown of the project.

5. Erosion and Sedimentation Control. Erosion and sedimentation control shall meet the requirements and specifications of APWA 02370.
6. Gabions. Gabions shall meet the requirements and specifications of APWA 02372.
7. Rip Rap and Rock Lining. Rip rap and rock lining work shall meet the requirements and specifications of APWA 02376.

F. INSTALLATION AND COMPACTION OF EARTH MATERIALS

1. General. The installation of all fill material shall meet the requirements and specifications of APWA 02320 Backfilling Trenches, 02321 Backfilling Structures and Landscapes, 02322 Backfilling Pavements and 02324 Compaction. Fill material outside of pavement areas, as defined by APWA 02322, and more than 24 inches from any utility box shall be compacted to not less than ninety percent (90%) of the maximum dry density.
2. Water Settling. Water settling may be permitted with preapproval by the Town Engineer or his/her designee, depending upon the type of soil and location. When water settling is approved, a Town representative shall be at the job site during the compaction.

Water shall be applied by jetting unless flooding is specifically authorized by the Town Engineer or his/her designee. Water for consolidation shall be furnished by the Contractor at his or her own expense.

In the jetting procedure the jets shall be inserted at not more than 4 foot intervals, staggered throughout the length of the backfilled area and shall be slowly forced down to the bottom of the trench or top of previously jetted lift and held until the trench backfill is completely saturated with water. Depth of jetted lift shall not exceed five feet (5').

When the material has dried sufficient to allow compaction tests, the Contractor shall dig test holes for compaction tests at locations and depths required by the Town Engineer or his/her designee. Authorization by the Town Engineer or his/her designee to use any consolidation method does not relieve the Contractor of its responsibility to meet the specified density requirements.

3. Streets. Sub-base and road-base shall be graded to an engineered red head. Loose rock, roots, brush, and other materials that may be encountered in shaping the sub-base must be removed.
4. Soft and Yielding Spots. Any soft and yielding spots in the fill or sub-grade which do not compact to the specified density shall be removed and replaced with engineered fill installed and compacted to Town standards.
5. Backfill in Trenches. Backfill shall be carefully placed around and over pipes and shall not be permitted to fall directly on a pipe from such a height or in such a manner as to cause damage.
6. Pipe Zone. The pipe zone includes the full width of trench from three inches (3") below the pipe to six inches (6") above the pipe for all pipes except for large reinforced concrete pipe (RCP). Large RCP includes RCP with internal diameters larger than twenty-four inches (24"). The pipe zone for large RCP shall include the full width of trench from six inches (6") below the pipe to six inches (6") above the pipe. The pipe zone shall extend horizontally a minimum of six inches (6") from either side of the pipe except for electrical and communication conduit. Electrical and communication conduit may be placed against the sides of trenches. Trenches shall be wide enough to compact fill material according to the specifications in this chapter.

The pipe zone for all pipes shall be filled with compacted bedding material. Pipe zone materials shall be placed and compacted under and around the pipe in horizontal layers not to exceed 8 inches and tamped by hand or pneumatic tampers.

G. GEOTEXTILES, GEOGRIDS AND GEOCOMPOSITES

1. General. All geotextile work shall meet the requirements and specifications of APWA 02075. Geogrid and geocomposite work shall meet the requirements and specifications of APWA 02076. Geotextile, geogrid and geocomposite work includes but is not limited to the following geotextile applications:
 - a. Stabilization-separation,
 - b. Silt fence,
 - c. Erosion control,
 - d. Roadway pavements,

- e. Drainage,
- f. Weed barrier
- g. Granular base reinforcement,
- h. Asphalt concrete reinforcement and
- i. Soil reinforcement

14.08.040 PORTLAND CEMENT CONCRETE AND MASONRY WORK

A. GENERAL

1. Specifications. These specifications cover the installation of concrete work including but not limited to curbs, gutters, sidewalks, boxes, and thrust blocks. All concrete work shall meet the requirements and specifications of APWA Division 3 (03060 through 03600) and related sections. Concrete driveway, sidewalk, curb and gutter work shall meet the requirements and specifications of APWA 02770. See LMC 14.08 for improvement and design requirements, LMC 14.16 for inspection and testing requirements, and LMC 14.08 for earthwork and trench requirements. Also, see standard drawings related to concrete work.

All concrete work shall be constructed where indicated on the plans or as directed by the project engineer and shall conform in all respects to the specified lines, grades, and dimensions and Town standards.

2. Allowable Grades. The minimum grade allowed for any gutter is 0.45%. See LMC 14.08 Improvement and Design Requirements for maximum allowable grades of Town streets.
3. American Disabilities Act (ADA) Requirements. All pedestrian facilities will conform to the current federal ADA standards.
4. Slip Forming. In each drive approach and at each pedestrian ramp, twelve inch (12") #4 rebar shall be placed at twenty-four inches (24") on center with four inches (4") extending into the curb, two and one half inches (2 ½") below the top back of curb.
5. Combination Curb, Gutter, and Sidewalk. Combination curb, gutter, and sidewalk will not be allowed unless authorized by the Town Engineer.
6. Cold Weather Concrete. Concrete shall not be placed when a descending air temperature in the shade and away from artificial heat falls below thirty-five degrees Fahrenheit (35°F). Concrete shall not be poured on frozen ground. Where high temperatures are likely to descend below thirty-two degrees Fahrenheit (32°F), concrete shall be covered or otherwise protected against freezing. No calcium based add mixtures may be used. Any other add mixtures must be approved by the Town Engineer or his/her designee.

If concrete is not protected by insulation blankets for seventy-two (72) hours following installation and the temperature drops below forty-five (45) degrees a pay factor of 0.50 shall apply.

7. Debris in Gutters. Once curb and gutter and surface course is in place they shall be kept as clean as possible. Dirt and gravel will not be placed in gutter or on street. Gutter will flow freely at all times.
8. Sidewalk. When equipment is required to cross over sidewalk, bridging will be provided to protect concrete.
9. Drive Approaches. All concrete for a drive approach shall be 5 inches thick in the public right-of-way.
10. Protection of Wet Concrete. The Contractor shall be responsible to protect wet concrete. Any concrete that is vandalized before setting up shall be replaced at the contractor's expense.
11. Repair. When authorized by the Town contractor may repair concrete damage with Concrete Solution's Ultra Surface Concrete Polymer installed to manufacturer's specifications.

B. INSTALLATION

1. Cutting Pavement. When replacing gutter the pavement shall be cut along the entire excavation to provide a vertical joint in the surface. Cut shall be a minimum of twelve inches (12") from lip of gutter. A pavement saw shall be used to for all pavement cutting. If excavation damages the cut pavement, pavement shall be cut again before patching. All road cuts shall be repaired within two (2) working days.
2. Forms and Joints. When pouring concrete along a curve flexible forms with enough stakes to hold the forms at an even curve shall be used.

Curb and gutter contraction joints shall be constructed every ten feet (10') by using steel templates one eighth inch (1/8) in thickness. Sidewalk contraction joints shall meet APWA requirements with the

minimum distance between joints being five feet (5').

3. Base Material. A minimum of four inches (4") of untreated base course shall be installed under all concrete and shall extend out one foot (1') in all directions from concrete unless otherwise specified. Untreated base course shall be compacted and installed according to Town standards. See LMC 14.08. Earthwork and Trenches.
4. Mixing and Conveying. Concrete transported in a truck mixer, agitator, or other transportation device shall be discharged at the job and placed in its final position in the forms within one (1) hour after the introduction of the mixing water to the cement and the aggregate, or the cement to the aggregate, except that in hot weather or under other conditions contributing to quick stiffening of the concrete, the maximum allowable time may be reduced by the Town Engineer or his/her designee. The maximum volume of mixed concrete transported in an agitator shall be in accordance with the specified rating.
5. Finishing. As soon as the concrete has set sufficiently to retain its shape without support of the face form, the clamps, spreaders and face forms shall be removed. While the concrete is still green, the surface shall be thoroughly floated with a magnesium or moist wooden float to provide an even smooth surface, and then broomed lightly.
6. Curing. As soon as possible after final finishing the finished surface shall be coated with a curing compound. The compound shall be an ASTM C-1315 Type 2 curing compound that meets the APWA 03390 specifications. The compound shall be applied in accordance with the manufacturer's recommendations. During the months of October through February exposed concrete shall be covered with an insulated curing blanket that meets the ACI 306 specification for three (3) days when temperatures remain at fifteen (15) degrees Fahrenheit or higher and for seven (7) days for temperatures below fifteen (15) degrees Fahrenheit. Insulated curing blankets shall only be removed during the warmest parts of the day. The curing compound shall then be applied within twenty-four (24) hours of the blankets being removed.

C. MATERIALS

1. Coarse Aggregate. A coarse aggregate shall consist of hard durable particles of a mixture of crushed and natural gravel possessing at least 50% of broken surface area. The coarse aggregate shall be free from substances which are chemically active relative to hydrated cement and shall be subject to particularly the following:
 - a. Loss on abrasion by Los Angeles Abrasion Test not more than forty percent (40%) by weight.
 - b. Loss on exposure to five (5) cycles of sodium sulfate soundness test, not more than eight percent (8%) by weight.
 - c. Deleterious substances shall not exceed the values in the following table:

PORTLAND CEMENT CONCRETE COURSE AGGREGATE DELETERIOUS SUBSTANCES

Substance	Maximum % by Weight
Soft Fragments	3.0
Coal Lumps	1.0
Clay Lumps	0.5
Material passing 39 100 Sieve	1.5
Organic Material	0.1
Total for All of the Above	3.0

The maximum size of aggregate to be used shall not exceed one and one half inches (1 ½") in terms of this size definition contained in ASTM Standards except that the maximum size shall not exceed one quarter (1/4) of the least dimension of the finished concrete in which the aggregate is to be used.

Coarse aggregate shall be uniformly graded within the following range:

PORTLAND CEMENT CONCRETE COARSE AGGREGATE GRADATION

Sieve Size	Minimum Retained (%)	Maximum Retained (%)
1 ½ inch	0	10
¾ inch	30	70
¼ inch	75	100
No. 4	95	100

2. Fine Aggregate. Fine aggregate shall consist of clean, hard durable particles of natural sands, subject to the following limitations:

- a. Organic Calorimetric Test using sodium hydroxide shall result in a color not darker than Number 2 in the acceptance range.
- b. Loss on exposure to five (5) cycles of the sodium sulfate soundness tests shall not exceed eight percent (8%) by weight.
- c. Deleterious substances shall not exceed the values in the following table:

PORTLAND CEMENT CONCRETE
FINE AGGREGATE DELETERIOUS SUBSTANCES

Substance	Maximum % by Weight
Soft Fragments	3.0
Coal Lumps	1.0
Material passing 39 100 Sieve	3.0
Micaceous or Flaky Particles	3.0
Total for All of the Above	5.0

Fine aggregate shall be uniformly graded within the following range:

Sieve Size	Minimum Retained (%)	Maximum Retained (%)
No. 4	0	5
No. 8	0	2
No. 16	20	50
No. 30	50	75
No. 50	75	90
No. 100	95	100

3. Cement. All cement used shall be Type II unless otherwise allowed by the Town Engineer or his/her designee. All cement and dry additives shall be stored in damp-proof conditions. Shipments of cement shall be marked and stored in such a manner as to provide positive identification. The supplier shall keep and have available for inspection at all times an accurate record of supplies and use of cement of the various types and shipments. No cement shall be used which has been subject to dampness or exposure.

4. Water. Water used for concrete shall be potable and free from excess salts, organic material, or other deleterious substances. Addition of water to the mixed concrete after specified workability has been obtained will not be allowed, nor shall any concrete be re-tempered or re-mixed.

D. CONCRETE MIXES

1. Mix Design. Concrete mix designs shall meet the following requirements:

PORTLAND CEMENT CONCRETE
MIX DESIGN REQUIREMENTS

Property	Requirement
Cement Content	6.5 Bags per Cubic yard (Minimum)

28 Day Compressive Strength	4000 psi (Minimum)
Slump Range	1 to 3 inches
Flatwork Slump Range	3 to 4 inches
Air Content	5% to 7%

2. Proportioning. The supplier shall determine proportions by weight of aggregates, cement, additives, and water required to comply with strength, workability, and other requirements detailed herein. Such proportions shall be submitted to the Town Engineer or his/her designee in three copies annually along with the following tests on materials and shall be subject to his/her approval.

a. Coarse aggregate

- (1) Source
- (2) Deleterious substance
- (3) Los Angeles Abrasion Test
- (4) Sodium Sulfate Soundness Test
- (5) Sieve

b. Fine aggregate

- (1) Source
- (2) Deleterious substances
- (3) Calorimetric Test for Organics
- (4) Sodium Sulfate Soundness Test
- (5) Sieve and fineness modulus

c. Cement

- (1) Type
- (2) Supplier
- (3) Analysis

Upon approval all concrete shall be prepared in terms of the proportions so approved unless variation becomes necessary by reason of materials or conditions to achieve the requirements of these specifications, in which case such variation shall be approved in writing by the Town Engineer or his/her designee. Approval by the engineer of mix proportions shall not relieve the supplier from the responsibility for obtaining the concrete strengths specified or complying will all other provisions of this specification.

3. Control. Measurements of materials except water shall be by weight. Equipment used shall be capable of controlling weight within 1% of each ingredient. Water may be measured either by volume or weight provided that an accuracy of 1% is maintained. Cement may be assumed to weigh 94 pounds per sack but proportioning aggregates for fractional sacks of cement will not be permitted unless the fractional amount is weighed for each batch.

4. Water Adjustments. Compensation for the water contained in the aggregates shall be made at least once daily or as often as inspection of the concrete may indicate that variation from this cause has occurred. The Pycnometer Method of assessing water in aggregate may be used for its determination for the purposes of this paragraph.

E. MASONRY

1. General. All masonry work shall meet the requirements and specifications of APWA Division 4 (04065 through 04220) and related sections.

14.08.050 HILLSIDE SITE DEVELOPMENT

A. GENERAL

1. Average Slope-Definition. For the purpose of this chapter, the definition of "average slope" shall be as follows: The average slope of the parcel of land or any portion thereof shall be computed by applying the formula,

$$S = (0.00229 \times I \times L) / A$$



to the natural slope of the land before any grading is commenced, as determined from a topographic map having a scale of not less than one inch equals 100 feet and a contour interval of not less than 5 feet, where:

0.00229 = A conversion factor of square feet to acres

S = Average percent slope

I = Contour interval, in feet

L = Summation of the length of contour lines, in feet within the subject parcel

A = Areas in acre of the parcel being considered.

2. Liability. The purpose of this chapter is to point out to the owner and/or Developer of any property that the liability and responsibility of such persons to protect the integrity of their own and adjoining properties, existing water courses and utilities lies upon the person doing the development and upon the owner of the property being developed and not upon the Town or any other person. The Town may require additional information on any development or building which may have potential hazards.

B. REPORTS

1. Certified Report Required. It shall be unlawful for the owner, Developer, or any Contractor or other person to excavate, grade, level, or build upon any lot or property within the Town when the average slope of the lot exceeds ten percent (10%) or if such a slope is within two hundred feet (200') of the building lot. Nor shall any person grade, level, or improve in any manner any parcel of land which is crossed by a natural or manmade water course or existing utility or has existing or proposed slopes greater than ten percent (10%), before such person has submitted to the chief building official a certified report from a qualified civil engineer licensed in the State of Utah containing the information set forth in the following section.
2. Certified Report Specifications. The certified report required in the previous section shall contain at least the following information:
 - a. Plat. A plat of the property showing the following:
 - (1) Contour lines at 5 foot intervals. Existing contours shall be indicated by dashed lines and proposed contours by solid lines;
 - (2) Elevations at the corners of foundations and at the corners of driveways; and
 - (3) Show or reference any existing or potential groundwater flows which may cause unstable conditions such as debris flow or slides.
 - b. Assessment. An assessment of a professional civil engineer as to the seriousness of any development problems such as erosion, drainage, flood and geologic hazards or unstable soil conditions and their potential effect on adjoining properties and on any proposed improvements to be built on the property.
 - c. Mitigation. The proposed method for mitigating the problems noted in the assessment.

14.08.060 LANDSCAPING

A. GENERAL

1. Specifications. These specifications are for landscape work completed on private property that will become public property.
2. Appurtenances. Any minor items of labor or materials not specifically noted on the drawings or specifications; but obviously necessary for the proper completion of the work, are to be considered as incidental to and are to be included in the contract.
3. As-Built Drawings. The contractor must furnish as-built drawings to the Town. These drawings should be updated whenever a change from the design is made to assure accuracy. The drawings must show a record of all departures from the contract drawings that occur during construction. These shall be kept on a clean set of prints of the contract drawings.

The Project manager/Owner will review the "as-built drawings" to verify that changes are being recorded as construction occurs. These drawings and maintenance manuals must be submitted at the time of final inspection or in accordance to the general conditions.

4. Government Regulations. Ship landscape materials with certificates of inspection as required by

governmental authorities. Comply with governing regulations applicable to landscape materials.

5. Source. Provide trees and shrubs, and other plants grown in a recognized nursery in accordance with good horticultural practice. Provide healthy, vigorous stock grown under climatic conditions similar to the locality of the project and free of disease, insects, eggs, larvae, and defects such as knots, sun-scale, injuries, abrasions, or disagreement.

Plant Materials and other landscape items will be evaluated according to compliance with drawings, schedules, and specifications; as well as overall aesthetic quality, grower or supplier reputation, physical inspection, and American Association of Nurseryman Standards (AANS). Select plants that will not be adversely affected by the existing soil chemistry at the planting location.

The source or supplier for all plant materials shall be furnished to the Town prior to the delivery of any plant materials on site or stored elsewhere.

6. Fences and Walls. All fences and walls except those for individual single family lots must be approved by the Town. Chain link and field wire fencing shall meet the requirements and specifications of APWA 02821 and 02823 respectively. The relocation of fences and gates shall meet the requirements and specifications of APWA 02992 and related sections.
7. Tree Grates. Only four (4) foot square D&L O-8644 or approved equivalent grates shall be used. Grates shall be set to grade with the top back and sidewalk. Grates shall be set in metal frame manufactured specifically for grate. Frame shall be set in concrete extending a minimum of six inches (6") from sides of frame. Concrete shall be installed to Town standards for Portland cement concrete.
8. Vegetation Control. Vegetation control shall meet the requirements and specifications of APWA 02363.

B. LAWNS AND GRASSES

1. General. Lawns and grasses shall meet the requirements and specifications of APWA 02920.
2. Grading. Till soil to a depth of four inches (4") and remove rocks and debris over one inch (1") in diameter. The elevation of top soil relative to walks, hard surfaces or edges shall be:
Seeded Areas one and one-half inches (1 ½") below
Sodded Areas one and one half inches (1 ½") below

C. GROUND COVER

1. General. Ground cover shall meet the requirements and specifications of APWA 02930 and 02935. Install according to APWA plan number 683.

D. TREES

1. General. Tree and work relating to trees shall meet the requirements and specifications of APWA 02932, 02933, 02934 and 02935. Install according to APWA plan number 681. Use six foot (6') posts for any tree staking. Trees may be planted without a certified arborist when authorized by the Town.
2. Tree Sizes. Town ordinance specifies deciduous trees to be at least two inch (2") caliper and evergreen trees to be at least 8 to 10 feet in height. Plants of a larger size may be used pending approval by the Town. Sizes of root balls or containers shall be increased proportionately.
3. Labels. Label at least one (1) plant of each variety with a securely attached waterproof tag bearing legible designation of botanical and common name.

14.10 WATER/SEWER

14.10.010 CULINARY WATER

14.10.020 PRESSURIZED IRRIGATION

14.10.030 STORM, LAND AND GROUNDWATER DRAINS

14.10.040 IRRIGATION SPRINKLER SYSTEMS

14.10.010 CULINARY WATER

A. GENERAL

1. Specifications. These specifications cover the installation of culinary water lines. See LMC 14.08 for improvement and design requirements, LMC 14.16 for inspection and testing requirements, and LMC 14.08 for earthwork and trench requirements. See standard drawings related to water.
2. Pipe. Polyvinyl chloride (PVC) pipe shall be used for all culinary water mains unless authorized by the

Town Engineer or his/her designee.

3. Size. The Town must approve the sizes of all proposed culinary water lines. The minimum size of culinary water pipe is eight inch (8") diameter for main lines and one inch (1") diameter for services.
4. Location. Culinary water mains shall be located on either the north or east sides of a street ten feet (10') from the centerline. See standard drawings for utility locations.
5. Unusual Piping and Plumbing. Special and unusual piping and plumbing for equipment or structures are treated as separate items and are not included in these standards.

B. INSTALLATION

1. General. Culinary water distribution and transmission systems shall be installed according to the requirements and specifications of APWA 02510. PVC pipe shall also be installed according to the requirements and specifications of AWWA C605.
2. Pipe Cleanliness. All foreign matter or dirt shall be removed from the inside of the pipe before it is placed and it shall be kept clean during and after laying. No debris, tools, or other materials shall be placed in the pipe during laying operations. When laying of pipe is not in progress, the pipe shall be closed by a water-tight plug.
3. Identification Tape. All culinary water mains shall be installed with identification tape that meets the requirements and specifications of APWA 02320. Tape shall be buried twelve inches (12") below grade.
4. Lateral Displacement. All pipes shall be protected from lateral displacement resulting from impact or unbalanced loading during backfilling operations.
5. Restraining. Either thrust blocks or mechanical restraining devices shall be used for all tees, valves, plugs, caps and bends. Restraining shall be accomplished according to the standard drawings.
6. Connections to Existing Culinary Water Lines. The Contractor will be responsible to verify actual size, type of material and location of existing utilities in the field. The fittings and materials required for construction must be approved by the Town Engineer or his/her designee.

Where fitting sizes, such as tees and crosses, are shown on the plans, those sizes will be used. However, no attempt has been made to show all needed fittings or materials.

C. PIPE AND FITTINGS

1. General. Polyvinyl Chloride (PVC) pipe shall be used for all culinary water mains twelve inches (12") in diameter and smaller unless otherwise authorized by the Town Engineer or his/her designee. Ductile iron or polyethylene pipe shall be used for culinary water mains larger than twelve inches (12") in diameter. Only PVC or polyethylene pipe may be used in corrosive soils.
2. Polyvinyl Chloride Pipe (PVC). PVC pipe shall meet the standards and specifications of APWA 15014, AWWA C900 and C905. Only blue or white, pressure class 150 psi PVC pipe may be used for culinary water mains.
3. Ductile Iron Pipe. Ductile iron pipe shall meet the standards and specifications of APWA 15011. Only a pressure class of 150 psi or larger may be used. A tubular black polyethylene encasement must be installed according to AWWA C105 over all ductile iron pipe and fittings. Flanges, when required, shall meet the requirements and specifications of AWWA C115.
4. Polyethylene Pipe. Polyethylene pipe shall meet the standards and specifications of APWA 15013.
5. Steel Pipe - Lined and Coated. Steel pipe shall meet the standards and specifications of APWA 15010.
6. Fittings. Use Ductile Iron fittings that conform to the provisions of ANSI/AWWA C110/A21.10 or C153/A21.53 unless otherwise recommended by the manufacturer and authorized by the Town Engineer or his/her designee. All PVC pipe being inserted into fittings shall have the bevel end removed. All the bolts and nuts of all fittings shall be greased. All fittings shall have an eight (8) mil vinyl wrap plastic cover.

Minimum pressure Class will be 250 for pipes larger than twelve inch (12") diameter. Pipes of twelve inch (12") diameter and smaller shall be pressure Class 350.

D. VALVES AND COUPLINGS

1. General. All valves shall meet the requirements of APWA 02510 and 15030.
2. Resilient Seated Gate Valve. All valves on four inch (4") to ten inch (10") culinary water mains shall be resilient seated gate valves. Valves shall also be of iron body have non-rising bronze stems and meet the following specifications:
 - a. Mechanical Joint: When valves are Mechanical Joint, they shall be furnished with all necessary

- glands, followers, and bolts and nuts to complete installation.
- b. Valve Stems: Bronze valve stems shall be interchangeable with stems of the double disc valves of the same size, direction of opening and manufacture.
3. Butterfly Valve. All valves twelve inches (12") and larger shall be butterfly valves which meet the requirements and specifications of APWA 02510, 15030 and the following specifications:
 - a. General: Valve bodies shall be cast iron, ASTM A-126 Class B. Body ends shall be flanged with facing and drilling in accordance with ANSI B16.1, Class 125; or mechanical joint in accordance with AWWA C111. All mechanical joint end valves shall be furnished complete with joint accessories (bolts, nuts, gaskets, and glands). All valves shall conform with AWWA Standard C-504, Table 3, Laying Lengths for Flanged Valves and Minimum Body Shell Thickness for all Body Types.
 - b. Disc: Valve disc shall be ductile iron ASTM A-536, grade 65-45-12. Valve disc shall be of the offset design providing 360 degree uninterrupted seating.
 - c. Shaft Bearings: Shaft bearings shall be contained in the integral hubs of the valve body and shall be self-lubricated sleeve type.
 - d. Coating: All valves shall be coated with epoxy in conformance to AWWA Standard C-550, latest revision. Interior wetted ferrous surfaces shall be coated a nominal ten (10) mils thick for long life; and body exterior shall have a minimum of three (3) to four (4) mils coating thickness in order to provide superior base for field-applied finish coats.
 4. Valve Boxes. Valves shall be aligned with the front of sidewalk where possible. Earth fill shall be carefully tamped around the valve box to a distance of 4 feet on all sides of the box, or to the undisturbed trench face if less than four feet (4"). All top of valve boxes located in streets shall be installed one quarter inch (1/4") below grade. When a one inch (1") overlay is required a year after the road construction, the pavement surrounding the valve box shall be neatly cut to form a thirty inch (30") round opening with the valve box centered, and a concrete collar shall be cast around the box one quarter inch (1/4") below grade and the valve box set one half inch (1/2") below grade. Valve boxes in off-road areas shall extend six inches (6") above grade. Lid detail shall be similar to Comco C-6517.
 5. Couplings. Couplings shall be equal to the product of Smith-Blair or Dresser with cast iron couplings being used on all cast iron and PVC pipe. Couplings shall be of the straight, transition, or reducing style as required by the specific installation. All steel fittings and bolts shall be coated with a non-oxide coating and wrapped with polyethylene.
 6. Pressure Regulation Valves. Pressure regulation valves (PRV) which are required in a development shall be designed by the Developers engineer and the design shall be submitted to the Town Engineer or his/her designee for review and approval prior to starting construction. All PRV's shall be Cla-Val with a bypass, be placed in a concrete vault and have telemetry included.
 7. Tapping Valves. Tapping valves may only be used when previously approved by the Town Engineer or his/her designee. Tapping saddles with an "O" ring may be used if the culinary water main line to be tapped is larger than the new culinary water main line. Where the tap is the same size as the existing main, cast iron or stainless steel tapping sleeves shall be used, which encase the full perimeter of the pipe. The valve shall be a tapping valve with a guide lip on the flanged side. The opposite side of the valve shall have a mechanical joint connection.
 8. Air, Vacuum and Release Valves. Combination air, vacuum and release valves shall be installed according to the standard drawings at high points in the system as required by the Town.

E. FIRE HYDRANTS

1. General. Fire hydrants shall meet the requirements and specifications of APWA 02512. All fire hydrants shall be Waterous WB-67 or approved equivalent and red in color. They shall have a five and one quarter inch (5 1/4") barrel diameter and six inch (6") flange connection and a six inch (6") gate valve and valve box complete for a four foot six inch (4' 6") trench with one four and one half inch (4 1/2") streamer nozzle and two (2) two and one half inch (2 1/2") hose nozzles. Hydrants shall be frost proof. The threads shall be National Standard Fire Hose Thread. All outlets will have a national standard thread and the hydrant shall be red in color. Spacing of fire hydrants shall be according to the Uniform Fire Code.
2. Placement and Location. Fire hydrant location to be determined by the Town. Fire hydrants shall be set vertical and held in place by adequate concrete blocking which shall be left in the trench. Hydrants shall be set at a height that will allow approximately two inches (2") exposed between the finished ground and the sidewalk flange. A gravel filled drip area shall be provided. See standard drawing for fire hydrants.

The relocation of fire hydrants shall meet the requirements and specifications of APWA 02993 and related sections.

F. METERS AND SERVICES

1. General. See the standard drawings for culinary water services. The minimum size of new culinary water service lines is one inch (1"). All culinary water services shall have dual check valves. Culinary water services shall extend thirteen feet (13') beyond the back of sidewalk until connected to a building.
2. Placement and Location. All meters boxes shall have their location and grade staked prior to installation. No meter boxes shall be set in sidewalks or driveways. Service taps shall be a minimum of thirty-six inches (36") apart. No taps will be allowed within 36 inches of the end of the pipe.

Service laterals shall extend perpendicular from the main to the meter box. If a meter must be moved it may only be displaced a maximum of twenty-four inches (24") to either side. If it must be moved more than twenty-four inches (24"), a new service line must be installed. When a new service line is installed the old corporation stop shall be shut off at the main and the old service line cut two feet from the main.

Culinary water service lines shall meet the separation from sanitary sewer requirements in this chapter. Culinary water services shall extend twelve feet (12') beyond the back of sidewalk and plugged until connected to a building.

The relocations of culinary water meters shall meet the requirements and specifications of APWA 02993 and related sections. Only Type K copper pipe conforming to the requirements and specifications of APWA 15012 shall be permitted between the culinary water main and the meter.

3. Meters. All meters shall be paid for by the Contractor and supplied by the Town. Meter boxes shall be in good repair. They shall not be set at an angle, crushed, or dented. The inside of boxes must be free from obstructions such as dirt, rocks or debris.

G. FLUSHING

1. General. All culinary water lines shall be flushed after the high chlorine test and prior to the pressure test. See LMC 14.16. Testing and Inspection for testing information. Flushing shall be accomplished through hydrants and at the end each line.
2. Velocity. The Contractor shall install a tap sufficient in size to provide for two and one half foot (2 ½) per second flushing velocity in the line. The following is the flow quantity required to provide a two and one half foot (2 ½) per second flushing velocity.

FLOW REQUIREMENTS FOR FLUSHING

Pipe Diameter in Inches	Flow in Gallons per Minute
4 inch	100
6 inch	220
8 inch	390
10 inch	610
12 inch	880
16 inch	1,567
18 inch	1,980
20 inch	2,450
24 inch	3,525
30 inch	5,507

H. DISINFECTION OF CULINARY WATER LINES

1. Cleaning. The pipe shall be clean prior to disinfection. If in the opinion of the Town, contamination is such that it cannot be removed by flushing; the pipe shall be cleaned by mechanical means and then swabbed with a 1% hypochlorite disinfection solution.



2. Methods. All culinary water pipeline shall be disinfected as outlined in AWWA C651 by one of the following methods:
 - a. Tablet Method: The tablet method shall consist of placing calcium hypochlorite tablets at the specified rate in the main during construction at the upstream end of each section of pipe. The tablet shall be attached with an adhesive, such as Permatex No. 1 or equal. The line shall then be filled slowly (velocities less than one [1] ft/sec), expelling all air pockets and maintaining the disinfection solution in the line for at least twenty-four (24) hours, forty-eight (48) hours if the water temperature is less than forty-one degrees Fahrenheit (41° F). The disinfection solution shall have a concentration of at least twenty five (25) mg/l of available chlorine.
 - b. Continuous Feed Method: The continuous feed shall be done exactly as outlined in AWWA C651 and shall have a twenty-five (25) mg/l available Chlorine after twenty-four (24) hours.

Under both methods the Contractor shall not be allowed to flush the line until the chlorine residual test has been passed by the Town. If necessary culinary water lines shall be re-chlorinated until satisfactory bacteriological testing is obtained. See LMC 14.16. Testing and Inspection for testing information

14.10.020 PRESSURIZED IRRIGATION

A. GENERAL

1. Specifications. These specifications cover the installation of pressurized irrigation lines. See LMC 14.08 for improvement and design requirements, LMC 14.16 for inspection and testing requirements, and LMC 14.08 for earthwork and trench requirements. See standard drawings related to pressurized irrigation.
2. Pipe. Polyvinyl chloride (PVC) pipe shall be used for all pressurized irrigation mains unless authorized by the Town Engineer or his/her designee.
3. Size. The Town must approve the sizes of all proposed pressurized irrigation lines. The minimum size of pressurized irrigation pipe is four inch (4") diameter for main lines and one inch (1") diameter for services.
4. Location. Pressurized irrigation mains shall be located on either the south or west sides of a street five feet (5') from the centerline. See standard drawings for utility locations.
5. Unusual Piping and Plumbing. Special and unusual piping and plumbing for equipment or structures are treated as separate items and are not included in these standards.

B. INSTALLATION

1. General. Pressurized irrigation distribution and transmission systems shall be installed according to the requirements and specifications of APWA 02510. PVC 26 pipe shall also be installed according to the requirements and specifications of AWWA C605.
2. Pipe Cleanliness. All foreign matter or dirt shall be removed from the inside of the pipe before it is placed and it shall be kept clean during and after laying. No debris, tools, or other materials shall be placed in the pipe during laying operations. When laying of pipe is not in progress, the pipe shall be closed by a water-tight plug.
3. Minimum Cover. All pressurized irrigation mains shall have a minimum cover of two feet (2') to the top of the pipe.
4. Identification Tape. All pressurized irrigation mains shall be installed with identification tape that meets the requirements and specifications of APWA 02320. Tape shall be buried twelve inches (12") below grade.
5. Lateral Displacement. All pipes shall be protected from lateral displacement resulting from impact or unbalanced loading during backfilling operations.
6. Restraining. Either thrust blocks or mechanical restraining devices shall be used for all tees, valves, plugs, caps and bends. Restraining shall be accomplished according to the standard drawings.
7. Connections to Existing Pressurized Irrigation Lines. The Contractor will be responsible to verify actual size, type of material and location of existing utilities in the field. The fittings and materials required for construction must be approved by the Town Engineer or his/her designee.

Where fitting sizes, such as tees and crosses, are shown on the plans, those sizes will be used. However, no attempt has been made to show all needed fittings or materials.

C. PIPE AND FITTINGS

1. General. Polyvinyl Chloride (PVC) pipe shall be used for all pressurized irrigation mains twelve inches (12") in diameter and smaller unless otherwise authorized by the Town Engineer or his/her designee. Ductile iron or polyethylene pipe shall be used for pressurized irrigation mains larger than 12 inches in diameter. Only PVC or polyethylene pipe may be used in corrosive soils.
2. Polyvinyl Chloride Pipe (PVC). PVC pipe shall meet the requirements and specifications of APWA 15014 and AWWA C900, C905 and C909. Only purple, pressure class 150 psi pipe may be used for pressurized irrigation mains.
3. Ductile Iron Pipe. Ductile iron pipe shall meet the standards and specifications of APWA 15011. Only a pressure class of 150 psi or larger may be used. A tubular purple polyethylene encasement must be installed according to AWWA C105 over all ductile iron pipe and fittings. Flanges, when required, shall meet the requirements and specifications of AWWA 115.
4. Polyethylene Pipe. Polyethylene pipe shall meet the standards and specifications of APWA 15013.
5. Steel Pipe - Lined and Coated. Steel pipe shall meet the standards and specifications of APWA 15010.
6. Fittings. Use Ductile Iron fittings that conform to the provisions of ANSI/AWWA C110/A21.10 or C153/A21.53 unless otherwise recommended by the manufacturer and authorized by the Town Engineer or his/her designee. All PVC pipe being inserted into fittings shall have the bevel end removed. All the bolts and nuts of all fittings shall be greased. All fittings shall have an eight (8) mil vinyl wrap plastic cover.

D. VALVES AND COUPLINGS

1. General. All valves shall meet the requirements of APWA 02510 and 15030.
2. Resilient Seated Gate Valve. All valves on four inch (4") to ten inch (10") water mains shall be resilient seated gate valves. Valves shall also be of iron body have non-rising bronze stems and meet the following specifications:
 - a. Mechanical Joint: When valves are Mechanical Joint, they shall be furnished with all necessary glands, followers, and bolts and nuts to complete installation.
 - b. Valve Stems: Bronze valve stems shall be interchangeable with stems of the double disc valves of the same size, direction of opening and manufacture.
3. Butterfly Valve. All valves twelve inches (12") and larger shall be butterfly valves which meet the requirements and specifications of APWA 02510, 15030 and the following specifications:
 - a. General: Valve bodies shall be cast iron, ASTM A-126 Class B. Body ends shall be flanged with facing and drilling in accordance with ANSI B16.1, Class 125; or mechanical joint in accordance with AWWA C111. All mechanical joint end valves shall be furnished complete with joint accessories (bolts, nuts, gaskets, and glands). All valves shall conform with AWWA Standard C-504, Table 3, Laying Lengths for Flanged Valves and Minimum Body wall Thickness for all Body Types.
 - b. Disc: Valve disc shall be ductile iron ASTM A-536, grade 65-45-12. Valve disc shall be of the offset design providing 360 degree uninterrupted seating.
 - c. Shaft Bearings: Shaft bearings shall be contained in the integral hubs of the valve body and shall be self-lubricated sleeve type.
 - d. Coating: All valves shall be coated with epoxy in conformance to AWWA Standard C-550, latest revision. Interior wetted ferrous surfaces shall be coated a nominal ten (10) mils thick for long life; and body exterior shall have a minimum of three (3) to four (4) mils coating thickness in order to provide superior base for field-applied finish coats.
4. Valve Boxes. All buried valves shall be installed complete with two-piece, cast iron, slip type, five and one quarter inch (5 1/4") shaft valve box with drop lid. The lid shall have the word "IRRIGATION" or "DRAIN" according to the standard drawing cast in the metal.

Valves and valve boxes shall be installed where shown on the drawings. Valves and valve boxes shall be set plumb. Valve boxes shall be centered directly over the valve. Valves shall be aligned with property lines where possible. Earth fill shall be carefully tamped around the valve box to a distance of four feet (4') on all sides of the box, or to the undisturbed trench face if less than four feet (4'). Valves shall have the interiors cleaned of all foreign matter before installation.

All top of valve boxes located in streets shall be installed one quarter inch (1/4") below grade. When a one inch (1") overlay is required a year after the road construction, the pavement surrounding the valve box shall be neatly cut to form a thirty inch (30") round opening with the valve box centered, and a concrete collar shall be cast around the box. Valve boxes in off-road areas shall extend 6 inches above grade. Lid

detail shall be similar to Comco C-6517.

5. Couplings. Couplings shall be equal to the product of Smith-Blair or Dresser with cast iron couplings being used on all cast iron and PVC pipe. Couplings shall be of the straight, transition, or reducing style as required by the specific installation. All steel fittings and bolts shall be coated with a non-oxide coating and wrapped with polyethylene.
6. Pressure Regulation Valves. Pressure regulation valves (PRV) which are required in a development shall be designed by the Developers engineer and the design shall be submitted to the Town Engineer or his/her designee for review and approval prior to starting construction. All PRV's shall be Cla-Val with a bypass, be placed in a concrete vault and have telemetry included.
7. Tapping Valves. Tapping valves may only be used when previously approved by the Town Engineer or his/her designee. Tapping saddles with an "O" ring may be used if the water main line to be tapped is larger than the new water main line. Where the tap is the same size as the existing main, cast iron or stainless steel tapping sleeves shall be used, which encase the full perimeter of the pipe. The valve shall be a tapping valve with a guide lip on the flanged side. The opposite side of the valve shall have a mechanical joint connection.
8. Air, Vacuum and Release Valves. Combination air, vacuum and release valves shall be installed according to the standard drawings at high points in the system as required by the Town.

E. METERS, BOXES AND SERVICES

1. General. See the standard drawings for pressurized irrigation services. The minimum size of new pressurized irrigation service lines is one inch (1"). Pressurized irrigation services shall be installed after electric services. Every lot, including both sides of a twin home lot, shall have its own pressurized irrigation service.
2. Placement and Location. All meters and boxes shall have their location and grade staked prior to installation. No meters or boxes shall be set in sidewalks or driveways. Service taps shall be a minimum of thirty-six inches (36") apart. No taps will be allowed within thirty-six inches (36") of the end of the pipe.

Service laterals shall extend perpendicular from the main to the meter or box. For dual pressurized irrigation services, laterals shall extend perpendicular from the main to the tee.

If a meter must be moved it may only be displaced a maximum of twenty-four inches (24") to either side. If it must be moved more than twenty-four inches (24"), a new service line must be installed. When a new service line is installed the old corporation stop shall be shut off at the main and the old service line cut two feet from the main.

3. Meters and Boxes. All meters shall be paid for by the developer and purchased by the Town. Meter boxes and pressurized irrigation boxes shall be in good repair. They shall not be set at an angle, crushed, or dented. The inside of boxes must be free from obstructions such as dirt, rocks or debris. Meters shall be installed by the Developer or Contractor.
4. Polyethylene Pipe. Only CTS SDR9 200 psi purple polyethylene pipe shall be use for pressurized irrigation service lines. Pipe damaged by scratches, cuts, kinks or buckled areas shall not be installed.

The bottom of trench shall be flat with no hollows, no lumps and no rock. If these conditions do not occur pipe must be bedded in coarse sand. No rocks shall be allowed within six inches of pipe.

Pipe shall be cut with either a wheel or scissor type tubing cutter with a blade specifically designed for plastic. Cuts shall be square and clean. Cutter manufacturer instructions shall be followed when cutting pipe. All connections shall have stainless steel stiffeners.

There shall be no unnecessary bending of pipe. Taps shall be exactly horizontal to the pressurized irrigation main. If bending cannot be avoided maximum bending radius shall be twenty-five (25) times the pipe diameter. There shall be no bending within three feet (3') of a fixed point and no "S" shape curves.

F. FLUSHING

1. General. All pressurized irrigation lines shall be flushed before placed in service. Flushing shall be accomplished through the end of each line.
2. Velocity. The Contractor shall install a tap sufficient in size to provide for two and one half foot (2 ½') per

second flushing velocity in the line. The following is the flow quantity required to provide a two and one half foot (2 ½) per second flushing velocity.

FLOW REQUIREMENTS FOR FLUSHING

Pipe Diameter	Flow in Gallons per Minute
4 inch	100
6 inch	220
8 inch	390
10 inch	610
12 inch	880
16 inch	1,567
18 inch	1,980
20 inch	2,450
24 inch	3,525
30 inch	5,507

G. SANITARY SEWER

1. Specifications. Sanitary sewer facilities shall meet the requirements and specifications of APWA 02535. These specifications cover the installation of sanitary sewer lines. See LMC 14.08 for improvement and design requirements, LMC 14.16 for inspection and testing requirements, and LMC 14.08 for earthwork and trench requirements. See standard drawings related to sanitary sewers.
2. Pipe. All sanitary sewer pipe eighteen inches (18") in diameter and larger shall be reinforced concrete pipe (RCP) unless otherwise approved by Town Engineer or his/her designee.
3. Size. The Town must approve the sizes of all proposed sanitary sewer lines. Minimum size of pipe is eight inch (8") diameter for main lines and 4 inch diameter for services.
4. Location. Sanitary Sewer mains shall be located on either the south or west sides of a street ten feet (10') from the centerline. A maximum of four hundred feet (400') of pipe shall be allowed between manholes.
5. Minimum Slopes. Slopes shall be designed to have a two foot (2') per second velocity unless otherwise approved by the Town Engineer. The following table lists minimum slopes for sanitary sewer for each size of pipe:

MINIMUM SANITARY SEWER SLOPES

Piper Diameter (inches)	Minimum Slope (%)
4	2.000
6	1.000
8	0.334
10	0.248
12	0.194
14	0.158
15	0.144
16	0.132
18	0.113
21	0.092
24	0.077
27	0.066
30	0.057



36	0.045
48	0.031
54	0.027
60	0.023

6. Sanitary Sewer Lift Stations. Sanitary sewer lift stations which are required in a development shall be designed by the Developer's engineer and the design shall be submitted to the Town engineer and the design shall be submitted to the Town Engineer or his/her designee for review prior to starting construction. Lift stations will be the wet well/dry well type, will have standby power, proper ventilation, telemetry, and will be designed for large areas, not individual subdivisions.
7. Unusual Piping and Plumbing. Special and unusual piping and plumbing for equipment or structures are treated as separate items and are not included in these standards.

H. PIPE AND FITTINGS

1. General. Reinforced concrete pipe shall be used for all sanitary sewer lines larger than thirty six inches (36") in diameter and for all sewer mains of smaller size with less than two feet (2') of cover or more than eight feet (8') of cover. Non-reinforced concrete pipe may be used for pipe sizes with inside diameters smaller than eighteen inches (18"). All other sanitary sewer lines shall be constructed with polyvinyl chloride (PVC) pipe.

Pipe buried more than twelve feet (12') deep shall require manufacturing and engineering specifications to be submitted to the Town Engineer or his/her designee for written approval.

2. Concrete Pipe. Concrete pipe shall meet the requirements and specifications of APWA 15015. Reinforced concrete pipe (RCP) shall be Class III. Only new pipe may be used unless otherwise authorized by the Town Engineer or his/her designee.
3. Polyvinyl Chloride Pipe (PVC). PVC pipe shall meet the requirements and specifications of APWA 15014.

I. SERVICES

1. General. All sanitary sewer services shall be connected to existing sanitary sewer mains by use of a Inserta-tee brand connection or an approved equivalent. Sewer services shall extend twelve feet (12') beyond the back of sidewalk and plugged until connected to a building. The minimum cover of sewer laterals is at three feet six inches (3' 6") at the property line.
2. Clean-outs. Any bend in a service line between the main line and the property line greater than twenty two point five degrees (22.5°) needs to have a clean-out.

14.10.030 STORM, LAND AND GROUNDWATER DRAINS

A. GENERAL

1. Specifications. Storm, land and groundwater drain facilities shall meet the requirements and specifications of APWA 02630. These specifications cover the installation of storm, land and groundwater lines. See LMC 14.08 for improvement and design requirements, LMC 14.16 for inspection and testing requirements, and LMC 14.08 for earthwork and trench requirements. See standard drawings related to storm, land and groundwater drains.
2. Size. The Town must approve the sizes of all proposed drain lines. Minimum size of pipe is twelve inch (12") diameter.
3. Location. Drain lines shall be located along the centerline of the street. A maximum of five hundred feet (500') of pipe shall be allowed between manholes.
4. Minimum Slopes. Slopes shall be designed to have a two foot (2') per second velocity unless otherwise approved by the Town Engineer. The following table lists minimum slopes for drain lines for each size of pipe

MINIMUM DRAIN LINE SLOPES

Piper Diameter (inches)	Minimum Slope (%)
12	0.194



14	0.158
15	0.144
16	0.132
18	0.113
21	0.092
24	0.077
27	0.066
30	0.057
36	0.045
48	0.031
54	0.027
60	0.023

5. Unusual Piping and Plumbing. Special and unusual piping and plumbing for equipment or structures are treated as separate items and are not included in these standards.
6. Groundwater Drains. All plans for groundwater drains must be designed and stamped by licensed professional engineer. Only rigid pipe may be used.

B. PIPE AND FITTINGS

1. General. Reinforced concrete pipe shall be used for all drain lines larger than thirty-six inches (36") in diameter and for all drain lines of smaller size with less than two feet (2') of cover or more than eight feet (8') of cover. Non-reinforced concrete pipe may be used for pipe sizes with inside diameters smaller than eighteen inches (18"). Corrugated metal pipe (CMP) may only be used when authorized by the Town Engineer or his/her designee.
2. Concrete Pipe. Concrete pipe shall meet the requirements and specifications of APWA 15015. Reinforced concrete pipe (RCP) shall be Class III. Only new pipe may be used unless otherwise authorized by the Town Engineer or his/her designee.
3. Polyethylene Pipe. Polyethylene pipe shall meet the requirements and specifications of APWA 15013 Type S for storm drains and Type SP for land or groundwater drains.
4. Polyvinyl Chloride Pipe (PVC). PVC pipe shall meet the requirements and specifications of APWA 15014.
5. Corrugated Metal Pipe (CMP). CMP shall meet the requirements and specifications of APWA 15019.

C. SUMPS AND APPURTENANCES

1. Connecting to Existing Storm. Manholes and sumps used to connect proposed storm drain to existing storm drain shall be plumb and centered on the existing storm drain. The new pipe shall be placed against the existing pipe at the elevation designated by the project engineer and the base poured as specified above. Care shall be taken not to disturb the alignment of the existing storm drain during the excavation procedure. Any damage to the existing storm drain shall be repaired.
2. Sumps. If the sump is located in an area where the earth is stratified with gravel layers, care shall be taken during backfill to be sure that these layers are not sealed off from the sump beginning four feet (4') below the bottom of the sump up to the top of the sub-grade.

After backfilling is completed, the entire excavation shall be thoroughly flooded to insure that settlement is complete. Grates shall be set in place and adjusted for final elevation and alignment.

Sumps may only be constructed of reinforced concrete, precast sections and shall meet the requirements of ASTM C478-73. Sumps shall have eccentric lids to ensure adjustments in alignment.

3. Inlet and Clean Out Structures. Surface water must enter the Town storm drain system through standard Town inlet boxes. In no case may water inlet directly into storm manholes, clean-outs, or sumps.

All inlet and clean out structures shall be reinforced concrete boxes. They may be precast or cast-in-place. Grate and Frame Material All castings shall be of ASTM A-48, Class 35 iron free from blowholes and shrinkage defects. Castings shall be free from fins and burrs and shall be shot-blasted to remove sand and

other foreign matter. Freedom from cracks and defects shall be ascertained by the engineer prior to installation.

4. Headwalls. A headwall shall be installed at all ditch to pipe transitions. Headwall designs must be stamped by a licensed professional engineer and approved by the Town Engineer or his/her designee.

D. RETENTION/DETENTION BASINS

1. Retention Basins. All retention basins shall be constructed with a maximum water depth of twelve inches (12"). Detained water from a twenty-four (24) hour long twenty-five (25) year storm event must drain completely within twelve (12) hours. All retention basins shall have a series of interconnected sumps connected to curb inlet boxes or storm drain main lines. All retention basins shall be landscaped in accordance with Town Standards.

All retention basins shall be constructed for drainage areas designated in the general plan. Basins for smaller areas may be allowed only with prior written approval of the Town Engineer or his/her designee.

2. Detention Basins. All detention basins shall be constructed with a maximum water depth of eighteen inches (18"); with that depth remaining for no longer than a six (6) hour period. Detention basins may be constructed in landscape or parking areas. Each detention basin shall have an outlet to the Town storm drain system.

14.10.040 IRRIGATION SPRINKLER SYSTEMS

A. GENERAL

1. Specifications. These specifications are for landscape work completed on private property that will become public property. All underground irrigation systems shall meet the requirements and specifications of APWA 02810.
2. Appurtenances. Any minor items of labor or materials not specifically noted on the drawings or specifications; but obviously necessary for the proper completion of the work, are to be considered as incidental to and are to be included in the contract.
3. Pressure Verification. The Contractor, prior to installing the system, must verify existing water pressure. If there is a failure to obtain the needed pressure or if an excess of pressure exists for normal operation, the Contractor shall contact the Town for any adjustments to the system. Failure to report any discrepancies in pressure due to whatever reason, and installation done prior to notification of Town Parks Department shall be done at the expense of the Contractor.
4. Plan Modifications. The plans show the general arrangement of all piping. Should local conditions necessitate the rearrangement of some, or if piping can be run to better advantage, the contractor, before proceeding with the work, shall prepare and submit drawings of such to the office of the Levan Town Parks Department Representative and obtain written approval before commencing work shown by these drawings.
5. As-Built Drawings. Before the final inspection is complete, the contractor must furnish as-built drawings. These drawings should be updated on a daily basis to assure accuracy. The drawings must show the location of all valves, pipe, heads, controller control lines, and drain valves used on the job. These drawings and maintenance manuals must be submitted at the time of final inspection or in accordance to the general conditions.
6. Final Inspection. The Contractor shall operate, maintain, and guarantee the irrigation sprinkler system until all landscaping on the project is approved by the Town Parks Department at a final inspection. Contractor shall submit manufacturer's technical product maintenance data and installation instructions for irrigation sprinkler system materials and products to the Town before final inspection.

B. PIPE AND FITTINGS

1. Pipe. Use solvent weld schedule forty (40) PVC for main line pipe three inches (3") in diameter and smaller. Use Class two hundred (200) PVC for main line pipe larger than three inches (3") in diameter.
2. Main Line Fittings. Use solvent weld schedule forty (40) PVC fittings for pipe smaller than three inches (3") in diameter. All fittings for pipe three inch (3") and larger pipe shall be ductile iron, grade 65-45-12 in accordance with ASTM A-536.

Fittings shall have deep bell push on joints with gaskets meeting ASTM F977. Fittings shall be Harco

Deep Bell as manufactured by the Hanington Corporation of Lynchburg, VA or approved equal. Transition gaskets are not allowed.

3. Circuit Pipe Fittings. Use solvent weld schedule forty (40) PVC fittings.
4. Sleeves. Pipe and control wiring and tubing under walks, roads and other hard surfaces shall be installed in solvent weld Class forty (40) PVC sleeves of adequate size. Sleeves for pipes shall be a minimum of three inches (3") in diameter or one and a half (1 ½) times the size of the pipes whichever is greater. Sleeves shall be straight and level or less than two percent (2%) grade. All wiring shall be placed in its own conduit. Wire conduit may be run inside of sprinkler pipe sleeves. Conduit for control wires shall have minimum inside diameters according to the following chart:

MINIMUM SLEEVE CONDUIT SIZES

Number of Wires	Conduit I.D.
1 to 7	1 inch
8 to 11	1 ½ inch
12 to 22	2 inch
23 to 31	2 ½ inch
32 to 36	3 inch

C. SPRINKLER HEADS

1. General. Install according to APWA plan number 621 and 622, but do not install PVC elbow and riser.
2. Rotary Heads. All rotary type sprinkler heads shall be Hunter "I" series or approved equal. All stream rotary and impact heads capable of distributing ten (10) gallons per minute or more shall be installed on pre-assembled swing joint by Spears or an approved equivalent.

D. CONTROLLER, VALVES AND FLOW METERS

1. Controller. Controller and pedestal shall be the same type as those used in the Town central control system. The controller shall be as described in the irrigation legend on the drawings.
2. Manual Main Line Isolation Valve. See standard drawing for pressure pipe main line valves.
3. Manual Circuit Isolation Valve. Brass ball valve with handle. Install box
4. Automatic Valves. Automatic valves shall be Weathermatic electric remote control valves or an approved equivalent. A manual circuit isolation valve shall be installed on the supply side of each automatic valve. Install according to APWA plan number 633, but do not install schedule eighty (80) PVC union.
5. Master Valves and Flow Meters. Master valves and flow meters must be installed on main supply line and/or according to design and must be compatible with the Town central control system
6. Auto Drain Valves. Install according to APWA plan number 632.
7. Back Flow Preventer. Shall be required on connections to the culinary water system. Install according to APWA standard plan number 631.
8. Stop and Waste Valves. Stop and waste valves shall be Mueller H - 10288 Oraseal or an approved equivalent. Stop and Waste valve shall be of manual type for operation by handle key.
9. Quick Coupler Valves. Quick coupler valves shall be installed with brass riser and pre-manufactured swing joint. At least two (2) quick coupler valves shall be installed, one at each end of main line. Valves shall be one inch (1") standard.
10. Valve Boxes. Valves shall be located in lawn or planted areas. Avoid locating valves in areas of high pedestrian and vehicular circulation. Valve boxes shall be at finished grade with valve stems four inches (4") minimum and twelve inches (12") maximum below top of box and with three inches (3") of pea gravel or three-quarter inch (3/4") minus crushed gravel under the valve. Valve boxes shall be rectangular, heavy duty and green in color. Valve boxes for automatic valves shall be large enough to enclose manual circuit isolation valve and automatic valve.
11. Control Wire. Install wire according to APWA plan number 651. Add two (2) extra blue control wires per controller to the longest run for emergency use and mark it in the control box as an extra wire.

E. INSTALLATION

1. Schedule. Contractor shall submit a construction schedule of anticipated work time to facilitate timely



- visits for review of work. Schedule must be submitted to the Town before any landscaping may begin
2. Depth and Location. Lines bordering curbs or sidewalks shall be six inches (6") away to allow for maintenance and access to the lines. Control wires must be buried at least twelve inches (12") below finished grade and bundled with a plastic tape every twenty feet (20').
 3. Trench Backfill Material. All trenches shall be backfilled in twelve inch (12") lifts and tamped sufficiently to insure no settling of the surface. No rocks larger than one inch (1") shall be allowed within three inches (3") of the pipe. The Contractor, in placing the irrigation lines, and appurtenances, may uncover material not suitable for finished grading. This material shall be removed from the site. After the installation of the lines, the finished grading shall be smoothed over and restored to its original condition, using additional topsoil where necessary.
 4. Thrust Blocks. All mainlines greater than two inches (2") in size shall be installed with thrust blocks wherever a change of direction occurs. Thrust blocks shall be installed as follows:
 - a. Bearing. Bearing area of concrete thrust-block based on 200-PSI pressure and safe soil bearing load of two thousand (2,000) pounds per square foot.
 - b. Concrete blocking shall be cast in place and have a minimum of one-quarter (1/4) square foot bearing against the fittings.
 - c. Block shall bear against fittings only and shall be clear of joints.
 - d. Contractor shall install block adequate to withstand full test pressure as well as to continuously withstand operation pressure under all conditions of service.
 5. Flushing. When the pipe lines are connected and the sprinkler risers in place but before any heads are installed, the control valves shall be opened and flushed with a full head of water to clean out the system.

14.12 STREETS AND PAVEMENTS

14.12.010 GENERAL

14.12.020 STREET CROSS SECTION

14.12.030 TRAIL SECTION

14.12.040 BITUMINOUS SURFACE COURSE

14.12.010 GENERAL

- A. STREET DESIGNATIONS. Street designations include: local streets, minor and major collector streets and arterial streets. Designations shall be assigned by the Town.
- B. TIME LIMITATION AFTER CURB AND GUTTER. Pavement must be finished within forty-five (45) days of the placement of curb and gutter unless an extension is granted by the Town Engineer
- C. GEOTEXTILES, GEOGRIDS AND GEOCOMPOSITES. All geotextile work shall meet the requirements and specifications of APWA 02075 and 02745. Geogrid and geocomposite work shall meet the requirements and specifications of APWA 02076 and 02745.
- D. PAVERS. Pavers and installation shall meet the requirements and specifications of APWA 02782 and 02783. See standard drawing: Pre-cast Concrete Pavers.
- E. PAINTED TRAFFIC LINES AND MARKINGS. Painted traffic lines and markings shall meet the requirements and specifications of APWA 02765 and the MUTCD.
- F. TRAFFIC BARRIERS. Traffic barriers shall meet the requirements and specifications of APWA 02841 and the MUTCD.
- G. DELINEATORS. Delineators shall meet the requirements and specifications of APWA 02842 and the MUTCD.

14.12.020 STREET CROSS SECTION

- A. SOILS INVESTIGATION. A soils investigation shall be performed for all new roads and those roads for which work will be performed. The results of this investigation and a design of the road cross section shall be submitted to and accepted by the Town Engineer or his/her designee.

The following guidelines shall be used as a minimum requirement for street cross sections. They should be used unless the soils investigation indicates they are not adequate. Any variations from these standards must be approved by the Town Engineer or his/her designee.

- B. PAVEMENT SECTION. All roads shall be paved with asphalt concrete according to Town standards unless authorized by the Town Engineer or his/her designee. The following table shall be used for minimum

pavement depths for each type of pavement application:

PAVEMENT COURSE THICKNESS

Application	Minimum Pavement Thickness
Parking Lots and Driveways	2 ½
Local Streets	2 ½ + 1 inch overlay after 1 year
Collector Streets	3 + 1 inch overlay after 1 year
Arterial Streets	4 + 1 inch overlay after 1 year

Pavement shall be a minimum three inches (3") thick within thirty feet (30') of a cross gutter. Streets shall have a one inch (1") overlay one (1) year after the end of construction inspection.

- C. ROAD-BASE SECTION. All roads shall have a minimum eight inches (8") of road-base under the pavement section. Road-base shall be an untreated base course installed according to Town standards. See LMC 14.08. Earthwork and Trenching. Road-base shall be finished to a smooth uniform line and grade.
- D. SUB-BASE SECTION. All sub-base shall be an engineered fill installed according to Town standards. See LMC 14.08. Earthwork and Trenching. Sub-base shall be finished to a smooth uniform line and grade. The following table shall be used for minimum sub-base course thicknesses for the following California Bearing Ratio (CBR) values of sub-grade:

MINIMUM SUB-BASE COURSE THICKNESSES

	Sub-grade CBR	Minimum Sub-base Thickness (inches)
PARKING LOTS AND DRIVEWAYS	Less than 2	12
	2 to 8	8
	More than 8	No Sub-base Required
LOCAL STREET	Less than 2	15
	2 to 3	12
	3 to 10	8
	More than 10	No Sub-base Required
COLLECTOR STREET	Less than 2	18
	2 to 3	15
	3 to 5	21
	5 to 15	8
	More than 15	No Sub-base Required
ARTERIAL STREET	Less than 2.5	24
	2.5 to 3.5	18
	3.5 to 6	12



	6 to 25	8
	More than 25	No Sub-base Required

E. GRADING. The sub-grade, sub-base, and road base shall all be graded to an engineered red-head and accepted by the Town. Red-heads shall be placed every fifty feet (50') at the crown of the road. If the distance between red-heads and edge of pavement exceeds twenty-five feet (25') additional redheads shall be installed half way between the crown and edge of pavement.

14.12.030 TRAIL SECTION

A. GENERAL. A soils investigation shall be performed for all new trails. The results of this investigation and a design of the trail section shall be submitted to and accepted by the Town Engineer or his/her designee.

The following guidelines shall be used as a minimum requirement for trail cross sections. They should be used unless the soils investigation indicates they are not adequate. Any variations from these standards must be approved by the Town Engineer or his/her designee. All trail materials shall be placed according to Town standards.

1. Engineered Fill. Compacted engineered fill shall be placed in all areas where fills are required to meet grade or the requirements of the soils investigation.
2. Untreated Base Course. six inches (6") of compacted untreated base course shall be placed under the surface course of all trails.
3. Bituminous Surface Course. two and one half inches (2 ½") of APWA AC-20-DM-1/2 bituminous surface course shall be placed across ten feet (10') of the trail section.
4. Limestone Crusher Fines. When required, two and one-half inches (2 ½") of limestone crusher fines shall be placed along the edges of the trails to the top of the bituminous surface course.

B. SURVEY. Both sides of a trail shall be laid out by a survey and approved by the Town before construction. Lath shall be placed at one hundred foot (100') intervals and at bends and obstacles the trail comes near.

C. WEED ABATEMENT. All weeds shall be sprayed and killed with Roundup or an approved equivalent one week before any work may be performed, and within three (3) weeks of the placement of untreated base course.

D. GEOTEXTILE SILT FENCE. An APWA 02075 silt fence shall be installed along the limits of the trail construction at hillsides and river embankments.

E. SUB-GRADE. The sub-grade shall be grubbed of all trees, bushes and other organic matter. Sub-grade shall be graded to meet the following A.D.A. requirements for walkways:

1. Maximum Slope. Sub-grade shall not have a slope greater than eight point three-three percent (8.33%).
2. Maximum Run for Steep Slopes. For slopes between five percent (5.00%) and six point two five percent (6.25%) the maximum run shall be forty feet (40'). For slopes between six point two five percent (6.25%) and eight point three-three percent (8.33%) the maximum run shall be thirty feet (30').

F. WEED BARRIER. Weed barrier geotextile shall meet the requirements and specifications of APWA 02075.

G. LIMESTONE CRUSHER FINES. The compacted limestone crusher fines shall meet the following gradation:

LIMESTONE CRUSHER FINES GRADATION

Sieve	Passing
inch	100%
No. 4	70 to 90%
No. 10	30 to 70%
No. 40	5 to 30%
No. 200	5 to 15%

H. CLEAN-UP. Upon completion of the trail section all windrows, survey and construction debris shall be removed from along the edges of the trail.

14.12.040 BITUMINOUS SURFACE COURSE



- A. PAVING ASPHALTS. Paving asphalts shall meet the requirements and specifications of APWA 02703. Recycled asphalt (RA) content may not exceed twenty-five percent (25%) in any mix design.
- B. ASPHALT CONCRETE. Asphalt concrete shall meet the specifications and requirements of APWA 02705 Asphalt Concrete, 02745 Hot-Mix Asphalt Concrete Paving and 02747 Cold-Mix Asphalt Concrete Paving. Use AC-20-DM-3/4 unless otherwise specified.

Cold-mix asphalt concrete shall only be installed when allowed by the Town. All cold-mix asphalt concrete shall be replaced with hot-mix within thirty (30) days of when it becomes available.

Superpave performance graded asphalt concrete that meets the specifications and requirements APWA 02706 shall be used in all arterial streets. All other streets and asphalt concrete applications shall meet the specifications and requirements of the APWA medium traffic classification.

- C. PRIME COAT. Prime coat only as required by the plans or the Town. Prime coat shall meet the requirements and specifications of APWA 02708.
- D. TACK COAT. Install tack coat as required and according to APWA 02709.
- E. OVERLAYS AND PATCHES. Use APWA AC-20-DM-1/2 for overlays less than two inches (2") thick. Use APWA AC-20-DM-3/4 for overlays two inches (2") thick or greater. Use SS-1 emulsified asphalt tack coat.
- F. SLURRY SEAL. Slurry seals shall meet the requirements and specifications of APWA 02785. Only type SS-I asphalt slurry seals shall be applied to Town streets.
- G. CHIP SEAL. Chip seals shall meet the requirements and specifications of APWA 02786.
- H. MICRO-SURFACING. Micro-surfacing shall meet the requirements and specifications of APWA 02787.
- I. PAVEMENT CRACK SEAL. Pavement crack seals shall meet the requirements and specifications of APWA 02975.

14.14 ELECTRICAL/COMMUNICATIONS

14.14.010 ELECTRICAL SERVICE

14.14.020 COMMUNICATION SERVICE

14.14.010 ELECTRICAL SERVICE

A. GENERAL

1. Standards and Specifications. All electrical work shall be installed in accordance with these development standards, the most current edition of the National Electrical Code (NEC) and the National Electric Safety Code (NESC).
These specifications cover the installation of the electrical system. See LMC 14.08 for improvement and design requirements, see LMC 14.16 for inspection and testing requirements, and LMC 14.08 for earthwork and trench requirements. See standard drawings related to electrical system.
2. Construction Costs. All costs to install or relocate facilities to provide electrical service shall not be paid for by the Town.
3. Attaching to Existing Town Facilities Prohibited. Consumer shall install no wiring or attachments on poles or other equipment of Town unless specifically authorized, in writing, by the Town.
4. Unusual Service Extensions. Special and unusual service extension requirements for equipment or structures are treated as separate items and are not included in these standards.
5. Permits and Inspections. Service will not be established until all necessary permits have been obtained and not until Consumer's wiring installation has been inspected and approved by the Town. The Town reserves the right to inspect wiring and to refuse service to any installation that is, in the opinion of the Town, unsafe or if the operation of same may be detrimental to the service furnished other Consumers or the Town.
6. Access to Premises. Any properly identified representative of the Town shall, at all reasonable hours, have free access to and from the premises of the Consumer for the purpose of inspecting Consumer's installations and electric equipment and for the purpose of reading, repairing, testing, or removing the Town's meter or its other property. When, in the opinion of Town, emergency conditions exist with respect to Town's service, Town's representative shall have immediate and free access to Consumer's premises.
7. Electrical Plan Drawings. Utility shall provide electrical plan drawings. If you would like to request any changes to these drawings, please contact the electrical superintendent with your proposal. Approved

electrical drawings must be initialed by an approved electrical division supervisor, and signed by the electrical superintendent in order to be valid for construction of the electrical system improvements. Photo-copies of approved drawings will not be considered valid. Revisions, if needed, must also include the date the revision was approved.

8. Electrical Box Clearance. All electrical boxes shall have twelve feet (12') clearance to the front and three feet (3') clearance to the back and on either side. Secondary pedestals shall only require three feet (3') of clearance on all sides.

B. VOLTAGE AND ENERGY REGULATION

1. Available Voltages. Standard residential service shall be 1 phase, 3 wire, 120/240 volt. Standard commercial and industrial service shall be 3 phase, 4 wire, 120/208Y volt, or 3 phase, 4 wire, 277/480Y volt. Developer must contact the Town for the availability of other service options.

Town reserves the right to deny a customer 3-phase service if the Town determines that single-phase service will adequately supply Consumer's load requirements.

2. 3 Phase Service. 3 phase service may, at the Cities' option, be furnished where 3 phase facilities of adequate capacity are already installed immediately adjacent to the point where service is to be delivered to Consumer, or where, as determined by Town, it is economically feasible to extend such 3 phase facilities.

Town reserves the right to refuse to extend or install 3 phase facilities to serve motors individually rated at 20 HP or less and to furnish only 1 phase service for such motors. In such an event, Consumer may elect to install 1 phase to 3 phase conversion equipment to operate 3 phase motors.

3. Power Factor Correction. Town reserves the right to require the Consumer to install power factor corrective equipment. This equipment shall maintain the power factor on all of consumer's electric power meters to not less than ninety percent (90%) lagging at all times.
4. Load Control. The Town reserves the right to require Consumers to install equipment to limit load and reduce voltage fluctuations.
5. Voltage Control. Where Consumer installs power factor corrective equipment, the Town reserves the right to require Consumer to install controls and equipment to prevent voltage, frequency, and/or harmonics problems that may be detrimental to other Consumers or the Town.
6. Fluctuating Load Limitations. Where large fluctuating 1 phase loads, such as spot welders, are involved, the Town reserves the right to require such loads to be supplied by means of a 3 phase to a single-phase converter or other similar equipment. All conversion equipment shall be installed, owned, operated and maintained by the Consumer.

In the event a separate service or transformer installation or additional transformer capacity is required to adequately serve fluctuating loads (such as X-ray equipment, welders, etc.). Such equipment costs and installations shall be the responsibility of the consumer.

7. Penalties. If, such voltage control equipment is not installed by Consumer, consumer may be required to pay a power factor penalty and/or all electric service shall be subject to disconnection. Consumer's wiring used to supply such fluctuating loads shall be installed in a continuous run of rigid conduit and cable as approved by Town.

C. MATERIALS

1. Conduit. All conduit shall be electrical grade conduit. Conduit shall be schedule 40 PVC unless otherwise specified by the Town. Electrical grade rigid metal conduit shall be used under collector and arterial streets and for all sweeps over thirty (30) degrees. All conduit extending out of the ground outside of an enclosure shall be rigid metal from the elbow up a minimum of ten feet (10'). All buried metal conduit shall be coated with anti-corrosion tape. Tape shall be a minimum of 2 inches wide. Use 3 inch conduit for 1 phase lateral line and a minimum of a four inch (4") conduit for 3 phase lateral line.
2. Enclosures. All enclosures including, primary and secondary junction boxes, shall be level. Opening mechanisms and locking devices on all transformer equipment shall be four (4) to six (6) inches above final grade. Opening mechanisms and locking devices on all primary and secondary junction boxes shall be ten inches (10") above final grade.

If ground sleeves or pads settle, Developer shall be required to re-level to the above specifications. If primary enclosures or transformers settle after being energized, the Town shall re-level the equipment at the Developer's expense.

D. INSTALLATION

1. General. All electrical facilities will be installed by a licensed electrical contractor. A certified journeyman electrician or lineman shall be on site during all conduit installation, cable pulling and connecting of electrical wiring.
Contractor shall construct all electrical facilities in a development except for the following which shall be completed by the Utility:
 - a. Pulling high voltage underground cable;
 - b. Installing high voltage cable terminations;
 - c. Setting transformers and switch gears (contractor shall install sectionalizer's);
 - d. Secondary connectors shall be connected in transformers (exception: contractor shall connect secondary connectors in 3 phase transformers);
 - e. All overhead facilities, including extension of risers as shown in the standard drawings.
2. Underground Lines. All new facilities shall be constructed underground unless otherwise authorized by the Town. No overhead power will be allowed unless required by the Utility.
3. Conduit Depths. The following depths shall be used for electrical conduit:

ELECTRICAL CONDUIT DEPTHS

Conduit Size	Depth to Top of Conduit
2 Inch Service	4 Feet
3 and 4 Inch	4 Feet
Street Light	4 Feet
5 Inch	5 Feet
6 Inch	6 Feet

4. Tracer Wire and Pull Strings. A twelve (12) gauge solid THHN tracer wire shall be installed with all stubbed conduits according to standard drawings. All primary conduits shall have a pull sting in the conduit securely tied off in each pad or enclosure.
5. Identification Tape and Stub Markers. All conduits shall have caution tape taped directly on the conduit, and buried twelve inches (12") below grade. Tape shall meet the requirements and specifications of APWA 02320. The end of each stubbed conduit, including service laterals, shall be marked to the surface according to the standard drawings.
6. Underground Metal Conduit. All buried metal conduit shall be coated with corrosion protective tape. Tape shall be a minimum of two inches (2") wide.
7. Berms, Slopes, and Hillsides. For installation instructions around berms, slopes, and hillsides contact the Town electric division.
8. Labels. An imprinted, plastic label shall be securely taped to the end of each conduit run. The label shall indicate whether the conduit run is primary or secondary. The label shall also include the address of where the run ends.

E. SYSTEM REQUIREMENTS

1. Additional Capacity Requirements. In the event a Consumer makes application for additional capacity, subject to provisions of the applicable rate schedule, Consumer shall install the necessary transformer capacity, service wires and other equipment required to adequately serve Consumer's requirements.

All applications for service involving the furnishing of additional capacity or equipment by the Town may be required of the Consumer. The application shall state that any service entrance wiring and main switches required for the utilization of such additional capacity to be furnished by consumer shall be considered as permanent fixtures belonging to the property being served and property except for replacement or enlargement if necessary.



2. Substations. Substation May Be Required of Consumer. The Town reserves the right, where unusual substation capacity or voltage is involved, to require the Consumer to install the necessary complete substation as provided for in Town's rate schedule. In such an event, the Consumer will receive the substation ownership discount specified in the applicable rate schedule.

Where the Consumer furnished the necessary complete substation equipment to take service at primary service voltage, such equipment shall be owned and maintained by the Consumer and shall include the necessary transformers, structure, controls, and protective equipment, and shall be of such quality and construction as meets Town approval.

F. SERVICES

1. Point of Service. The Town determines the point of delivery for all developments. Town reserves the right to meter service at either primary or secondary voltage. For large or unusual loads, Town reserves the right to require Consumer to take service at primary voltage and to require Consumer to furnish the necessary complete substation equipment. In such an event, the substation ownership discount shall apply. The Town will decide if multiple buildings, business and residential, or portions of buildings will be metered from one or from multiple metering points.
2. Service Entrance Requirements. The service entrance shall be defined as the facilities that consist of approved service entrance conduit and cable enclosing conductors and appurtenances. Said conductors shall extend from the point of contact with Town's meter installation and thence to and including Consumer's service entrance safety switch.
 - a. Service Entrance Safety Switch: A residential service safety switch shall be a combination meter base and main disconnect device. A commercial service safety switch shall be an outdoor service disconnect device, which will remain accessible at all times. This device may be a main breaker, but minimum requirement shall be a safety switch which will disconnect all power to the entire facility.
 - b. Service Entrance Conductors: All service entrance conductors and any conduit enclosure shall be continuous, unbroken, and completely exposed for external inspection throughout their entire length, extending from said point of contact with Town's service wires to the meter socket (or meter cabinet if installed) and thence to Consumer's service entry safety switch.

Consumer shall provide service wire from house to junction box or pole according to Town standard drawings. Overhead services shall also include mast knob and service grips. Wiring shall meet load and installation requirements as indicated in the NEC.

- c. Service Drop Support and Attachments: For one story buildings, or where conditions will not permit proper ground clearance to be maintained by Town's service wires, Consumer shall install, at consumer's expense, suitable conduit or service entrance mast pipe or other structure or support that will properly support the Town's service drop conductors and to maintain the minimum ground clearance as required by the NESC.
- d. Service Entrance Weatherhead Clearance: The service entrance weatherhead shall be located so as to meet or to exceed NESC clearance from readily accessible windows, doors, or porches. The weatherhead must also be located so that when the service drop conductors are attached to the building structure or other service drop support, adequate clearance will be maintained away from telephone or other wires, windows, awnings, drainpipes, chimneys, or other obstructions.
- e. Service Entrance Mast Pipe: This installation shall be made by Consumer, at his/her expense, and shall conform to Town's specifications. The service entrance mast pipe shall be of galvanized steel of not less than two inch (2") inside diameter and shall be attached to the wall of the building by means of an adequate number of approved fastening devices. All service conduit shall be two inches (2") in diameter, or larger.

The mast pipe and/or conduit shall be continuous, extending from the service entrance weatherhead located at the top of the mast pipe to Consumer's meter socket base.

The service entrance mast pipe shall extend above the roof surface (through weatherproof roof flashing) so that the point of attachment of Town's service wires to the mast pipe will be not less than 18 inches above said roof line, plus such additional height as is necessary so that the point of attachment of Town's service wires will maintain minimum ground clearance, specified in the NESC.

- f. Service Drop Attachment to Buildings: The consumer will furnish and the Town will install the necessary attachment brackets and appurtenances to attach Town's service wires to Consumer's service drop termination facilities.

Town further reserves the right to require that the installation of the necessary mast pipe or equivalent facilities required to support the Town's service wires, be made by Consumer during the course of building construction.

Where the exterior of buildings is finished with brick facing, concrete, plastered metal lathe, sheet iron, stucco, tile or similar material, suitable facilities of adequate strength to hold Town's wires and attachments, shall be installed by Consumer at Consumer's expense.

- g. Service Drop Conductor Ground Clearance: The service drop conductors must be located at such height as will enable adequate clearance to be maintained through the entire service drop length. The minimum ground clearance shall be as specified by the NESC, but not less than twelve feet (12') over driveways not subject to truck traffic; sixteen feet (16') over commercial areas, parking lots and other areas subject to truck traffic; and twenty-two feet (22') over public streets, alleys and roads.
- h. Service Entrance Conductor Specifications: The service entrance conductors may be either copper or aluminum, and shall be continuous without any joints, splices or connections, extending from the point of connection with service drop conductors to the termination of same at the meter socket or meter cabinet and thence same shall continue without joints, etc., to Consumer's service entrance safety switch.

The Consumer shall have electrical Contractor provide at the service entrance weatherhead, sufficient excess service entrance conductor length or "tails" (eighteen [18] inch minimum) so that Town can connect same directly to the service drop conductors.

The service entrance installation shall conform in every respect to Town's specifications, as to conductor connectors, and the method of making connections and all other related matters involved.

The service entrance conductor size for the ampere load to be carried shall be based on a maximum conductor operating temperature of 75°C (type RH, RHW, XHHW, or equivalent.) minimum capacity for new 3 wire installations shall be 100 amperes, requiring a minimum size of No. 4 for copper or No. 2 aluminum conductors. For 125 ampere capacity, the minimum size shall be No. 2/0 copper or No. 1/0 aluminum. For 150 ampere capacity, the minimum size shall be No. 1 copper or No. 2/0 aluminum. For 200 amperes, No. 2 copper or No. 4/0 aluminum.

The entrance safety switch capacity shall be not less than the rated capacity of the service conductors. Other specifications, including conductors, shall conform to the latest edition of the National Electrical Code.

Upon special application, Town may permit 2 or 3 wire service entrance installations of less than 100 ampere capacity for signs, etc., where the load requirements, as determined by Town, justify the same. In no event will 2 wire service be furnished except at Town's option.

- i. Temporary Service Drops: For temporary service furnished to individual small single phase loads, such as house trailers, small construction projects (such as house and small buildings, portable tools, etc.) Town will install a standard temporary service drop, at Consumer's expense. Town's General Service Rate shall apply.

Where the temporary service installation requires additional facilities in excess of the aforesaid standard service drop (such as an extension of Town's primary line), such installation will be at the consumers expense.

- j. Service to Mobile Homes and Trailer Courts: Through One Meter. For service to trailer courts where more than one (1) dwelling unit, mobile home, or trailer is supplied through one (1) meter, the

furnishing of such service shall be provided and installed by the facility owner.

- k. Load to be Balanced on Circuits: The Consumer shall use reasonable care in designing electric wiring and circuits; also, the connection of the loads to the circuits, so that the loads on the individual phases and circuits of Town's service are properly balanced at all times.
- l. Temporary Service to be Installed on Consumer's Pole: All such temporary service drops shall be supported on a pole or post as approved by Town and shall be installed by Consumer at his/her expense.

- 3. Underground Service Requirements. Consumer shall, install all conduit and wire from the building to the pole according to the Town standards.

G. METERING

- 1. General. The Town will furnish and install all electric revenue meters. Normally outdoor socket-mounted meters will be used by Town whenever practical. The meter base will be furnished and installed by Consumer's electrical contractor for all normal installations.

If instrument transformers are required, Town reserves the right to require Consumer to furnish and install a suitable steel cabinet to house Town's instrument transformers and accessories. Said cabinet shall contain only the Town's metering equipment and shall be equipped so that it can be sealed and locked by the Town. The Town shall have sole access to this cabinet.

- 2. Location. The Town shall approve the location of service entrance and meter. The following conditions must be met for the location of all meters:
 - a. Visibility: All entrance wiring connections shall not be concealed and shall always be in plain view for inspection by Town.
 - b. Protection: No meter shall be installed in any location where it may be unnecessarily exposed to heat, cold, dampness or other cause of damage, or in any unduly dirty or inaccessible location.
 - c. Height: The meter socket shall be mounted at a height of not less than four and one half feet (4 ½'), nor more than six feet (6') above ground or ground line, as the case may be.

When a combination 3 phase and 1 phase service is supplied to the same premises, all meters and service entrance switches shall be at the same location.

- 3. Meter Base. Residential meter bases shall be furnished and installed by the Contractor according to Town standard drawings. No smaller than a 100 amp service entrance will be accepted other than by approval from the electrical superintendent. The meter base shall be kept sealed and under the control of the Town at all times.
- 4. Commercial Meters. Single-phase and three-phase self contained meter bases shall be installed by the Developer, and shall have bypass capability in the meter base. For details and specific information regarding this requirement, please contact the Electric Meter Shop.

The Contractor's portion shall be completely installed, inspected, and the electrical hook-up fee paid before the Town will complete the final electrical hookup.

- 5. Location of Multiple Meters. Where more than one meter is required for a building, such as an apartment house, all of the meter sockets shall be located side by side at an outside location as determined by the Town.
- 6. Meter Location Regarding Remodeling. When remodeling, where two (2) or more houses or dwelling units are combined to form one (1) building, the meter socket shall be moved to a single location. In all remodeling where the meter is changed or moved, or wiring changes made, outdoor meter sockets and an approved new service entrance shall be installed by Consumer at Consumer's expense.
- 7. Meter Accessibility. In the event a structural change is made by the owner that results, in the opinion of Town, to be an undesirable meter location, the meter socket, meter cabinet, and/or service entrance installation shall be moved by the Consumer at his/her expense to an accessible location as determined by Town.

Whenever the construction of a building on an adjacent lot prevents proper access to any meter, or access to the point of attachment of service drop conductors, or results in inadequate service drop clearance, the

Consumer shall move, at Consumer's expense, the meter socket and service entrance to a location that is acceptable to Town.

8. Outdoor Meters for Non-Residential General Service. All single phase meters installed for Non-residential use shall be socket type. The meter socket shall be furnished and installed by Consumer at Consumer's expense.
9. Instrument Transformer Metering. In all outdoor installations requiring current transformers, whether 1 phase or 3 phase, the Consumer shall provide an approved meter loop for meter connections. The Town shall furnish any instrument transformers, meter bases, or other devices required, to properly meter the Consumer's electrical needs. Such instrument transformers and devices shall be installed by Town.
10. Current Transformer Cabinet. Any cabinets required to house said instrument transformers and accessory equipment shall be furnished and installed by Consumer at Consumer's expense. This requirement applies to all installations.

Such metering or instrument cabinets are for the exclusive use of Town, and shall, at all times, be under the control of, and kept sealed by Town.

H. LIGHTING

1. General. Local streets, minor collectors, and parking lots, in residential areas shall have the decorative street light as shown in the standard drawings. Major collectors and arterial street light poles shall be a twenty-five foot (25') steel galvanized street light pole with a six foot (6') arm and a 250 watt H.P.S. fixtures. All street light poles on any state road will be forty-five foot (45') steel galvanized pole with a ten foot (10') arm, and a 250 watt H.P.S. fixture. All fixture types will be of the Luminaire type with ninety (90) degree cutoff lens.
2. Location. Street lights will be installed at all intersections with except where a four way intersection has an offset of less than one hundred feet (100'). Street lights will be installed with a minimum of three hundred feet (300') and a maximum of six hundred feet (600') between. Any street that extends more than six hundred feet (600') without an intersection shall have street lights placed at equal intervals not to exceed four hundred feet (400'). All mid block street lights shall be installed eighteen inches (18") from a property line. Collector and arterial streets shall have lights spaced at two hundred-fifty feet (250') apart alternating sides of the street.

Each street light will be installed so that the street light pole is centered in the planter strip or within eighteen inches (18") of the sidewalk if no planter strip exists.

3. Orientation. Street lights at intersections of local streets shall aim to the center of the intersection. On collector or arterial streets street lights shall be set at a ninety (90) degree angles at regular intervals determined by the Town.
4. Grounding. A ground wire shall be connected from a ground rod in the pole base to the street light pole using NEC, approved methods and a separate ground wire will be ran from the pole base to the closest secondary pedestal or transformer. If the street light is fed from a secondary pedestal, an eight foot (8') by five eighths inch (5/8") copper clad ground rod must be installed at the pedestal, and the street light ground will be attached using an NEC approved connector.

14.14.020 COMMUNICATION SERVICE

A. GENERAL

1. Standards and Specifications. These specifications cover the installation of the communication system being installed to provide a wide range of communication services to include high speed internet service, cable television, and metering reading for electric, water, and pressurized irrigation meters, etc., See LMC 14.08 for improvement and design requirements, LMC 14.16 for inspection and testing requirements, and LMC 14.08 for earthwork and trench requirements. See standard drawings related to electrical system.
2. Construction Costs. The underground conduit in to provide communication service shall be paid for by the Developer or Consumer. In the event a consumer or property owner requests relocation of communication facilities, the costs shall be the responsibility of the Consumer.
3. Attaching to Existing Town Facilities Prohibited. Consumer shall install no wiring or attachments on poles or other equipment of Town unless specifically authorized, in writing, by the Town.

4. Unusual Service Extensions. Special and unusual service extension requirements for equipment or structures are treated as separate items and are not included in these standards.
5. Permits and Inspections. Service will not be established until all necessary permits have been obtained and not until Consumer's wiring installation has been inspected and approved by the Town. The Town reserves the right to inspect wiring and to refuse service to any installation that is, in the opinion of the Town, unsafe or if the operation of same may be detrimental to the service furnished other Consumers or the Town.
6. Access to Premises. Any properly identified representative of the Town shall, at all reasonable hours, have free access to and from the premises of the Consumer for the purpose of inspecting Consumer's on premise box (OPB) and cable installation for the purpose of repairing, testing, or removing the Town's OPB or other Town property.
7. Communication Plan Drawings. Utility shall provide communication plan drawings. If you would like to request any changes to these drawings, please contact the energy superintendent with your proposal. Approved communication drawings must be initialed by an approved energy division supervisor, and signed by the energy superintendent in order to be valid for construction of the communication system improvements. Photo-copies of approved drawings will not be considered valid. Revisions, if needed, must also include the date the revision was approved.

B. MATERIALS

1. Conduit. All conduit shall be communication grade PVC conduit or orange SDR 11 HDPE pipe meeting ASTM-3035 specifications unless otherwise specified in these standards or by the Town. Rigid metal conduit shall be used under collector and arterial streets.

At no time shall the pipe be deformed to make any bend. The minimum radius for any bend or sweep in the conduit shall be thirty-six inches (36"). When sweeps are required, they shall be rigid metal. The total number of bends in any conduit run shall not exceed three hundred sixty (360) degrees.

2. Enclosures. All enclosures shall be level and set according to utilities construction standards. If ground sleeves or pads settle, Developer shall be required to re-level to the above specifications.

C. INSTALLATION

1. General. Contractor shall construct all communication facilities in a development except for the following which shall be completed by the Utility:
 - a. Pulling underground or overhead cable;
 - b. Installing communication cable terminations;
 - c. Setting of large communications pedestals which house Nodes, and Fiber Optic Equipment;
 - d. Installing communication connections and terminations;
 - e. All overhead facilities, including extension of risers as shown in the standard drawings.
2. Underground Lines. All new facilities shall be constructed underground unless otherwise authorized by the Town. No overhead communication lines will be allowed unless required by the utility.
3. Depth. Conduit depth shall be a minimum of eighteen inches (18") to top of pipe. When installed with electric conduit it shall be installed twelve inches (12") above electric conduit.
4. Tracer Wire and Pull Strings. A twelve (12) gauge solid THHN tracer wire shall be installed with all stubbed conduits according to standard drawings. Wire shall be pulled tight along the pipe. All fiber and main communication conduits shall have a pull string in the conduit securely tied off in each pad or enclosure.
5. Caution Tape and Stub Markers. All conduits shall have a three inch (3") identification tape attached to each conduit and a six inch (6") tape buried twelve inches (12") below graded above the conduit. Tape shall read "Caution - Fiber Optics Buried Below" or "Caution - CATV Buried Below" as applicable. The end of each stubbed conduit, including service laterals, shall be marked to the surface according to the standard drawings.
6. Underground Metal Conduit. All buried metal conduit shall be coated with corrosion protective tape. Tape shall be a minimum of two inches (2") wide. PVC coated rigid metal conduit may be used instead.
7. Labels. An imprinted, plastic label shall be securely taped to the end of each conduit run. The label shall indicate whether the conduit run is fiber or coax. The label shall also include the address of where the run ends.

D. SERVICES

1. Point of Service. The Town determines the point of delivery for all developments. The Town will decide if multiple buildings, business and residential, or portions of buildings will be serviced using single or (MDU) multiple distribution unit enclosures.
2. Underground Service Requirements. Consumer shall, install all conduit from the building to the pole according to the Town standards.

E. INSIDE WIRING RECOMMENDATIONS

1. General. The following information is for informational purposes only, but provides wiring information adequate to facilitate AT&T or other communication services inside the home.
2. Coax wire and fittings. Only use RG-6 coax cable. The following are recommended specifications for a home communication panel.
 - a. Coax Wire: Only use RG-6 coax cable.
 - b. Center Conductor: Center conductor should be copper covered steel center.
 - c. Dielectric Insulation. Dielectric insulation should be flame retardant polyethylene with a low dissipation factor of 0.00015, a low dielectric constant of 2.3, and foam velocity pf propagation greater than eighty percent (80%) and manufactured using micro cell technology for greater strength, to resist deformation, and to prevent moisture ingress.
 - d. Shielding: Shielding should consist of a foil layer which is to be bonded to the insulation with a wire shielding of sixty percent (60%) braid coverage on the outside of the foil shielding. The material for both the braid, and the foil should be all aluminum.
 - e. Non-Plenum Jacket: Non-plenum jacket should be PVC material, and rated for general indoor use, and must meet NEC article 820 for flame 5 retardant protection.
 - f. Crimp Fittings: Crimp fittings should incorporate a three hundred sixty (360) degree compression type crimp.
 - g. Splitters: Splitters should be 5-900 Mhz or broader.
3. Home Communications Panel. The following are recommended specifications for a home communication panel.
 - a. Mounting: The minimum necessary for a communications center would be a simple two foot by two foot (2' X 2') piece of one-half inch (½") ply wood securely attached to the wall in the basement, although manufactured panels are available for a more professional, and finished look. The manufactured panels would be a good choice in a finished closet, under the stairs, or in other visible areas.
 - b. Location: The location of the communication center should be readily accessible, either in the furnace or utility room, or under the stairs, in a closet, or other similar area. You will need access to this panel in order to reset your cable modem, network hub, or pre-amp for your cable TV where applicable.
 - c. Electrical Outlet: A standard electrical outlet would need to be adjacent to the communications center to power the cable modem, network hub, or pre-amp when multiple computers or televisions are used.
 - d. Wiring: One RG-6 wire should be run from the On Premise Box (OPB) to the home communications panel for the internet and one for the cable hookup. An RG-6 wire should be ran from the panel to each cable television outlet. A CAT5 cable should be ran from the panel to each internet access outlet. See standard drawings. It is also recommended that telephony wiring be run out of the panel as well.

14.16 INSPECTIONS AND TESTING

14.16.010 GENERAL

14.16.020 COMMUNICATION

14.16.030 EARTHWORK

14.16.040 ELECTRIC

14.16.050 LANDSCAPING AND IRRIGATION SPRINKLER SYSTEMS

14.16.060 PORTLAND CEMENT CONCRETE WORK

14.16.070 PRESSURIZED IRRIGATION

14.16.080 SANITARY SEWER

14.16.090 STORM, LAND AND GROUNDWATER DRAINS

14.16.100 STREETS

14.16.110 CULINARY WATER

14.16.010 GENERAL

A. QUALITY ASSURANCE. The following work shall be subject to the inspection and testing requirements of this chapter:

1. Work in existing or proposed Town property;
2. Work in property that will be owned by a property owners association;
3. Work in existing or proposed streets, easements, or right-of-ways;
4. Work on existing or proposed Town utilities.

The Contractor must ensure that all inspection and testing required by these standards is preformed and accepted by the Town. The Contractor must also ensure that any additional inspection and testing required by the Town or a testing company is performed and accepted by the Town. In projects other than those bid out by the Town the Developer is ultimately responsible for the work of the Contractor.

B. SUBMITTALS. Contractor shall turn in submittals for all testing not performed by the Town.

1. Field Test Report: Contractor must submit original field test report immediately to Town whenever possible. Reports may not be submitted later than the end of the current day.
2. Laboratory Test Report: Submit original report to the Town within forty eight (48) hours after test results are determined.
3. Material and Equipment Specifications: Four (4) copies of the manufacturer's specifications and manuals for equipment and materials used must be submitted to the Town seven (7) days before the pre-construction meeting. Pre-construction meeting may not be held until material and equipment specifications are approved.

C. PRECONSTRUCTION MEETING. The Contractor must schedule a preconstruction meeting with the Town's engineering secretary before any work on a new development or Town project may begin.

The Contractor, Developer, project engineer, and all sub-contractors must be present at the preconstruction meeting. Any sub-contractor not attending the preconstruction meeting must schedule an additional preconstruction meeting with the Town before beginning work. Work must begin within 4 weeks of the preconstruction meeting or a new preconstruction meeting must be scheduled by the Contractor.

D. INSPECTION AND TESTING NOTIFICATION. The Town may contract with a private company to conduct any inspections or testing specified to be performed by the Town. All inspections and tests must be scheduled with the Town or company contracted by the Town a minimum of one (1) full business day before needed. Requests for inspection on work requiring continuous inspection shall be made three (3) full business days prior to commencing the work.

E. LOT INFORMATION SIGNS. A lot information sign shall be obtained from the Town for each building permit. The lot information sign shall be posted next to the culinary water meter at all times during construction.

F. TESTING AND SAMPLING. The Town Engineer or Town Inspector may require that sampling be performed in their presence, in which case the Developer or Contractor shall be notified of this requirement in writing at the time the building permit is issued, or at the preconstruction meeting, or when construction drawings are released by the Town for construction, as applicable.

1. Each sample or test shall be accompanied by the following written data, which shall be reported to the Town with test results:
 - a. Name of Project
 - b. Name of Developer/Contractor
 - c. Project Street Address
 - d. Appropriate Test Name
 - e. Date of Sampling.
 - f. Sample Number (if more than one sample per day)
 - g. Name of technician who performed the testing
 - h. Location of sample

G. TESTING AGENCY. All materials testing, whether in a laboratory or in the field, shall be conducted by a testing agency approved by the Town.

The Town will contract with an independent certified testing company for the compaction and concrete

testing on improvements in the public right of way, or improvements in a PRD which would be public if not for the PRD, or improvements in common areas. The Developer shall pay a fee for this testing before construction commences. Fees shall be based on the current contract the Town has with the testing company. Additional tests and all re-tests shall require additional fees to be paid. Final acceptance of improvements shall not be issued until all additional fees are paid. The Town may deduct these additional fees from the 15% cash bond paid by the Developer.

- H. WORK WITHOUT REQUIRED INSPECTION AND TESTING. Any work performed without required inspection or testing will give the Town the option to hold the bond covering that portion of the improvements in violation, or, require the removal and replacement of the un-inspected work. The Town shall have the option of retaining part or the entire bond for ten (10) years after installation of improvements constructed without required inspection or testing. The Town Engineer may also accept the work at a reduced price if the lowest pay factor is applied.
- I. INSPECTION AND TESTING FEES. Inspection fees and/or connection fees required by the Town shall be paid and permits required shall be obtained prior to the preconstruction meeting.
- J. SUB-STANDARD WORK AND PAY FACTORS. If any inspection or test indicates that work does not meet Town standards the Town Engineer may require that the work be redone. If the work has a pay factor option in the standards the Town Engineer may accept the work at a reduced price upon condition that the pay factors outlined in the Town standards apply. Payment reduction amounts shall either be assessed to the developer as a fee based upon bond estimates for the work, or be applied against payments to Contractors for Town contracts. When any work is done to a lower standard than allowed for in the pay factor tables the work shall be redone until it meets Town standards.
- K. WEEKLY PROGRESS MEETINGS. All construction projects in the Town will have a weekly progress meeting at the Town office. The Town Engineer or his/her designee, Town inspectors, the Contractor, and sub-contractors shall be in attendance.
- L. ROAD CONSTRUCTION. Road construction may not commence until all underground utilities are installed and pass all the inspections and tests required by these standards.
- M. AS-BUILT SURVEY. The Contractor shall notify the Town to survey all underground utilities either installed or uncovered in the course of construction. Contractor shall give the Town twenty-four (24) hours notice to survey utilities.
- N. ACCEPTANCE OF IMPROVEMENTS. Inspections made by the Town or a company hired by the Town to determine compliance with the specifications do not imply final acceptance of the work. The Town requires the completion of all facilities before any are accepted for maintenance. The following inspections must be scheduled and passed before final acceptance of any improvements:
 - 1. End of Construction Inspection: The Contractor must schedule with the Town an end of construction inspection once all the improvements in a development or project are completed according to the Construction and Development Standards.
 - 2. Final Acceptance Inspection: One (1) year after the Contractor or Developer passes the end of construction inspection, he or she must schedule a final acceptance inspection. This inspection must be conducted after the one inch (1") overlay and concrete rings are installed when applicable.

If the Contractor or Developer does not pass one of these inspections a punch list of work items necessary to pass the inspection will be given to the Contractor or Developer within two (2) business days of the inspection. The Contractor or Developer must reschedule inspections with the Town until the project or development passes the inspection.

All improvements shall be free from defects, damage, or debris at the time of these inspections. The Contractor or Developer shall not be responsible for debris or damage not caused as a result of his or her work or quality of work.

Any faulty or defective work shall be corrected by the Contractor within thirty (30) days of the failed inspection or according to the contract the Town has with the Contractor.

If the Contractor or Developer fails to do so, the Town Engineer or his/her designee shall have such repairs made, and the cost of such repairs shall be paid by the Developer together with twenty-five percent (25%) in addition thereto as and for stipulated damages for such failure on the part of the Developer to make the repairs.

14.16.020 COMMUNICATION

- A. CONDUIT INSPECTION. The Town must inspect all conduit before backfilled.
- B. SERVICE STUB INSPECTION. The Town must inspect all service stubs before backfilled.
- C. FINAL COMMUNICATION INSPECTION. Once all communication work for a development is completed to Town standards a final communication inspection must be done by the Town. This may be done at the same time as the final electrical inspection.
- D. BEDDING INSPECTION. The Town must inspect the bedding in all communication trenches.

14.16.030 EARTHWORK

- A. COMPACTION AND MOISTURE CONTENT TESTS. The Town will test all sub-grade and fill material for compaction and moisture content. Test locations shall be determined by the Town.
 - 1. Trenches: Tests will generally be taken one (1) per two hundred (200) lineal foot of trench per eight inch (8") lift.
 - 2. Streets: Tests will generally be taken three (3) per two hundred (200) lineal foot of street per eight inch (8") lift.
 - 3. Other Cuts and Fills: Tests will generally be taken one (1) per two thousand (2,000) square feet of compacted area.
- B. RED-HEAD INSPECTION. The project engineer must provide red-heads for all grade work when brought to within three inches (3") of finish grade. The Town must inspect and accept finished grading to the engineered red-heads.
- C. PROOF ROLL INSPECTION. Prior to placing fill material for roadbed backfills, proof roll sub-grade using gross weight of eighteen thousand (18,000) pounds per tandem axle, with a tire pressure at least ninety (90) psi, unless otherwise specified by the soils report. Contractor shall proof roll under the supervision of the Town according to the following conditions:
 - 1. Passes: All proof roll passes will traverse the sub-grade parallel to the roadbed centerline. All subsequent passes will be offset half the vehicle width until the entire sub-grade is tested.
 - 2. Mitigation: The Town will analyze, determine, designate, and measure the areas, if any, requiring additional compaction or reconstruction.
 - 3. Sub-grade Protection: Once sub-grade passes the proof rolling test, protect the surface from construction operations and traffic damage. Repair all cuts, ruts, and breaks. Keep surface in a satisfactory condition until geotextile fabric or base course has been placed.
- D. THICKNESS TEST. Material thickness tests will be conducted by the Town when the Town Engineer or his/her designee considers it necessary. The total depth shall be reasonably close to that shown on the typical section. Depth analysis shall be made on at least four holes for each section. Base thickness shall be accepted if seventy-five percent (75%) of the test holes are less than one quarter inch (1/4") below the specified thickness and no individual hole shall be more than three quarter inch (3/4") below the specified thickness.

14.16.040 ELECTRIC

- A. CONDUIT INSPECTION. The Town must inspect all conduit before backfilled.
- B. SERVICE STUB INSPECTION. The Town must inspect all service stubs before backfilled.
- C. STREET LIGHT BASE INSPECTION. The Town must inspect all street light bases before they are backfilled around.
- D. BEDDING INSPECTION. The Town must inspect the bedding in all electrical trenches.
- E. FINAL ELECTRICAL INSPECTION. Once all electrical work for a development is completed to Town standards a final electrical inspection must be done by the Town.

14.16.050 LANDSCAPING AND IRRIGATION SPRINKLER SYSTEMS

- A. PLANT MATERIAL INSPECTION. All plant materials are to be inspected and approved by the Town at the time of delivery on site. This approval does not constitute final acceptance of any plant material by the Levan Town Parks Department Representative. All plant materials will be inspected again at time of final inspection and once again at the end of the warranty period. Any plant found to be unacceptable at any of these inspections shall be immediately removed and replaced.
- B. SPRINKLER SYSTEM ASSEMBLY INSPECTION. An on-site inspection shall be conducted by the Town after

the entire sprinkler system is assembled and prior to backfilling the trenches. During this inspection all fittings, bends, sweeps, valves, sprinkler heads and any other appurtenance on the system shall be surveyed by the Town.

- C. FALL SPRINKLER WINTERIZING TEST. In the fall of the year during the installation and guarantee period, the Contractor shall meet with the Town on the project site. The Contractor shall winterize the system by draining all the water and doing everything necessary to insure the protection of the system until spring. Blowing out the lines by compression shall be permitted during the one (1) year guarantee. The individuals involved from both parties shall exchange all information necessary for the eventual takeover of the system by the Levan Town Maintenance Personnel.
- D. SPRING SPRINKLER ENERGIZING TEST. The Contractor with the Levan Town Maintenance Personnel in attendance shall energize the sprinkler irrigation system the Spring following the Fall winterizing test. Contractor shall repair all defects found as a result of Winter damage, improper installation, improper maintenance, defective materials or inadequate sprinkler drainage.
- E. FINAL ACCEPTANCE INSPECTION. At the end of the guarantee period the all landscaping and irrigation sprinkler systems must then be inspected and tested by the Town. As-built drawings shall be furnished to the Town at the time of the final inspection.

Irrigation sprinkler systems must operate in a satisfactory manner, with a full uniform coverage of the areas that are indicated to be sprinkled. Sprinkler heads shall be adjusted to proper level.

Landscape and irrigation sprinkler systems will not be inspected for acceptance in parts. Where inspected work does not comply with requirements, Contractor shall replace rejected work and continue specified maintenance until re-inspected by the Town and found to be acceptable. Remove rejected plants and materials promptly from the project site.

14.16.060 PORTLAND CEMENT CONCRETE WORK

- A. GENERAL. All materials and processes involved in concrete work shall be subject to inspection and testing as detailed in the various paragraphs of this section and in general compliance with ASTM E105-54T. Results of tests performed by laboratories approved by the Town to the satisfaction of the Town Engineer or his/her designee shall be accepted by the supplier as a basis for acceptance or rejection of any and all materials.

The latest appropriate ASTM tests and methods shall be considered to be standard, and will include but not be limited to concrete, cement, aggregates additives, curing compounds, parting compounds and jointing materials. A copy of all batch tickets for concrete placed shall be submitted to the Town.

PORTLAND CEMENT CONCRETE
COMPRESSIVE STRENGTH PAY FACTORS

Pay Factor	Tolerance (psi below 28 day specified strength)
0.98	1 to 100
0.94	101 to 200
0.94	101 to 200
0.88	201 to 300
0.80	301 to 400
0.50	401 to 600
Replace	More than 600

- B. SLUMP, TEMPERATURE AND AIR ENTRAINMENT TEST. The Town shall test slump, temperature, and air entrainment on every fifty cubic yards or less of concrete placed each day. Tests shall be taken after one half (½) to one (1) yard has been poured from the mixer. Once a sample is taken the concrete pour shall be stopped until tests show that the concrete meets Town standards. Concrete that does not meet Town requirements for slump, temperature, and air entrainment shall not be used. Any that may already have been poured shall be removed before hardening.
- C. COMPRESSION TEST. The Town shall test compression on every fifty (50) cubic yards or less of concrete



placed each day. Three cylinder specimens shall be taken for each test; one (1) shall be broken at seven (7) days, one at twenty-eight (28) days and the third (3) held for forty-five (45) days after submittal in case further testing is required.

Specimens shall attain the specified strength at twenty-eight (28) days. One (1) lot is one (1) day's production. A lot with sub-standard compressive strength may be accepted at reduced price if the appropriate pay factor is applied to the whole lot. The following table outlines the pay factors for sub-standard Portland cement concrete strength:

These pay factors may not be applied toward concrete in structures.

- D. FORMS AND STRING LINE INSPECTION. The Town shall inspect all forms and string lines before concrete may be placed.
- E. GUTTER DRAINAGE INSPECTION. The Town shall inspect all gutters for drainage prior to paving. Water shall be let into all gutters and any gutters with standing water in excess of one quarter inch (1/4") after runoff shall be replaced. Contractor must supply water truck for gutter drainage inspection.
- F. THICKNESS TEST. The Town shall determine the number, if any, and location of core tests necessary to ensure the proper thickness of Portland cement concrete. Tests shall be taken at equal intervals in a test area. A test area shall be defined as a total area placed at the same time and by the same process. The average thickness shall then be determined from all the cores taken. Tests shall be taken and verified by a certified testing lab contracting to the Town.

When the average thickness is more than 0.25 inches below the specified thickness, A minimum of one (1) core per fifteen hundred (1,500) square feet of pavement shall be taken. Work with sub-standard thickness may be accepted at reduced price if the appropriate pay factor for the lowest tested thickness is applied to all of the sub-standard work. The following table outlines the pay factors for sub-standard Portland cement concrete thickness:

PORTLAND CEMENT CONCRETE
THICKNESS PAY FACTORS

Pay Factor	Tolerance (inches below specified thickness)
1.00	0.00 to 0.25
0.90	0.26 to 0.50
0.70	0.51 to 0.75
0.50	0.76 to 1.00
Replace	More than 1.00

- G. CURING INSPECTION. The Town shall inspect the curing of all Portland cement concrete work within twenty-four (24) hours of pouring the concrete.

14.16.070 PRESSURIZED IRRIGATION

- A. GENERAL. The inspections and tests in this section are required for all pressurized irrigation construction in the Town boundaries and on all construction relating to the Town pressurized irrigation system outside the Town boundaries.
- B. MAIN LINE INSPECTION. The Town must inspect all pressurized irrigation main line installation on an ongoing basis. Inspection notification must be given before any construction of the main line may begin. All crosses, tees, bends, valves, and drains must be inspected and surveyed by the Town before they are covered.
- C. PRESSURIZED IRRIGATION SERVICE INSPECTION. The Town must inspect all pressurized irrigation services before service trenches are backfilled. The Town must be able to survey services at the main during the inspection.
- D. PRESSURE TEST. The Contractor must pressure test all pressurized irrigation systems, system extensions and service laterals to the setter in the presence of the Town Engineer or his/her designee or have tests documented and submitted by a certified testing company approved by the Town. A minimum pressure of two hundred (200) psi shall be maintained on the portion being tested for a minimum period of two (2) hours, using



either pneumatic or hydraulic means to maintain the pressure.

- E. LEAKAGE TEST. Leakage tests shall be conducted concurrently with the pressure tests. Leakage shall be defined as the quantity of water that must be supplied into the newly laid pipe, or any valved section thereof, to maintain pressure within five (5) psi of the specified test pressure after the air in the pipeline has been expelled and the pipe has been filled with water.

No pipe installation will be accepted if the leakage is greater than that determined by the following formula:

$$0.000106 \times L \times D = AL$$

in which AL is the allowable leakage, in gallons per hour; L is the length of pipeline tested in feet; and D is the nominal diameter of the pipe, in inches. When testing against closed metal-seated valves, an additional leakage per closed valve of 0.0078 gallons per hour per inch. of nominal valve size shall be allowed.

If any test of pipe laid discloses leakage greater than specified, the Contractor shall, at its own expense, locate and repair the defective material until the leakage is within the specified allowance. All visible leaks are to be repaired regardless of the amount of leakage.

14.16.080 SANITARY SEWER

- A. GENERAL. The inspections and tests in this section are required for all sanitary sewer construction in the Town boundaries and on all construction relating to the Town sanitary sewer system outside the Town boundaries.
- B. MAIN LINE INSPECTION. The Town must inspect all sanitary sewer main line installation on an ongoing basis. Inspection notification must be given before any construction of the main may begin.
- C. SERVICE INSPECTION. The Town must inspect all sanitary sewer services before service trenches are backfilled. The Town must be able to survey services at each end during the inspection.
- D. AIR PRESSURE TEST. Contractor shall conduct a low pressure air test by the following method under the direction of the Town Engineer or his/her designee with equipment equal to Cherne Industrial, Inc., or provide proof that test was conducted by a certified testing company. Sanitary sewer pipes with inside diameters of thirty inches (30") or larger shall be leak tested according to manufacturer's specifications.

All wyes, tees, or ends of lateral stubs shall be suitably capped and braced to withstand the internal test pressures. Caps shall be easily removable for future lateral connections or extensions. After a manhole to manhole section of line has been backfilled and cleaned, it shall be plugged at each manhole with pneumatic plugs.

Low pressure air shall be introduced into the sealed line until the internal air pressure reaches four (4) psi-G greater than the average back pressure of any ground water that may be over the pipe. At least two (2) minutes shall be allowed for the air pressure to stabilize.

The portion of line being tested shall be accepted if the portion under test does not lose air at a rate greater than 0.003 cubic feet per minute per square foot of internal pipe surface of 2.0 cubic feet per minute minimum when tested at an average 3.0 psi-G greater than any back pressure exerted by ground water that may be over the pipe at the time of the test.

The pipe and joints shall also be considered acceptable when the time required in minutes for pressure to decrease from 3.5 To 2.5 psi-G (greater than the average back pressure of any ground water that may be over the pipe) shall not be less than the time shown for the given diameters in the following table:

PRESSURE REDUCTION TIME LIMITS

Pipe Diameter (inches)	Time (Minutes)
4	2.0
6	3.0
8	4.0



10	5.0
12	5.5
15	7.5
81	8.5
21	10.0
24	11.5

If the installation fails to meet this requirement, the Contractor shall determine at his/her own expense the source of leakage. He shall repair or replace all defective materials and/or workmanship. All sanitary sewer mains shall be tested, cleaned and accepted by LevanTown before laying the street surface.

- E. VIDEO INSPECTION. Contractor shall clean and then video inspect all sanitary sewer main lines prior to paving. The Town must approve video inspection company.

Cleaning shall be done using a high pressure jet cleaning machine, producing a minimum of eight hundred (800) psi. Waste water and debris shall not be permitted to enter the Town sanitary sewer system, but shall be removed at the lowest manhole of the extension.

Video inspection shall clearly show any debris, broken pipe, misaligned pipe, displaced pipe and defective joints for all sections of the main line. All defects and their location shall be detailed on a separate video log report. A tape of video inspection and log report shall be submitted by the inspection company to the Town Engineer or his/her designee.

Log reports must be submitted with a 11x17 copy of the plans. All manholes in the log report must reference the labeled manholes numbers on the plans. Each manhole must also have a street address clearly shown on the log report.

Main line determined to be defective by the Town Engineer or his/her designee shall be remedied by the Contractor. Contractor shall then clean and video inspect the main lines again.

- F. DEFLECTION TEST. Contractor shall perform a displacement test on all storm drain lines after video inspection. Deflections tests must be conducted in the presence of the Town Engineer or his/her designee or be documented and submitted by a certified testing company approved by the Town. In no case shall pipe be accepted that has a deflection of more than five percent (5%) after it has been backfilled. Mandrel must be pulled by hand or air. A pipe deflection test shall be required of the Developer/Contractor after backfilling and compaction of the trench.

14.16.090 STORM, LAND AND GROUNDWATER DRAINS

- A. GENERAL. The inspections and tests in this section are required for all storm, land and groundwater drain construction in the Town boundaries and on all construction relating to the Town storm, land and groundwater drain system outside the Town boundaries.
- B. MAIN LINE INSPECTION. The Town must inspect all storm, land and groundwater drain main lines during installation on an ongoing basis. Inspection notification must be given before any construction of the pipe may begin.
- C. AIR PRESSURE TEST. Contractor shall conduct a low pressure air test for all sealed drains by the following method under the direction of the Town Engineer or his/her designee with equipment equal to Cherne Industrial, Inc., or provide proof that test was conducted by a certified testing company. Storm drain pipes with inside diameters of thirty inches (30") or larger shall be leak tested according to manufacturer's specifications.

All wyes, tees, or ends of lateral stubs shall be suitably capped and braced to withstand the internal test pressures. Caps shall be easily removable for future lateral connections or extensions. After a manhole to manhole section of line has been backfilled and cleaned, it shall be plugged at each manhole with pneumatic plugs.



Low pressure air shall be introduced into the sealed line until the internal air pressure reaches four (4) psi-G greater than the average back pressure of any ground water that may be over the pipe. At least two (2) minutes shall be allowed for the air pressure to stabilize.

The portion of line being tested shall be accepted if the portion under test does not lose air at a rate greater than 0.003 cubic feet per minute per square foot of internal pipe surface of 2.0 cubic feet per minute minimum when tested at an average 3.0 psi-G greater than any back pressure exerted by ground water that may be over the pipe at the time of the test.

The pipe and joints shall also be considered acceptable when the time required in minutes for pressure to decrease from 3.5 To 2.5 psi-G (greater than the average back pressure of any ground water that may be over the pipe) shall not be less than the time shown for the given diameters in the following table:

PRESSURE REDUCTION TIME LIMITS

Pipe Diameter (inches)	Time (Minutes)
4	2.0
6	3.0
8	4.0
10	5.0
12	5.5
15	7.5
18	8.5
21	10.0
24	11.5

If the installation fails to meet this requirement, the Contractor shall determine at his/her own expense the source of leakage. He shall repair or replace all defective materials and/or workmanship. All storm drain lines shall be tested, cleaned and accepted by Levan Town before laying the street surface.

D. VIDEO INSPECTION. Contractor shall clean and then video inspect all storm, land and groundwater drain lines before paving. The Town must approve video inspection company.

Cleaning shall be done using a high pressure jet cleaning machine, producing a minimum of eight hundred (800) psi. Debris shall not be permitted to enter the Town storm drain system.

Video inspection shall clearly show any debris, broken pipe, misaligned pipe, displaced pipe and defective joints for all sections of the main line. All defects and their location shall be detailed on a separate video log report. A tape of video inspection and log report shall be submitted by the inspection company to the Town Engineer or his/her designee.

Main line determined to be defective by the Town Engineer or his/her designee shall be remedied by the Contractor. Contractor shall then clean and video inspect the main lines again.

Log reports must be submitted with a 11x17 copy of the plans. All manholes in the log report must reference the labeled manholes numbers on the plans. Each manhole must also have a street address clearly shown on the log report.

14.16.100 STREETS

- A. BITUMINOUS PAVEMENT MATERIAL TESTS. Material tests will be conducted by the Town when the Town Engineer or his/her designee considers it necessary.
- B. COMPACTION TESTS. The Town will test all bituminous pavements for compaction and moisture content. Test locations shall be determined by the Town but will generally be taken three (3) per two hundred (200)



lineal foot of street or one (1) per two thousand (2,000) square foot of paved area. Pay factors as per APWA 02745 shall apply.

- C. GRADING INSPECTIONS. The sub-grade, sub-base, and road base shall all be graded to an engineered red-head and accepted by Levan Town. Red-heads shall be placed every fifty feet (50') at the crown of the road. If the distance between red-heads and edge of pavement exceeds twenty-five feet (25') additional redheads shall be installed half way between the crown and edge of pavement. Red-heads shall also be placed every fifty feet (50') at the edge of pavement where there is no curb and gutter.
- D. THICKNESS TEST. Material depth tests will be conducted by the Town when the Town Engineer or his/her designee considers it necessary. The total depth shall be reasonably close to that shown on the typical section. Depth analysis shall be made on at least four holes for each section. Base thickness shall be accepted if seventy-five percent (75%) of the test holes are less than one quarter inch (1/4") below the specified thickness and no individual hole shall be more than three quarter inch (3/4") below the specified thickness. Work with sub-standard thickness may be accepted at reduced price if the appropriate pay factor for the lowest tested thickness is applied to all of the sub-standard work. The following table outlines the pay factors for sub-standard asphalt pavement thickness:

PAVEMENT
DEPTH PAY FACTORS

Pay Factor	Tolerance (inches below specified thickness)
0.95	0.00 to 0.25
0.90	0.26 to 0.50
0.70	0.51 to 0.75
0.50	0.76 to 1.00
Replace	More than 1.00

- E. PROFILE TOLERANCE INSPECTION. Profile tolerance inspections may be required by the Town any time within a year of paving. The maximum vertical distance from the pavement surface to a straight edge for a local streets is:
 1. One quarter inch (1/4") in ten feet (10') parallel to centerline.
 2. Three eighths inch (3/8") in ten feet (10') perpendicular to centerline except at cross section grade breaks.

Collector and arterial streets shall meet the requirements of APWA 02745 Hot-Mix Asphalt Concrete Paving.

- F. ASPHALT CONCRETE TEMPERATURE TEST. This test shall be conducted on the first load of asphalt concrete installed, and on any future loads as required by the Town. Test shall be conducted according to the requirements and specifications of APWA 02745 Hot-Mix Asphalt Concrete Paving. Temperature gauge shall be allowed to stabilize for one (1) minute before taking reading.

14.16.110 CULINARY WATER

- A. GENERAL. The inspections and tests in this section are required for all culinary water construction in the Town boundaries and on all construction relating to the Town culinary water system outside the Town boundaries.
- B. MAIN LINE INSPECTION. The Town must inspect all culinary water main line installation on an ongoing basis. Inspection notification must be given before any construction of main line may begin. All crosses, tees, bends, valves and hydrants must be inspected and surveyed by the Town before they are covered.
- C. CULINARY WATER SERVICE INSPECTION. The Town must inspect all culinary water services before service trenches are backfilled. The Town must be able to survey services at the main during the inspection.
- D. HIGH CHLORINE TEST. High Chlorine tests shall meet the requirements and specifications of APWA 02518. The Town must conduct a high chlorine test at every hydrant on a new culinary water main installation. If a hydrant does not exist on the test section, tests must be taken at the end of each line. The chlorine residual shall be at least twenty-five (25) mg/L.
- E. PRESSURE TEST. Pressure test must be conducted after all pipelines are flushed following the high chlorine test. The Contractor must pressure test all culinary water systems, system extensions and service laterals to



the setter in the presence of the Town Engineer or his/her designee or have tests documented and submitted by a certified testing company approved by the Town. Pressure tests must meet the requirements and specifications of APWA 01815.

- F. LEAKAGE TEST. Leakage tests shall be conducted concurrently with the pressure tests. Leakage shall be defined as the quantity of water that must be supplied into the newly laid pipe, or any valved section thereof, to maintain pressure within five (5) psi of the specified test pressure after the air in the pipeline has been expelled and the pipe has been filled with water.

$$0.000106 \times L \times D = AL$$

AL is the allowable leakage, in gallons per hour; L is the length of pipeline tested in feet and D is the nominal diameter of the pipe, in inches. When testing against closed metal-seated valves, an additional leakage per closed valve of 0.0078 gal/hr/in. of nominal valve size shall be allowed. When hydrants are in the test section, the test shall be made against the closed hydrant.

If any test of pipe laid discloses leakage greater than specified, the Contractor shall, at its own expense, locate and repair the defective material until the leakage is within the specified allowance. All visible leaks are to be repaired regardless of the amount of leakage.

- G. BACTERIA TEST. Bacteria tests shall meet the requirements and specifications of APWA 02518. Tests may only be scheduled at certain regular times set by the Town. The Contractor shall be present and open all hydrants or other locations to be tested from. The Town shall submit samples to a certified lab to be tested according to state drinking water regulations.

If any sample point fails on the first test, the line will be flushed and re-tested at all sample points. If any sample point fails a second time the complete line will re-disinfected and re-tested at all sample points. If any samples come back marked "presence", which means coli form bacteria is present, the line will be re-disinfected and re-tested at all sample sites. Contractor is responsible to pay for all bacteria tests and retests.

Culinary water services will not be installed until bacteria sample results have been approved by the Town Engineer or his/her designee. All testing lab fees shall be paid for by the Contractor.

15 SUBDIVISION REGULATIONS

15.02 GENERAL PROVISIONS

15.04 GENERAL SUBDIVISION REGULATIONS

15.06 SUBDIVISION APPROVAL STEPS

15.08 ACTS TO BE DONE IN SUBDIVIDING

15.10 ADMINISTRATION AND ENFORCEMENT

15.02 GENERAL PROVISIONS

15.02.010 SHORT NAME

15.02.020 PURPOSE

15.02.030 DEFINITIONS

15.02.040 INTERPRETATION

15.02.050 CONFLICT

15.02.060 SEVERABILITY

15.02.070 ADMINISTRATIVE RESPONSIBILITIES

15.02.080 GENERAL APPLICABILITY

15.02.010 SHORT NAME

This title shall be known as the Subdivision Ordinance of Levan Town, Utah and may be so cited and pleaded.

15.02.020 PURPOSE

This ordinance and the regulations and restrictions contained herein are adopted and enacted for the purpose of promoting the health, safety, morals, convenience, order, prosperity, or welfare of the present and future inhabitants of the municipality, including among other things; providing adequate open spaces, light and air, classification of land uses, adequate landscaping, distribution of land development and utilization, and protection of the tax base; securing economy in governmental expenditures; and promoting the development of a more wholesome, serviceable, and attractive community resulting from an orderly, planned use of resources.

15.02.030 DEFINITIONS

The words and terms defined in this ordinance shall have the meanings indicated. The particular controls the general. The word shall is always mandatory and not directory; the word may is permissive. Words used in the present tense include the future unless the context clearly indicates the contrary. Words used in the singular number include the plural, and words used in the plural number include the singular unless the context clearly indicates the contrary.

Curb: Curb in this document shall refer to the property line between owner's property and the street property line.

Developer: Any person, including a corporate person, who undertakes to develop land, including subdividers.

Easements: That portion of a lot or lots reserved or granted for present or future use by a person or agency other than the legal owner or owners of said property or properties. The easement may be for use under, on the surface, or above said lot or lots.

Final Plat: A final map or plat of the land division prepared for filing with the Juab County Recorder and in compliance with all the requirements set forth in this ordinance and the Levan Town Zoning Ordinance. This plan must have been accurately surveyed and such survey marked on the ground so that streets, alleys, blocks, lots, and other divisions thereof can be identified.

Intervening Property: Property located between the existing service facility and the property under development.

Large-Lot Subdivision: A large-lot subdivision is a proposed subdivision containing at least 15 acres where the proposed lots are one acre in size or greater. The planning commission, because of the unique nature of the terrain or other unique qualities of a proposed large lot subdivision, may approve up to twenty five percent (25%) of the lots less than one (1) acre, but a lot shall never be smaller than three quarters (3/4) of an acre.

Legislative Body: The Levan Town Council.

Off-site Facilities: Facilities designed or located so as to serve other property outside of the boundaries of the subdivision, usually lying between the development and existing facilities.

On-site Facilities: Facilities installed within or on the perimeter of the subdivision.

Preliminary Plat: A drawing prepared by a licensed engineer or land surveyor, to scale, representing a proposal to subdivide a tract, lot, or parcel of land and meeting the vicinity plat requirements of this ordinance, including acreage.

Subdivider: See developer.

Subdivision: Subdivision means any land that is divided, re-subdivided, or proposed to be divided into two (2) or more lots, parcels, sites, units, plots, or other divisions of land for the purpose, within one (1) year, for offer, sale, lease, or development either on the installment plan or upon any and all other plans, terms, and conditions. Subdivision includes the division or development of land whether by deed, meets and bounds description, devise and testacy, lease, map, plat, or other recorded instrument.

Vicinity Plat: A map or chart showing proposed lots and streets within a potential subdivision including the relationship to existing land and streets in the surrounding area.

15.02.040 INTERPRETATION

In interpreting and applying the provisions of this section, the requirements contained herein are declared to be the minimum requirements for the purposes set forth.

15.02.050 CONFLICT

This chapter shall not nullify the more restrictive provisions of covenants, agreements, other ordinances, or laws, but shall prevail notwithstanding such provisions which are less restrictive.

15.02.060 SEVERABILITY

Should any article, 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.

15.02.070 ADMINISTRATIVE RESPONSIBILITIES

All administrative officials of the Town of Levan shall refrain from issuing building permits or from opening, accepting, grading or paving a street or authorizing the laying of sewers and water mains, making connections from the main to such lines in a street which has:

- A. Not received the status of a public street, or
- B. Does not correspond with a street on a subdivision plat tentatively approved by the Planning Commission, or
- C. Having been submitted to the Planning Commission and disapproved by it has not been accepted by the Town Council by a favorable vote of not less than a majority of their membership.

15.02.080 GENERAL APPLICABILITY

No person shall subdivide for the purpose of transferring, selling, conveying, or assigning any tract or parcel of land which is located wholly or in part within Levan Town, nor shall any person sell, exchange or offer for sale or purchase or offer to purchase any parcel of land which is divided into three (3) or more parcels of land within Levan Town, nor shall any person offer fix recording any deed conveying such a parcel of land or any interest therein, unless she shall first make or cause to be made a final pint thereof, which plat shall conform to all requirements of this title and shall have been approved by the planning commission and Town Council and recorded in the office of the Juab County Clerk, and except in compliance with this ordinance.

- A. A subdivision plat shall comply with the provisions of this ordinance and be approved by Levan Town before it may be filed or recorded in the Juab County Recorder's office and before lots may be sold.
- B. All lots, plots, or tracts of land located within a subdivision shall be subject to this ordinance, regardless of whether or not the tract is owned by the subdivider or a subsequent purchaser, transferor, or holder of the

land.

15.04 GENERAL SUBDIVISION REGULATIONS

- 15.04.010 EXCEPTIONS
- 15.04.020 LARGE-LOT SUBDIVISIONS
- 15.04.030 SUBDIVIDER AGREEMENT
- 15.04.040 SUBMITTAL REQUIREMENTS
- 15.04.050 DEVELOPMENT SEQUENCE
- 15.04.060 ENFORCEMENT AND RESPONSIBILITY
- 15.04.070 DEDICATION OF STREETS AND PUBLIC IMPROVEMENTS
- 15.04.080 AS-BUILT DRAWINGS
- 15.04.090 STANDARDS AND SPECIFICATIONS
- 15.04.100 DRAWING REQUIRED
- 15.04.110 VARIANCES
- 15.04.120 RELATION TO ADJOINING STREET SYSTEM
- 15.04.130 STREETS
- 15.04.140 BLOCKS
- 15.04.150 LOTS
- 15.04.160 EASEMENTS
- 15.04.170 PARKS AND OTHER PUBLIC PLACES
- 15.04.180 PUBLIC USE AND SERVICE AREAS
- 15.04.190 SUITABILITY OF THE LAND
- 15.04.200 ACCESS TO LOTS
- 15.04.210 GUARANTEE OF IMPROVEMENTS

15.04.010 EXCEPTIONS

The following subdivisions, as defined by this ordinance, may be exempted from any or all of the provisions of this ordinance.

- A. The division, re-subdivision, or proposed division of a parcel into two (2) and only two (2) parcels shall be exempted from the provisions of this ordinance.
- B. A subdivision of property solely owned by a public entity i.e. town, county, or school district shall be exempted from the provisions of this ordinance provided that the purpose of such subdivision is in keeping with the normal activities of that public entity.
- C. A subdivision which is located entirely within the established block system of Levan Town, not requiring any dedication of property for public use, and having not more than four hundred twenty-nine feet (429') of undeveloped lot frontage shall be exempted from the provisions of this ordinance.
- D. All divisions of land require Compliance with LMC Title 8 before the issuance of a building permit.

15.04.020 LARGE-LOT SUBDIVISIONS

A large-lot subdivision shall be required to meet all the requirements of a regular subdivision, except the developer shall not be required to construct concrete sidewalks and concrete curb and gutter in any street dedicated to the public use, but shall be required to accommodate street drainage as required by the ordinances of Levan Town.

15.04.030 SUBDIVIDER AGREEMENT

Prior to any final approval of a subdivision, the subdivider shall enter into an agreement with Levan Town which shall be in substantially the following form:

AGREEMENT

This Agreement is made by and between _____, hereafter called

Subdivider and Levan Town, a municipal corporation of the State of Utah.

Subdivider hereby acknowledges receipt of a copy of the Levan Town Subdivision Ordinance, specifications, and standard drawings. Subdivider hereby acknowledges that he or she has read the subdivision ordinance (or that an agent of subdivider has), and that he or she understands the provisions of the subdivision ordinance,



the specifications, and standard drawings and that he or she will fully and completely comply with the provisions and requirements therein contained to the best of his or her ability.

Dated this _____ day of _____, 20_____.

The form of a corporate or partnership signature shall include a provision for a notary in which the subdivider represents that the person signing for the corporation or partnership has the authority to execute the agreement for the corporation or partnership.

15.04.040 SUBMITTAL REQUIREMENTS

Levan Town will not approve any proposed subdivision until the following has been done and said subdivision officially passed on by an engineer for and in behalf of Levan Town and approved by the Levan Town Planning & Zoning Board.

- A. A vicinity plat shall be presented to the Planning & Zoning Board by submitting at least three (3) copies to the Levan Town Office by at least 10:00 A.M. the Monday preceding a regularly scheduled meeting. Prior to the Planning & Zoning Chairman submitting a vicinity plat to the Planning & Zoning Board, the plat must be reviewed by the Planning & Zoning Board, as well as the town utility department heads, the Town Council, and others as designated by the Town Council. Application for such review shall be made to the Planning & Zoning Board.
- B. After approval of a vicinity plat, a preliminary plat may be presented to the Planning & Zoning Board by submitting at least three (3) copies to the Levan Town office by at least 10:00 A.M. the Monday preceding the regularly scheduled meeting. The preliminary plat shall be drawn to a scale not smaller than 100 feet to the inch and shall be on standard 22' x 34' paper. The plat and attached documentation shall show:
 - 1. The proposed name of the subdivision (there shall be no duplication of subdivision names within Levan Town).
 - 2. The subdivision location as forming a part of a larger tract or parcel, where the plat submitted covers only a part of the subdivider's tract or only a part of a larger vacant area. In such case, a sketch of the prospective future street system of the part submitted shall be considered in light of adjustments and connections with the future street system of the larger area. The preliminary plat shall show all property owned or optioned by the subdivider pertaining to the proposed subdivision at hand. This information may be required as a separate drawing.
 - 3. Sufficient information to locate accurately the property shown on the plat, including a clearly-defined basis of bearing for the survey as well as the date of the survey. The nearest section corner tie must be shown.
 - 4. The names and addresses of the subdivider, the engineer, or surveyor of the subdivision, and the names of the owners of the land immediately adjoining the land to be subdivided shall be shown on the preliminary plat.
 - 5. The boundary lines of the tract to be subdivided, including total acreage proposed for the subdivision, and a letter from a surveyor certifying that all of the proposed subdivision is within the town boundary.
 - 6. The location, widths, and other dimensions of all existing or platted streets and other important features such as easements, railroad lines, water courses (including irrigation canals and ditches), exceptional topography, bridges, and buildings within or immediately adjacent to the tract to be subdivided.
 - 7. Existing power lines, sanitary sewer, storm drains, water supply mains, and culverts within the tract and immediately adjacent thereto.
 - 8. The flood hazard boundaries, if applicable.
 - 9. The locations, widths, and other dimensions of proposed public streets, private streets, utility easements, parks, other open spaces, and lots, with proper labeling of spaces dedicated to the public, or designated as private streets.
 - 10. Buffer zones where non-compatible uses adjoin a proposed subdivision.
 - 11. North point, scale, and date.
 - 12. The proposed layout, dimension, and number of each lot.
 - 13. Proposed construction and permanent fencing along appropriate subdivision boundaries as determined by the planning commission. The fencing shall be as indicated in the subdivision standards.
 - 14. A review copy of proposed protective covenants, if applicable.
 - 15. A statement of the existing zoning and conformance with the general plan.



16. A preliminary storm drainage study, with schematic solutions and the associated calculations to demonstrate primary on-site drainage containment and an overflow plan.
 17. Plans or written statements regarding the proposed storm water drainage facilities and other proposed special improvements such as sidewalks, planting, and parks, and any grading of individual lots.
- C. A final plat must be prepared by a licensed engineer or a licensed land surveyor on a sheet of approved tracing linen with water-proof, black, permanent ink and presented to the Planning & Zoning Board a minimum of two (2) weeks after approval is received for the preliminary plat. The final plat shall include:
1. Any easements or property to be dedicated to town for roads and other public uses.
 2. Appropriate signature block, including owner's dedication with proper acknowledgment, legislative approval, and planning commission approval.
 3. Surveyor's certificate.
 4. Addresses and dimensions for each lot within the subdivision.
 5. Acreage of the subdivision.
- D. The following shall not be included on the final plat but must be submitted with the final plat:
1. All information required on vicinity and preliminary plat.
 2. Proposed utility layout including hydrant locations and street lighting locations.
 3. All construction types & specifications.
 4. Drainage plan.
 5. Any proposed restrictive covenants.
 6. Electronic copies of the plans and plat, may also need to be submitted.
- E. Upon approval of the final plat by the Planning & Zoning Board, the final plat shall be presented to Town Council for its approval. Once a plat receives final approval by the Planning & Zoning Board the plat shall remain in the custody of Levan Town until final recording in the office of the Juab County Recorder. Timing of the recording of the plat shall be at the discretion of the Town Council.

15.04.050 DEVELOPMENT SEQUENCE

- A. No building permit shall be issued until the following improvements are installed, approved and accepted by the town. As-built drawing shall be provided as hard copies and may also be required to be submitted electronically.
1. Sanitary septic or sewer
 2. Culinary water
 3. Electric service
 4. Road improvements
 5. Natural gas
- B. No building permit shall be issued until the following improvements are installed and approved and as-built drawings submitted to and approved by the town or are guaranteed as provided for in LMC 15.04.210. As-built drawing shall be provided as hard copies and may also be required to be submitted electronically.
1. Pressure irrigation as applicable
 2. Curb, gutter, and sidewalk
 3. Asphalt pavement
 4. Drainage improvements
 5. Other buried utilities and fire hydrants as applicable
- C. The subdivider shall provide temporary garbage disposal facilities within a subdivision when homes are occupied and asphalt surface improvements have not been placed and approved by the town. A minimum pickup of ten (10) cubic feet of garbage per occupied home per week shall be provided, starting at the time the first home is occupied and continuing until the asphalt surface improvements are completed and the town agrees to provide garbage service. The garbage pickup facilities shall be located within the bounds of the subject subdivision, but not on an existing improved street.
- D. The subdivider shall keep the streets within a subdivision in a well-graded condition during the time when homes are occupied but the asphalt surfacing improvements are not complete. The subdivider shall be given forty-eight (48) hours (covering two weekdays) to improve the street condition after being notified by the town that the street condition is unacceptable. If the problem has not been corrected to the satisfaction of the town at the end of forty-eight (48) hours, the town shall have the right to have a separate contractor perform the

work, with payment for such work and administrative costs coming from the guarantee of improvements.

15.04.060 ENFORCEMENT AND RESPONSIBILITY

The town building inspector or any administrative official of Levan Town shall not issue any permit for the proposed erection, construction, reconstruction, alteration, or use until proof of full compliance with all the provisions of this ordinance has been provided. No town officer shall issue any permit or license for the use of any building, structure, or land when such land is part of a subdivision, as defined herein, until such subdivision has been approved and recorded in the county recorder's office. Any license or permit issued in conflict with the provisions of this ordinance shall be null and void.

15.04.070 DEDICATION OF STREETS AND PUBLIC IMPROVEMENTS

The subdivider shall be deemed to have dedicated the public streets, easements, and other public improvements to Levan Town at the time the final plat is approved by Levan Town. This dedication constitutes an offer by the subdivider which shall be irrevocable until the final plat is recorded or one (1) year, whichever comes first. Notwithstanding the foregoing, the subdivider shall be responsible to construct and install the public improvements required by this ordinance, and to maintain and guarantee these improvements for a period of two years after completion and from acceptance by the town. The subdivider shall also certify and guarantee that the improvements comply with the minimum requirements of this ordinance at the time of acceptance.

15.04.080 AS-BUILT DRAWINGS

The subdivider shall provide as-built drawings, in hard copy and may be required to submit an electronic copy, of all completed and accepted subdivision improvements before building permits are issued. As-built drawings shall be submitted, for all improvements not constructed and accepted at the time building permits are issued, before those improvements are accepted. These as-built drawings shall show, but not be limited to, the following:

- A. Location of water lines and laterals referenced to property corners.
- B. Location of sewer lines and laterals referenced to property corners.
- C. Location of gas lines referenced to property corners.
- D. Storm drains, ground drains, drainage ditches, clean-out boxes, and other fixtures.
- E. Location of irrigation water liens and laterals referenced to property corners.
- F. Location of electric system facilities referenced to property corners.
- G. Other items as directed by the Town Planning & Zoning Board, Town Council, or Utility personnel.

15.04.090 STANDARDS AND SPECIFICATIONS

- A. All subdivisions in the town of Levan shall be subject to the design criteria as set forth by the Juab County Development Committee, hereby adopted for the use in Levan Town by reference, or the Juab county General Plan. These standards shall be strictly followed in the design and construction of all improvements including asphalt paving, utilities, storm drainage, and any other improvements related to the development of a subdivision all subdivision plans submitted to the Levan Town Planning Commission for approval will be review by the Town Engineer to determine compliance with these standards. The town Engineer, Building inspector, or other authorized personnel will inspect the installation of improvements to assure compliance to these standards during construction.
- B. If there are any conflicts or inconsistencies between the requirements as set for thin the Subdivision Code, The General Plan, and the standards set by the Juab county Development committee, whichever is more stringent shall prevail.

15.04.100 DRAWING REQUIRED

Plans showing the locations, size, grade and depth of all water and sewer mains, water and sewer laterals, valves, manholes and other subsurface utility and service lines and facilities shall be submitted to the Town by the subdivider prior to the release of any performance guarantees. The location of required survey monuments shall be approved by the Town Engineer at the request of the subdivider, to the Town council, before the release of any performance guarantees.

15.04.110 VARIANCES

Where the subdivider can show that a provision of these general requirements and minimum standards of design would cause unnecessary hardship if strictly adhered to and where, because of topographical or other conditions peculiar to the site, in the opinion of the Planning Commission a departure may be made without destroying the intent of the provisions, the Planning Commission may recommend to the Board of Adjustments that it review and application for a variance. Any variance so authorized shall be stated on the final plat and the reasons for such departure shall be entered in writing in the minutes of the Board of Adjustments.

15.04.120 RELATION TO ADJOINING STREET SYSTEM

The arrangement of streets in new subdivisions shall make provision for the continuation of the existing streets in adjoining areas (or their proper protection where adjoining land is not subdivided), insofar as such may be deemed necessary by the Planning & Zoning Board for public requirements. The street arrangement shall not cause unnecessary hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it. Half streets along the boundary of land proposed for subdivision or within any part of a subdivision will not be permitted.

15.04.130 STREETS

- A. Street designs must conform to the adopted street plan for the area as regards alignment and right-of-way widths. The layout of proposed streets of any development must give due consideration to the extension of the street network to abutting properties, developed or undeveloped, in order to produce a safe, effective street network in conformity with the intent of the transportation and circulation element of the General Plan once development of the area has been completed. Insofar as possible, offset streets, and jogs at intersections shall be avoided in order to bring about the best development of the area.
- B. Arterial Roads – not less than ninety-nine feet (99’).
- C. Major Streets – Arterial, collector, and significant local streets shall conform to the width designated in the Levan Town General Plan. However, upon approval of the development review committee the planning commission may impose other street width requirements.
- D. Local Streets – Local streets shall have a minimum right-of-way width of sixty-six feet (66’).
 - 1. Width of streets that will have greater use shall be determined by the Planning & Zoning Board.
- E. Cul-de-sac Streets – Cul-de-sacs shall not be longer than six hundred feet (600’) from the centerline of the adjoining street to the center of the cul-de-sac. Each cul-de-sac must be terminated by a turnaround of not less than 100 feet in diameter. If parking is allowed on the street side of the curb within the cul-de-sac the radius shall not be less than one hundred twenty feet (120’). If surface water drains into the turnaround due to the grade of the street, necessary catch basins and drainage systems and easements shall be provided.
- F. Pedestrian walkways: not less than three feet (3’).
- G. Turning Area – Where a street longer than one lot is designed to remain only temporarily as a dead-end street, an adequate turning area shall be provided as follows:
 - 1. Where the street dead-ends into a subsequent phase of the same subdivision, a temporary, graveled, one hundred foot (100’) diameter turnaround and a permanent easement of right-of-way on the subsequent phase property shall be provided. However, if the subsequent subdivision phase is not recorded at the time of roadway paving in the preceding phase, a one hundred foot (100’) diameter asphalt-surfaced turnaround shall be placed at the subsequent phase property. If parking is allowed on the street side of the curb within the cul-de-sac the radius shall not be less than one hundred twenty feet (120’).
 - 2. Where the street dead-ends against property which is not part of a subsequent subdivision phase, either a bubble inside the subdivision as shown in the standard drawing or an asphalted one hundred foot (100’) diameter turnaround, along with a permanent easement of right-of-way from the adjacent property owner, shall be placed. If parking is allowed on the street side of the curb within the cul-de-sac the radius shall not be less than one hundred twenty feet (120’).
- H. Intersections – The intersection of more than two streets at one point shall not be allowed. Streets shall intersect at a ninety degree (90°) angle. Street intersections shall be rounded with a minimum radius of twenty-five feet (25’) measured at the back of curbs.
 - I. Standard Street Sections – All proposed streets, whether public or private, shall conform to the town street standards as adopted by the town.
 - J. Street Grades – Street grades shall not exceed the following percentages: on arterial streets eight percent (8%) on local and collector streets ten percent (10%). Street grades near intersections shall be designed for adequate stopping and starting by adjusting grade on both sides of the intersection. Grades on all streets shall be a

minimum of 0.5% unless specifically authorized by the Town Council. The cross slope of the street cross section is defined on the standard drawings. Any difference in curb elevations must approved by the Town Council; however, in no case shall the difference exceed one foot (1').

- K. Alleys – Alleys shall have a minimum width of twenty-six feet (26'). Alleys may be required in the rear of business lots, but will not be accepted in residential blocks except under unusual conditions where such alleys are considered necessary by the Planning & Zoning Board.
- L. Bridges – Design and construction of new bridges, whether essential for the overall circulation plan of the town or required only to serve a subdivision, shall be approved in advance by the Town Council.
- M. Protection Strips – Where subdivision streets parallel contiguous property of other owners, the subdivider may retain a protection strip of not less than one foot (1') in width between the street and adjacent property. Protection strips will be allowed only at the discretion of the Town Council, after recommendation of the Planning & Zoning Board, and in accordance with all town ordinances. An agreement with the town, approved by the town attorney, shall be made by the subdivider, contracting to dedicate the one foot (1') or larger protection strip free of charge to the town for street purposes upon payment by the present owners of the contiguous property to the subdivider of a consideration named in the agreement. Such consideration is to be equal to the cost, at the time of the agreement, of the street improvements properly chargeable to the contiguous property, plus the value of the land from the right-of-way line to the centerline of the street at the time of the agreement, together with interest at a fair rate from the time of agreement until the time of subdivision of such contiguous property. All charges to be associated with the protection strip, as well as the interest rate, shall be recorded as part of the aforementioned agreement. All property owned by the subdivider shall be included on both the preliminary and final plat.
- N. Every subdivided property shall be served with a dedicated public street.
- O. On arterial and collector streets the center line radius and curvature shall not be less than five hundred feet (500').
- P. Streets shall not be designed to have one end permanently closed.
- Q. Proposed streets shall bear the number (#), not a name, and any existing street which it is in obvious alignment must have the same number (#).
- R. Blocks shall not be less than four hundred ninety-five feet (495') in length.

15.04.140 BLOCKS

- A. The maximum length of blocks shall be one thousand three hundred feet (1300'), and the minimum length of blocks shall be four hundred ninety-five feet (495').
- B. The width of blocks shall be sufficient to allow at least two (2) tiers of lots, or as otherwise approved by the Planning & Zoning Board because of design, terrain, or other unusual conditions.
- C. Blocks intended for business or industrial use shall be designed specifically for such purposes, with adequate space set aside for off-street parking and delivery facilities.

15.04.150 LOTS

- A. The lot arrangement and design shall be such that lots will provide satisfactory and desirable sites for buildings and be properly related to topography and to existing and probable future utilities, rights-of-way, and other requirements.
- B. All lots shown on the subdivision plat must conform to the minimum area and width requirements of the zoning ordinance for the zone in which the subdivision is located.
- C. Each lot shall abut a paved street. Interior lots having frontage on two streets shall be prohibited, except where unusual conditions make any other design undesirable.
- D. Buildings constructed on corner lots shall comply with the minimum setback for both streets, as provided in the zoning ordinance.
- E. Side lines of lots shall be at approximately right angles to the street line, or radial to the street line.
- F. Remnants of lots less than the minimum size required by the zoning ordinance after the subdividing of a larger tract shall be added to adjacent lots rather than allowed to remain as unusable parcels. In no event shall the subdivision of land create a lot which does not conform to the zoning ordinance requirements.
- G. Where the land included in a subdivision includes two (2) or more parcels in separate ownership, and the lot arrangement is such that a property ownership line divides one (1) or more lots, the land in each lot so divided shall be transferred by deed to either single or joint ownership before approval of the final plat, and such transfer certified to the Planning & Zoning Board by the Juab County Recorder.
- H. Lots deemed by the Planning & Zoning Board to be uninhabitable shall not be platted for residential occupancy,

nor for such other uses as may increase danger to health, life, or property, but such land within the plat shall be set aside for such uses as shall not produce unsatisfactory living conditions.

- I. Insofar as practical side lot lines shall be at right angle to street lines. Each lot shall front on a public street or road that is on the State Highway System, or that is dedicated to the Town of Levan. Flag lots which meet town requirements for accessibility, services, and safety may be allowed by the Planning Commission and Town Council.
- J. Lot sizes: Residential lots shall conform to the zoning as established in this Levan Town Zoning Code and the adopted Zoning Map.
- K. Lots which abut on two (2) parallel streets shall be avoided, except when one (1) street is an arterial Street; the lots may have the rear yard abutting, without access, on the arterial street.
- L. Lot size measurements will be considered as actual measurements. It is not intended that all lot sizes in an area be of identical size. Lot size denotes the minimum allowable.

15.04.160 EASEMENTS

Easements for culinary water, sewer and/or septic system, natural gas, power, irrigation water, storm water drainage, and other utilities shall be provided by the subdivider and designated on the plat as required to accommodate the utility systems in the subdivision. Where natural drainage channels, interceptor systems, or flood hazard zones cross the subdivision, the subdivider must obtain the necessary permits to modify such drainage facilities, and designate the channels, systems, or flood hazard zones, and any associated restrictions, on the plat.

15.04.170 PARKS AND OTHER PUBLIC PLACES

- A. In reviewing and approving subdivisions the planning commission shall give consideration to suitable sites for parks, playgrounds, and other areas for similar public use.
- B. The Town Council is responsible for the establishment and adjustment of park fees. These fees are to be used for the procurement, development and maintenance of parks in the community. One-half (½) of the fees are to be collected at the time of the final plat and one-half (½) at the time of issuance of a building permit. The Town council may accept property as outlined in LMC 15.04.170 in lieu of fees.
- C. A developer or a land owner may propose a park incorporated into his development plat for purposes of donation or gifting, or for future sale to the Town, it will be the option of the Town council to determine the need and feasibility for such a design. When a park or recreational facility has been designated in the Town's General Plan and is to be located in whole or in part within the proposed subdivision to serve the immediate and future needs of the residents of the neighborhood within which the subdivision is located, the subdivider or developer may donate, gift, or sell land for a local park sufficient in size and topography to serve the residents of the neighborhood within which the subdivision is located. Donated, gifted, or sold land for parks will not be in the computation of the lots allowable in their development. Such donation, gifts or procurement are at the option and discretion of the Town Council and they may place conditions to the acceptance of such property. It is the intent of this section to encourage incentives and cooperation with developers in the implementation of the Town's General Plan as it relate to parks and recreation property it will be the responsibility of the Town Council to establish criteria for park development.

15.04.180 PUBLIC USE AND SERVICE AREAS

- A. The Planning Commission may require easements not exceeding ten feet (10') in width for poles, wires, conduits, storm and sanitary sewers, gas, water, and heat mains or other utility lines along the rear lot lines and alongside lot lines.
- B. No irrigation ditches, canals, or other waterway shall be located within a dedicated public Street except to corners such street in a location approved by the Town Engineer.
- C. All streets within the subdivision must be dedicated to the Town of Levan.
- D. All canals and major ditches shall be fenced on both sides for public safety, health, and welfare with a six foot (6') chain link fences as specified by the Town Engineer. All irrigation ditches running contiguous or within a property or subdivision shall be piped covered. Pipe size and quality shall be determined by the Town Engineer in consultation with the service irrigation company. Developers of any parcel of land must give due consideration in their development plan to the location of any existing legally established irrigation ditch for supply or waste water, and provide for the continued supply of irrigation water to downstream users and disposal of wastewater and storm drainage. Written approval by irrigation companies of alterations to irrigation systems within proposed developments shall be submitted by developers to the Town Engineer

prior to recording the final plat.

- E. Dedication of all parks, school grounds, and other public open space within the subdivision will be required in accordance with the General Plan of Levan Town. Where this plan calls for larger amounts of public open space than the subdivider's fair amount, as established by the Planning commission the additional land is to be reserved for acquisition by a public body, provided such acquisition is made within one (1) year from the date of final approval. It will be the responsibility of the Town council to determine appropriate location in relation to this section.

15.04.190 SUITABILITY OF THE LAND

No land shall be subdivided for residential use which is held by the Planning Commission to be unsuitable for such use by reason of flooding, bad drainage, septic system, or any feature likely to be harmful to the health, safety, or welfare of the future residents in the proposed subdivision or of the community unless and until such land is rendered suitable for residential use.

15.04.200 ACCESS TO LOTS

Access to each and every lot shall be provided by a public street that has been dedicated to the Town of Levan. The street layout for any proposed development must give due consideration to the future development of adjacent parcels of ground. Reasonable access to adjacent properties must be provided. No parcel of ground may be landlocked as a result of the development of any other parcel of ground.

15.04.210 GUARANTEE OF IMPROVEMENTS

This Chapter shall govern the provisions, nature, use, and disposition of all performance bonds or guarantees of performance which are required to be posted with or deposited for the benefit of the Town by LMC Title 8 or any other provision of this code.

In lieu of the actual completion and acceptance by the Town Council of the improvements required by this ordinance and before approval of the final plat by the Town Council the developer shall guarantee, by written agreement and by one or more of the following methods, the installation and construction of the required improvements within two years from the date of approval of the final plat. In addition the developer shall guarantee by one or more of the following methods that the improvements shall be maintained in a state of good repair free from defective material or workmanship for a period of two years from the date of final approval of the improvements.

15.06 SUBDIVISION APPROVAL STEPS

15.06.010 SUBDIVIDERS TO CONTACT ZONING OFFICER

15.06.020 CONCEPT PLAN

15.06.030 PLANNING COMMISSION APPROVAL OF CONCEPT PLAN

15.06.040 PRELIMINARY PLAN REVIEWS

15.06.050 PRELIMINARY PLAN APPROVAL

15.06.060 FINAL PLAT SUBMITTAL TO PLANNING COMMISSION

15.06.070 PLANNING COMMISSION APPROVAL OF FINAL PLAT

15.06.080 TOWN COUNCIL APPROVAL OF FINAL PLAT

The following Thirty-One (31) steps are necessary in order for a subdivision to be approved in Levan Town. Details about some of these steps are found in the sections that follow.

- A. The subdivider contacts the Planning & Zoning Board for information concerning the town subdivision requirements and compatibility with the general plan and discusses the proposed plan of development prior to preparing any plats, plans, or charts. The developer also receives a copy of the subdivider agreement.
- B. The subdivider purchases a copy of the Levan Town Subdivision Ordinance.
- C. The subdivider submits the subdivider agreement and three (3) copies of the vicinity plat, containing all the information required by LMC 15.04.040(A), to the Planning & Zoning Board.
- D. The Planning & Zoning Board reviews the documents and makes recommendations. Thirty (30) calendar days are allowed for completion of Board review for each submittal or re-submittal.
- E. Upon completion of the Board's review and receipt of a signed subdivider agreement, the Planning & Zoning Board places the item on the Board's agenda and notifies the subdivider.

- F. The subdivider meets with the Planning & Zoning Board to review the vicinity plat. The subdivider or agent must attend and present the plat.
- G. After approval of the vicinity plat, the subdivider pays the preliminary plat fee at the town office.
- H. The subdivider submits the following to the zoning administrator:
 - 1. Three (3) copies of the preliminary plat prepared by a registered engineer or surveyor and supporting documents as specified in LMC 15.04.040(B).
 - 2. A preliminary title report.
 - 3. A copy of the preliminary plat fee receipt.
- I. The subdivider submits copies of the preliminary plat and any applicable utility load information to agencies and service providers as needed. If a state highway is involved, the subdivider provides evidence of approval of access, curbs, gutters, and sidewalks by the Utah Department of Transportation to the Planning & Zoning Board.
- J. The Planning & Zoning Board meets and reviews the preliminary plat and takes action. The subdivider or agent must attend and present the plat. The Planning & Zoning Board then forwards the preliminary plat to the legislative body, with its recommendations and conditions thereon.
- K. The legislative body will meet and review the preliminary plat.
- L. If approval is given, the subdivider is notified and informed of any conditions.
- M. The subdivider pays the final plat fee.
- N. The subdivider submits six (6) copies of the tentative final plat to the Planning & Zoning Board.
- O. The Planning & Zoning Board reviews the tentative final plat and checks the tentative final plat for compliance with conditions and returns one copy to the subdivider.
- P. The subdivider submits a copy of the tentative final plat and irrigation system drawings to any irrigation providers involved and obtains a letter of approval.
- Q. The subdivider submits the following to the Planning & Zoning Board:
 - 1. Three (3) copies of the tentative final plat prepared by a registered engineer or land surveyor in accordance with this ordinance.
 - 2. Written application for approval.
 - 3. Cross sections and profiles of the streets and all construction drawings related to all of the improvements to be constructed within the subdivision. All drawings and materials must be signed and stamped by a registered professional engineer.
 - 4. A preliminary storm drainage study, with schematic solutions and the associated calculations to demonstrate primary on-site drainage containment and an overflow plan.
 - 5. Copy of final plat fee receipt.
 - 6. Detailed cost estimates, prepared by the project engineer, for the improvements.
- R. The Planning & Zoning Board reviews the documents and identifies requirements and makes recommendations. Thirty (30) calendar days are allowed for completion of development review for each submittal or re-submittal.
- S. The town calculates the surety required and notifies the subdivider.
- T. Upon completion of the Board's review, the Planning & Zoning Board places the item on the Planning & Zoning Board agenda and notifies the subdivider.
- U. The subdivider presents a copy of the final plat by the Monday prior to the Planning & Zoning Board's meeting.
- V. The Planning & Zoning Board meets and reviews the final plat and takes action. The subdivider or agent must attend and present the plat. Once the plat is approved by the Planning & Zoning Board, it will remain in the custody of the town.
- W. If approval is given, the final plat is signed and forwarded to the legislative body.
- X. Approval of the plat is placed on the Town Council agenda, and the subdivider is notified.
- Y. The Town Council meets and considers the final plat. The subdivider or agent must meet with the Council and discuss the plat.
- Z. If approval is given, the subdivider submits the following to the town for review by the Town Attorney.
 - 1. Guarantee of improvements.
 - 2. Agreements.
- AA. The town attorney reviews the plat and the documents submitted to insure adequacy.
- AB. The subdivider then pays the following fees:
 - 1. Development fees.

2. Recording fees.
3. Inspection fees.
4. Utility extension fees.

- AC. The subdivider and contractors and other representatives meet with town representatives in a preconstruction conference, and then when authorized the subdivider constructs and installs all improvements, meets the inspection plan approved by the town, and has as-built drawings prepared. If the construction and installation of the improvements are guaranteed as in LMC 15.04.210, this step follows recording of the final plat.
- AD. The warranty described in LMC 15.04.210 is guaranteed by the subdivider.
- AE. When the above requirements are met, the final plat will be signed by the Mayor and Town Clerk.

15.06.010 SUBDIVIDERS TO CONTACT ZONING OFFICER

Any person desiring to subdivide land within Levan Town shall secure from the Zoning Officer all necessary information pertaining to Levan Town plan of streets, parks, drainage, zoning and other General Plan requirements affecting the proposed subdivision.

15.06.020 CONCEPT PLAN

- A. Any person or firm wishing to obtain approval to develop any tract of land is required to comply with the following procedure:
1. Concept Plan: The concept plan shall consist of a simple layout of existing and proposed streets, lots, major buildings (planned residential developments), utilities, drainage channels, and other features including existing utilities, drainage and water courses, including irrigation supply and waste ditches, in relation to the existing and planned streets within one fourth (1/4) mile of the development. The plan may be a pencil sketch, or may be made directly on an aerial photograph. The plan shall be prepared at a scale of not smaller than one inch (1") to four hundred feet (400').
- B. After compiling the necessary data the developer shall contact the Planning Commission Secretary and request permission to make a presentation to the Planning Commission concerning plans and objectives of the developer. The commission and the developer shall discuss the procedures, ordinance requirements and standards as they relate to the proposed development.

15.06.030 PLANNING COMMISSION APPROVAL OF CONCEPT PLAN

- A. In no way shall the meeting with the Planning Commission be construed to constitute approval of the development. The primary purpose of the concept plan review process is to permit the petitioner to review with the Planning Commission the general concept of the proposed development and to review informal feedback from the Planning Commissioners as to whether the development appears feasible, whether there appear to be obvious defects in the development scheme, and if the proposed development is in harmony with the general Plan and this Development Code. This meeting is intended to aid the developer in the preparation of the plans and documents before incurring potentially unnecessary expenses of detailed plan and plan preparation.
- B. At the conclusion of the concept plan meeting with the Planning Commission if it is determined that a zone change is necessary, an application for the zone change will be filed by the petitioner together with the fee determined by resolution.
- C. Upon receiving approval for a zone change, the developer shall submit a preliminary plan application to the Secretary of the Planning Commission. Said preliminary plan application shall be attached to all maps, statements, documents and other information required in this ordinance, along with submitted fee required by resolution.

15.06.040 PRELIMINARY PLAN REVIEWS

- A. Developer submits application for preliminary plan review. The developer shall submit five (5) copies of the application with all maps, charts, statements, documents and other information required on the preliminary plan application to the Planning Commission Secretary together with the required fee.
- B. Consideration of the preliminary plan shall not be placed on the Planning Commission agenda for a given meeting unless the application was submitted no fewer than fourteen (14) days prior to said regularly scheduled meeting. Coincident with placing consideration of the preliminary plan of the Planning

commission agenda written notice of the proposed development shall be mailed to all property owners within three hundred feet (300') of the proposed development. The cost of mailing the notice, along with a reasonable administrative fee as established by motion or resolution of the Town Council, shall be borne by the developer.

- C. Town Engineer Review Preliminary Plans. At least seven (7) days prior to the Planning Commission meeting at which the preliminary plan will be considered, the Town Engineer shall review and return to the Planning Commission the preliminary plan accompanied by recommendations pertaining to corrections, additions, and deletions necessary to bring the same into compliance with Levan Town Standards.
- D. Planning Commission review and takes action on preliminary plans. Following receipt of the Town Engineer's recommendations, the Planning Commission shall review with the developer the report submitted by the Town Engineer. The Commission shall either approve or disapprove the preliminary plan, documents and statements or refer them back to the developer for any of the following reasons
 - 1. The development has been found to be inconsistent with Levan Town's General Plan.
 - 2. The Planning Commission requires that certain specific changes be made to the plan in order to bring the plans into compliance with Levan Town standards.
 - 3. The plans or documents and statements are incomplete.
 - 4. Other reasons as indicated on preliminary plan application.

15.06.050 PRELIMINARY PLAN APPROVAL

- A. Planning Commission Approval. Preliminary approval of plans and documents by the Planning Commission shall not constitute approval of the final plan, but shall be deemed as an expression of tentative approval of the layout of the preliminary plan which the developer may use as a guide in preparing the final plan and documents. Final approval shall only be accorded by the Town Council. Following approval of the preliminary plans by the Planning Commission, two (2) copies of the plans shall be submitted for review by the Town Council.
- B. Action of the Town Council. The Town Council shall review the preliminary plan and shall approve or disapprove the preliminary plan or refer it back to the Planning Commission for further study. Before taking action on the plan, the Town Council may hold an informal public hearing. Upon approval of the preliminary plan by the Town Council, the developer shall be authorized to prepare and submit the final plan to the Planning Commission which shall be in compliance with all procedures, requirements, and standards relating to final approval.
- C. Limitation of Preliminary Plan Approval. The preliminary plans and documents shall be valid for six (6) months from the date of action by the Town Council. The said time period may be extended for an additional six (6) months upon approval by the Planning Commission and the Town Council. Any other extension of time shall be requested in writing and submitted to the Planning Commission no less than thirty-one (31) days prior to the expiration of the preliminary approval period. No construction shall be permitted until final approval has been obtained.

15.06.060 FINAL PLAT SUBMITTAL TO PLANNING COMMISSION

- A. After receiving the preliminary plan approval or authorization to proceed (as applicable) the developer shall prepare and submit to the Planning Commission Secretary:
 - 1. Six (6) copies of the final plans.
 - 2. Six (6) copies of the final plat.
 - 3. Three (3) copies of the final documents
 - 4. Three (3) copies of an itemized estimate of the cost of constructing the required improvements.
- B. The final plat shall be accompanied by engineering review fee, as provided by resolution by the Town Council plus the actual cost of recording the final plat and documents. In order for the development to be placed on the agenda the application for the final approval with final plans, plat, documents and fees must be submitted to the Planning Commission Secretary at least fourteen (14) days prior to the meeting at which the plan are to be considered.
- C. Town Engineer Reviews Final Plat. Before the final plat is presented to the Planning Commission for consideration, the Town Engineer shall:
 - 1. Review the final plans, plats, documents and cost estimate in detail to finally verify compliance with all the provisions of Town Ordinances and standards and with approved preliminary plans, plats and documents.
 - 2. Communicate with the developer regarding any changes that are required on the final plan, plat,

documents and cost estimates to bring the same into compliance with all of the provision of Town codes and standards and with the preliminary plan, plat and documents.

15.06.070 PLANNING COMMISSION APPROVAL OF FINAL PLAT

- A. Planning Commission Takes Action on Final Plat. When the plans, prints, documents and cost estimates are complete and have been reviewed by the Town Engineer as required above, the Planning commission shall approve the final plat after review and ascertaining that:
1. The final plans conform to those given preliminary approval.
 2. The final plat and documents comply with the requirements and standards relating to the applicable zone.
 3. The estimates of cost of constructing the required improvements are realistic.
 4. Tax liabilities of the common space (wherever a planned residential development involved the reservation of common open space) have been determined.

15.06.080 TOWN COUNCIL APPROVAL OF FINAL PLAT

Following approval by the Planning Commission of the final plans, plat, documents, cost estimates, and tax liabilities of the common open space, where applicable, a copy of the same shall be submitted to the Town Council by the Planning Commission for its final approval. A bond satisfactory in form to the Town Attorney shall be submitted with the final plat and the plat shall be approved as to legal form by the said attorney. The Town Council will review said plans, prints, documents and cost estimates and if found to be consistent with the approved preliminary plan, the Town Council shall grant final approval of said plans, plats, and documents, execute all documents, agreements and the final plat; and accept all public dedications.

15.08 ACTS TO BE DONE IN SUBDIVIDING

15.08.010 PROVISIONS

15.08.020 IMPROVEMENTS MADE PRIOR TO RECORDING FINAL PLAT

15.08.030 IMPROVEMENTS REQUIRED

15.08.040 ALL ACTS SUBJECT TO APPROVAL OF TOWN

15.08.010 PROVISIONS

This section applies to all property owners located in any subdivision. Its provisions shall apply to all transferees, assignees, or purchasers. The owner of any property within Levan Town boundaries, or adjacent to Levan Town boundaries, proposing to subdivide the same for residential or business purposes shall first conform to the following:

15.08.020 IMPROVEMENTS MADE PRIOR TO RECORDING FINAL PLAT

The improvements required by this ordinances shall be constructed, installed, and maintained by the subdivider until accepted by Levan Town prior to recording the final plat in the office of the Juab County Recorder, unless the construction, installation, and maintenance is guaranteed in a manner as provided in LMC 15.04.210. Improvements shall not be installed or constructed until their location and specifications have been approved by the town.

15.08.030 IMPROVEMENTS REQUIRED

After the subdivider's final plan has been approved, he shall construct the required improvements under the direction of the town Engineer as herein specified. The subdivider shall also submit a cash bond or certified check to the Town guaranteeing the quality of the material and workmanship of the improvements. The amount of the bond shall be set by the Town council upon recommendation for the Town Engineer which recommendation shall be based upon on hundred and ten percent (110%) of the estimated cost of the required improvements plus reasonable addition for estimated inflation of costs for the next twenty-four (24) months. Before final acceptance of any subdivision lying within Levan town shall be approved, the following improvements shall be constructed in accordance with town specification and under the inspection of the Town Engineer. The improvements shall include all street improvements in front of all lots and along all dedicated streets to a connection with existing improvements of the same kind or to the boundary of the development nearest existing improvements. Layout must provide for further extension to adjacent development and to be compatible with the contour of the ground for proper drainage. All water lines, sewer lines, and any other buried conduit shall be installed to the boundary lines of the development. The owner of any land located in or platted as a subdivision shall install the following

improvements in compliance with the specifications contained in the specification and standard drawings:

- A. SEWER COLLECTION. At such time as Levan Town is required or determines to install a sewer system, all property owners including those in approved subdivision will be required to pay a front footage fee and to accept the costs of connecting to said sewer system. Sewer connections, subdivision sewer systems and individual sewage facilities shall be installed in accordance with specification set by the State Department of Health. Subdividers shall make necessary provisions by installing sewer mains and laterals to the property line of each lot, in accordance with requirements established by the Town Engineer, so that a minimum of roadway excavation will be required to connect said subdivision to the Town sewer system.
- B. The subdivider shall connect to the sanitary sewer and provide adequate lateral lines to the property line of each lot. Such sewer connections and subdivision sewer systems shall comply with the regulations and specification of, and shall be approved by the town and Juab County Health Department. All sewer lines must be extended across the entire frontage of all existing streets and to the boundary of the subdivision on all existing or proposed town streets.
- C. DRAINAGE. The subdivider shall provide adequate surface drainage for the area being subdivided, including primary on-site drainage with an accompanying overflow plan.
 1. The subdivider shall have prior approval for connections to system or the source, and shall make such water available to each lot within the subdivided area. Sizes of water mains shall be subject to the approval of the Town Engineer and shall be based upon fire protection requirement, but in no case shall they have a diameter of less than six inches (6"). Workmanship and details of construction shall be in accordance with Town specifications and with the State board of health requirements.
 2. Culinary Water. The subdivider shall install water liens to make the water supply available to each lot within the subdivision, including lateral and meter sets according to the specifications of the town. The location and size of water mains shall be approved by the town engineer. Subdivision water lines shall be a minimum of eight inches (8") in diameter, and service laterals shall be a minimum of three-quarter inch ($\frac{3}{4}$ ") in diameter. All water lines must be extended across the entire frontage of all existing streets and to the boundary of the subdivision on all exiting or proposed town streets.
 3. Fire Hydrants. Fire hydrants shall be installed at intervals within the subdivision in such a manner that no lot will be a distance greater than two hundred fifty feet (250') from the closest hydrant, measured along the streets. Such fire hydrants shall be of the type, size, and number as adopted by the town and installed in such locations as approved by the town. A fire hydrant shall also be placed at the end of every cul-de-sac in which the water line dead-ends.
 4. Street Grading and Surfacing. All streets dedicated to the public use shall be graded, graveled, and hard surfaced from curb to curb, in accordance with the standards and specifications of Levan Town. Traffic regulatory, safety, and street identification signs shall be erected.
 - a. In subdivision within the established block system within Levan Town with previously-surfaced streets, the developer shall surface the area from the existing oiled surface to the curb and gutter.
 - b. In subdivisions within the established block systems of Levan Town, where existing streets are not presently surfaced, the developer surfacing said street at its own expense.
 - c. In subdivisions not within the established block systems of Levan Town, where existing streets are not presently surfaced, the developer shall surface from the curb on the subdivision side of the street to and including the traveled portion of the street.
 5. Monuments. Permanent survey monuments shall be accurately set and established at the intersections of centerlines of streets within the subdivision and intersection with centerlines of existing streets and the beginning and ends of curves on centerlines or points of intersections or tangents. All permanent survey monuments shall remain in place, or be reset at the subdivider's expense, after curbs, gutter, and sidewalks are installed. Monuments shall be of a type specified in town standards, and all subdivision plats shall be tied to a section corner or monument of record, as established by the Juab County Surveyor.
 6. Electric Power System
 - a. The subdivider shall pay the cost of electric system extensions and street lights, installed by the town, to service the subdivision.
 - b. The subdivider shall be responsible to facilitate the extension of electrical distribution lines by:
 - (1) Planning the installation of utilities to each lot or site to be served to preclude conflict between other utilities and the electrical distribution lines.
 - (2) Scheduling and coordinating the actual installation of improvements to allow adequate time

- for construction of electrical distribution lines.
- (3) Notifying the Levan Town Power Superintendent upon completion of adequate site preparation to allow installation of electrical distribution lines.
- c. The subdivider shall prepare the site for electrical distribution line installation before notifying Levan Town to install said lines. Site preparation shall include but not be limited to:
- (1) Installation of curb and gutter indicating permanent grade.
 - (2) Markers installed on curb indicating property lines.
 - (3) The area extending from property side of sidewalk away from the street for ten feet (10') leveled to final grade.
 - (4) Utilities installed less than four feet (4') below final grade not extending beyond the property line more than twelve inches (12").
- d. The subdivider shall provide the trenching and excavations for installation of underground facilities unless waived by the Town Council.
- e. The subdivider shall back-fill, compact, test, and guarantee the back fill of excavations for underground facilities installed.
7. Street Signs. The subdivider shall pay the cost of traffic control, street identification, and other street signs, installed by the town, in accordance with town standards. The cost will be charged to the subdivider and shall be paid before the plat is recorded. The bond for improvements in the subdivision will not be released until after payment of the costs incurred to install the necessary street signs has been made.
8. Gas
- a. The subdivider shall pay the cost of gas system extensions, installed by the town, to service the subdivision.
- b. The subdivider shall be responsible to facilitate the extension of gas distribution lines by:
- (1) Planning the installation of utilities to each lot or site to be served to preclude conflict between other utilities and the gas distribution lines.
 - (2) Scheduling and coordinating the actual installation of improvements to allow adequate time for construction of gas distribution lines.
 - (3) Notifying the Levan Town upon completion of adequate site preparation to allow installation of gas distribution lines.
- c. The subdivider shall prepare the site for gas distribution line installation before notifying Levan Town to install said lines. Site preparation shall include but not be limited to:
- (1) Installation of curb and gutter indicating permanent grade.
 - (2) Markers installed on curb indicating property lines.
 - (3) The area extending from property side of sidewalk away from the street for ten feet (10') leveled to final grade.
 - (4) Utilities installed less than four feet (4') below final grade not extending beyond the property line more than twelve inches (12").
- d. The subdivider shall provide the trenching and excavations for installation of underground facilities unless waived by the town.
- e. The subdivider shall back-fill, compact, test, and guarantee the back fill of excavations for underground facilities installed.
9. Staking of Lots. Survey stakes shall be placed at both front and back lot comers to completely identify the lot boundaries on the ground. Back lot comers shall be marked with a metal pipe or rod driven into the ground, and front lot comers shall be identified with permanent plugs in the sidewalk or back of the curb or with a metal pipe or rod driven into the ground if sidewalks or curbs have not been provided. All lot comers must be in place prior to the issuance of building permits and after the completion of all subdivision improvements. It shall be the responsibility of the lot owner to ensure that all lot comers are in place prior to the final inspection of the house. The town is not responsible to replace survey stakes or markers.
10. Grading of Lots. All lots will be left free from construction materials and debris and shall create no traffic hazards or other nuisances.

All of the foregoing requirements shall be performed and done at the expense of the owner or developer and shall be subject to the approval of the Town Council.

The standards of construction of all utilities, streets, sidewalks, and other use of the streets are to conform to the standards adopted by Levan Town. Said requirements may be further detailed by resolution of the Town Council.

15.10 ADMINISTRATION AND ENFORCEMENT

15.10.010 BOND

15.10.020 ESCROW

15.10.030 DEPOSIT WITH TOWN

15.10.040 IRREVOCABLE LETTER OF CREDIT

15.10.050 FEES

15.10.060 LEGAL REMEDIES FOR VIOLATION

15.10.070 DURATION OF GUARANTEE; DURABILITY OF IMPROVEMENTS

15.10.080 DEFAULT

15.10.090 ENFORCEMENT/PENALTIES

15.10.010 BOND

The developer shall furnish and file with the town recorder a bond with corporate surety in an amount equal to one hundred twenty-five percent (125%) of the cost of the improvements not previously installed and accepted plus fifteen percent (15%) of the cost of previously installed improvements as estimated by the Town Council to assure the installation and construction of such improvements within a period of two years immediately following the approval of the subdivision plat by the Town Council and that the improvements shall be maintained in a state of good repair free from defects of material or workmanship for a period of two years following the date of final approval for the improvements, which bond shall be approved by the Town Council and Town Attorney.

Within twenty-four (24) months after final approval of plans by the Town Council, all required improvements shall be completed by the developer and inspected by the Town Engineer. The Town Engineer shall then certify to the Town Council that all requirements have been completed by the developer at which time the Town Council shall give final acceptance to the subdivision.

Upon completion of the improvements for which a surety or cash bond has been filed, the developer shall call for inspection by the Town Inspector, such inspection to be made within five (5) days from the date of request. If inspection shows town standards and specifications have been met in completion of such improvements, the portion of the bond corresponding to the completion of the improvements shall be released within seven (7) days from the time of inspection. The portion of the bond corresponding to the warranty improvements will be released following inspection and verification of the condition of the improvements after twenty-four (24) months following final approval.

The layout and design of all subdivision and engineering plans and the content of all required documentation shall be in accordance with the minimum Town standards and specification which are provided for by this Title.

- A. FINAL DISPOSITION AND RELEASE. The subdivider, or other person giving the performance guarantee provided for by this title, shall be responsible for all material and workmanship of the improvement at the completion of the work or not less than ten (10) days prior to the release date of the bond or other assurance, the person giving the guarantee shall submit to the town Engineer one copy of the drawing of record of the improvement and a certificate of completion. The Town Engineer or building official shall then make an inspection of the improvements and shall submit a report to the mayor and Town Council setting for the condition thereof. If the condition of said improvements is found to be satisfactory and all liens are paid, the Mayor and Town council shall issue a final approval of the improvements. If the condition of material or workmanship shows unusual depreciation or does not comply with the acceptable standards of durability, or if the outstanding liens are not paid, the matter shall be deferred to the Town council; and in accordance with LMC 15.10.080, the council may declare the person giving the guarantee in default.
- B. PARTIAL RELEASE PERMITTED. The Town Council may, upon recommendation of the Town Engineer and application of the person giving the guarantee, authorize from time to time a partial release of the performance guarantee in accordance with the following schedule:

Percent of work completed	Maximum	percentage	of
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eligible for release	guarantee of performance
50%	40% of total bond
75%	60% of total bond
100% and a satisfactory final inspection	80% of total bond

15.10.020 ESCROW

The developer shall deposit with a town insurance company, bank, or savings and loan institution in an escrow account an amount of money equal to at least one hundred twenty-five percent (125%) of the costs of the improvements required by this ordinance not previously accepted by the town and fifteen percent (15%) of the cost of the improvements already installed and approved. The costs of the improvements shall be determined by the Town Council. The escrow agreement shall be subject to approval by the town attorney and shall be signed by the developer, the town, and the escrow holder, and shall contain substantially the following language:

AGREEMENT

The undersigned hereby promises and warrants that it has on deposit in an escrow account for the benefit of Levan Town, the sum of \$_____ which represents at least one hundred twenty-five (125%) of the estimated costs of the improvements not constructed or installed by the developer of the subdivision and accepted by the town plus fifteen percent (15%) of the cost of the improvements already installed and approved.

The undersigned hereby agrees that the foregoing sum of money shall be used exclusively for the purpose of paying for the costs of materials and construction and installation or repair of the improvements required by the town's subdivision ordinances. The undersigned further agrees that the money held in an escrow account shall be paid out to the contractors installing and constructing the required improvements only upon an order executed by the developer and by an authorized officer of the town except in the case of repair of defects, when the process below will be followed.

The developer shall not withdraw from the escrow account any amount in excess of one hundred ten percent (110%) of the estimated cost of the improvements but shall pay from other sources any costs for such improvements which exceed one hundred ten percent (110%) of the costs estimated by the engineer. A sum equal to fifteen percent (15%) of the estimated costs of improvements shall remain with the escrow holder for a period of two (2) years following acceptance of the improvements of the town.

If after two (2) years from approval of the final plat by the town, all or any part of the required improvements are not installed, constructed and accepted by the town, and if for a period of two (2) years following acceptance of the improvements by the town the improvements are not maintained according to the standards required in the town's subdivision ordinance, the town shall notify in writing the developer and the escrow holder of the defects and shall make demands on the developer that the defects be corrected. If the defects are not corrected within thirty (30) days, the town may correct the defects and charge to the escrow holder the costs of correcting the defects.

The escrow holder shall, on receiving reasonable proof from the town of the defect and that the town has incurred the costs of correcting the defect, pay to the town from the escrow account the cost of correcting the defect, and the escrow holder shall be held harmless by the parties by reason of the payment to the town.

If, after two (2) years after the Town Council has accepted the improvements required by its subdivision ordinance, the required improvements remain substantially free from latent defects, the town shall certify such fact to the escrow holder and the escrow holder, shall release to the developer any money still held in the escrow account, and the escrow holder shall be discharged of its obligation to the town.

The escrow agreement may contain such additional provisions as the parties deem necessary.

15.10.030 DEPOSIT WITH TOWN

The developer shall deposit with the town a sum equal to one hundred twenty-five percent (125%) of the costs of the required improvements not installed, constructed, and accepted by the town and fifteen percent (15%) of the cost of the improvements previously constructed and accepted. The developer shall have the right to draw against



the account with the town all sums to one hundred ten percent (110%) of the cost of the improvements not installed which shall be paid to the order of persons installing, constructing, or maintaining the improvements. The town shall hold the additional fifteen percent (15%) to guarantee that the improvements are maintained in a state of good repair free from defects of material or workmanship for a period of two (2) years following approval of the improvements. The town may, after making written demand on the developer in the manner required in LMC 15.10.020, install, construct, or repair the improvements and pay such costs from the developer's account. The town shall refund any sums remaining in the developer's account after the Town Council accepts the improvements and the two (2) year warranty period expires.

15.10.040 IRREVOCABLE LETTER OF CREDIT

The developer shall file with Levan Town an irrevocable letter of credit from a duly-chartered state or national bank or savings and loan institution which shall contain provisions similar to those required in the escrow agreement. The form of the irrevocable letter of credit must be approved by Levan Town.

15.10.050 FEES

Except as may otherwise be provided in this title, all costs and charges for the development and planning of subdivisions shall be borne and paid by the subdivider and shall not be paid by the Town. Any fees incurred by the town in excess of set fees shall be reimbursed to the Town by the Developers before final approval is given. Subdivision approval within Levan Town shall be subject to the following fees and any others as established by the Town Council.

- A. CONCEPT PLAN FEE. A concept plan fee shall be paid prior to submission of the said concept plan to the Planning Commission.
- B. PRELIMINARY PLAT APPLICATION FEE. At the time of filing the preliminary plat, the subdivider shall deposit with the town a non-refundable fee made payable to Levan Town. The Town Council shall by resolution from time to time prescribe the amount of such fee, which shall be for the purpose of reimbursing the town for the expense of checking and reviewing such preliminary subdivision plats. The said fees shall provide for the following services:
 - 1. Review and verification of meets and bounds conformity of lots to zoning code and planning standards.
 - 2. Planning review of layout and site planning placement of parks and common area if any, and verification of conformance of subdivision with Planning policy of the Town including General Plan conformity.
 - 3. Legal review of plat, bonding instrument, dedication of public areas, preliminary title report and conformity to ordinance.
 - 4. Written notice of preliminary review of the proposed development to owners of properties located within three hundred feet (300') of the proposed development.
- C. ENGINEERING REVIEW FEES. Engineering review fees shall be collected for each lot shown upon the preliminary plan approved by the Planning Commission. Fees set for thin Levan Town Resolution of Fees and Charges. The fees collected pursuant to this section shall pay for the following regulatory services:
 - 1. Flood control, topographical and drainage review.
 - 2. Traffic review (pattern and scope).
 - 3. Review of public improvements design as to adequacy and placement.
 - 4. Review of capital impact of subdivision including revenue projection and estimated costs of services.
 - 5. Calculations and verification of public improvement bond estimates and final amount.
- D. ZONE CHANGE AND ANNEXATION FEE. Each application for a zone change for any parcel of land regardless of size shall be accompanied by a fee to pay for legal notices and preliminary staff review of request. Annexation fees shall be based on a flat fee plus a fee per acre of acres annexed, plus fee for preparing impact statement. These fees are established by Levan Town Resolution of Fees and charges.
- E. FINAL PLAT APPLICATION FEE. At the time of filing the final plat, the subdivider shall deposit with the town a non-refundable fee made payable to Levan Town. The Town Council shall by resolution from time to time prescribe the amount of such fee, which shall be for the purpose of reimbursing the town for the expense of checking and reviewing such final subdivision plats. The subdivider shall also pay to the town an amount equal to the normal fee for recording a subdivision in Juab County as established by the Juab County Recorder.
- F. INSPECTION FEE. Prior to recording the final plat, the subdivider shall deposit with the town a construction inspection fee. The Town Council shall by resolution from time to time prescribe the amount of such fee,

which shall be for the purpose of reimbursing the town for the expense of review and inspection of the subdivision improvements.

- G. PAYMENT OF FEES. The fees set forth and required by sections B through F herein above shall be paid prior to submissions and inspections
- H. Fees once paid are not to be refunded. The fees herein charged maybe modified from time to time hereafter by resolution of the Town Council.

15.10.060 LEGAL REMEDIES FOR VIOLATION

Any person, firm, or corporation, whether as principal, agent, or employee, who violates or causes the violation of any of the provisions of this ordinance shall be guilty of a Class C Misdemeanor (U.C.A. 10-9-811), and conviction thereof shall be punishable by a fine of not more than seven hundred fifty dollars (\$750), or by imprisonment in the county jail of Juab County for a term not exceeding ninety (90) days, or by both such fine and imprisonment

15.10.070 DURATION OF GUARANTEE: DURABILITY OF IMPROVEMENTS

- A. The duration of the performance guarantee coveting the construction of the required improvements shall be for a period of two (2) years, unless a different time period is prescribed by a particular Section of this Code which requires such guarantee to be posted. The time period shall begin on the date of final approval of the guarantee by the Town Council.
- B. A retainage of not less than twenty percent (20%) of the total amount of the guarantee shall be retained by the Town for a period of not less than two (2) years following the date of final acceptance of the improvements by the Town. Such retainage shall be a guarantee of the durability of all improvements, if during the two (2) year period the durability of said improvements are found to be satisfactory, the Town Council shall authorize release of said retainage, if, however, during said period the condition, or material or workmanship of the improvement or improvements fails or shows unusual depreciation, or if it becomes evident that certain work was not completed or that said improvements do not otherwise comply with accepted standards of durability, said condition shall be corrected by the person giving the performance guarantee. If the corrections are not made within a reasonable time, the Town Council may, in accordance with LMC 15.10.080, declare such person in default and use the retainage to defray the cost of any required work.

15.10.080 DEFAULT

- A. When the Town Council shall determine that the person posting the performance guarantee has failed or neglected to satisfactorily install the required improvement or make required correction, or to pay all liens in correction with said improvements, the council may, after a public hearing on the matter, declare the performance guarantee, or any un-released portion thereof, forfeited and thereafter may install or cause the required improvements to be installed or repaired using the proceeds of the guarantee to defray the expense thereof.
- B. In the event that the un-released portion of the guarantee is not sufficient to pay all the cost and expense of such installation or repair, the Town may maintain an action against the person giving the guarantee of the excess.

15.10.090 ENFORCEMENT/PENALTIES

- A. It shall be unlawful to record any plan or plat of a subdivision in the office of the County Clerk unless the same shall bear thereon the approval of the Town Council and Town Planning Commission. Whoever, being the owner or agent of the owner of any land located within a subdivision in the incorporated area of Levan Town, transfers or sells any land in such subdivision before the plan thereof has been approved by the Town Council and the Planning Commission and recorded in the office of the County Clerk, or parcel within the outermost bound of recoded subdivision which does not conform to the approved and recoded lot lines of the plat without first following the procedure of amending the subdivision plat as required by State Law (57-5-7 UCA 1953). PERSONS SHALL BE GUILTY OF A MISDEMEANOR FOR EACH LOT OR PARCEL OF LAND TRANSFERRED OR SOLD, OR ADVERTISED FOR SALE. The description of lots or parcel of land by metes and bounds without the necessity of recording a plat if all of the following conditions are met:
 - 1. The subdivision layout, or preliminary plan, shall have first been approved in writing by the Planning Commission.
 - 2. The subdivision is not traversed by the mapped liens of a proposed street as shown on road plans as approved by the Town Council and does not require the dedication of any land for street or other public

purposes.

3. If each lot in the subdivision complies with the frontage; width and area requirements of these subdivision regulations.
 - B. The Town may enjoin such transfer or sale or agreement by action for injunction brought in any court of jurisdiction or may recover said penalty by civil action in any court of competent jurisdiction.
 - C. Each person, persons, firm or corporation found guilty of violation shall be deemed guilty of a separate offense for every day during which any violation of any provision of this ordinance is committed, continued or permitted by such person, persons, firm or corporation and shall be punished as provide in this ordinance.

16 LAND USE AND DEVELOPMENT

16.02 GENERAL PROVISIONS

16.04 DEFINITIONS

16.06 ADMINISTRATION

16.08 ESTABLISHMENT OF DISTRICTS AND OFFICIAL MAP

16.10 RESIDENTIAL ZONING (R-1)

16.12 MIXED-USE ZONING (MU)

16.14 CONDITIONAL USE

16.16 ZERO-LOT-LINE DEVELOPMENT

16.18 SUPPLEMENTARY REGULATIONS

16.19 COMMERCIAL AND INDUSTRIAL PERFORMANCE STANDARDS

16.20 OFF-STREET PARKING AND LOADING STANDARDS

16.22 ADDITIONAL HOUSING STANDARDS

16.24 PLANNED UNIT DEVELOPMENT (PUD)

16.26 MOBILE HOME PARKS AND RECREATIONAL VEHICLE PARKS

16.28 SITE PLAN REVIEW

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16.02.010 SHORT NAME

This title shall be known as the "Levan Town Zoning Ordinances" and may be so cited and pleaded.

16.02.020 PURPOSE

This ordinance and the regulations and restrictions contained herein are adopted and enacted for the purpose of promoting the health, safety, morals, convenience, order, prosperity, or welfare of the present and future inhabitants of the municipality, including among other things, the lessening of congestion in the streets or roads; securing safety from fire and other dangers; providing adequate open spaces, light and air, classification of land uses, adequate landscaping, distribution of land development and utilization, and protection of the tax base; securing economy in governmental expenditures; fostering the town's commercial and industrial growth, protecting both residential and nonresidential development; and promoting the development of a more wholesome, serviceable, and attractive community resulting from an orderly, planned use of resources.

16.02.030 LEGISLATIVE INTENT

This title is intended to:

- A. Promote coordinated development, redevelopment, effective use of land, and site planning;
- B. Protect private property rights;
- C. Prevent substandard development, waste, inefficient use of land and resources, and danger and congestion in travel and transportation;
- D. Protect and promote public safety, health, and general welfare by providing adequate light and air, water and sewage control, police, fire and wetlands protection;
- E. Encourage innovation in residential development that meets the growing demand for future housing.
- F. Preserve the character and stability of neighborhoods and conserve property values by encouraging the most appropriate uses of land within zoning zones;
- G. Support the goals of the Levan Master Plan;
- H. Ensure equal opportunity in housing to the handicapped;
 - I. Foster convenient, compatible and efficient relationships among land uses;
- J. Require the provision of adequate off-street parking and loading facilities, and promote a safe, effective traffic circulation system;
- K. Regulate and control the division of land;
 - L. Protect life and property in areas subject to floods and other natural disasters;
- M. Promote prosperity, improve morals, peace and good order, comfort, convenience and aesthetics of the Town and its present and future inhabitants and businesses;
- N. Protect the tax base and property values;
- O. Secure economy in governmental expenditures; and
- P. Foster industry

16.02.040 SCOPE AND APPLICATION

The provisions of this Title apply to all land and uses of land within the Town. This Title became effective on 07-19-2006, was re-adopted on 12-09-2009 and may be amended from time to time. A lot annexed and zoned that does not meet the minimum lot standards of this Title, may be used notwithstanding such requirements, if such lot was validly created.

16.02.050 LICENSING

All departments, officials, and public employees of Levan Town which are vested with duty or authority to issue permits or licenses shall conform to the provisions of this ordinance and shall issue no permit or license for uses, buildings, or purposes where the same would be in conflict with the provisions of this ordinance; and such permit or license, if issued in conflict with the provisions of this ordinance, shall be null and void.

16.02.060 ZONING MAP

The boundaries of the zoning zones are set forth on a map entitled "Zoning Zone Map of the Town of Levan, Utah" and adopted as part of this section. This map shall be kept by the Town Clerk and maintained as provided in subsection (B) of this section.

- A. Unless otherwise expressly defined on the zoning map, zone boundary lines are lot lines, section lines, Town limit lines, centerlines of streambeds, and centerlines of streets, alleys, or railroad rights-of-way or such lines extended. Zone boundary lines shall be calculated on the northern and eastern edge of the zoning lines depicted on the zoning map. If uncertainty remains as to the boundary of a zone after application of the provisions of this subsection, the Planning Commission will interpret the zone boundary.
- B. All amendments to the zoning map shall be made by ordinance. The Town shall, within a reasonable time after adoption of any such amendment, place the amendment on the zoning map.

16.02.070 HOW TO USE THIS TITLE

A general description of the land use regulations follows. This description is intended to provide the reader with some guidance using this Title and is not a substitute for the standards, criteria, and procedures contained in this Title.

- A. ZONING MAP. Prior to considering the development or redevelopment of land, an applicant should refer to the official zoning map to determine which base zoning and overlay zones correspond to the property.
- B. ZONING ZONE TITLE. Once the applicant has identified the zoning zone, the applicant should refer to the

sections of LMC 16.10 and LMC 16.12 which corresponds to the applicable zoning zone(s). Definitions are found in LMC 16.04. The applicant should next refer to the site development and design requirements within the zoning zone title to determine if the property is adequate in size to accommodate the proposed project. The site development and design standards will determine the building setback from the property lines, minimum lot area (if any), minimum open space, maximum height, density, parking requirements for buildings and uses on the property, etc.

- C. USE STANDARDS. The applicant should then refer to the use table for the zone. The applicant should first determine if the desired use is allowed in the zone. If the use is allowed as a conditional use, the applicant must complete a discretionary review process to ensure that the impacts of the use on the surrounding area are mitigated. Finally, if the use is an existing legal use that is no longer allowed in the zoning district, and there is a proposal to change or modify a structure associated with the use, the applicant must obtain a variance for the Board of Adjustment.
- D. VARIANCES/REZONES. If the applicant cannot meet the standards described in subsection B, above, the applicant should determine whether there are alternative development options or any exceptions to the general rules that may accommodate the project. If the project does not meet standards and other development alternatives are not possible, then there are two methods available to attempt to vary the standards: the variance process and a petition for rezone.
 - 1. The variance process is generally used for existing development, or development of an existing, validly created lot. The Board of Adjustment shall issue a variance upon the applicant's demonstration that the application meets each variance standard detailed in LMC 16.06.020.
 - 2. A petition for rezone is a request to change the development standards for the property in question. The process for requesting a rezone is detailed in LMC 16.42.020. Rezones are discretionary legislative acts.
- E. SUBDIVISION OF LAND. If the applicant would like to subdivide a piece of property, merge a number of different parcels into one parcel, or re-subdivide, the applicant may need to go through the subdivision process LMC Title 15. The purpose of the subdivision process is to ensure that proposed building sites are appropriate for development; to obtain an accurate and permanent record of the separate interests of land that are created by subdivision of land; to apportion the costs of public services and facilities serving the subdivision to provide assurances to future buyers of land that the subdivider owns the land to be sold; to provide legal and physical access to each lot; and to provide for maintenance of improvements, utilities, and amenities. There are a number of divisions of land to which the subdivision regulations do not apply. The applicant should review these exceptions to determine if the project will be required to complete the subdivision process. There is also an abbreviated process for projects that only require relocation of a lot line between two lots within an existing subdivision. See LMC Title 15, Subdivision Ordinance.

16.02.080 RULES OF CONSTRUCTION

This Title is subject to the following rules of construction:

- A. MEANINGS AND INTENT. All provisions, terms, phrases and expressions contained in this Title shall be construed according to LMC 16.02.030.
- B. HEADINGS, ILLUSTRATIONS AND TEXT. In case of any difference of meaning or implication between the text of this Title and any heading, drawing, table, figure, or illustration, the text shall control.
- C. LISTS AND EXAMPLES. Unless otherwise specifically indicated, lists of items or examples that use terms such as "including," "such as," or similar language are intended to provide examples, not to be exhaustive lists of all possibilities.
- D. COMPUTATION OF TIME. References to days are calendar days. Exclude the first day and include the last day. If the last day is a Saturday, Sunday, or holiday observed by the Town, that day shall be excluded.
- E. REFERENCES TO OTHER REGULATIONS, PUBLICATIONS AND DOCUMENTS. Whenever reference is made to a resolution, ordinance, statute, regulation, or document, it shall be construed as a reference to the most recent edition of such regulation (as amended) resolution, ordinance, statute, regulation or document, unless otherwise specifically stated.
- F. DELEGATION OF AUTHORITY. Whenever a provision appears requiring the head of a department or another officer or employee of the Town to perform and act or duty, that provision shall be construed as authorizing the department head or officer to delegate that responsibility to others over whom they have authority.
- G. TECHNICAL AND NON-TECHNICAL TERMS. Words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases that may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning.

- H. PUBLIC OFFICIALS AND AGENCIES. All public officials, bodies, and agencies to which references are made are those of the Town of Levan, unless otherwise indicated.
- I. MANDATORY AND DISCRETIONARY TERMS. The words "shall," "will," and "must" are always mandatory. The words "may" and "should" are advisory and discretionary terms.
- J. CONJUNCTIONS. Unless the context clearly suggests the contrary, conjunctions shall be interpreted as follows:
 - 1. "And" indicates that all connected items, conditions, provisions, or events apply; and
 - 2. "Or" indicates that one or more of the connected items, conditions, provisions or events may apply.
- K. TENSES AND PLURALS. Words used in one tense (past, present, or future) include all other tenses, unless the context clearly indicates the contrary. The singular includes the plural, and the plural includes the singular.

16.02.090 CONFLICTING PROVISIONS

This Title shall not nullify the more restrictive provisions of covenants, agreements, other ordinances, or laws, but shall prevail notwithstanding such provisions which are less restrictive. It is written to harmonize with federal, state and Town laws. To the extent a provision of this Title conflicts with a federal, state or local law or private contract, the following rules apply:

- A. CONFLICT WITH STATE OR FEDERAL REGULATIONS. If the provisions of this Title are inconsistent with those of the state or federal government, the more restrictive provision will control, to the extent permitted by law.
- B. CONFLICT WITH OTHER TOWN REGULATIONS. If the provisions of this Title are inconsistent with one another or if they conflict with provisions found in other adopted ordinances, resolutions, or regulations of the Town, the more restrictive provision will control.
- C. CONFLICT WITH PRIVATE AGREEMENTS. It is not the intent of this Title to interfere with, abrogate, or annul any easement, covenant, deed restriction, or other agreement between private parties. If the provisions of this Title impose a greater restriction than imposed by a private agreement, the provisions of this Title will control. If the provisions of a private agreement impose a greater restriction than this Title, the provisions of the private agreement will control. The Town shall not be responsible for monitoring or enforcing private agreements.

16.02.100 INTERPRETATION

The Town Clerk shall have the power to interpret the provisions of this Title, provided that the Town Clerk shall consult with the Town's Attorney concerning legal issues. The interpretations shall be consistent with the rules of construction in LMC 16.02.080, with the rules of statutory construction, with the rules of conflicting provisions in LMC 16.02.090 and shall be consistent over time until changed, in writing, by the Town Clerk. Such interpretations shall be entitled the weight accorded to administrative interpretations by the courts. In interpreting and applying the provisions of this section, the requirements contained herein are declared to be the minimum requirements for the purposes set forth.

16.02.110 SEVERABILITY

Should any article, section, clause, or provision of this ordinance be declared by the courts to be invalid, the same shall not affect the validity of the ordinances as a whole or any part thereof other than the part so declared to be invalid.

16.02.120 CREATION OF VESTED RIGHTS

The Town may alter certain private property rights by amending this Title from time to time as provided for in LMC 16.02.010.

- A. HOW RIGHTS VEST. Certain private property rights shall become fixed at law, and may not be altered for a period of time, upon an applicant's:
 - 1. Submission of a Complete Application to develop property that is consistent with this Title; and
 - 2. Payment of all applicable permit fees.
- B. WHAT RIGHTS VEST. The applicant's rights vest under this Title in those rights for which the applicant has applied. For example, if the applicant has applied for a subdivision, and has "vested rights" pursuant to

subsection A above, the applicant's rights vest under the subdivision ordinance, and the applicant is entitled to the benefit of the subdivision ordinance in effect at the time of vesting. An applicant's vested rights under the subdivision ordinance, however, do not vest the applicant under an adopted building, fire or plumbing code, because the applicant has not submitted a Complete Application for the applicable permit, nor paid applicable fees. Applications shall not vest if:

1. Revisions of this Title are pending at the time of application which would prohibit or further condition the approval sought; or
 2. There exists a compelling and countervailing health, safety or welfare reason.
- C. PRESERVATION OF VESTED RIGHTS/COMPLIANCE WITH CONDITIONS OF APPROVAL. An applicant with vested rights must comply with and maintain all conditions of final approval to preserve the vested rights. An applicant's failure to meet or maintain conditions of approval constitutes the applicant's knowing and willful waiver of the applicant's vested rights.
- D. APPLICABILITY OF ORDINANCES THAT ARE GENERAL IN NATURE. The establishment of a vested right shall not preclude the application of Town ordinances or regulations that are general in nature, applicable to all property subject to land use regulation, and necessary to preserve the health, safety or welfare of the community.

16.02.130 LEGAL REMEDIES FOR VIOLATION

Any person, firm, or corporation, whether as principal, agent, or employee, who violates or causes the violation of any of the provisions of this ordinance shall be guilty of a Class C Misdemeanor (UCA 10-9-103(2)) and upon conviction thereof shall be punished as provided by law.

16.02.140 TRANSITIONAL PROVISIONS

- A. VIOLATIONS CONTINUE. Any violation of the previous Zoning Ordinance will continue to be a violation under this Title and will be subject to penalties and enforcement under LMC 16.02.130, unless the use, development, construction, or other activity complies with the provisions of this Title.
- B. LEGAL NON-CONFORMITIES. Any legal nonconformity under the previous Zoning Ordinance or created by the adoption of this Title will be a legal nonconformity under this Title. If a legal nonconforming use or structure under the previous Zoning Ordinance becomes conforming because of the adoption of this Title, then the nonconformity expires. A legal nonconforming use will become an illegal non-conforming use if the use lapses for twelve (12) consecutive months.
- C. APPROVED PROJECTS AND EXISTING LOTS. The provisions of this Title shall affect approved projects and existing lots as follows:
1. Use permits, variances, architectural or design approvals, subdivided lots, Overlays, subdivision maps and Planned Unit Developments, which are valid on 09 December 2009, shall remain valid until their expiration date. Projects with valid approvals or permits may be constructed as approved, provided that the permit or project approval is valid and has not lapsed. Any change in the use or occupation of such land shall be made in accordance with the amended provisions of this Title.
 2. No provision of this Title shall require any change in the plans, construction, or designated use of any structure for which a building permit has been issued prior to 09 December 2009.
- D. VESTED RIGHTS/APPLICATIONS IN PROGRESS/REAPPLICATION. An applicant with rights vested before, 09 December 2009, and pending approval on 09 December 2009, may opt for review wholly under the terms of the previous Zoning Ordinance or under this Title. Any re-application for a permit that has expired must comply with the standards in effect at the time of re-application. Projects for which no application has been submitted and accepted as complete prior to 09 December 2009, shall be subject to all requirements and standards of this Title.

16.04 DEFINITIONS

16.04.010 EXPLANATION

16.04.020 LAND USES

16.04.010 EXPLANATION

The purpose of this definitions section is to simplify the text of the Levan Town zoning code with the intent to make it understandable for the general public. For the purpose of this code, certain numbers, abbreviations, terms,

and words shall be used, interpreted, and defined as set forth herein. Defined terms will appear as proper nouns throughout this title. Words not defined herein shall have a meaning consistent with Webster's New Collegiate Dictionary, latest edition. Unless the context clearly indicates to the contrary, words used in the present tense include the future tense; words used in the plural number include the singular; the word "herein" means "in these regulations"; the word "regulations" means "these regulations"; "used" or "occupied" as applied to any land or Building shall be construed to include the words "intended, arranged, or designed to be used or occupied". The word "shall" is always mandatory and not directory; the word "may" is permissive. Words not included herein but defined in the Uniform Building Code shall be construed as defined therein.

16.04.020 LAND USES

Accessory Use or Building, Unoccupied. A subordinate use or building customarily incidental to and located upon the same lot as the principal building and that is:

1. Clearly incidental to, and customarily found in connection with such principal building;
2. Operated and maintained for the benefit of the principal use; and
3. Not a dwelling unit. A subordinate use or building customarily incidental to and located upon the same lot occupied by the main use or building.

Accessory Buildings (Large). An accessory building larger than 600 sq. ft., located on the same lot as a residence.

Agricultural Industry or Business. An industry or business involving agricultural production manufacturing, packaging, treatment, sales, intensive feeding, or storage including but not limited to animal feed yards, fur farms, food packaging or processing plants, commercial poultry or egg production, and similar uses as determined by the Planning Commission.

Agriculture. The tilling of soil, 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 food-packing plants, fur farms, animal hospitals, or similar uses.

Alley. A public thoroughfare less than 26 feet wide.

Alterations, Structural. Any change in the supporting members of a building such as bearing walls, columns, beams, or girders.

Animal Waste. The excrement and discharge from an animal, or animal carcasses, tissues, or any other substance or material capable of transmitting disease or disease-carrying agents.

Animal Hospital or Veterinary Offices (Small). An establishment at which up to five dogs, cats, or similar household pets at least three months of age are treated.

Animal Hospital or Veterinary Offices (Large). An establishment at which large animals such as horses are treated.

Animal Hospital or Veterinary Offices. An establishment at which more than five dogs, cats, or similar household pets at least three months of age are lodged, treated, or trained.

Apartment Hotel. Any building which contains dwelling units and also satisfies the definition of a hotel, as defined in this title.

Apartment House. A building which contains four or more dwelling units primarily for rent or lease or a building which contains an apartment or apartments and also contains other approved uses such as office or retail space.

Apartment Motel. Any building or group of buildings which contains dwelling units and also satisfies the definition of a motel, as defined in this title.

Application. A written request for development approval including, but not limited to an alteration or revision to an approved master planned development, conditional use permit, zoning or rezoning, subdivision, or annexation. The term "Application" shall not include any building permits associated with construction within an approved subdivision or on an existing platted lot unless otherwise specified.

Aquifer Recharge Area. The outcropping part of the aquifer through which water enters.

Architectural Projection. Any building or structural projection which is not intended for occupancy and which extends beyond the face of an exterior wall of a structure, but not including signs.

Athletic Tennis, or Racquet Club. An establishment providing facilities for physical development, exercise, sports, or recreation. Facilities may include exercise equipment, indoor and/or outdoor racquet ball or tennis courts, jogging track, swimming pools, ice skating rink, indoor bathing, restaurant or snack bar, and sales of athletic equipment. Facilities may be open to the public for a fee, or available only to persons holding membership.

Auto Wrecking, Salvage Yard. The use of any lot, portion of lot, or tract of land for the storage and keeping of salvage, including scrap metals or other scrap material, or for the dismantling or demolition of obsolete automobiles or equipment, machinery, or parts thereof, provided that this definition shall not be deemed to include such uses which are clearly accessory and incidental to any agricultural use permitted in the zone district.

Auto, Truck, Recreational Vehicle, and Equipment Sales and Rental. Sales of both new and used motor vehicles and equipment stored and displayed both indoors and on outside lots, but not to include non-serviceable or junk vehicles or equipment.

Automotive Repair Establishment. An establishment primarily engaged in the repair or maintenance of motor vehicles, trailer, and similar large mechanical equipment. This definition shall include free-standing car washes, automotive mechanics' garages, and automotive paint and body shops, and tire businesses. Not included are automotive salvage yards.

Automotive Self -Service Station. An establishment for the retail sale of automobile fuels and lubricants, at which the customer provides the service to his/her own vehicle, and at which no vehicle repair or maintenance service is offered. Such an establishment may offer for sale at retail other convenience items as clearly secondary activity.

Automotive Service Station. An establishment whose primary purpose is the retail sale of gasoline or other motor vehicle and related fuel, oil, or lubricant. Secondary activities may include minor automotive repair, maintenance, or automatic car wash.

Banking or Financial Service. A bank, credit union, savings and loan association, or other establishment with a primary purpose of receiving, lending, exchanging, or safeguarding money, or performing financial advisory service. This definition shall include outside drive-up facilities for service to customers in automobiles.

Bar, Tavern, Lounge, Club. An establishment intended primarily for the on-premises sale and consumption of alcoholic beverages, opened either to the public or operated as a nonprofit private club for members only.

Basement. A story whose floor is more than 12 inches below the average level of the adjoining ground, but where no more than half of its floor-to-ceiling height is below the average contact level of the adjoining ground, as distinguished from a cellar as defined in this ordinance.

Bed and Breakfast. Overnight accommodations and a morning meal in a dwelling unit provided to transients for compensation.

Blighted Area. An area characterized by deteriorating and/or abandoned buildings; inadequate or missing public or community services; and vacant land with debris, litter, lack of sanitation facilities, trash and junk accumulation, and impacted by adverse environmental nuisances, such as noise, heavy traffic, and odors.

Board of Adjustments. A five (5) member board appointed by the Levan Town Council to hear appeals by any person aggrieved by his/her inability to obtain a building permit under this ordinance or by the decision of any administrative officer or agency (except the Town Council) based upon or made in the course of the administration or enforcement of the provisions of this ordinance.

Boarding House. A building where, for compensation, meals and lodging are provided for at least five (5) but not more than fifteen (15) persons.

Bond, Landscape. A financial guarantee to the Town that all landscaping will be installed to Town specifications.

Bond, Public Improvement. One (1) year guarantee to the Town that all public improvements have been installed to Town specifications and will operate properly.

Building. Any structure, whether temporary or permanent, having a roof, and used or built for the shelter or enclosure of persons, animals, possessions, or property of any kind.

Build-to Line. Setback distances that are required maximums, bringing structures adjacent to streets and sidewalks in order to encourage pedestrian activity.

Building Code. The International Building Code.

Building Height. The vertical distance from the average finished grade surface at the building wall to the highest point of the coping of a flat roof or to the deck line of a mansard roof, or the man height level between eaves and ridge for gable, hip, or gambrel roofs.

Building Inspector. See Building Official.

Building Official. The official designated by the Levan Town Council as the Levan Town Building Inspector.

Building, Main. A building in which is conducted the principal use of the site on which it is situated.

Capital Improvement. An acquisition of real property, major construction projects, or acquisition of expensive equipment expected to last a long time.

Capital Improvements Program. A proposed schedule and description of all proposed public works projects, listed in order of construction priority, together with cost estimates and the anticipated means of financing each project.

Carport. A private garage not completely enclosed by walls or doors.

Cellar. A separate room or space wholly under the surface of the ground, or having more than 50 percent of its floor-to-ceiling height under the average level of the adjoining ground.

Cemetery, Columbarium, Crematory, Mausoleum. Land or buildings used or intended to be used for the burial of the dead, cremation, or interment and dedicated for cemetery purposes, including columbarium's, crematories, mausoleums, and mortuaries when operated in conjunction with and within the boundaries of such cemetery, but not including facilities for embalming.

Chief Executive Officer. The Levan Town Mayor

Child Care. The provision, day or night, of supplemental parental care, instruction and supervision for a non-related child or children, on a regular basis, and for less than twenty-four (24) hours a day. The term does not include babysitting services on a casual, non-recurring nature or in the child's own home or cooperative, reciprocal child care by a group of parents in their respective domiciles.

Child Care, Center. The provision of child care for six (6) or fewer children, including the provider's children who are under the age of eighteen (18), within a dwelling unit.

Child Care, Facility. The provision of child care for seven (7) or more children including the provider's children who are under the age of eighteen (18).

Church. An institution that people regularly attend to participate in or hold religious services, meetings, and other activities. The term "church" shall refer to any building in which the religious services of any denomination are held.

Cinema, Outdoor. An establishment at which motion pictures are projected onto an outdoor screen for viewing by patrons seated in parked motor vehicles.

Cinema, Indoor. An enclosed building used primarily for the presentation of motion pictures.

Civic Club, Fraternal Organization. A building or use, other than a church or school, operated by a nonprofit association or organization for a social, fraternal, political, civic, or philanthropic purpose, which may include a meeting hall and cooking and dining facilities for large groups but shall not provide overnight lodging.

Clear View Area. See sight distance triangle.

Coal Yard. The storage of coal in quantities in excess of 10 tons and/or the retail or wholesale sale of coal.

Collector Street. A street, which serves or is designed to serve moderate flows of traffic that collects from local streets and other collector streets and connects with Arterial streets.

Co-location. The location of a telecommunication facility on an existing structure, tower, or building in a manner that precludes the need for that telecommunications facility to be located on a freestanding structure of its own.

Compatible. When the characteristics of new development or a change in use integrate with, relate to, and/or enhance the context of a surrounding area or neighborhood. Elements affecting compatibility include, but are not limited to, Height, scale, mass and bulk of buildings, pedestrian and vehicular circulation, parking, landscaping and architecture, topography, environmentally sensitive areas, and building patterns.

Conditional Use. A land use that because of its unique characteristics or potential impact on the county, 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.

Condominium. A building, or group of buildings, in which dwelling units, offices, or floor area are owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis.

Conservation Activity. A process to restore, enhance, protect, and sustain the quality and quantity of ecosystems and natural resources

Constitutional Taking. Final action by the Town to physically take or exact private real property that requires compensation to the owner because of the mandates of the Fifth or Fourteenth Amendments to the Constitution of the United States, or Article I, Section 22, of the Utah Constitution.

Construction Activity. All excavation, construction, mining, or other development activity which disturbs or changes the natural vegetation, grade, or any existing structure, or the act of adding an addition to an existing structure, or the erection of a new principal or accessory structure on a lot or property.

Construction Mitigation Plan. A written description of the method by which an owner will ameliorate the adverse impacts of construction activity to the surrounding area and/or neighborhood.

Construction Plan. The map and drawings showing the specific location and design of the development.

County. The unincorporated area of JuabCounty.

Convenience Goods Sales and Services. Stores or shops intended for retail sales of convenience goods or performance of convenience services. Goods and services regarded as convenience are those generally needed for daily home consumption and for which locations near residential neighborhoods are considered desirable.

Cottage Industry. A home occupation.

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 or more sides by such building or buildings.

Coverage. The percent of the total site area covered by structures or impervious paving other than those accepted in this ordinance.

Cul-de-sac. A local street, one end of which is closed and consists of a circular turnaround.

Culinary Water. Water suitable for safe consumption by humans.

Cultural, Civic Services. A building primarily used for the public, nonprofit display of art, historic or cultural artifacts, or other inanimate exhibits or a building primarily used as a lending library or reading room.

Dairy. A commercial establishment for the manufacture and retail sale of dairy products.

Day Care, Family. The keeping for care and/or instruction, whether or not for compensation, of six children or less within a dwelling for less than 8 hours per day, not including member of the family residing on the premises.

Day Care, Group. An establishment for the care and/or instruction, whether or not for compensation, of seven or more children. Child nurseries and pre-school facilities are included in this definition.

Dead End Street. A street with a single ingress/egress.

Developer. The successful applicant for any development.

Development. The act, process or result of erecting, placing, constructing, remodeling, converting, altering, relocating, or demolishing any structure or improvement to property including grading, clearing, grubbing, mining, excavating or filling of such property. Includes construction activity.

District. A portion of the area of Levan Town, Utah shown on a zoning map and given a zone classification as set forth in this ordinance.

Dry-Cleaning Establishment. An establishment employing volatile or explosive substances for the cleaning or dyeing of fabrics. Excluded from this definition are traditional laundries employing water and soaps in the cleaning of fabrics and patron-operated dry-cleaning machines associated with Laundromats.

Dwelling. Any building, or portion thereof, which is designed for use for residential purposes, except hotels, boarding houses, lodging houses, and tourist cabins.

Dwelling, Detached. A dwelling that is not attached to any other dwelling by any means.

Dwelling, Four-Family. A building arranged or designed to be occupied by four families, the structure having only four dwelling units.

Dwelling, Multiple-Family. A building arranged or designed to be occupied by more than four families.

Dwelling, Single-Family. A building arranged or designed to be occupied by one family, the structure having only one dwelling unit.

Dwelling, Three-Family. A building arranged or designed to be occupied by three families, the structure having only three dwelling units.

Dwelling, Two-Family. A building arranged or designed to be occupied by two families, the structure having only two dwelling units.

Dwelling Unit. One or more rooms in a structure designed for or occupied by one family for living or sleeping purposes and having one but not more than one kitchen.

Engineer. The engineer employed by or officially representing Levan Town.

Escrow. A deposit of cash with the Town or an approved, alternate security in lieu of cash held to ensure a guarantee.

Facade, Building. The exterior of a building located above ground and generally visible from public points of view.

Farm Animals. Animals other than household pets that may, where permitted, be kept and maintained for education, family food production, or recreation. (supplementary regulations, see animal regulations section)

Fence. A physical barrier to delineate, contain, or designate an area designed for a specific use, such as an enclosure for a dwelling unit, an area of storage, etc.

Frontage. The length of the property line of the lot fronting on one side of a street.

Flood Plain. The channel and the relatively flat area adjoining the channel of a natural stream or river that has been or may be covered by floodwater.

Garage. An accessory building, unoccupied, or part of a primary building, designed for the shelter and storage of a motor vehicle or vehicles and enclosed on three (3) or more sides.

Garage, Commercial. A building other than a private garage used for the temporary parking of automobiles with or without a fee.

Garage, Private (including Carport). A detached accessory building or portion of a main building for the parking or temporary storage of automobiles of the occupants of the premises.

Geologic Hazard. A hazard inherent in the crust of the earth, or artificially created, which is dangerous or potentially dangerous to life, property or improvements, due to the movement, subsidence, or shifting of the earth. The term includes but is not limited to unstable slopes, faulting landslides and rock fall.

General Merchandise Sales and Related Services. Stores, department stores, or shops intended for sale of goods or merchandise, but not including convenience goods, liquor, motor vehicles, campers, trailer, farm equipment, lumber, heavy machinery, or war surplus goods.

Governing Body. The Town Council of Levan.

Grade. The ground surface elevation of a site or parcel of land.

1. For buildings adjoining more than one street, the average of the elevations of the sidewalks at the centers of all walls adjoining streets.
2. For buildings adjoining one street only, the elevation of the sidewalk at the center of that wall adjoining the street.
3. For buildings having no wall adjoining the streets, 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 feet from a street line are to be considered as adjoining a street.

Grade, Existing. The grade of a property prior to any proposed development or construction activity.

Grade, Final. The finished or resulting grade where earth meets the building after completion of the proposed development activity.

Grade, Natural. The Grade of the surface of the land prior to any development activity or any other man-made disturbance or grading. The Building Inspector shall estimate the natural grade, if not readily apparent, by reference elevations at points where the disturbed area appears to meet the undisturbed portions of the property. The estimated natural grade shall tie into the elevation and slopes of adjoining properties without creating a need for new retaining walls, abrupt differences in the visual slope and elevation of the land, or redirecting the flow of run-off water.

Grading. Any earthwork or activity that alters the natural or existing grade, including but not limited to excavating, filling or embanking.

Guarantee. Any form of security including cash, a letter of credit, or an escrow agreement in an amount and form satisfactory to the Town.

Handicapped Person.

1. A person who has a severe, chronic disability that is attributable to mental or physical impairments, that is likely to continue indefinitely, and that results in a substantial functional limitation in three or more of the following areas of major life activity:
 - a. capacity for independent living;
 - b. economic self-sufficiency;
 - c. learning;
 - d. mobility;
 - e. receptive and expressive language;
 - f. self-care;
 - g. self-direction; and
2. Requires special interdisciplinary or generic care, treatment, or other services that are individually planned and coordinated to allow the person to function in, and contribute to, a residential neighborhood.

Hard-Surfaced. Covered with concrete, brick, asphalt, or other impervious surface

Health Care Center (Convalescent Center). A publicly-or-privately-operated facility, other than a hospital, intended

for the long-term, in-patient care of human illness or infirmity, including the elderly and developmentally disabled, normally employing the services of skilled and licensed practitioners.

Health Department. The Utah State Division of Environmental Health or local health agency having jurisdiction.

Home Occupation. Business carried on entirely within a dwelling by persons residing within the dwelling, which business is clearly incidental and secondary to the use of the dwelling for residential purposes.

Hospital. An institution designed for the diagnosis, treatment, and care of human illness or infirmity and providing health services, primarily for in-patients, and including as related faculties, laboratories, out-patient departments, training facilities, and staff offices, but not including clinics or health care centers.

Hotel. A facility offering transient lodging accommodations to the general public and providing additional services, such as restaurants, meeting rooms, entertainment, and recreational facilities.

Household Pets. Animals or birds ordinarily permitted in the house and kept for company or pleasure, such as dogs, cats, and canaries, but not including a sufficient number of dogs to constitute a kennel, as defined in this ordinance.

Impact Fee. A fee imposed on a development to help finance the cost of improvements or services.

Improvement. Any permanent structure that becomes part of, placed upon, or is affixed to real estate.

Industrial (or Research) Park. A tract of land that is subdivided and developed according to a plan for the use of a community of industries and related uses and that is of sufficient size and physical improvements to protect surrounding areas and the general community and to assure a harmonious integration into the neighborhood.

Industry. Those fields of economic activity including forestry, fishing, hunting, and trapping; mining; construction; manufacturing; transportation, communication, electric, gas, and sanitary services; and wholesale trade.

Industry, Light. The manufacturing, compounding, processing, assembling, packaging, or testing of goods or equipment entirely within an enclosed structure, with no outside storage, serviced by small 3/4 ton trucks or van, and imposing a nearly negligible impact upon the surrounding environment by noise, vibration, smoke, dust, or pollutants.

Industry, Medium. The manufacturing, compounding, processing, assembling, packaging, or testing of goods or equipment within an enclosed structure, or an open yard that is capable of being screened from neighboring properties, is serviced by trucks or other vehicles, and whose environmental impact is within the industrial performance standards outlined in this ordinance.

Junk. Any scrap, waste, reclaimable material, or debris, whether or not stored, for sale or in the process of being dismantled, destroyed, processed, salvaged, stored, baled, disposed, or other use or deposition.

Junkyard. Any area, lot, land, parcel, building, or structure, or part thereof, used for the storage, collection, processing, purchase, sale, salvage, or disposal of junk.

Kennel, Commercial. A shelter for or a place where over three (3) dogs or cats are bred, boarded, or trained for monetary gain.

Kennel, Private. A shelter for or a place where over three (3) and no more than five (5) dogs and cats are bred, boarded, or trained for no monetary gain.

Lattice Tower. A self-supporting multiple-sided, open steel frame structure used to support telecommunications equipment.

Laundromat. An establishment in which patrons wash, dry, or dry-clean clothing and other fabrics in coin-operated, self-service machines.

Laundry. An establishment at which clothing and other fabrics are washed and pressed. Excluded from this definition are dry-cleaning establishments and Laundromats.

Legislative Body. The Levan Town Council.

Liquor Store. A retail sales store authorized by the Utah State Liquor Commission to sell packaged alcoholic beverages for off-premise consumption.

Local Government. Any city, town, village, or other legally authorized agency charged with the administration and enforcement of land use regulations in LevanTown.

Local Health Officer. The health officer or department employed by or officially representing Levan Town.

Local Jurisdiction. Levan Town.

Lodging House. A building where lodging only is provided from compensation to five or more, but not exceeding 15 persons, in contradistinction to hotels open to transients.

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. More than one dwelling structure may be built on a lot only in cases where the lots is of such size as to provide such required lot area, yards, and frontage for each dwelling structures as are required for the first dwelling structure on the lot.

LotArea. The area of a horizontal plane within the property lines of a lot.

Lot, Corner. A lot situated at the intersection of two (2) streets, the interior angle of such intersection does not exceed one hundred thirty five degrees (135°).

Lot, Coverage. The maximum area of a lot, which may be occupied by a structure. Lot coverage is expressed as a ratio. Arcades, open porches, decks, terraces, and stoops are excluded from the calculation.

LotDepth. The minimum distance measured from the front property line to the rear property line of same lot.

Lot, Frontage. The length of the front property line measured at the street right-of-way line.

Lot, Width. The minimum distance between the side lot lines at the front yard or front building facade. For three (3) -sided Lots, the minimum distance between the rear and side lot lines at the front yard or front building facade.

LotLine Adjustment. The relocation of the Property Line between two (2) adjoining lots.

LotLine, Front. The Property Line dividing a lot or parcel from the right-of-way of the street from which structure takes access.

LotLine, Rear. The property line opposite the front lot line.

LotLine, Side. Any lot or property line other than a front or rear lot line.

Lot, Pre-existing. A lot, which was created prior to January 1, 1980 through a recorded subdivision plat, deed, sales contract, or survey, and a lot, which met the zoning regulations in effect at the time of its creation.

Low Power Radio Services Facility. An unmanned structure, which consists of equipment used primarily for the transmission, reception or transfer of voice or data through radio wave or wireless transmissions. Such sites typically require the construction of transmission support structures to which antenna equipment is attached.

Lumber Sales and Storage. The sales and display of lumber and building supplies, including the outside storage of lumber and related merchandise.

Manufactured Home. A detached, single-family dwelling unit that is transportable in two or more modules, is manufactured or constructed under authority of 42 United States Code, Sec. 5401, and which is built on a permanent chassis and designed to be used as a dwelling with a permanent foundation when connected to the required utilities and includes the plumbing, heating, air conditions, and electrical systems contained therein. The unit must bear a U.S. Department of Housing and Urban Development (HUD) Data Plate and must not have been altered in violation of the above code. Excluded from this definition shall be those permanent dwelling structures that are construed of component parts, that are transported to the building site, which meet structural requirement of the Uniform Building Code, and which are finished with exterior building material that is typical of permanent residential buildings.

Manufactured Home (non-conforming). A detached, single-family dwelling unit that is transportable, is manufactured or constructed under authority of 42 United States Code, Sec. 5401, does not meet the definition of a manufactured home above, is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and include the plumbing, heating air conditioning, and electrical systems contained therein. The unit must bear a U.S. Department of Housing and Urban Development (HUD) Data Plate. Excluded from this definition shall be those permanent dwelling structures that are constructed of component parts that are transported to the building site and which meet structural requirements of the uniform building and which are finished with exterior building material that is typical of permanent residential buildings.

Manufactured Home Subdivision. A parcel of land, which has been legally subdivided, where owners of manufactured homes may purchase lots and attach said manufactured homes to permanent foundations. The subdivision is developed with all of the improvements and amenities found in a traditional, single-family subdivision as outlined in the Levan Town Subdivision Ordinance.

Mental Health Center. A publicly-or privately operated facility, intended for the diagnosis and treatment of mental or emotional disorders.

Mixed Use, Commercial. Development which incorporates a mix of uses, including retail, commercial, and/or offices and residential.

Municipal Facilities. Those improved properties owned by the municipality, or the public.

Mobile Home. A detached dwelling unit designed for long-term occupancy and to be transported on its own wheels, or on a flatbed or other trailers or detachable wheels, to a site for occupancy as a complete dwelling unit except for connections to utilities and other minor work and not affixed with a U.S. Department of Housing and Urban Development (HUD) Data Plate. Removal of such wheels or placing such dwelling on a foundation shall not remove such unit from classification as a mobile.

Mobile Home Park. A residential development in which owners of mobile homes or manufactured housing may rent or lease a lot on which to place their home. Such developments may provide all of the amenities and improvements typical of subdivisions.

Moderate-Income Housing. Housing that is economically feasible for families whose income level is categorized as moderate within the standards promulgated by HUD or the appropriate state housing agency.

Modular Home. A permanent dwelling structure built of prefabricated units which are assembled and erected on the site, and which meets the Uniform Building Code.

Monopole. A single cylindrical steel or wood pole that acts as the support structure for antennas.

Mortuary, Funeral Home. An establishment in which the dead are prepared for burial or cremation. The facility may include a chapel for the conduct of funeral services, spaced for informal gatherings, and related accessory uses.

Motel. An establishment providing sleeping accommodations with a majority of all rooms having direct access to the outside without the necessity of passing through the main lobby of the building.

Natural Waterways. Those areas, varying in width, along streams, creeks, springs, gullies, or washes which are natural drainage channels as determined by the building inspector.

New Development. Any new construction activity.

Nonconforming Structure or Building. A structure that legally existed before its current zoning designation and because of a zoning change does not conform to the zoning district's development standards.

Nonconforming Use. A use or activity that was lawful prior to the adoption, revision or amendment of the zoning ordinance but that fails by reason of such adoption, revision, or amendment to conform to the present requirements of the zoning district.

Nuisance. An interference with the enjoyment and use of property (any environmental pollutant such as: smoke, odors, liquid wastes, solid wastes, radiation, noise, vibration, glare, or heat).

Office, Business or Government. A place intended for the conduct of administration or services by a business enterprise or unit of government and in which no goods or merchandise are stored, displayed, or sold.

Office, Professional. A place intended for the conduct of a recognized learned profession. Such uses include offices or clinics devoted to treatment and care of human illness or injury (medical, dental, chiropractic offices, and similar uses). Other professions so defined would include, but not be limited to, accountants, architects, engineers, and lawyers. Definition does not allow for in-patient care facilities.

Official Zoning Map. The map adopted by the Town Council pursuant to law showing the streets, zoning districts, and Town boundaries; and any amendments or additions thereto resulting from the approval of rezones, subdivision or annexation plats and the subsequent filing of such approved plats.

Open Space. Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment or for the use and enjoyment of owners, occupants, and their guests of land adjoining or neighboring such open space.

Ordinance. A municipally adopted law or regulation.

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. Where the ordinary high water mark cannot be found, the top of the channel bank shall be substituted. In braided channels, the ordinary high water mark or substitute shall be measured so as to include the entire stream feature.

Ordinary Repairs and Maintenance. Work done on a structure to correct deterioration, decay of, or damage to all or part of the structure generally to restore the same to its condition prior to such deterioration, decay or damage.

Outdoor Recreation, Park or Playground (Public or Private). An area free of buildings except for restrooms, dressing rooms, equipment storage and maintenance buildings, and open-air pavilions and used primarily for recreation activities not involving motor vehicles or overnight use.

Owner. An individual, firm, association, syndicate, partnership or corporation having sufficient proprietary interest to seek development of land.

Parcel. An un-platted unit of land described by metes and bounds and designated by the County Recorder's Office with a unique tax identification number.

Parking Area, Private. An open area, other than a street, used for the parking of the automobiles of occupants of a dwelling, hotel, or apartment hotel.

Parking Lot, Public. An open area, other than a private parking area or street, available for public or quasi-public use.

Parking Space, Automobile. Space within a building or a private or public parking area, exclusive of driveways, ramps, columns, and office and work areas, for the parking of one automobile.

Person. An individual, corporation, partnership, or incorporated association of individuals such as a club.

Personal Services. Establishments primarily involved in providing personal grooming and related services. This definition shall include barber shops, beauty parlors, tailors, message services, but not laundries or dry-cleaners.

Pet Grooming. The grooming of small pets such as dogs and cats, provided that no more than three (3) animals may be on the premises at one time and that no lodging of animals is allowed.

Planned Unit Development (PUD). A residential development guided by a total design plan in which one or more of the zoning or subdivision regulations, other than use regulations, may be waived or varied to allow flexibility and creativity in site and building design and location.

Planning Commission. The LevanTown Planning Commission.

Plat, Concept. A sketch preparatory to the preliminary plat, or subdivision plat in the case of minor subdivisions, to enable the owner to save time and expense in reaching general agreement with the Planning Commission as to the form of the plat.

Plat. A map or other graphical representation of lands being laid out and prepared in accordance with the Utah Code §10-9-804.

Pollution. The presence of matter or energy whose nature, location or quantity produces undesired environmental effects.

Porous Paving. A substantial surfacing material designed and intended to support light vehicular movement. Porous paving includes paving systems such as modular pavers which provide at least fifty percent (50%) surface exposure suitable for the establishment of plant materials and which substantially abates surface water runoff. Gravel and/or compacted soil are not porous paving.

Preliminary Plat. The preliminary drawings of a proposed subdivision specifying the layout, uses, and restrictions.

Preschool. The education or teaching of children within a home including kindergarten preparation, music lessons, etc.

Property. Any parcel, lot, or tract of land, including improvements thereon, in the possession of or owned by, or recorded as the real property of the same person or persons.

Property Line. The boundary line of a parcel or lot.

Property Line, Front. That part of a parcel or lot, which abuts a street.

Public Improvement. Any building, water system drainage ditch, roadway, parkway, sidewalk, pedestrian way, tree, lawn, off-street parking lot, space or structure, lot improvement, or other facility for which the Town may ultimately assume responsibility, or which may affect a Town improvement.

Public Service. Uses, which may be housed in separate buildings, or which may occupy a space within a building, that are operated by a unit of government to serve public needs such as police (with jail), fire service, ambulance, post office, or judicial court, but not including public utility stations or maintenance facilities.

Public Street. A street, including the entire right of way, which has been dedicated to and accepted by the Town of Levan or other governmental agency or which has been devoted to public use by legal mapping, use or other means.

Public Use. A use operated exclusively by a public body, to serve the public health, safety, or general welfare.

Public Utility. An organization and/or operation authorized to provide to the community, water, gas, electric, power, telephone and other like services.

Public Utility Stations. A structure or facility used by a public or quasi-public agency to store, distribute, generate, or chemically treat water, power, gas, sewage, equipment, or other service elements. In any residential zone public utility stations shall meet the following requirements:

1. Each station shall be located on a lot not less than 2,000 square feet in area.
2. Each station shall be located on a lot which has adequate access from a street, alley, or easement.
3. Each station shall be proved with a yard on each of the four sides of the building or structures not less than five feet (5') in width, except that for such stations located on lots fronting on a street and abutted by one or more residential lots, the front, side, and rear yards-should equal those required for a single family residence in the same district.
4. The location of public utility stations in a residential zone shall be subject to approval by the Planning & Zoning Board.

Public Utilities. Major. Structures that house operations for public utilities like but not limited to power generation plants, electrical switching stations, primary substations, refuse collection and disposal facilities and water and wastewater treatment facilities and similar facilities.

Public Utilities, Minor. Local utility structures that are necessary for a specific development or service like but not limited to poles and lines.

Qualified Professional. A professionally trained person with the required academic degree, experience, and professional certification or license in the field or fields specified.

Quasi-Public Facilities. A facility operated by a private nonprofit educational, religious, recreational, charitable, or philanthropic institution, serving the general public.

Reasonable Notice. The requirement of reasonable notice are met if notice of hearing or meeting is posted in at least three public places within the jurisdiction and notice of the hearing or meeting is published in a newspaper of general circulation in the jurisdiction or if actual legal notice of the hearing or meeting is given.

Record of Survey Map. A graphic illustration of a survey of land prepared in accordance with State laws.

Recreational Vehicle. A vehicular unit, other than a mobile home, primarily designed as a temporary dwelling for travel, recreational, and vacation use, which is either self-propelled or is mounted on or pulled by another vehicle, including but not limited to a travel trailer, a camping trailer, a truck camper, a motor home, a fifth-wheel trailer, and a van.

Recreational VehiclePark (TravelTrailer Park). Any area or tract of land or separately designated section within a mobile home park where lots are rented to one or more owners or users of recreational vehicles for a temporary time not to exceed thirty (30) consecutive days and not to exceed thirty (30) cumulative days in any ninety (90) day period.

Repair Services, Small Appliance or Equipment. An establishment for the repair of household or other small appliances or equipment and at which no such appliance or their parts are stored out-of-doors.

Restaurant, Fast Food, Drive-In. An establishment distinguished from a traditional sit-down restaurant in that service is provided from a counter or window for consumption either off or on the premises; on-premise consumption normally requires considerably less time than consumption in a traditional restaurants. Service may also be proved to customers in automobiles by use of an outside drive-up window; parking is provided immediately adjacent to the building. This definition includes also specialty food stores such as ice cream parlors or delicatessens, having counter or window service.

Restaurant, Café, Confectionery (Traditional Service). An establishment at which food is prepared and served to customers for consumption on the premises.

Re-subdivision. A change in a map of an approved or recorded subdivision plat if such change affects any right-of-way, or lot line; or any change in a map or plan legally recorded prior to the adoption of regulations controlling subdivisions.

Right-of-Way. A strip of land, dedicated to public use that is occupied, or reserved to be occupied, by a street, crosswalk, trail, stairway, railroad, road, utilities, or for another special use.

Road Classification. The streets, highways, roads, and rights-of-way designated on the streets master plan.

Road, Right-of-Way Width. The distance between property lines measured at right angles to the centerline of the street.

Riparian Land. Land that is traversed or bounded by a natural watercourse or adjoining tidal lands.

Riparian Rights. Rights of a landowner to the water on or bordering his or her property, including the right to make use of such waters and to prevent diversion or misuse of upstream water.

Satellite Receiving Station. Any apparatus or device designed for the purpose of transmitting and/or receiving radio, television, satellite microwave, or other electromagnetic energy signals between terrestrially and/or orbital based uses. This definition includes but is not limited to, what are commonly referred to as satellite earth stations, satellite microwave antennas, TVRO's or dish antennas. This definition does not include conventional television antennae.

Schools, Private or Quasi-Public. A school operated by a private or quasi-public organization or individual, which has a program similar to that provided in any public school in the State of Utah, except that such curriculum may include religious instruction. A private school may be a profit-making or nonprofit organization. This definition shall not include commercial schools.

Schools, Public. An educational facility operated by a school district or other public agency of the State of Utah.

Screen or Screened. The act, process, or result of visually and/or audibly shielding or obscuring a structure or use from adjacent property by fencing, walls, berms, densely planted vegetation or other features.

Senior Citizen Center. A building other than a church or school serving the social and recreational needs of the elderly. Such a center may include a meeting hall and cooking and dining facilities for large groups by shall not provide overnight lodging.

Septic Tank. A water-tight receptacle that receives the discharge of sewage from a building, sewer, or part thereof and is designed and constructed so as to permit settling of solids from this liquid, digestion of the organic matter, and discharge of the liquid portion into a disposal area.

Septic Tank Drain Field. A field or area demarcated as a septic tank drainage area.

Setback. The required minimum distance between a building or structure and the closest of the following:

1. Property line;
2. Platted street; or
3. Existing curb or edge of a street.

Shopping Center, Neighborhood. A planned commercial development providing primarily for the sale of convenience goods and services. The center is designed to serve a residential neighborhood.

Shopping Center, Regional. A completely planned and designed commercial development providing for the sale of general merchandise, apparel, furniture, home furnishings, and other retail sales and services, in full depth and variety. The center includes at least one full-line department store as the principal tenant and often includes two or three major department stores. The center is designed to serve a trading area that draws from beyond the Town of Levan.

Shopping Center, Community. A completely planned and designed commercial development providing for the sale of general merchandise and convenience goods and including a variety store, discount store, or supermarket. The center is designed to serve a trading area that extends beyond an immediate neighborhood, but serves a smaller area than a regional center.

Sign. Any device for visual communication to the general public to be viewed from out of doors but not including any flag, badge or ensign of any government or governmental agency.

Sign, Animated. A sign that involves motion or rotation of any part by mechanical or artificial means, or display flashing or intermittent lights.

Sign, Area. The area of a sign that is used for display purposes including the minimum frame and supports. In computing sign area, only one side of back-to-back signs covering the same subject shall be computed, when signs are parallel or diverge from a common edge by an angle of not more than forty-five degrees (45°). In relation to signs that do not have a frame or separate background, sign area shall be computed on the basis of the least rectangle, triangle or circle large enough to frame the display.

Sign, Flat. A sign erected parallel to and attached to the outside wall of a building and extending not more than eighteen inches from such wall with messages or copy on the face side only.

Signs, Lighted Type. A categorical rating given to a sign according to the type of illumination that is permitted to have as follows:

1. Direct Lighted. An illuminated sign, the light source of which is a visible part of the sign, or which projects light upon the sign.
2. Indirect Lighted. An illuminated sign, the light source of which is not visible from any angle but which is

incorporated in the structure of the sign.

3. Floodlighted. A sign made legible in the absence of daylight by devices which reflect or project light upon it.

Sign, Maintenance. Sign maintenance shall mean that signs shall be maintained in a safe, presentable, and good condition including replacing defective parts, repainting, cleaning, and other acts required for the care, good appearance, and safety of said sign.

Sign, Type. A categorical rating given to a sign according to its type of written message as follows:

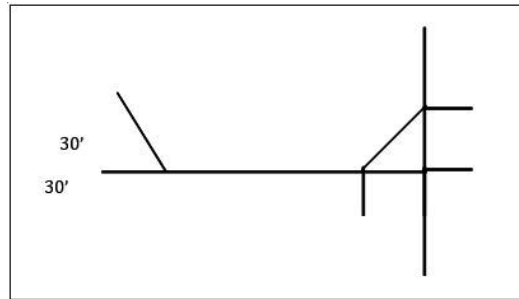
1. Sign, Advertising. A sign which directs attention to a use, product, commodity or service, not related to the premises.
2. Sign, Business. A sign that directs attention to a use conducted, commodity sold or service performed upon the premises.
3. Sign, Free-Standing (pole sign). A sign supported by a fixed, permanent frame or support in the ground.
4. Sign, Ground (monument sign). "On premise" or identification signs having a maximum height of four feet (4'), incorporated into some form of landscape design scheme or planter box.
5. Sign, Identification. A sign displayed to indicate the name or nature of buildings or use including home occupations but not commercial or industrial uses located upon the premises.
6. Sign, Illuminated. A sign which has characters, letters, figures, designs, or outlines illuminated by electric lights or luminous tubes as a part of the sign proper.
7. Sign, Interior. A sign located within a building so as to be visible only from within the building in which the sign is located.
8. Sign, Moveable. Any sign that is not attached to the ground or building and which can be moved or transported by hand.
9. 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.
10. Sign, Nonconforming. A sign or sign structure or portion thereof lawfully existing at the time this ordinance became effective, which does not conform to all height, area, and yard regulations prescribed in the district in which it is located.
11. Sign, Off-Premise. An identification sign which directs attention to a use or service not related to the premises on which the sign is located.
12. Sign, Outdoor Advertising (billboard). A sign which advertises a business, activity, products, services, or facilities which are not on the premises on which the sign is located.
13. Sign, Political. A sign displayed to inform the public of a candidate running for public office or an issue to be decided in a legal election by public vote.
14. Sign, Projecting. A sign attached to a building and extending in whole or in part more than eighteen inches beyond any wall of the building.
15. Sign, Property. A sign related to the property upon which it is located, and offering such property for sale or lease or advertising completed improvement or announcing the name of the builder, owner, designer or developer of the project or warning against trespassing.
16. Sign, Public Necessity. A sign informing the public of any danger or hazard existing on or adjacent to the premises.
17. Sign, Real Estate. A temporary sign related to the property on which it is located an offering such property for sale, rent, or lease.
18. Sign, Roof. A sign erected, constructed, and maintained upon the roof of any building, and/or supported by the roof of a building, and projecting completely or partially above the highest point of the roof of the building.
19. Sign, Seasonal Produce. A sign that directs attention to produce or other agricultural products grown and sold on the premises, which is displayed only during the season of the produce sold.
20. Sign, Service. A sign which is incidental to a use lawfully occupying the property upon which the sign is located, and which sign is necessary to provide information to the public, such as direction to parking lot, location of rest rooms, sale of agriculture products produced upon the premises, and which may bear as an incidental part of the sign the name, address or trade mark of persons furnishing such sign to the owner of the premises or such other pertinent facts.
21. Sign, Snipe. A sign for which no permit has been issued and which is attached to a utility pole, sign pole, or to other outdoor structures.
22. Sign, Temporary. Any sign intended to be displayed out-of-doors for a short period of time. This would include signs advertising for sale household items or products produced on the premises.
23. Sign, Temporary Subdivision. A sign advertising lots in a subdivision displayed for a specific period of time as

indicated by permit, not to exceed two (2) years or the time when all lots or units are sold, or whichever comes first.

24. Sign, Wall. A sign that is either painted on a wall or its facing, or it painted in such a way that it has the visual appearance of being painted on a wall or facing by not having a frame or separation from the wall or facing.
25. Sign, Window. A sign erected in, attached to, painted on or pasted on a window.

Site Distance Triangle. A triangular area at the intersection of two (2) streets bounded by top back of curb and a line connecting them at points thirty feet (30') from the intersection of the two (2) curb lines.

Diagram - typical sight triangle area guide



Skating Rink. A place, indoors or outdoors, designed and used for roller skating and/or ice skating. Such an establishment may sell food as a secondary activity.

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.

Stable, Public. A stable other than a private stable.

Slope. The level of inclination of land from the horizontal plane determined by dividing the horizontal run, or distance, of the land into the vertical rise, or distance, of the same land and converting the resulting figure to a percentage value.

Story. That portion of a building other than a cellar, included between the surface of any floor and the surface of the floor or ceiling next above.

Story, Half. A story with at least two of its opposite sides situated in a sloping roof, the floor area of which does not exceed two-thirds of the floor immediately below it.

Structural Type. A categorical rating given to a sign according to its structure as follows:

1. Sign, Billboard. Any sign designated or used for the posting of bills or temporary messages and is over one hundred (100) square feet in area.
2. Sign, Flat. A sign erected parallel to and attached to, or painted on, or pasted on the outside wall or roof of a building and projecting not more than eighteen inches (18") from such wall or roof.
3. Sign, Ground. A sign placed upon the ground or supported by a frame or multiple supports placed in or upon the ground, and which has less than four feet (4') clearance between the sign and the ground.
4. Sign, Pole. A sign which is attached to or supported by one or more poles, or a pilaster or similar structure which is supported by the ground including any such sign which also rests on or overlaps the roof of a building twelve inches (12") or less.
5. Sign, Projecting. A sign attached to a building and extending in whole or in part more than eighteen inches (18") beyond any wall of the building without the aid of any other vertical supports, including any such sign that also rests on or overlaps the roof twelve inches (12") or more.
6. Sign, Roof. A sign erected partially or wholly on or over the roof of a building, but not including pole or projecting signs that rest on or overlap a roof twelve inches (12") or less or signs that are painted on or designed as a part of the roofing materials.
7. Sign, Temporary. A temporary sign as regulated by this ordinance shall include any sign, banner, pennant, valance or advertising display constructed of cloth, canvas, light fabric, cardboard, wall board or any other light materials, with or without frames, intended to be displayed for a short period of time only.

Special District. All entities established under the authority of Title 12A, Special Districts of the Utah Code and any other governmental or quasi-governmental entity that is not a county, municipality, school district, or unit of the state.

Stealth Telecommunications Facility. A telecommunications facility, which is disguised as another object or otherwise concealed from public view.

Stream. A naturally fed watercourse, that flows year-round or intermittently during years of normal rainfall. This definition excludes ditches and canals constructed for irrigation and drainage purposes.

Stream Corridor. The corridor defined by the stream's ordinary high water mark.

Street. A private or public right-of-way, highway, avenue, boulevard, parkway, road, lane, walk, alley, viaduct, subway, tunnel, bridge, public easements, and other way.

Street, Arterial. A street which provides for through traffic movement between areas and across the Town with moderate access to abutting property subject to necessary control of entrances, exits, and curb use.

Street, Collector. A street that provides for traffic movement between major arterials and local streets, and direct access to abutting property.

Street, Dead-End. A street with a single common ingress and egress.

Street, Local. A Street that provides for direct access to abutting land and for local traffic movements.

Street, Private. A right-of-way or easement in private ownership not dedicated or maintained as a public street, which affords the principal means of access to two or more lots.

Structural Alterations. Any change in supporting members of a building, such as bearing walls columns, beams, or girders.

Structure. Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground. A building is included in this definition.

Subdivision. Any land, vacant or improved, which is divided or proposed to be divided into two (2), or more Lots, Parcels, Site, 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, including re-subdivision. subdivision includes the division or development of residential and nonresidential zoned land, whether by deed, metes and bounds description, devise and testacy, lease, map, plat, or other recorded instrument. "Subdivision" does not include: A bona fide division or partition of agricultural land for the purpose of joining one of the resulting separate parcels to a contiguous parcel of un-subdivided agricultural land, if neither the resulting combined parcel nor the parcel remaining from the division or partition violates an applicable zoning ordinance; A recorded agreement between owners of adjoining properties adjusting their mutual boundary if:

1. No new lot is created; and
2. The adjustment does not result in a violation of applicable zoning ordinances.
3. A recorded document, executed by the owner of record, revising the legal description of more than one contiguous parcel of property into one legal description encompassing all such parcels of property.
4. The joining of a subdivided parcel of property to another parcel of property that has not been subdivided does not constitute a "subdivision" under State law as to the un-subdivided parcel of property or subject the un-subdivided parcel to the subdivision ordinance.

Subdivision, Major. All subdivisions of four or more lots or any size subdivision requiring any new street or extension of municipal facilities, or the creation of any public improvements.

Subdivision, Minor. Any subdivision containing less than four lots fronting on an existing street, not involving any new street, or the extension of municipal facilities, or the creation of any public improvement, and not adversely affecting the remainder of the parcel or adjoining property, and not in conflict with any provision or portion of the master plan, official zoning map, streets master plan, or these regulations.

Subdivision Plat. The final map or drawing, on which the applicant's plan of subdivision is presented to the Town

Council for approval and which, if approved, may be submitted to the Juab County recorder for filing.

Surplus, Second Hand Store. An establishment which sells surplus items, used furniture, appliances, clothing, and miscellaneous small items. Excluded from this definition are establishments selling used motor vehicles, their parts, and other heavy equipment.

Technical Necessity. A particular design, placement, construction or location of a telecommunications facility that is technically necessary for telecommunications consistent with the federal telecommunications Act of 1996, as amended.

Telecommunications. The transmission between or among points specified by a user, of information of the user's choosing, without change in the form or content of the information as sent or received.

Telecommunications Facility. A telecommunications facility consists of antenna, equipment shelters, and related structures used for transmitting and/or receiving telecommunications and/or radio stations.

Theater, Concert Hall. A building used primarily for the presentation of live stage production or performances.

Trailer, Travel. See recreational vehicle.

Transfer Station. A facility designed for the transfer and transport of solid waste.

Transportation Terminal. A building or part of a building which serves as a centralized point of transfer between passenger surface-transportation modes, or for the frequent movement of passenger transportation equipment. Not included in this definition are street-side bus stops or taxicab stands.

Townhouse. An attached or semi-attached multiple-unit building containing single dwelling units and located on a lot with a single ownership and having any yard or court in common with other units.

Unincorporated. The area outside the incorporated boundaries of cities and towns.

Use. The activities occurring on a lot or parcel of land for which land or a building is arranged, designed, or intended or for which land or a building is or may be occupied, including all accessory uses.

Use, Accessory. A subordinate use customarily incidental to and located upon the same lot occupied by the main use.

Vacancy. Any unoccupied land, structure, or part thereof that is available and suitable for occupancy.

Variance. Permission to depart from the literal requirements of the zoning ordinance.

Watercourse. Any natural or artificial stream, river, creek, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows in definite direction or course, either continuously or intermittently, and has a definite channel, bed, and banks and includes any area adjacent thereto subject to inundation by reason of overflow or floodwater.

Wholesale, Warehouse, Storage. A building in which goods, merchandise, or equipment are stored for eventual distribution, or for which storage space is rented.

Yard. An open, unoccupied space on a lot, which is unobstructed from the ground upward by buildings or structures.

Yard, Front. The area between the front of the closest building and the front lot line or closer right-of-way, extending the full width of the lot. The "depth" of the front yard is the minimum distance between the front lot line and the front line of the closest structure.

Yard, Rear. The area between the rear line of the closest building and the rear lot line, or closer right-of-way, and extending the full width of the lot. The "depth" of the rear yard is the minimum distance between the rear lot line and the rear line of the primary structure.

Yard, Side. The area between the sideline of the building and the side lot line and extending from the front yard to the rear yard. The "width" of the side yard shall be the minimum distance between the side lot line and the sideline

of the closest structure.

Zero Lot Line. The location of a building on a lot in such a manner that one or more of the building's sides rests directly on the lot line.

Zone. A specifically delineated area or district in a municipality within which uniform regulations and requirements govern the use, placement, spacing, and size of land and buildings.

Zoning Map, Official. The map adopted by the Town Council depicting the geographic scope of the Town's land use designations.

Zoning Ordinance. The Levan Town Zoning Ordinance.

16.06 ADMINISTRATION

16.06.010 PLANNING COMMISSION

16.06.020 BOARD OF ADJUSTMENT

16.06.030 CHANGES IN ZONING

16.06.010 PLANNING COMMISSION

16.06.010.1 ESTABLISHMENT OF THE COMMISSION

16.06.010.2 APPOINTMENT; TERM

16.06.010.3 POWERS AND DUTIES

16.06.010.4 ORGANIZATION

16.06.010.5 PLANNING COMMISSION SECRETARY

16.06.010.6 BUILDING PERMITS

16.06.010.7 SPECIAL EXCEPTIONS

16.06.010.1 ESTABLISHMENT OF THE COMMISSION

There is created a Planning Commission to be composed of five members and two alternates, appointed by the mayor with the advice and consent of the Town Council from among the registered voters of the Town in a manner trying to provide balanced professional and community interest representation.

16.06.010.2 APPOINTMENT; TERM

The terms of the Planning Commission shall be staggered. Each member of the Planning Commission shall serve for a term of five (5) years and until they are re-appointed or their successor is appointed. The term of the first member shall be such that the terms of one member shall expire each year. Terms of members of the Planning Commission shall begin on or before the first Monday in February of each year. The Town Council may remove any member of the Planning Commission for cause and after public hearing, if one is requested. The Town Council may remove from office any member of the Planning Commission for misconduct or non-performance of duty upon a majority vote in a public meeting. Unexcused absence from three consecutive regular meetings of the Planning Commission shall constitute non-performance of duty. Vacancies shall be promptly filled in the same manner as the original appointment for the remainder of the unexpired term. The Mayor, with the advice and consent of the Town Council, shall appoint two (2) alternate members to the planning commission for a term of five (5) years.

16.06.010.3 POWERS AND DUTIES

The Planning Commission shall:

- A. GENERAL PLAN. (U.C.A. 10-9-302) It shall be the function and duty of the Planning Commission, after holding public hearing, to make and recommend to the legislative body a proposed general plan for the physical development of Levan Town, including any areas outside of its boundaries, which, in the commission's judgment, bear relation to the planning of the town. Where the plan involves territory outside the boundaries of the town, action shall be taken with the consultation of the county or other municipal legislative body concerned. The general plan shall show the Planning Commission recommendations for the physical development of the town and shall include at least the following:
 1. A land use plan.
 2. A transportation and traffic circulation element.
 3. A moderate income housing element.

The general plan may also include the following:

- a. health, general welfare, safety, energy conservation, transportation, prosperity, civic activities, aesthetics, and recreational, educational, and cultural opportunities;
- b. the reduction of the waste of physical, financial, or human resources that result from either excessive congestion or excessive scattering of population;
- c. the efficient and economical use, conservation, and production of the supply of:
 - (1) food and water; and
 - (2) drainage, sanitary, and other facilities and resources;
- d. the use of energy conservation and solar and renewable energy resources;
- e. the protection of urban development;
- f. the protection or promotion of moderate income housing;
- g. the protection and promotion of air quality;
- h. historic preservation;
- i. identifying future uses of land that are likely to require an expansion or significant modification of services or facilities provided by each affected entity; and
- j. an official map.

The Planning Commission may from time to time extend, amend, or add to the general plan or carry any part of subject matter into greater detail.

- B. LAND USE ORDINANCES. It shall be the function and duty of the Planning Commission to make and recommend to the legislative body land use ordinances, including both the full text of the ordinance and any maps representing the recommendations of the Planning Commission. (See U.C.A. 10-9a-102)
- C. REPORTS. The Planning Commission may make reports and recommendations relating to the plan and development of Levan Town to public officials and agencies, public utility companies, civic, educational, and professional and other organizations, and citizen. The Planning Commission may, in the performance of its functions, enter upon any land at reasonable times to make examinations and surveys and place and maintain necessary monument and marks thereon. In general the Planning Commission shall have such powers as may be necessary to enable it to perform its functions and promote town planning & zoning.
- D. SUBDIVISION REGULATION. Recommend subdivision regulations and amendments to those regulations to the Town Council;
- E. SUBDIVISION APPLICATIONS. Recommend approval or denial of subdivision applications as provided in this title;
- F. CONDITIONAL USE PERMITS. Approve or deny conditional use permits applications;
- G. NON CONFORMING USES. Reviews and approves applications for non conforming uses; and
- H. LAND USE AUTHORITY. The Mayor and Town Council designate the Planning Commission as the "Land Use Authority" in Levan Town. The Land Use Authority has the power to grant or deny applications for permits, certificates, and reviews.
- I. OTHER DUTIES. The Planning Commission shall have all of the powers and duties explicitly or impliedly given planning commissions by the laws of the state.

16.06.010.4 ORGANIZATION

The Planning Commission shall elect a chairman and co-chairman and may adopt such rules for its own proceedings as are deemed necessary. Meetings of the Commission shall be held at the call of the Chair and at such other times as the Commission may determine. The Planning Commission 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 office of the clerk, and shall be a public record.

- A. CHAIRMAN. The members of the Planning Commission shall select from their own members a chairman and co-chairman and such other officers as deemed necessary and shall adopt rules for their organization and for the transaction of business and the conduct of their proceedings. The chairman shall be a voting member of the commission and shall be counted as part of the quorum. The chairman shall be appointed or re-appointed on an annual basis at the first meeting held in February. Reports of official acts and recommendations of the Planning Commission shall be public and made by the chairman or his assignee in writing to the legislative body.

- B. MEETINGS. The Planning Commission shall meet monthly and at such other times as the Planning Commission may determine.
- C. QUORUM. Three (3) members of the Planning Commission shall constitute a quorum. An alternate member may be counted as part of the membership for a quorum. A majority of the voting members present at a meeting at which a quorum is present shall be required for any action. No less than three (3) yes votes are required for passage of any action.
- D. INDUSTRIAL PERFORMANCE STANDARDS. It shall be the responsibility of the chairman and /or the co-chairman to initiate an investigation of a suspected violation of the industrial performance standards and may request review by the Planning Commission. The chairman and/or co-chairman shall assure enforcement of violations.

16.06.010.5 PLANNING COMMISSION SECRETARY

The position of planning and zoning secretary is hereby created. The planning commission secretary, hereinafter referred to as the "secretary," shall have such powers as are set forth in this section.

- A. PLANNING COMMISSION SERVICES. The secretary shall provide administrative services to the Planning Commission. It shall be the duty of the secretary to prepare the agenda for all regular meetings of the commission and assure that it is published, mailed, and displayed, in compliance with Planning Commission procedures. The secretary shall attend all regular meetings of the commission and any special meetings as may be required by the commission.
- B. CERTIFICATES, PERMITS, AND REVIEWS. Application for all certificates, permits, and reviews shall be made at the office of the Levan Town Clerk. Applications shall be made on the respective forms provided and shall be accompanied by required documents. Administration of certificates, permits, and reviews shall proceed as provided below:
 - 1. ZONING REVIEW. The secretary shall review applications for building permits to assure compliance with zoning regulations. The secretary will present such applications to the Planning Commission for review and recommendation.
 - 2. SITE PLAN REVIEW. The secretary shall receive all applications for site plan review; he shall assure that submittals are complete and placed upon the Planning Commission agenda for timely review. The Planning Commission shall approve applications for site plan review.
 - 3. SIGN PERMIT. The secretary shall receive applications for a sign permit. Applications for all signs shall be reviewed and approved by the Planning Commission before a permit is issued by the secretary.
 - 4. HOME OCCUPATION PERMIT. An application for a home occupation permit shall be presented to the administrator, after final inspection by building administrator, for review and approval by the Planning Commission. Upon such approval, the secretary is authorized to issue a permit.
 - 5. ZONING AMENDMENTS REVIEW. Requests for amendments or changes to the zoning ordinance or zoning map shall be initiated with the secretary.
 - 6. FEES. Fees must be paid at the office of the Levan Town clerk before the issuance of any certificate or permit.

16.06.010.6 BUILDING PERMITS

No permit shall be issued for any building, construction, or repair of any building unless such fully conforms to all zoning regulations or ordinances of this municipality in effect at the time of application.

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 Transportation and Circulation Map. However, by special exception, the Appeal Authority, upon an appeal filed with it by the owner of any such land, may authorize the grant of a permit for a building or structure or any part thereof within any mapped future street in any case in which the Appeal Authority upon the evidence finds:

- A. That the appellant's property of which such mapped future street location forms a part will not yield a reasonable return to the owner unless such permit be granted; and
- B. That balancing the interest of the town in preserving the integrity of the 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; or
- C. That denying the special exception would constitute an unconstitutional prohibition of development of the property.



In the event that the Appeal Authority decides to grant a special exception, 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, or part thereof to be permitted.

16.06.010.7 SPECIAL EXCEPTIONS

The Appeal Authority may hear and decide special exceptions to the terms of this ordinance, provided that any such special exception on which the Appeal Authority shall be authorized to pass shall be limited to the following:

- A. Authorize the alteration, movement, enlargement or addition to a building or structure or sign occupied by a nonconforming use, provided it can be shown by the applicant that:
 - 1. The alteration, movement, enlargement, or addition is in keeping with the intent of this ordinance; and
 - 2. That the proposed alteration, movement, enlargement, or addition will not impose a burden upon the lands located in the vicinity of the nonconforming use or structure; and
 - 3. That the proposed deviation from code requirements is the minimum needed to achieve a reasonable use of the property, which use is to be justified by written findings of the Appeal Authority.
- B. Permit the construction of a structure between the platted lines of a future street on the Transportation and Circulation Map as provided in this ordinance.
- C. Extensions of the regulations for either district, up to fifty feet (50) beyond the district boundary, when a district boundary line divides a lot which was in single ownership at the time of the passage of this ordinance.
- D. Other special exceptions as specifically provided in this ordinance.

The Appeal Authority shall be required to make a written finding prior to the approval of any special exception.

16.06.020 BOARD OF ADJUSTMENT

16.06.020.1 BOARD OF ADJUSTMENT ESTABLISHED

16.06.020.2 APPOINTMENT; TERM

16.06.020.3 POWERS AND DUTIES

16.06.020.4 ORGANIZATION

16.06.020.5 VARIANCE

16.06.020.6 BUILDING PERMITS

16.06.020.7 NOTICE TO COUNCIL OF VARIANCE OR ISSUANCE OF A BUILDING PERMIT

16.06.020.8 ZONE BOUNDARY ADJUSTMENT

16.06.020.9 VOTE REQUIRED FOR REVERSAL

16.06.020.10 DECISION ON APPEAL

16.06.020.11 APPEALS

16.06.020.1 BOARD OF ADJUSTMENT ESTABLISHED

In order to carry out the provisions of Utah law relating to planning and zoning, there is hereby created a board of adjustment, which shall consist of five members and such alternate members as the board deems appropriate, one and only one member of which shall be a member of the Planning & Zoning Board. The members of the Levan Town Board of Adjustment shall be appointed by the Chief Executive Officer with the advice and consent of the legislative body. The members of the board of adjustment shall serve without compensation, except that the legislative body may fix per diem compensation for the members of the board of adjustment based on necessary and reasonable expenses and on meetings actually attended. Alternate members shall serve in the absence of a member or members of the board under rules established by the legislative body. No more than two alternate members of the board shall sit at any meeting of the board at one time.

16.06.020.2 APPOINTMENT; TERM

The Board of Adjustment shall consist of five (5) members and two (2) alternates, each to be appointed by the Mayor with the advice and consent of the Town Council from among qualified electors of the Town for a term of five (5) years, provided that the term of one (1) member shall expire each year. Any member may be removed for cause by the appointing authority upon written charges and after public hearing, if such public hearing is requested. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.

16.06.020.3 POWERS AND DUTIES

The powers and duties of the Board of Adjustment shall be as follows:

- A. To hear and decide special exceptions to the terms of the ordinance upon which such Board is required to pass under such ordinances; and
- B. To authorize upon appeal such variance from the terms of the ordinance as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of the ordinance will result in unnecessary hardship provided that the spirit of the ordinance shall be observed and substantial justice done.

16.06.020.4 ORGANIZATION

The Board of Adjustment shall elect a chair and may adopt such rules for its own proceedings as are deemed necessary. Meetings of the Board shall be held at the call of the chair and at such other times as the Board may determine. The chair, or when absent, the acting chair, may administer oaths and compel the attendance of witnesses. The Board 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 office of the clerk, which shall be the office of the Board, and shall be a public record. All meetings of the board of adjustment shall comply with the requirements of Title 52, Section 4, Open and Public Meetings. Decisions of the board of adjustment become effective at the meeting in which the decision is made, unless a different time is designated in the board's rules at the time the decision is made.

16.06.020.5 VARIANCE

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 Board of Adjustment for a variance from the terms of the zoning ordinance.

- A. STANDARDS. The Board of Adjustment may grant a variance only if:
 - 1. Literal enforcement of the zoning ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the zoning ordinance;
 - 2. There are special circumstances attached to the property that do not generally apply to other properties in the same district;
 - 3. Granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district;
 - 4. The variance will not substantially affect the general plan and will not be contrary to the public interest; and
 - 5. The spirit of the zoning ordinance is observed and substantial justice done.
- B. UNREASONABLE HARDSHIP. In determining whether or not enforcement of the zoning ordinance would cause unreasonable hardship, the Board of Adjustment may not find an unreasonable hardship unless the Applicant proves that the alleged hardship:
 - 1. Is located on or associated with the property for which the variance is sought;
 - 2. Comes from circumstances peculiar to the property, not from conditions that are general to the neighborhood. Special circumstances must:
 - 3. Relate to the hardship complained of; and
 - 4. Deprive the property of privileges granted to other properties in the same district.
- C. In determining whether or not enforcement of the zoning ordinance would cause unreasonable hardship under Subsection (A) (1), the board of adjustment may not find an unreasonable hardship if the hardship is self-imposed or economic.
- D. In determining whether or not there are special circumstances attached to the property under Subsection (B) (1), the board of adjustment may find that special circumstances exist only if the special circumstances:
 - 1. Relate to the hardship complain of; and
 - 2. Deprive the property of privileges granted to other properties in the same district.
- E. The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.
- F. Variances run with the land.
- G. The board of adjustment and any other body may not grant use variances.

H. ADDITIONAL REQUIREMENTS. In granting a variance, the Board of Adjustment 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.

I. In exercising the above powers, the board may, in conformity with the provisions of the law, reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from and may make such determination as ought to be made, and to that end shall have all the powers of the office from whom the appeal is taken.

16.06.020.6 BUILDING PERMITS

The building official shall not issue any building permit for any building, construction or repair of any building unless such fully conforms to all zoning regulations or ordinances of this municipality in effect at the time of application. No permit shall issue 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 governing body. However, the 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 Board of Adjustment upon the evidence finds:

- A. that the property of the appellant of which such mapped street location forms a part will not yield a reasonable return to the owner unless such permit be granted, or
- B. That balancing the interest of the municipality 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. Before taking any such action, the Board of Adjustment shall hold a public hearing thereon. In the event that the 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, or part thereof to be permitted.

16.06.020.7 NOTICE TO COUNCIL OF VARIANCE OR ISSUANCE OF A BUILDING PERMIT

Before any application for a variance or building permit shall be issued, the Board of Adjustment shall give the governing body at least fifteen (15) days notice of the application. The governing body shall have the opportunity to respond and comment on the application within the fifteen (15) days.

16.06.020.8 ZONE BOUNDARY ADJUSTMENT

Where a zone boundary line divides a lot in a single ownership at the time of the passage of this title, the board may permit a use authorized on either portion of such lot to extend not more than fifty feet (50') into the other portion of the lot.

16.06.020.9 VOTE REQUIRED FOR REVERSAL

The concurring vote of three members of the board shall be necessary to reverse any order, requirement or determination of any such administrative official, or to decide in favor of the appellant on any matter upon which it is required to pass under any such ordinance, or to affect any variation in such ordinance.

16.06.020.10 DECISION ON APPEAL

In exercising the above-mentioned powers the board may in conformity with the provisions of this title affirm, wholly or partly, or may modify the order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken.

16.06.020.11 APPEALS

The purpose of the appeal procedure is to provide recourse in the event it is alleged that there is error in any order, requirement, certificate, decision, or determination made by an administrative official or advisory body in the administration or enforcement of this ordinance.

- A. Appeals to the board of adjustment may be taken by any person aggrieved or by any officer, department, board, or bureau of the town affected by any decision of the administrative officer or agency provided, however, that

appeals from a decision of the legislative body shall be appealed directly to the district court.

- B. Such appeal shall be taken within seven (7) days from the date of the action appealed from by filing with the officer from whom the appeal is taken, and with the board of adjustment, a notice of appeal specifying the ground thereof.
- C. The officer from whom the appeal is taken shall forthwith transmit to the board of adjustment all the papers constituting the record upon which the action appealed from was taken.
- D. The appellant shall have the burden of proof that an error was made by the officer from whom the appeal is taken.
- E. Any appellant may be required to verify an appeal before a notary public or other person authorized to administer oaths.
- F. An appeal shall stay all proceedings in furtherance of the action appealed from, unless the officer from whom appeal is taken shall certify that a stay would, in his opinion, cause imminent peril to life and property.
- G. A public hearing shall be held by the board of adjustment within thirty (30) days from date of application.
- H. Reasonable notice of the time, place, and purpose of the hearing shall be given. Failure of owners to receive notice of hearing shall in no way affect the validity of action taken.
 - I. The board of adjustment shall find whether, in its opinion, error was made.
- J. The board of adjustment may within the terms of this ordinance affirm, reverse, or modify the action appealed as it seems just and equitable and exercise all rights of any other officer or commission.
- K. The town or any person aggrieved by any decision of the board of adjustment may petition the district court for review; provided petition for such relief is presented to the court within thirty (30) days after the filing of such decision in the office of the board. (U.C.A. 10-9-708).

16.06.030 CHANGES IN ZONING

16.06.030.1 POWERS OF THE GOVERNING BODY TO CHANGE ZONING

16.06.030.2 PETITION FOR CHANGE

16.06.030.3 FILING FEE AND PUBLICATION CHARGE

16.06.030.4 REFERRAL OF PETITION TO PLANNING COMMISSION

16.06.030.1 POWERS OF THE GOVERNING BODY TO CHANGE ZONING

It shall be lawful for the governing body from time to time as necessity may arise to change or modify any regulation or restrictions with respect to zoning or building or uses of land.

16.06.030.2 PETITION FOR CHANGE

In each instance where any person shall desire to have such change made, petition shall be made to the governing body definitely setting out such request and particularizing the change desired.

16.06.030.3 FILING FEE AND PUBLICATION CHARGE

At the time the petition is filed requesting change with respect to zoning or building or uses of land as contemplated by this part, there shall be paid to the treasurer a filing fee of ten dollar(s). Should a public hearing be required by law or otherwise upon the change so petitioned for, the party petitioning shall pay to the treasurer the sum of 25 dollar(s) for the purpose of defraying the cost of advertising such public hearing. The clerk shall notify such petitioner of such charge for advertising and shall not proceed with the advertising until such charge has been paid.

16.06.030.4 REFERRAL OF PETITION TO PLANNING COMMISSION

Such petition, together with any protests thereto, shall be referred to the planning commission for consideration and recommendation. The planning commission shall return such petition together with its recommendation to the governing body no later than thirty (30) days after referral to it.

16.08 ESTABLISHMENT OF DISTRICTS AND OFFICIAL MAP

16.08.010 ESTABLISHMENT OF DISTRICTS

16.08.020 ESTABLISHMENT OF OFFICIAL MAP

16.08.030 ZONING DISTRICT BOUNDARY INTERPRETATION

16.08.010 ESTABLISHMENT OF DISTRICTS

Residential Zoning R1
Mixed-Use Zoning MU

16.08.020 ESTABLISHMENT OF OFFICIAL MAP

The boundaries of each of the districts are hereby established as described herein or as shown on the map or maps entitled "Zoning Map of Levan Town, Utah", or as hereafter amended, which map or maps is attached, and all boundaries, notations and other data shown thereon are made by this reference as much a part of this title as is fully described and detailed herein. The map or maps shall be filed in the custody of the Levan Town Clerk and may be examined by the public subject to any reasonable regulations established by the clerk. No changes of any kind shall be made on the zoning map or matter shown thereon except non-conformity with the procedures set forth in LMC 16.06.010. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this ordinance and punishable as provided under LMC 16.42.010.

16.08.030 ZONING DISTRICT BOUNDARY INTERPRETATION

Where uncertainty exists as to the boundaries of districts as shown on the zoning map, the following rules shall apply:

- A. Boundaries indicated as approximately following the center lines of roads or streets, highways, or alleys shall be construed to follow such center lines.
- B. Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines.
- C. Boundaries indicated as approximately following town limits shall be construed as following such town limits.
- D. Boundaries indicated as approximately following center lines of streams or canals shall be construed to follow such center lines.
- E. Boundaries indicated as parallel to or extensions of features indicated in subsections B through D above shall be so construed. Distances not specifically indicated on the zoning map shall be determined by the scale of the map.
- F. Where physical or cultural features existing on the ground are at variance with those shown on the zoning map, or in other circumstances not covered by subsections A through E above, the administrator shall interpret the zone district boundaries.
- G. Where a zone district boundary line divides a lot which was in single ownership at the time of passage of this ordinance, the legislative body may permit, as a special exception, the extension of the regulations for either portion of the lot not to exceed fifty feet (50') beyond the district line into the remaining portion of the lot.
- H. Wherever such boundary line of such district is indicated as being approximately at the line of any irrigation canal, other waterway, railroad right-of-way, public park or other public land, or any section line, then in such case the center of such canal or waterway, or of such railroad right-of-way, or the boundary line of such public land or such section line, shall be deemed to be the boundary of such district.
- I. Where the application of the above rules does not clarify the zone district boundary location, the administrator shall interpret the map. Appeals from said interpretation shall be filed with the legislative body.

16.10 RESIDENTIAL ZONING (R-1)

16.10.010 PURPOSE

16.10.020 USE REGULATIONS

16.10.030 AREA AND DENSITY REGULATIONS

16.10.040 DEVELOPMENT STANDARDS

16.10.050 NEIGHBORHOOD COMPATIBILITY

16.10.060 FENCES, HEDGES, AND WALLS

16.10.070 LANDSCAPING

16.10.080 PARKING

16.10.090 ACCESSORY STRUCTURES (UNOCCUPIED)

16.10.010 PURPOSE

Residential District R-1 is established to provide for low-density, single-family residential uses to create an attractive residential environment in appropriate areas of Levan Town, and to:

- A. Allow Neighborhood Commercial and recreational activities that are Compatible with residential Neighborhoods;
- B. Provide opportunities for variations in architectural design and housing types;
- C. Provide opportunities for commercial uses in specific commercial overlay districts;
- D. Provide opportunities for historic uses in discrete historic overlay districts; and
- E. Promote pedestrian connections within Developments and between adjacent Neighborhoods.

16.10.020 USE REGULATIONS

In Residential District R-I no building or land shall be used, and no building shall be erected which is arranged, intended, or designed to be used for other than one or more of the following uses, if a use is not specifically designated then it is prohibited:

USE

Type	Allowed	Administrative	Conditional	Business License
Accessory Apartment		X	X	
Accessory Structure, occupied			X	
Accessory Structure, unoccupied	X			
Animal Rights	X			
Agricultural	X			
Historic Uses (HO Zone only)			X	
Assisted Living Facility Group Home			X	X
Child Care <ul style="list-style-type: none"> • Center: 6 children or less • Facility: 7 to 12 children 		X	X	X
Commercial (COD Zone only)			X	
Cultural, Civic Services	X			
Fence	X			
Flag Lot			X	
Gated Development		X	X	
Home Occupation	X			X
Kennel, Private			X	X
Manufactured Home	X			
Municipal Facilities: <ul style="list-style-type: none"> • Cemeteries • Parks • Public Safety Facility • Public Utilities <ul style="list-style-type: none"> ◦ Minor ◦ Major • Recreational facilities • Trails 	X X X X X		X	
Personal Athletic Facility			X	
Pre-existing Lot	X			
Pre-existing Structure	X			
Preschools	X			X
Quasi-Public Facilities:				



• Hospitals, Health Care Centers • Schools, Private			X X	X X
Radio Station			X	X
Religious/Educational Institute: • Permanent • Temporary	X		X	X X
Single Family	X			
Swimming Pool			X	
Telecommunications Facility <35' in height			X	

16.10.030 AREA AND DENSITY REGULATIONS

- A. LOT AREA. The minimum lot area shall be not less than one-half (1/2) acre (21,780 sq. ft.).
- B. LOT WIDTH. The minimum lot width is measured at the front setback line.
- C. LOT FRONTAGE. The minimum lot frontage shall be eighty feet (80'), unless the lot is on a cul-de-sac, in which case, the minimum lot frontage is one hundred twenty feet (120').

16.10.040 DEVELOPMENT STANDARDS

The following development standards apply to all New Development in the Zone:

- A. SETBACKS. The minimum Setbacks in the Zone are as follows:
 1. Front: The minimum Front Yard Setback is seventy-nine and one-half feet (79½') from centerline of the street and all setbacks on sixty-six foot (66') streets shall be thirty feet (30') from property line. If fifty percent (50%) or more of the lots on the block are developed with a front yard setback of seventy-nine and one-half feet (79 ½') or less, the front yard setback shall be seventy-nine and one-half feet (79 ½') from centerline of the street and all setbacks on sixty-six foot (66') streets shall be thirty feet (30') from property line.
 2. Corner Lot Rule: Corner lots have two (2) front yards.
 - a. Exceptions: The following exceptions apply to all front yard setbacks in the zone:
 - (1) Front Porch: An open, front entry porch may encroach ten feet (10') into the front yard setback.
 - (2) Projections: Skylights, sills, cornices, chimneys, flues, eaves and ornamental features, may project into the front yard up to two and one-half feet (2½').
 3. Side: The minimum side yard setback is eight feet (8'), subject to the following exceptions:
 - a. Projection: Skylights, sills, cornices, chimneys, flues, eaves and ornamental features may project into the side yard up to two and one-half feet (2 ½').
 - b. Stairs and Balconies: Outside stairways and balconies may project into the side yard up to three feet (3').
 4. Rear: The minimum rear yard setback is twenty-five feet (25'), subject to the following exceptions:
 - a. Corner Lot Rule: On corner lots there is no rear yard
 - b. Projection: Skylights, sills, cornices, chimneys, flues, eaves and ornamental features may project into the rear yard up to two and one-half feet (2 ½').
 - c. Stairs and Balconies: Outside stairways and balconies may project into the rear yard up to three feet (3').
- B. BUILD-TO-LINE. The front yard setback is the build-to-line. At least fifty percent (50%) of the front elevation must be built within three feet (3') of the build-to-line. This provision does not apply to the development of cul-de-sac Lot.
- C. ACCESS. Each lot shall provide access to a designated town road.
- D. UTILITIES. Each dwelling must be serviced by a public water and septic system.



E. LIGHTING STANDARDS. All exterior lights shall be shielded or down directed as to minimize light trespass onto neighboring residential structures.

Minimum Lot and Development Standards

		Area	Width	Depth	Frontage	Setbacks	Build-to-Line	Height
LOT	Standard					Front: 79 ½ from centerline of the street and all setbacks on sixty-six foot (66') streets shall be thirty feet (30') from property line Side: 8' (40' Accessory Structure w/live animals) Rear: 25' (40' Accessory Structure w/live animals) Accessory Structure: 5' Rear & Side Yard	30' > 50% of front elevation must be < 3' from Build-to-line	None
LOT	Exceptions	No	No	80' if width > 82'	45' on cul-de-sac	Projections: < 2 ½' Front: 20' paved drive, + add 10' behind sidewalk 5' paved walk, porch < 8' Side/Rear: Stairs and Balconies < 3' Corner Lot: 2 Front, 2 Side, 0 Rear	N/A for cul-de-sac lot	None

16.10.050 NEIGHBORHOOD COMPATIBILITY

Any new development or exterior remodel within Levan shall be architecturally compatible with respect to the height, mass and exterior materials of homes along the block in which the proposed construction is situated, and shall respect the existing proximity to the street of all structures proposed on frontage lots.

16.10.060 FENCES, HEDGES, AND WALLS

- A. The term "fence" shall include any tangible barrier, lattice work, screen, wall, hedge or continuous growth of shrubs or continuous growth of trees with the with the purpose of, or having the effect of, preventing passage or view across the fence line.
- B. No fence shall be constructed, erected, or installed without first obtaining a fence permit from Levan Town. The fee for a fence permit shall be established by the legislative body.
- C. No person shall construct, alter, or maintain a fence, hedge, wall or similar structure or any combination of such structures except in conformance with all of the requirements of this section.
- D. The following provisions shall govern the location and height of fences, hedges or walls:
 - 1. PROPERTY LINES. All property lines must be located in order to determine that no fence, Hedge or wall extends beyond or across a property line. A fence, hedge or wall may cross a property line if an agreement with the abutting property owner is obtained in writing and is submitted with the Fence Permit Application.
 - 2. SIDEWALKS. No fence, hedge or wall shall be placed nearer than six inches (6") to any public sidewalk.
 - 3. FIRE HYDRANTS. There shall be no fence, hedge or wall within three feet (3') from any fire hydrant.
 - 4. FRONT YARD SETBACK AREA.
 - a. DEFINITION. For the purposes of this requirement, the FRONT YARD SETBACK AREA shall be defined as the open, unoccupied space, in front of a building on a lot, and is measured as follows: The depth of the Front Yard Setback Area begins at the front property line and extends thirty feet (30') back from that property line. The Width of the Front Yard Setback Area is a minimum of eighty feet (80') or the entire width of the lot, whichever is smaller, and this area must be directly in front of the main building on the lot. The Front Yard Setback Area is illustrated at the end of this section.
 - b. HEIGHT RESTRICTIONS. In any front yard setback area, chain link or similar fences which do not block vision shall not exceed four feet (4') in height. Any solid type fences, hedges, thick growth of shrubs or continuous growth of trees are not to exceed three feet (3') in height, except that a



continuous growth of trees may be allowed in this area if they are pruned clear of all branches between the ground below the tree OR the crown of the road, whichever is higher, and a height of eight feet (8'), and are maintained and kept pruned as described. *Fences in the Front Yard Setback area must comply with the Clear View area requirements set forth in section 6.*

5. SIDE AND REAR YARD FENCES.

- a. DEFINITION. For the purposes of this requirement, the Side Yard Area shall be defined as the area from a side property line to the side of the main building that faces that property line, and extending from the back of the Front Yard Setback Area to the front of the Rear Yard Area. The Rear Yard Area shall be defined as the area extending across the full width of the lot between the back of the main building and the rear property line. The Side and Rear Yard Areas are illustrated at the end of this section.
- b. HEIGHT RESTRICTIONS. In side and rear yard areas, including the side and rear yard areas of corner lots, a fence shall not exceed six feet (6') in height. *Fences in the Side and Rear Yard Areas must comply with the Clear View Area requirements set forth in section 6.*

6. CLEAR VIEW AREA REQUIREMENTS.

- a. DEFINITION. For the purposes of this requirement, the Clear View Areas shall be defined as follows:

- (1) THE CLEAR VIEW AREA FOR STREET CORNERS is defined as the area at the corner of a street that must be regulated in order to ensure that vehicles have an unobstructed clear viewing area. This area is measured by first determining the intersecting point of a front and side property line that faces a street corner. This is point A. From point A, measure thirty feet (30') along the front and side property lines in either direction. These are points B and C. The resulting triangle is the Clear View Area for Street Corners as shown in the diagram at the end of this section.

- (2) THE CLEAR VIEW AREA FOR DRIVEWAYS is required if a driveway abuts a sidewalk. For the purpose of this requirement, the Clear View Area for Driveways is defined as the two triangular areas on either side of a driveway created by connecting three points. The first point, Point A, is where the driveway meets the property line. Measure ten feet (10') from point A along the property line. This is point B. Measure ten feet back from point A along the edge of the driveway. This is point C. Connect points A, B and C on either side of the driveway. This is the Clear View Area for Driveways as shown in the diagram at the end of this section.

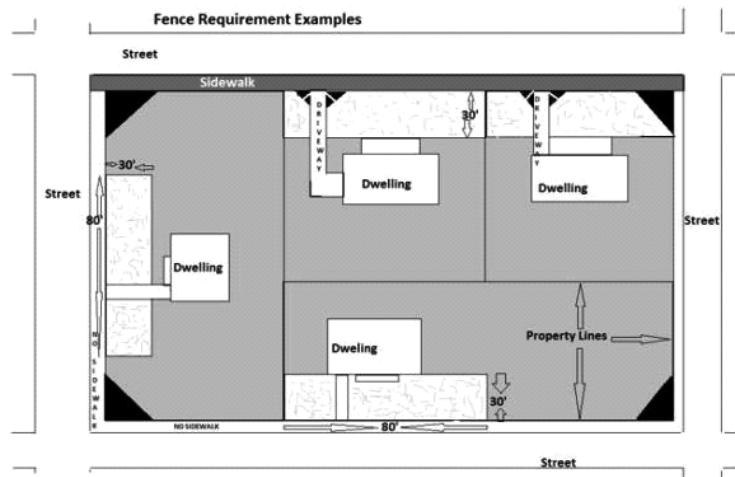
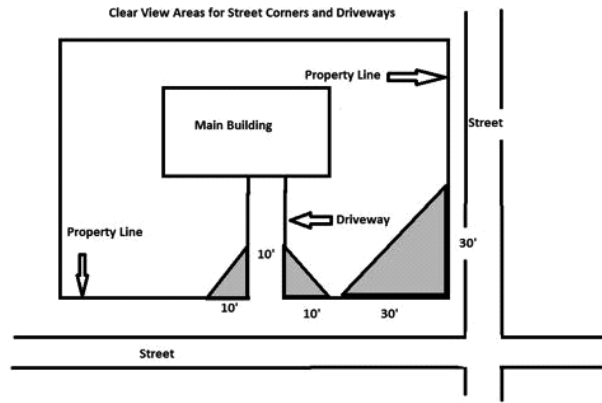
- b. HEIGHT RESTRICTIONS. In all Clear View Areas, solid or view obstructing fences, hedges or thick growths of shrubs or trees may not exceed three feet (3') in height. Trees will be permitted in the Clear View Areas if, when they are large enough to obstruct the view, they are pruned clear of all branches between the ground below the tree OR the crown of the road, whichever is higher, and a height of eight feet (8'), and are maintained and kept pruned as described.





7. ATHLETIC FACILITIES. Fencing around athletic facilities, including tennis courts, may be fourteen (14') in height so long as all portions above six feet (6') in height are constructed with at least fifty percent (50%) non-opaque materials.

8. TEMPORARY FENCES ON A CONSTRUCTION SITE. Temporary fences on a construction site may be as high as required to protect the property during the period of construction.

E. HEIGHT MEASUREMENTS. Height measurements shall be made from the finished grade. Where there is a difference in the grade of the properties on either side of a fence, wall or similar structure, the height of the fence shall be measured from the natural grade of the property upon which it is located. A fence may not be berm for the purpose of increasing height.

F. OBSTRUCTION OF VIEW. Any fence, grading, planting or construction that interferes with the traffic. Visibility of those using streets, sidewalks, driveways etc., is prohibited.



-  Clear View Areas for Corners. Fence height restricted to 3' high for solid or view obstructing fences. Trees must have an 8' clearance underneath them to allow for an unobstructed view of oncoming traffic.
-  Clear View Areas for Driveways. If the driveway abuts a sidewalk, the height restrictions for this area must be observed. Fence height is restricted to 3' high for solid or view obstructing fences.
-  Front Yard Setback Area. Fence height restricted to 3' high for solid or view obstructing fences and 4' high for see-through fences. This area measures 30' deep and a minimum of 80' wide and needs to be directly in front of the main dwelling.
-  Other areas including the side and rear yards and front yard outside of the official Front Yard Setback area. Fence height restricted to 6' high.

16.10.070 LANDSCAPING

Applicants for new development shall comply with the following landscaping standards:

- A. REQUIRED LANDSCAPING. The applicant shall landscape the front and side yards of the lot.
- B. VEGETATION PROTECTION. Development plans must show all significant vegetation within twenty feet (20') of any proposed new development. The applicant must protect all significant vegetation during any new development activity.

16.10.080 PARKING

An Applicant shall propose on-site parking as follows.

Parking

USES	PARKING REQUIREMENTS
Accessory Apartment	1 space

Accessory Structure-Occupied	1 spaces in addition to requirement for primary structure
Child Care Facility/Center	1 space per on-duty employee and 1 per 6 children
Group Home	The greater of: 1 space per 2 bedrooms plus 1 space per employee per shift, or 2 per 3 employees per shift
Neighborhood Commercial	2 spaces per 1,000 sq. ft of leaseable area
Public and Quasi-Public Institution, Church and School; Public Utility; Municipal Facility	The greater of: 1 space per 5 seats, or 2 spaces per 3 employees, or 1 space per 1,000 sq. ft
Single Family/Duplex	2 spaces per dwelling unit

16.10.090 ACCESSORY STRUCTURES (UNOCCUPIED)

New development of an accessory structure intended for storage and not for human occupancy is an allowed use and shall meet the following development standards:

- A. PROXIMITY. A small accessory structure must be located at least six (6') from the main building. There shall be a minimum of sixteen feet (16') between the main building and a large accessory building.
- B. SETBACKS. The accessory structure must be located in either the rear or side yard with a five-foot (5') setback from the rear and side lot lines, unless the accessory structure is located at the front yard setback of an adjacent corner lot then the side yard setback to the nearest side lot line must be at least fifteen feet (15').

16.12 MIXED-USE ZONING (MU)

16.12.010 MIXED-USE ZONING (MU) INTRODUCTION

16.12.020 PURPOSE

16.12.030 USE REGULATIONS

16.12.040 COMMERCIAL SITE DEVELOPMENT

16.12.050 OUTSIDE STORAGE

16.12.010 MIXED-USE ZONING (MU) INTRODUCTION

The purpose of this section is to define the area(s) described on the 2008 Zoning map as mixed-use, residential zoning.

This supplement allows for continued residential use and future commercial use without the need for re-zoning.

Mixed-Use refers to the combining of retail/commercial and/or service uses in a prominent residential area.

16.12.020 PURPOSE

The purpose of the mixed-use overlay district (MU) is to provide opportunities to create land use patterns and layouts that provide for a complimentary and compatible mix of land. The MU allows combinations of compatible residential and nonresidential uses, with necessary supporting uses, consistent with a convenient development layout that would be found within a bedroom community. It is the purpose of the MU is to allow flexibility and creativity in the combination and arrangement of uses.

16.12.030 USE REGULATIONS

The mixed-use overlay district (MU) allows a combination of uses within the defined MU area.

The uses allowed by the establishment of a mixed-use overlay district (MU) shall be a combination of those uses allowed by the zoning district identified in LMC 16.10 and LMC 16.12. The uses allowed within a MU may also be further determined or restricted by the council.

16.12.040 COMMERCIAL SITE DEVELOPMENT

Site development of any commercial use in the MU zone shall be approved by the Planning & Zoning Board at site plan review and ratified by the Levan Town Council.

16.12.050 OUTSIDE STORAGE



Outside storage shall be completely screened by landscaping or opaque fencing, from view from any public street or abutting properties. This does not apply to representative displays of materials for sale but does apply to general inventories, miscellaneous merchandise, stockpiles, etc.

16.14 CONDITIONAL USE

16.14.010 CONDITIONAL USE STANDARDS OF REVIEW

16.14.010 CONDITIONAL USE STANDARDS OF REVIEW

The Town shall not issue a Conditional Use Permit unless the Planning Commission concludes that the application fully mitigates all identified adverse impacts and complies with the following general standards applicable to all conditional uses, as well as the specific standards for the use.

- A. GENERAL REVIEW CRITERIA. An applicant for a conditional use in the zone must demonstrate:
1. The application complies with all applicable provisions of this title, state and federal law;
 2. The structures associated with the use are compatible with surrounding structures in terms of use, scale, mass and circulation;
 3. If the size of the structure is enlarged upon a new conditional use permit must be applied for;
 4. The use is not detrimental to the public health, safety and welfare;
 5. The use is consistent with the Levan Master Plan, as amended;
 6. Traffic conditions are not adversely effected by the proposed use including the existence of or need for dedicated turn lanes, pedestrian access, and capacity of the existing streets;
 7. Sufficient utility capacity;
 8. Sufficient emergency vehicle access;
 9. Location and design of off-street parking as well as compliance with off-street parking standards provided for in LMC 16.10.080;
 10. Fencing, screening, and landscaping to separate the use from adjoining uses and mitigate the potential for conflict in uses;
 11. Compatibility of the proposed mass, bulk, design, orientation, and location of the structures on the site; including compatibility with buildings on adjoining lots and to the street;
 12. Exterior lighting that complies with the lighting standards of the zone and is designed to minimize conflict and light trespass with surrounding uses; and
 13. Within and adjoining the site, impacts on the aquifer, slope retention, flood potential have been fully mitigated and the proposed structure is appropriate to the topography of the site.
- B. SPECIFIC REVIEW CRITERIA FOR CERTAIN CONDITIONAL USES. In addition to the foregoing, the planning commission must evaluate the applicant's compliance with each of the following criteria when considering whether to approve, deny or condition an application for each of the following conditional uses:
1. CONDITIONAL USE
 - a. Child Care Facility/Center: Each application for child care facility or center must include:
 - (1) Proof of a state Child Care license;
 - (2) Compliance with state, federal and local law;
 - (3) A design which precludes a front yard playground and signage in excess of a two (2) square foot nameplate; and
 - (4) A delivery, traffic and parking plan which adequately mitigates the adverse impacts of increased traffic generation on the neighborhood in which it is located.
 - b. Assisted Living/Senior Housing/Congregate Care. Each application for an assisted living, senior housing or congregate care use must comply with the following:
 - (1) The maximum number of residents shall be: eight (8) for structures fronting on public streets smaller than collector streets; and
 - (2) Sixteen (16) for structures fronting on public streets considered collector streets or larger.
 - (3) A complete application shall include: proof of state license for assisted living, senior housing, congregate care, or its equivalent;
 - (4) A design, residential in character and architecturally compatible with the neighborhood, which adequately screens the use from neighboring lots; complies with Utah department of health standards;

- (5) An outdoor lighting plan which adequately screens lighting to mitigate its impact on surrounding uses;
 - (6) A sign plan which includes no more than two (2) square feet of signage for facilities on public streets smaller than collector streets, and monument signs not to exceed thirty-two (32) square feet for facilities on public streets considered collector streets or larger; and
 - (7) A delivery, traffic and parking plan which adequately mitigates the adverse impacts of increased traffic generation on the neighborhood in which it is located. The parking plan should propose parking appropriate to the proposed use of the facility, which plan may propose parking below the standards listed in LMC 16.10.080.
- c. Accessory Structure (Occupied). New development of an accessory structure intended for human occupancy is a conditional use and shall meet the following development standards: proximity: the accessory structure must be located no less than six feet (6') from the main building.
- (1) Setbacks: The accessory structure must be located in either the rear or side yard, with no less than a ten foot (10') setback from the rear and side lot lines, unless the accessory structure is located at the front yard setback of an adjacent corner lot, in which case, the side yard setback to the nearest side lot line must be at least fifteen feet (15').
 - (2) Building Area: The maximum area of an occupied accessory structure is the larger of nine hundred (900) square feet or thirteen percent (13%) of the lot area. No more than six hundred (600) square feet of the accessory structure shall be used for human occupancy.
 - (3) Commercial Uses: Each application for a neighborhood commercial use shall demonstrate that the proposed use: is pedestrian oriented and shall primarily serve the neighborhood in which it is located;
 - (4) Is limited in size to a maximum footprint of one thousand five hundred (1,500) square feet;
 - (5) Has a maximum of four (4) on-site parking spaces that shall be located in the rear of the building;
 - (6) Is architecturally compatible with the underlying zone;
 - (7) Shall operate no earlier than 7 a.m. and no later than 10 p.m.;
 - (8) Includes no outdoor storage nor an outdoor display of merchandise, but may include outdoor dining;
 - (9) Includes a delivery plan which adequately mitigates its impact on the residential neighborhood in which it is located;
 - (10) Screens light trespass to adequately mitigate lighting impacts on surrounding uses;
 - (11) Does not require a lot combination or consolidation of existing platted lots; and
 - (12) Includes the owner's covenant to comply with the foregoing, which covenant shall run with the conditional use permit.
 - (13) Accessory apartments: Each application for an accessory apartment shall include: a site plan, which demonstrates one additional, paved, off-street parking space for the accessory apartment;
 - (14) A floor plan which demonstrates that the accessory apartment is less than twenty-five percent (25%) of the dwelling size; and
 - (15) The owner's covenant to occupy the primary dwelling unit, which covenant shall run with the conditional use permit.
- d. Gated Communities. An application for a gated community must demonstrate adequate provision for perpetual access of life safety equipment and personnel. The minimum width of a one-way access is fifteen feet (15'). Proposed gate works must include access technology installed and maintained to the reasonable satisfaction of the fire marshal.
- e. Swimming Pool. Each application for a swimming pool shall include a fence designed to exclude unattended children.
- f. Personal Athletic Facility. Each application for a personal athletic facility shall include a screening plan, which effectively screens the use from adjacent residences.
- g. Historic Uses: Development for historic buildings are subject to historic use standards as approved by the planning commission and town council.
- h. Minor Telecommunications Facility. This section applies to both commercial and private low-power radio services and facilities, such as "cellular" or "pcs" (personal communications system) communications and paging systems. Each application for a telecommunications facility shall comply with the following:

- (1) Wall-Mounted Antenna: Wall-mounted antennas may not extend above the wall line of the building or extend more than four feet (4') horizontally from the face of the building.
 - (A) Antennas, equipment and the supporting structure shall be painted to match the color of the building or structure or the background against which they are most commonly seen. Antennas and the supporting structures on buildings shall be architecturally compatible with the building. Whip antennas are not allowed on a wall-mounted antenna structure.
 - (B) Antennas mounted directly on existing parapet walls, penthouses, or mechanical equipment rooms are considered a wall-mounted antenna if no portion of the antenna extends above the roofline of those building structures.
 - (C) Stealth wall-mounted antennas are encouraged and may be allowed to vary from the provisions of this section upon demonstrated mitigation of impact.
- (2) Roof-Mounted Antenna: Roof-mounted antennas are allowed only on a flat roof and shall be screened, constructed and painted to match the structure to which they are attached. The planning commission may grant approval to place roof-mounted stealth antennae on a pitched roof if the antenna does not extend above the peak of the roof.
 - (A) Antennas shall be mounted at least five feet (5') behind any parapet wall. The maximum height of an antenna mounted between five (5) and ten feet (10') behind a parapet wall shall be directly proportional to the setback distance, and may not exceed a height of ten feet (10') above the top of the parapet wall. An antenna may not extend more than fifteen feet (15') above the roofline of the building unless the adverse impacts of the additional height are fully mitigated.
 - (B) Roof-mounted antennas may be mounted on existing penthouses or mechanical equipment rooms if the antennas and antenna support structures are enclosed or visually screened from view. The screening structures may not extend more than eight feet (8') above the existing roofline of the penthouse or mechanical equipment room.
 - (C) Antennas not mounted on a penthouse or mechanical equipment room shall be mounted at least five feet (5') back from the exterior wall of the building. The maximum height of an antenna mounted between five (5') and ten (10') feet back from the exterior wall shall be directly proportional to the setback distance, and may not exceed ten (10') feet above the roof line of the building. Similarly, a roof-mounted antenna may not extend above the roofline of a penthouse or mechanical equipment room except as allowed as a conditional use.
- (3) Power Lines: All power lines on the lot leading to the accessory building and antenna structure of the telecommunications facility shall be installed underground.
- (4) Area limitations: Combinations of both roof and wall-mounted antennas are allowed on a building. The total area for all wall and roof-mounted antennas and supporting structures combined shall not exceed forty (40) square feet for each exterior wall of the building or a total of one hundred sixty (160) square feet per building. Cellular antennas may occupy a maximum of four (4) walls. The visible portion of the supporting structure as viewed when looking directly at the face of the building. The total area for a roof-mounted antenna shall apply to the closest exterior wall.
- (5) Review criteria: Each applicant for a telecommunications facility must demonstrate:
 - (A) Compatibility of the proposed structure with the height and mass of existing adjacent buildings and utility structures;
 - (B) Whether co-location of the antenna on other existing structures in the same vicinity such as other towers, buildings, utility poles and similar structures is possible without significantly affecting antenna transmission or reception;
 - (C) The location of the antenna in relation to existing vegetation, topography and buildings to optimize visual screening;
 - (D) Whether the spacing between monopoles creates detrimental impact upon adjacent properties;
 - (E) The location of the pole in relation to noteworthy structures, landmarks and pedestrian or automotive transportation view corridors;

- (F) Location and zoning compliance of accessory buildings associated with the telecommunications facility;
- (G) Monopole: A conditional use permit for a monopole may be granted in a residential zone district only if the planning commission finds that:
 - (a) The monopole antenna does not exceed thirty five (35') feet in height;
 - (b) Monopole with antennae and antennae support structure does not exceed two feet in width;
 - (c) The antenna tower will be placed on a parcel, which is not occupied by a residential use, such as a school, church, or other nonresidential use, which is otherwise legally located in that residential zone;
 - (d) The antenna tower will be located no closer than two hundred feet (200') from the nearest residential structure, and
 - (e) The monopole will be disguised as, or otherwise integrated with, a light pole or similar utility structure located on the parcel to minimize and mitigate the visual impact of the antenna. Monopoles shall be fenced with a six-foot chain-link fence and the climbing pegs removed from the lower twenty feet of the monopole. In circumstances where the accessory building and fence may be viewable from any public road or public space, the planning commission may require alternative building and fencing materials such as masonry, wrought iron or chain link with colored vinyl coating depending on the location.
 - (f) No monopole or lattice tower may be located within one thousand (1,000) feet of another monopole or lattice tower unless it is for the bona fide public services of a public transit district as defined in section 1712A-2 1001 et seq. Of the Utah code annotated and as certified by said public transit district.

(6) Co-location: Co-location is both permitted and encouraged if all setbacks, design and landscape requirements are met for each telecommunications facility. The application shall include any existing or approved, but un-built, telecommunications facility within the telecommunications area that may meet the needs of the applicant. The documentation supplied shall evaluate the following factors:

- (A) Structural capacity of the antenna towers;
- (B) Geographic telecommunications area requirements;
- (C) Mechanical or electrical incompatibilities;
- (D) Inability or ability to locate equipment on existing antenna towers; and
- (E) Any restriction or limitation of the federal communication commission that would preclude the shared use of the antenna tower.

(7) Classification/installation: Low-power radio services facilities are characterized by the type or location of the antenna structure.

(8) Temporary antenna for use during drive tests: Telecommunications companies wishing to perform drive tests shall submit notice to the planning department stating the location and the date of the proposed test. Antennas in use for a drive test shall not be left standing for a period of greater than two (2) days. Drive tests shall be limited to testing functions only and shall not be used for telecommunication services to customers. Drive tests on town property require planning department approval and execution of the town's test-drive agreement.

16.16 ZERO-LOT-LINE DEVELOPMENT

16.16.010 ZERO-LOT-LINE DEVELOPMENT STANDARDS

16.16.010 ZERO-LOT-LINE DEVELOPMENT STANDARDS

When specifically listed as an allowed or conditional use, zero-lot-line development may be permitted in residential districts, but shall be guided by the following:

- A. SUBDIVISIONS. A new subdivision may include zero-lot-line lots. Subdivision developments of more than ten (10) lots shall be limited to fifty percent (50%) of its total lots for zero-lot-line. Lot sizes for each zero-lot-line lot shall be one-half of the minimum size for a two-family dwelling as specified for the zone district in which the subdivision is to be developed. Yard regulations shall comply with sub-section C below.

B. INDIVIDUAL LOTS AND DUPLEX CONVERSIONS. Platted lots, not in new subdivisions, may be developed for zero-lot-line use, and two-family structures existing at the time of passage of this ordinance may be converted to separate ownership for zero lot line (twin home) use. New construction on existing lots shall comply with lot development regulations, sub-section C below. For the conversion of existing duplex buildings to twin home use, minimum lot size requirements shall not apply. However, all appropriate building code requirements for condominium construction shall be strictly enforced.

C. DEVELOPMENT REGULATIONS

1. Minimum Lot Size. The minimum lot size for each zero-lot-line lot shall be one-half (½) the minimum size allowed for a two-family dwelling in the zone district.
2. Yard Regulations
 - a. Front Yards: Same as the zone district.
 - b. Side Yard: The side yard shall be at least twenty percent (20%) of the lot frontage, or ten feet (10'), whichever is greater. On corner lots, the zero side yard shall never occur on the street side.
 - c. Rear Yard: Same as the zone district.
 - d. Lot Coverage: No more than fifty percent (50%) of the lot may be occupied by the building.
 - e. Lot Frontage: eighty foot (80') minimum.
3. Other Regulations
 - a. Openings on the Zero-Yard Side: On detached buildings, no windows, doors, or other openings shall be allowed on the zero-yard side.
 - b. Parking: A minimum of two (2) off-street parking spaces shall be provided on each platted lot.
 - c. Lots Bordering Standard Lots: Where a zero-lot-line lot borders a standard (non-zero-lot-line) lot, the zero-yard side shall be opposite the abutting lot line.

16.18 SUPPLEMENTARY REGULATIONS

16.18.010 EFFECT OF THIS CHAPTER

16.18.020 LOTS HELD PRIOR TO ORDINANCE

16.18.030 OPEN SKY

16.18.040 LOT STANDARDS

16.18.050 EVERY DWELLING ON A LOT

16.18.060 FIRE ESCAPES AND STAIRWAYS

16.18.070 FENCES, GRADING, LANDSCAPING

16.18.080 AREA REGULATIONS

16.18.090 SWIMMING POOLS AND RECREATIONAL FACILITIES

16.18.100 ANIMAL REGULATIONS

16.18.010 EFFECT OF THIS CHAPTER

The general regulatory provisions set forth in this chapter qualify or supplement, as the case may be, the zone regulations appearing elsewhere in this ordinance.

16.18.020 LOTS HELD PRIOR TO ORDINANCE

The requirements of this ordinance as to minimum building site area shall not be construed to prevent the use for a single-family dwelling (where otherwise permitted) of any lot or parcel of land in the event that such lot or parcel of land is undeveloped and held in separate ownership at the time this zoning ordinance became effective.

16.18.030 OPEN SKY

Every part of a required yard shall be open to the sky, unobstructed except for accessory buildings in a rear yard, and except for the ordinary projections of skylights, sills, belt courses, cornices, stairways, and ornamental features.

16.18.040 LOT STANDARDS

Except for planned unit developments and cluster subdivisions, and as otherwise provided in this ordinance, every lot, existing or intended to be created, shall have such area, width, and depth as is required by this ordinance for the zone district in which such lot is located and shall have frontage upon an approved, dedicated, and open public street before a building permit may be issued.

16.18.050 EVERY DWELLING ON A LOT

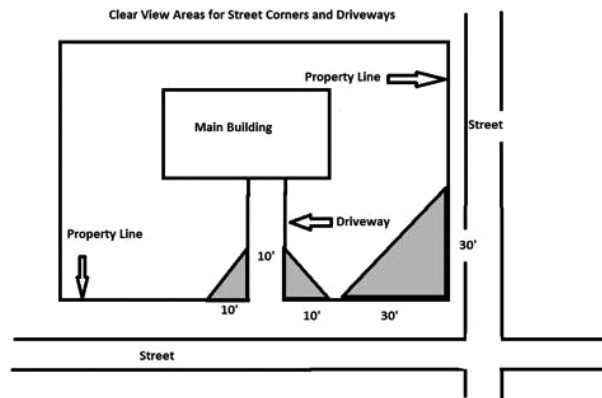
Every dwelling structure shall be located and maintained on a separate lot having no less than the minimum area, width, depth, and frontage required by this ordinance for the zone district in which the dwelling structure is located, except that group dwelling complexes under single ownership and management which are permitted by this ordinance and have approval from the Planning & Zoning Board may occupy one lot for each such multi-structure complex.

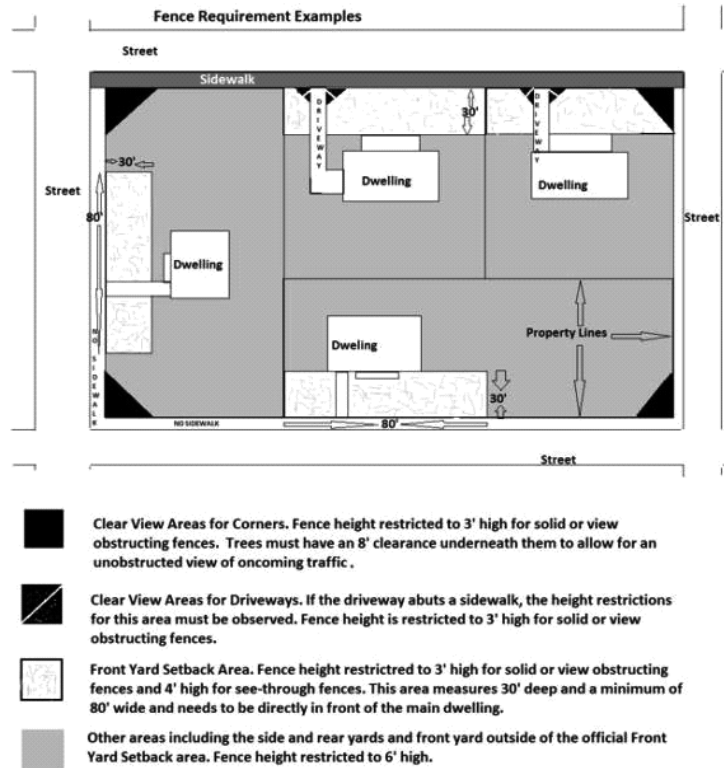
16.18.060 FIRE ESCAPES AND STAIRWAYS

Open or lattice-enclosed fire escapes, fireproof outside stairways, and balconies opening upon fire towers projecting into a yard not more than five feet and the ordinary projections of chimneys and flues are permitted.

16.18.070 FENCES, GRADING, LANDSCAPING

- A. No fence shall be constructed, erected, or installed without first obtaining a fence permit from LevanTown. Approval of said permit shall be solely for the purpose of approving height, fence material, etc. The fee for a fence permit shall be established by the legislative body.
- B. SIDE AND REAR YARD FENCES
 - 1. DEFINITION. For the purposes of this requirement, the Side Yard Area shall be defined as the areas from a side property line to the side of the main building that faces that property line, and extending from the back of the Front Yard Setback Area to the front of the Rear Yard Area. The Rear Yard Area shall be defined as the area extending across the full width of the lot between the back of the main building and the rear property line. The Side and Rear Yard Areas are illustrated at the end of this section.
 - 2. HEIGHT RESTRICTIONS. In side and rear yard areas, including the side and rear yard areas of corner lots, a fence shall not exceed six feet (6') in height. Fences in the Side and Rear Yard Areas must comply with the Clear View Area requirements set forth in LMC 16.10.060.
- C. FRONT YARD FENCES. For residential districts, in any required front yard, or the required side yard on the street side of corner lots, an open-type fence not exceeding four feet (4') in height maintained to permit clear, unobstructed visibility may be allowed. A solid-type fence, hedge, thick growth of shrubs, or trees shall not exceed three feet in height in any front yard, except that trees may be allowed that are trimmed to a height of at least ten feet (10') above the sidewalk or finished grade and are maintained at that height. This provision shall not be interpreted as to prohibit the erection of any open-mesh-type fence enclosing elementary or secondary school sites.
- D. OBSTRUCTION OF VIEW. Any fence, grading, planting or construction that interferes with the traffic. Visibility of those using streets, sidewalks, driveways etc., is prohibited.





- E. A solid-type fence is one that in the opinion of the administrator is closed sufficiently to block view of traffic.
- F. EXCEPTIONS. Certain other fences, such as tennis court backstops, patio enclosures, etc., in the front, side, or rear yards may be approved by the administrator if, in his opinion, they do not create a hazard or violation of other ordinances.

16.18.080 AREA REGULATIONS

- A. Every main or residential building shall be located and maintained on a lot as defined by this ordinance, and all parts of said building shall be connected in a substantial manner. There shall not be more than one such building on a lot in residential districts, except as otherwise provided by this ordinance.
- B. No lot or parcel of land held under separate ownership at the time this ordinance became effective shall be separated in ownership or reduced in size below the minimum lot width or lot area required by this ordinance, nor shall any lot or parcel of land held under separate ownership at the time this ordinance became effective and which has a width or area less than that required by this ordinance be further reduced in any manner.
- C. No building or structure shall be erected, enlarged, or moved onto any lot which abuts a street having only a portion of its required street width dedicated, and where no part of such dedication would normally revert to said lot if the street were vacated, unless the yards provided and maintained in connection with such building or structure have a width or depth which is not less than the width or depth of that portion of the lot needed to complete the required street width, plus the width or depth of the yards required on the lot by this ordinance.
- D. The front yard required on a lot of record or held under separate ownership at the time this ordinance became effective shall be provided and maintained regardless of any subsequent change of lot lines which creates a new lot fronting on a street other than that on which said lot fronted at the time this ordinance became effective.
- E. No accessory building shall be structurally altered, converted, enlarged, or maintained for the purpose of providing living quarters or dwelling units unless such accessory building and all enlargements thereof are made to conform to all the regulations of this ordinance for new buildings.
- F. 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 used for the storage of junk, building material, debris, obsolete vehicles, commercial equipment, or buildings or equipment which are obsolete or in disuse.
- G. At each end of a through lot there shall be a front yard of the depth required by this ordinance for the zone in

which each street frontage is located; provided, however, that one of such front yard may serve as a required rear yard.

- H. No required yard or other required open space around an existing building shall be separated in ownership from the portion of the lot upon which the building is located.

16.18.090 SWIMMING POOLS AND RECREATIONAL FACILITIES

- A. Private swimming pools. Any private swimming pool not completely enclosed within a building having solid walls shall be set back at least five feet (5') from property lines, and any semi-private swimming pool not completely enclosed within a building having solid walls shall be set back at least ten feet from property lines. Any swimming pool shall be completely surrounded by a fence or wall having a height of at least six feet (6'). There shall be no openings larger than thirty six inches (36") except for gates which shall be equipped with self closing and self latching devices.

Private swimming pools will be permitted where they can meet the necessary setback requirements. However, there must be no direct connection for drainage to the sewer system of the town.

16.18.100 ANIMAL REGULATIONS

The keeping of animals for family food production, education, or recreation is allowed in a residential (R) district. No animals shall be kept in such a way that creates a public nuisance. The keeping of all animals is subject to applicable health codes. All animals must be housed, managed, fenced, and contained on the owner's property. The following regulation(s) shall apply.

- A. All lots with animals are subject to all public nuisances and health code regulations.

16.19 COMMERCIAL AND INDUSTRIAL PERFORMANCE STANDARDS

16.19.010 COMMERCIAL PERFORMANCE STANDARDS

16.19.020 INDUSTRIAL PERFORMANCE STANDARDS

16.19.010 COMMERCIAL PERFORMANCE STANDARDS

- A. Purpose: This chapter shall apply to all commercial development within Levan town and shall establish performance and development standards to encourage and facilitate the orderly growth and development of the town. These standards are intended to provide good building and area design and to insure compliance with the district regulations and other provisions of this ordinance relating to public health, safety, and general welfare. The standards set forth within this chapter shall be interpreted to be the minimum standard within the designated district unless stated otherwise. To the maximum extent possible, these requirements shall apply to existing commercial developments when either of the following occurs:

1. The occupied square footage of the main structure is enlarged by more than forty-five percent (45%).
2. The building is remodeled or expanded and the expansion or remodeling has a valuation of over one hundred thousand dollars (\$100,000) as determined by the building inspector.

- B. Lotsize and frontage:

1. Lot size: No limitations for commercial or industrial uses, except that all off-street parking and yard requirements shall be accommodated.
2. Frontage on arterial or collector streets: Uses with at least one hundred feet (100') of frontage are allowed one access onto an arterial or collector street as designated in the transportation and circulation map of Levan town. Uses with less than one hundred feet (100') of frontage shall not be permitted direct access onto an arterial or collector street. Such uses shall be required to share a common driveway in order to assure one hundred feet (100') of distance between driveways.
3. Frontage on minor or local streets: Uses with at least sixty feet (60') of frontage are allowed one access onto a minor or local street as designated on the transportation and circulation map. Uses with less than sixty feet (60') of frontage shall not be permitted direct access onto a minor or local street. Such uses shall be required to share a common drive in order to assure seventy feet (70') between driveways.

- C. Building location:

1. No building, with the exception of any portion that contains a drive up window or counter, shall be closer than five feet (5') from any private road or driveway. Structures which are adjacent to a plaza, mall, district

entryway, or other permanent pedestrian open space under the same ownership as the structure may abut the space and have openings onto such appurtenances.

2. The public street right-of-way shall be considered the front property line of a lot. Where a lot is bordered on two or more sides by a public street right-of-way, all such sides shall be considered as front property lines, and the area between the front property line and the building lines shall be known as the front setback area in all cases.
 3. Front yard: The front setback is determined for the district and is established in LMC 16.10 and LMC 16.12.
 4. Side yard: Side setback is determined for the district and is established in LMC 16.10 and LMC 16.12.
 5. Rear yard: Rear setback is determined for the district and is established in LMC 16.10 and LMC 16.12.
 6. Building height: The maximum height for any commercial building shall be fifty feet (50') measured from the natural grade level. Plans for all structures that are intended to be higher than thirty-five feet (35') shall be reviewed by the planning & zoning board. The planning & zoning board shall deliver its recommendation to the legislative body for approval or disapproval.
- D. Landscaping: A landscaping design for the site shall be reviewed and approved by the planning & zoning board at site plan review. A permanent sprinkling system shall be installed in all required landscaping except for approved dry-landscaping areas.
1. Front yard: At least fifty percent (50%) of the front yard (a strip at least three feet [3'] wide) shall be landscaped. The landscaping shall occur at the front property line. This standard shall apply to both frontages of a corner lot.
 2. Side and rear yards: There shall be a minimum of three feet (3') of landscaping between parking areas and side or rear property lines and a minimum of three feet (3') of landscaping between an access driveway and a side or rear property line unless said driveway is to be used for common access by an adjacent lot. Other side and rear setback areas that are open to view from public right-of-way or from residential property shall also have a minimum of three feet (3') of landscaping, provided that one access way not to exceed twelve feet (12') in width may be allowed to undeveloped property in the rear of a site. Irrespective of other requirements, developments abutting residential uses shall have a minimum of ten feet (10') of perimeter landscaping where the development abuts such residential use and shall have large trees (minimum 1 1/2" caliper) and shrubs planted to form a buffer between uses. Trees shall be planted at thirty foot (30') spacing and shrubs on three feet (3') centers. Buffer areas may be approved with interval landscaping when not open to view from public rights-of-way and where it can be shown that the buffer areas will conform to the intent of this ordinance.
 3. Other landscaping:
 - a. Landscaping planters and/or raised sidewalks shall be installed along buildings and any paved areas.
 - b. All landscaped areas abutting any paved area shall be curbed (minimum of a four inch [4"] back and six inches [6"] high).
 - c. At intersections of streets, driveways, sidewalks, etc., landscaping shall be limited to a height of not more than three and one-half feet (3 1/2') above top back of curb within the area required for minimum sight distances as specified in the geometric design guide (aashto) for local roads and streets.
 4. Trees: Trees shall be required in front yards, at thirty foot (30') intervals in accordance with the street planning guide for arterial and collector streets.
 5. Landscaping in parking areas: Landscaping in parking areas may be required to channel traffic and may be considered as a portion of the overall landscaping of any particular site development.
 6. Other non-parking areas: All unpaved areas not utilized for parking, access, or storage, shall be landscaped utilizing ground cover, shrub and tree materials, and/or dry landscape materials. Undeveloped areas proposed for future expansion shall be maintained free of weeds and trash.
 7. The planting of trees, lawn and shrubs, or other material as approved is required within appropriate areas, especially along street frontage and along boundaries that abut residential lots, as provided for herein. When an area in a commercial, industrial, or multi-family residential zone is required to be landscaped by the terms of this ordinance, the requirement shall be met by the installation and maintenance of improvements as set forth below:
 - a. Lawn and shrubs or a combination of shrubs, trees, vines, or other growing ground cover shall cover the entire area to be landscaped, except that water surfaces and dry landscaping may be allowed provided that such area shall not comprise more than 20 percent of the area required to be landscaped and must be approved by the planning & zoning board.
 - b. All landscaping established as required by and in conformance to this section shall be maintained in

a manner as to assure the continued growth of living materials placed therein and the removal of weeds, debris, and other matter not consistent with the provisions of this chapter.

- E. Screening at district boundaries: An opaque screen shall be installed and maintained along lot lines that coincide with all district boundaries, other than streets, where the premises abut residential uses. Except as otherwise provided, it shall have a total height of six feet (6'). Where there is a difference in elevation on opposite sides of the screen the height shall be measured from the highest elevation. A screen shall consist of one, or any combination, of the following types:
1. Walls: Construction materials shall only include ceramic tile, stone, brick, concrete panels, concrete blocks, or other such materials as the Planning & Zoning board may approve. Concrete panels and posts must be reinforced with rebar and wire as approved by the town engineer.
 2. Berms: A berm shall be not more than twenty feet (20') in width at the base. It shall be constructed of earthen materials, and it shall be landscaped.
 3. Solid Fences: A solid fence shall consist of wood and metal or other such materials forming an opaque screen and which conforms to structural requirements of the uniform building code.
 4. Open Fences: An open-weave or mesh-type fence shall be combined with plant materials to form an opaque screen, as approved by the administrator.
 5. No signs or sign supports shall be permitted on any required screening.
 6. Notwithstanding the requirements listed above, where the finished elevation of the property is lower at the boundary line, or within five feet (5') inside the boundary line, than an abutting property elevation, such change in elevation may be used in lieu of, or in combination with, additional screening to satisfy the screening requirements for this district.
 7. Under special conditions where it has been determined that the development may create unique impacts on an adjoining residential district, the planning & zoning board may review and approve variations in screening such as open construction, screen height, placement of screen, or other types of screening.
- F. Trash Containment: Storage areas containing garbage or rubbish (including recycling) containers (dumpsters) shall be screened with landscaping or opaque fencing. Each wall or fence shall be at least equal in height to the containers or dumpsters to be screened and shall be sufficient to screen such facilities from a public street or neighboring lot. No outdoor trash container storage shall be located within thirty feet (30') of any residential use, and no such storage shall be permitted in a required front yard from the street to the building line.
- G. Lighting: Electrical reflectors, spotlights, floodlights, and other sources of illumination may be used to illuminate buildings, landscaping, signs, and parking and loading areas on any property, provided they are equipped with proper lenses or other devices concentrating the illumination upon the building, landscaping, signs, and parking and loading areas and preventing any bright, direct illumination upon adjacent property or any public right-of-way. No unshielded white lights, reflectors, spotlights, strobe lights, flashing lights (message centers may be excluded from this prohibition), or search lights shall be so located that they are shining towards or are directly visible from frequently traveled public rights-of-way.
- H. Signs: Signs are permitted in this district subject to the provisions of the sign regulations, which are outlined in LMC 16.38.010.
- I. Parking lots and loading:
1. General: There shall be provided at the time of erection of any main building or at the time any main building is enlarged or increased in capacity, minimum off-street parking space with adequate provisions for ingress and egress by standard-size automobiles in accordance with the requirements herein.
 2. Parking space size: A parking lot shall provide a logical balance of spaces to accommodate vehicles of various sizes.
 3. Parking areas, development and maintenance: Every parcel of land hereafter used as a public or private parking area, including a commercial parking lot and also an automobile, farm equipment, or other open-air sales lot, shall be developed and maintained in accordance with the following requirements:
 - a. Curb and gutter: The perimeter of the paved surface shall be finished with concrete (or other approved material) curb and gutter (minimum of a four inch [4"] back and six inches [6"] high).
 - b. Surfacing: Every parcel of land hereafter used as a public parking area shall be paved with an asphaltic or concrete surfacing, shall have appropriate bumper guards where needed as determined by the administrator, and shall be so arranged and marked as to provide the orderly and safe loading or unloading and parking and storage of vehicles.
 - c. Lighting: Lighting used to illuminate an off-street parking area shall be so arranged as to reflect the light away from adjoining residential premises or frequently-traveled public rights-of-way.

4. Loading areas: For every building or part thereof having a gross floor area of ten thousand (10,000) square feet or more, which is to be occupied by a commercial or industrial use to or from which delivery of materials or merchandise is regularly made by motor vehicles, there shall be provided and maintained, on the same lot with such building, at least one off-street loading space plus one for each additional twenty thousand (20,000) square feet or major fraction thereof. Each loading area shall be not less than fourteen feet (14') in width, twenty-five feet (25') in length, and fifteen feet (15') in height. The loading area shall not occur forward of the building setback line on any street frontage.

J. Driveways and curb openings

1. One-way driveways shall be not less than twelve feet (12') or more than thirty-two feet (32') in width except that no two complementary one-way driveways may total more than forty feet (40') in width. Two-way driveways shall be not less than twenty-five feet (25') or more than thirty-two feet (32') in width except as noted in sub-section (5) below. In determining the width of curb openings and spacing of driveways, the end transitions in each case will not be considered a part of the width of the curb opening.
2. Driveways shall be located a minimum of five feet (5') from the side property line, measured from the nearest end transition point. This does not apply to side property lines abutting public rights-of-way.
3. Driveways shall have a minimum end transition (curb radius) of ten feet (10') and a maximum of thirty feet (30'). There shall be at least twenty-two feet (22') of full-height curb between the end transition point (point of curvature of the curb lines) of any two driveways, except as noted in sub-sections (4) and (6) below.
4. Where the common driveway is of the split, one-way directional type, there shall be at least five feet (5') between the end transition points of the two driveways.
5. Wherever a common driveway is constructed serving two or more properties, the common curb opening shall have a maximum width of thirty-six feet (36').
6. Where the adjacent public right-of-way road width is less than eighty feet (80'), no curb opening for a driveway shall be wider than thirty feet (30'), except as noted in sub-section (5) above.
7. Where the adjacent public right-of-way road width is eighty feet (80') or more, no curb opening for a driveway shall be wider than thirty-six feet (36'), except as noted in sub-section (5) above.
8. The total width of all curb openings shall not exceed forty percent (40%) of the frontage. For corner lots, the total width of curb openings shall not exceed thirty percent (30%) of the combined frontages.
9. No point of curvature for any driveway curb opening shall be permitted within the following distances of the points of curvature for intersection curb turns:
 - a. Forty feet (40') if the intersection is signalized; and
 - b. Forty feet (40') if the intersecting street's right-of-way is greater than seventy feet (70'); and
 - c. Thirty feet (30') if the intersecting street's right-of-way is seventy feet (70') or less.
10. Where the construction of more than one curb opening is required a concrete safety curb between curb openings, along and inside the property line, shall be provided when the property located between two driveways is used for the purpose of movement, storage, or parking of vehicles.
11. No curb opening will be approved which contemplates vehicle encroachment on any portion of the street right-of-way for loading, standing, or unloading.
12. Curb openings must serve only those off-street parking spaces or loading zones that conform to town standards.
13. Curb openings shall be entirely within the extension of the side property lines extended perpendicular to the street center line.
14. Curb openings and driveways shall be paved and shall provide adequate drainage.
15. Curbs for driveway approaches shall be of the radius type and be provided with wheel chair ramps.
16. Any unused or abandoned curb openings or portion thereof shall be restored to the original curb section at the expense of the abutting property owner. Upon refusal or neglect of the owner or agent to restore the curb and gutter to their original section, the town shall proceed to do such work, and all expenditures so incurred shall be charged against the owner or agent.
17. Improvements in the public right-of-way shall be designed and constructed in conformance with the applicable specifications. The minimum design vehicle shall be the single unit truck.
18. Special requirements for service stations: The maximum and suggested width of a driveway through the perimeter landscaped strip to a service station shall be forty feet (40') for two-way vehicular movement and fifteen feet (15') for one-way vehicular movement. No more than one two-way access way shall be permitted for any street frontage up to one hundred (100) lineal feet, and no more than two one-way access ways shall be permitted for any street frontage. For frontages of more than one hundred (100)

lineal feet, two (2) two-way accesses, each a maximum and required width of twenty-four feet (24'), are permissible, but shall not be built on the same frontage as any other driveway. These standards are to be applicable to anyone ownership. In no case shall the end transition point of an access way be closer than twenty-five feet (25') to the corner property line. No object shall be so situated as to interfere with the required sight-distance of intersections as set forth in the aashto specification. Driveway widths along roads controlled by the Utah department of transportation (UDOT) shall require a UDOT permit and shall comply with UDOT requirements.

- K. Outside storage shall be completely screened by landscaping or opaque fencing, from view from any public street or abutting properties. This does not apply to representative displays of materials for sale but does apply to general inventories, miscellaneous merchandise, stockpiles, etc.
- L. A grading and drainage plan, including primary on-site drainage water containment such as a sump, shall be submitted to the commission with the application. Primary on-site containment shall accommodate a twenty-five (25) year rain storm of one (1) hour's duration.

16.19.020 INDUSTRIAL PERFORMANCE STANDARDS

- A. Purpose: The following performance standards are intended to ensure that all industries will provide necessary modern control methods to protect Levan Town from hazards and nuisances; to set objective, quantitative standards for the maximum tolerated levels of frequently hazardous or annoying emissions; and to protect any industry from arbitrary exclusion or persecution based solely on the characteristics of that type of industry's past uncontrolled operation.
- B. General: No land or building devoted to uses authorized by this chapter shall be used or occupied in any manner so as to create dangerous, injurious, noxious, or otherwise objectionable fire, explosive, or other hazards; noise or vibration; smoke, dust, odor, or other form of air pollution; heat, cold, dampness, or glare; electrical, or other disturbance; liquid or solid refuse or water; or other substance, condition, or element in such a manner or in such an amount as to affect adversely the surrounding area or adjoining premises. The foregoing are hereinafter referred to as "dangerous or objectionable elements."
 - 1. State Agency Notification: The administrator shall confirm that the Utah State Department of Environmental Quality is informed of all applicants for uses authorized by this chapter.
 - 2. Performance Standards Review: In addition to meeting other application requirements, applicants seeking approval for a light or medium industrial use shall include in the application a description of the proposed machinery, products, and processes to be located at the development. If, in its opinion, the proposed use may cause the emission of dangerous or objectionable elements, the Planning & Zoning Board may refer the application for investigation and report to one or more expert consultants qualified to advise as to whether a proposed use will conform to the applicable performance standards specified in sub-section (C) of this section. Such consultant shall report as promptly as possible. A copy of such report shall be promptly furnished to the applicant. The cost of such expert report shall be borne by the applicant.
 - 3. Ruling by Planning & Zoning Board: Within twenty (20) days after the commission has received the aforesaid application or report, if a report was required, or within such period as agreed to by the applicant, the commission shall determine whether reasonable measures are being employed to assure compliance with the applicable performance standards. On such basis, the commission may require a modification of the proposed plans, construction specifications, device, or operation, and shall so inform the building inspector.
 - 4. Continued Compliance: Any use so authorized shall not relieve the applicant of the responsibility of meeting such standards when the plant is in operation, and, in case of a failure to perform in accordance with the standards, whatever additional devices or modifications in process shall be necessary to achieve full compliance with the standards shall be the sole responsibility of the applicant. These standards shall be established as conditions for approval of the proposed development.
 - 5. Continued Enforcement: The administrator shall investigate any purported violation of performance standards and, if necessary for such investigation, may request that the Planning & Zoning Board employ qualified experts. If, after public hearing and due notice, the legislative body finds that a violation has existed or does exist, it shall order the administrator to serve notice that compliance with the performance standards must be achieved within a specified period of time or the plant will be shut down. Should the violation of performance standards threaten the public health, convenience, or welfare, the Planning & Zoning Board may order the offending plant to cease operation until proper steps are taken to correct the conditions which caused the violation. The services of any qualified experts, employed by the

Planning & Zoning Board to advise in establishing a violation, shall be paid by the violator if said violation is established, otherwise it shall be paid by the town.

6. Locations Where Determinations Are To Be Made for Enforcement of Performance Standards: The determination of the existence of dangerous and objectionable elements shall be made at any point, provided, however, that the measurements having to do with noise, vibration, odors, or glare shall be taken at the lot line of the establishment or use.

C. Dangerous and objectionable Elements:

1. Noise: No use shall emit or cause the emission of sound from a stationary source such that the one (1) hour equivalent sound level (Leq) of resultant sound measurement at the lot line of the establishment or use exceeds by 6dBA or more the one (1) hour equivalent sound level (Leq) caused by ground transportation as estimated for that point of measurement and that time of day, pursuant to FHWA-RD-77-108, Highway Traffic Noise Prediction Model, or by other techniques at least as accurate as those set out in FHWA A-RD-77 -108. The sound level measuring instrumentation shall conform with ANSI S1.4-1971 Type 1, and the measurement procedure shall be compatible with that according to ANSI S1.13-1971, with the following adjustments:
 - a. Adjustment for Temporal and Tonal Characteristics of Sound: If the sound has a pronounced audible tonal quality such as a whine, screech, buzz, or hum, or if the sound has an audible cyclic variation in sound level such as beating or other amplitude modulation, 5dBA shall be added to the measured sound level to allow for increased subjective response to the sound.
 - b. Quasi-Steady Impulsive Sound: Where the sound is of a repetitive impulse nature so that a steady reading is obtained using the "slow response" setting on the sound level meter, then 10dBA shall be added to the measured value to allow for the increased subjective response to the sound.

An adjustment may be made under only one (1) of the paragraphs (a) and (b) above. In a case where both paragraphs apply, then paragraph (b) takes precedence.

2. Vibration: No vibration (other than from transportation facilities or temporary construction work) shall be permitted which is discernible without instruments at the property line of the industrial use.
3. Odors: No emission of odorous gases or other odorous matter shall be permitted in such quantities as to be readily detectable when diluted in the ratio of one (1) volume of odorous air to four (4) volumes of clean air or at the point of greatest concentration. Any process which may involve the creation or emission of any odors shall be provided with a secondary safeguard system, so that control will be maintained if the primary safeguard system should fail.
4. Glare: No direct or sky-reflected glare, whether from flood lights or from high temperature processes such as combustion or welding or otherwise, shall be permitted to be visible at the property line of the industrial use. This restriction shall not apply to signs or lighting of buildings or grounds for advertising or protection otherwise permitted by the provisions of this ordinance.
5. Fire and Explosion Hazards: All activities involving, and all storage of, flammable and explosive materials shall be provided at any point with adequate safety devices against the hazard of fire and explosion and adequate fire fighting and fire suppression equipment and devices standard in the industry. Burning of waste materials in open fires is prohibited at any point.
6. Air Pollution: No particulate or gaseous pollutants shall be emitted into the air in violation of the Utah State Air Conservation Act, its amendments, or resulting regulations.
7. Liquid or Solid Wastes: No discharge at any point into a public sewer, private sewage system, or stream, or into the ground shall be allowed contrary to the Utah State Water Pollution Control Act, its amendments, the subsequent Wastewater Disposal Regulations, or the Utah Code of Solid Waste Disposal Regulations.

16.20 OFF-STREET PARKING AND LOADING STANDARDS

16.20.010 OFF-STREET PARKING AND LOADING

16.20.020 OFF-STREET PARKING

16.20.030 FLOOR AREA DEFINED

16.20.040 ALTERNATIVES TO ON-SITE PARKING

16.20.050 PARKING AREAS, DEVELOPMENT AND MAINTENANCE

16.20.060 OFF-STREET LOADING

16.20.070 OTHER ACCESS AND PARKING; RELATED PROVISIONS

16.20.080 NUMBER OF PARKING SPACES REQUIRED

16.20.010 OFF-STREET PARKING AND LOADING

- A. PURPOSE. To reduce street congestion and traffic hazards in Levan by incorporating adequate, attractively-designed facilities for off-street parking and loading as an integral part of every use of land in the town.

16.20.020 OFF-STREET PARKING

- A. GENERAL. There shall be provided at the time of erection of any main building or at the time any main building is enlarged or increased in capacity or converted to a new use, minimum off-street parking space with adequate provision for ingress and egress by standard-size automobiles in accordance with the requirements herein.
- B. SIZE. For the purpose of this chapter, one parking space shall be assumed to be one hundred eighty (180) square feet, exclusive of adequate interior driveways.
- C. ACCESS. Adequate ingress and egress to all users shall be provided as follows:
1. Access to commercial or industrial lots shall be by either:
 - a. A maximum of one (1) driveway for each one hundred feet (100') of frontage on a public street, such driveway to be not over thirty-five feet (35') in width, or less than sixteen feet (16') (for one-way traffic), or
 - b. A maximum of one (1) driveway for each two hundred feet (200') of frontage on a public street, such driveway to be not over forty-five feet (45') in width.
 2. Access driveways shall not be closer to each other than twelve feet (12').
 3. No off-street parking lot shall be constructed in a manner that would allow vehicles to back out into a public street.
 4. In a commercial zone, no driveway shall be closer to an intersection of two streets than forty feet (40'), measured from the corner point of the property line. In a residential zone, the minimum distance shall be forty feet (40').
 5. Height, location, structural specifications, maximum and minimum curbs radii permitted, and maximum roadway approach angles to the center line of the street are subject to town standards.

16.20.030 FLOOR AREA DEFINED

Floor area in the case of offices, merchandising, or service types of uses shall mean the gross floor area used or intended to be used by tenants or for service to the public as customers, patrons, clients, or patients, including areas occupied by fixtures and equipment used for display or sales of merchandise. It shall not include areas used principally for non-public purposes, such as storage, incidental repair, processing, or packaging of merchandise.

16.20.040 ALTERNATIVES TO ON-SITE PARKING

For any new use, structure, or building other than a dwelling, required off-street parking which, due to the size or location, cannot be provided on the premises may be provided on other property not more than two hundred feet (200') distant from the nearest point of the parcel.

16.20.050 PARKING AREAS, DEVELOPMENT AND MAINTENANCE

Every parcel of land hereafter used as a public or private parking area, including a commercial parking lot and also an automobile, farm equipment, or other open-air sales lot, shall be developed and maintained in accordance with the following requirements:

- A. LANDSCAPING. The site of any off-street parking area for more than five (5) vehicles shall be adequately landscaped. Such landscaping shall be maintained in good condition. Landscaping along the street frontage, if any, shall be preferred to fencing.
- B. SURFACING. Every parcel of land hereafter used as a public parking area shall be paved with an asphaltic or concrete surfacing, shall have appropriate bumper guards where needed as determined by the administrator, and shall be so arranged and marked as to provide the orderly and safe loading or unloading and parking and storage of vehicles.
- C. LIGHTING. Lighting used to illuminate an off-street parking area shall be so arranged as to reflect the light away from adjoining premises in any residential district.

16.20.060 OFF-STREET LOADING

- A. For every building or part thereof having a gross floor area of ten thousand (10,000) square feet or more, which is to be occupied by a commercial or industrial use, to or from which delivery of materials or merchandise are regularly made by motor vehicle, there shall be provided and maintained, on the same lot with such building, at least one off-street loading space plus one for each additional twenty thousand (20,000) square feet or major fraction thereof.
- B. Each loading space shall be not less than fourteen feet (14') in width, twenty-five feet (25') in length, and fifteen (15) feet in height.
- C. Such space may occupy any required yard or court except that if it shall be located closer than fifty feet (50') to any lot in any residential district, it shall be enclosed by a brick or stone wall or landscaping not less than six feet (6') in height.

16.20.070 OTHER ACCESS AND PARKING: RELATED PROVISIONS

- A. DRIVE-IN BUSINESS. Driveways, parking areas, and off-street storage lanes for automobiles awaiting entrance to drive-in theaters, banks, restaurants, etc., shall be provided.
- B. Garages for storage of automobiles and commercial parking lots shall be permitted in commercial districts as specified in each district description.

16.20.080 NUMBER OF PARKING SPACES REQUIRED

- A. Except as may be provided elsewhere in this ordinance, there shall be provided at the time of erection of any building or at the time any main building is enlarged or increased in capacity, minimum off-street parking space with adequate provisions for ingress and egress by standard-sized automobiles. If any land, structure, or use is changed from one use to another which requires more off-street parking spaces as specified in subsection (C) below, there shall be provided such additional off-street parking for the new use as is required by this.
- B. PARKING LOT CHARACTERISTICS: On each parcel of land developed for nonresidential uses, lots shall be constructed as follows:
 - 1. SURFACING. Each lot shall have an all-weather surfacing material and be maintained in good condition and kept clear and in an unobstructed and usable condition at all times. Responsibility for maintenance of the lot shall rest with the property owner. The lot shall provide adequate access to a street or alley.
 - 2. GRADING. Parking lots shall be graded for proper drainage with surface water diverted in such a way as to keep the parking area free of accumulated water or ice.
 - 3. LIGHTING. Lot shall be properly illuminated with standards arranged so as to reflect light away from any adjoining residential buildings.
 - 4. SIZE OF SPACES. The standard parking space measures nine feet (9') wide by twenty feet (20') long, but sizes may vary to provide for vehicles that are larger or smaller than standard size.
- C. SPECIFIC REQUIREMENTS FOR EACH LAND USE. Required off-street parking shall be provided for each use as listed below. Requirements calculated on floor area shall be based upon LMC 16.20.030. Parking for uses not specifically listed below shall be provided in the same ratio as the use most nearly approximating the characteristics of the unlisted use, as determined by the Planning & Zoning Board.

Parking shall be provided as follows, with spaces based upon one or a combination of uses listed:

Use	Parking Requirement
Residential	
Single-Unit dwelling	Two parking spaces
Two-Unit dwelling	Two parking spaces per unit
Three-Unit dwelling	Two parking spaces per unit
Four-Unit dwelling	Two parking spaces per unit
Multi-Unit dwelling	Minimum of 8 spaces, with 1.5 spaces for each additional unit over 5
Apartment House	Minimum of 8 spaces with 1.5 spaces for each additional unit over 5



Golf courses, tennis courts, and similar recreation areas	Determined by specific review by Planning & Zoning Board
Hotel, motel, and lodge	One space per each 1.5 rental units, plus one space per 200 feet of meeting room area
Intensive retail commercial shops selling directly to the public	3.0 spaces for each 1,000 square feet of floor area
Less intensive commercial businesses, such as furniture	1.5 spaces for each 1,000 square feet of floor area
Offices and personal services, including medical and dental clinics	2 spaces for each 1,000 square feet of floor area plus one space for each employee per shift
Restaurants, bars, fast food, or drive-in	One space for every 4 seats. 20 spaces for each 1,000 square feet of sales and enclosed eating space
Churches, auditoriums, assembly halls theaters	One space for every 5 seats
Bowling alleys, skating rinks, and similar recreational uses	2 spaces for every 1,000 square feet of floor area
Industrial and wholesale establishments. Planned commercial development (Industrial park)	2 spaces for each 1,000 square feet of gross floor area. (See also LMC 16.19.010.) This shall not apply to buildings to be used exclusively for storage
Mortuary	One space for every 300 square feet of floor area
Hospitals, schools, civic building	Determined by specific review by the Planning & Zoning Board
Planned commercial development (shopping centers, complexes, or area rentable commercial space)	At least 5.5 spaces per 1,000 square feet of floor area

PARKING LOT DIMENSIONS

Parking Angle	45	60	90
Offset	18'	11'	1'6"
Car Space	12'	10'	9'0"
Stall Depth	16'	18'	18'6"
Stall Depth	18'	19'	20'
Overhang	2'	2'3"	2'9"
Driveway	13'	17'6"	25'
Turnaround	17'	14'	14'
Extra	6'	3'	0'

16.22 ADDITIONAL HOUSING STANDARDS

[16.22.010 ADDITIONAL HOUSING STANDARDS](#)

[16.22.020 DEVELOPMENT REVIEW COMMITTEE](#)

[16.22.030 SELLING EXISTING HOMES](#)

[16.22.040 MOBILE, MANUFACTURED AND MODULAR HOMES](#)

[16.22.050 MANUFACTURED HOUSING](#)

16.22.010 ADDITIONAL HOUSING STANDARDS

- A. According to Section 108.4 of the 2003 International Building Codes, which the State of Utah adopted in January 2004, which states that "Any person who commences any work on a building, structure, electrical, gas mechanical or plumbing system before obtaining the necessary permits shall be subject to a fee established by the building official that shall be in addition to the required permit fees," The building official has directed



the Council to set a fine by resolution for building without a permit within Levan Town limits.

- B. All applications for a building permit, except permits for re-roofing, siding, demolition, and remodeling when there is no change in structure size, must be accompanied by a plot plan drawn on a plat map available at the office of the Juab County Recorder.
- C. Utility connection fees must be paid at the time the building permit is processed and issued.
- D. The width of each dwelling shall not be less than twenty feet (20') at the narrowest point of its first floor exclusive of any garages, bay windows, room additions, or other similar appendages. Manufactured, modular, or mobile homes must be multiple sections, with each section having a minimum width of ten feet (10'). A basement shall not be considered as a first floor. The width shall be considered the lesser of the two primary dimensions.
- E. Each dwelling shall have an engineered or code-approved, site-built, concrete or masonry, permanent foundation waterproofed below ground level and sealed above ground level according to USC. Manufactured homes must be permanently attached to the foundation according to manufacturer's installation instructions or an approved engineered foundation design. Each foundation shall have a minimum height of one foot (1') above the top back of the curb plus two percent (2%).
- F. Each dwelling unit must be taxed as real property. If it is a manufactured home, affidavits as required by Utah Code Annotated Section (56-2-602) must be filed under that section and a copy thereof submitted to the town prior to receiving a certificate of occupancy and within fourteen (14) days of closing.
- G. Each dwelling unit shall have exterior siding material of sufficient quality, durability, and resistance to the elements to satisfy the purpose of this chapter. Exterior siding material shall consist of brick, stucco, glass, metal lap, vinyl lap, or stone. Wood or hardwood must be pre-approved by the town building inspector. Any other siding materials must be approved by the town building inspector.
- H. The roof of all dwelling units shall have a minimum pitch of 2'6":12' (except built-up gravel, see below). All units shall have eave overhangs of at least 6" excluding rain gutters, measured from the vertical side of the dwelling. The roof surface shall consist of wood shakes, asphalt, composition, wood shingles, tile, fiberglass, concrete, or built-up gravel. Built-up gravel roofs shall have a minimum pitch of 2':12'. All units shall have a minimum roof load of thirty (30) lb. per sq. ft.
- I. Each dwelling unit that is a manufactured home must be installed either by an owner-builder registered with Levan Town or by a housing set-up contractor licensed by the Utah Division of Occupational and Professional Licensing. Each unit must be installed according to the accompanying manufacturer's set-up instructions. Hose bibs on manufactured homes must be of an approved, frost-proof, anti-siphon type.

16.22.020 DEVELOPMENT REVIEW COMMITTEE

All applications for subdivisions, PUD's, zero-lot-line developments, commercial development, industrial development, etc. shall be submitted to a development review committee. This committee shall consist of town utility department heads, the town administrator, the zoning administrator, and others as designated by the legislative body. This development review committee shall review these proposed developments and deliver their recommendations to the Planning & Zoning Board.

16.22.030 SELLING EXISTING HOMES

This ordinance requires that anyone selling an existing home must sell it with the minimum required lot size and the home must have an eighty foot (80') frontage.

Ordinance 96-1 originally passed by the Levan Town Council the 10th day of September 1996.

16.22.040 MOBILE, MANUFACTURED AND MODULAR HOMES

- A. PURPOSE. The purpose of this section is to establish a classification system for classifying mobile homes, manufactured homes and modular homes and set standards and requirements which will ensure safe and healthy occupancy of these forms of housing in harmony with existing communities both economically, safely, and ascetically. "Furthermore, to regulate the placement and location of these forms of housing.

This Title shall not nullify the more restrictive provisions of other private covenants and agreements or other laws or general ordinances of the Town but shall prevail and take precedence over such provisions which are less restrictive.

- B. DEFINITIONS. Manufactured Housing Definition: For the purpose of this section all mobile homes,

manufactured homes, and modular homes shall be referred to as manufactured housing units.

1. **Manufactured Housing Units:** A structure designed for use as a residential unit which is mass produced in a factory designed and constructed for the purpose of transporting to a site for installation and use when connected to required utilities, either an independent building or a module for combination with other elements to form a building on the site.
2. **Classification System for Manufactured Housing Units:** Establishes essential differences between manufactured housing units based on structural design, compatible appearance and special form.
3. **Acceptable Similarity In Appearance Standards:** These are standards that can be applied to any manufactured housing unit as defined which determines the acceptable similarity in exterior appearance of the housing unit to existing residential neighborhoods and includes the following features: Exterior finish, roof slopes, dimensions, visible foundation skirting, roofing materials, and other architectural features compatible to existing residential neighborhoods.

C. **CLASSIFICATION OF MANUFACTURED HOUSING UNITS.** For the purpose of this section, manufactured housing units are divided into classes:

1. **Class A -** Manufactured housing units certified as meeting uniform building code standards or HUD mobile home construction and safety standards, and approved as meeting standards as defined for 'acceptable similarity in appearance, with a dimension standard of a minimum of 20 feet.
2. **Class B -** Manufacture housing units not meeting uniform building codes or HUD mobile home construction and safety standards, with a minimum dimension standard of 12 feet, but upon inspection found to be in good condition and safe for residential occupancy shall be classified as a Class B Manufactured Housing Unit.
3. **Class C -** Manufactured housing units, whether or not certified as meeting HUD or prior codes, found on inspection to be in poor condition and unsafe and/or unfit for residential occupancy.

D. **CLASSIFICATION OF MANUFACTURED HOUSING UNITS REQUIRED.** The building inspector or zoning administrator shall classify all manufactured housing units as defined prior to the issuance of a building permit or occupancy permit.

E. **STANDARDS FOR CLASSIFICATION HOUSING UNITS.** The building inspector or zoning administrator shall apply the following standards in the classification and evaluation of manufactured housing units:

1. All Class A and B manufactured housing units shall meet all requirements for residential housing units as set forth in the uniform building codes and HUD mobile home and safety standards.
2. Manufactured housing units shall be evaluated as meeting or not meeting dimension standards based on the following criteria: The main body of the house shall be generally rectangular, not too narrow in its least dimension (minimum of twenty [20] for Class A and twenty [20] for Class B). Apparent bulk shall be similar to other housing units in the neighborhood.
3. All exterior walls shall be non-reflectant and shall look like wood, masonry or stone regardless of their actual composition.
4. The roof shall be non-reflectant and appear to be shingled or tiled or built up roofs with marble chips, regardless of their actual composition.
5. The roof shall be pitched to a point not rounded or flat with a minimum of four foot (4') run to each one foot (1') rise. The minimum distance from the eaves to the ridge shall be ten feet (10').
6. The visible foundation skirting shall be similar in appearance to foundations of residences in the neighborhood and shall be constructed of fire resistant materials either brick, stone or masonry. The foundation shall form a complete enclosure under the exterior walls.
7. Other architectural features shall include peculiar window or door designs that are not generally compatible to the existing residential neighborhood.
8. Odd ornamentation or bizarre colors that are not generally compatible to the existing residential neighborhood.

F. **PROHIBITION ON MANUFACTURED HOUSING UNITS.**

1. All Class A manufactured housing units as certified herein shall be permitted to be used as residential structures in any zone where permitted and in conformance with all other provisions of this code.
2. All Class B manufactured housing units as certified herein shall be restricted to mobile home parks or mobile home subdivisions and prohibited from placement in other lots or parcels within the community. Except for the following, Class B manufactured housing units may be' allowed based on temporary use, provided that a conditional use permit is secured for a period not to exceed one (1) year and provided a

bond with conditions acceptable to the local jurisdiction in the amount of two hundred dollars (\$200.00) is posted with a guarantee for removal of the housing unit upon expiration of the permit.

- a. When temporarily located on a lot where a building or structure is being constructed.
 - b. When temporarily located as a contractor's office on a construction site or as a sales office for real estate. Not to exceed one (1) year.
3. All Class C manufactured housing units, whether or not certified as meeting HUD or prior codes, found on inspection to be in poor condition and unsafe and/or unfit for residential occupancy shall not be permitted within the community's jurisdiction limits.

16.22.050 MANUFACTURED HOUSING

- A. DEFINITIONS. A home must meet all of the following conditions to qualify as Manufactured Housing;
1. The manufactured home is identifiable by the manufacturer's data plate bearing the date the unit was manufactured and a U.S. Department of Housing and Urban Development label attached to the exterior of the home certifying that the home was manufactured to federal standards.
 2. The manufactured home is installed in accordance with the accompanying manufacturers's instructions for the manufactured home and in accordance with "The Standard for Manufactured Home Installations" adopted and published by the National Conference States on Building Codes and Standards.
 3. The manufactured home is installed by a factory built housing set-up contractor licensed by the Utah Division of Occupational and Professional Licensing.
 4. All additions to the structure, including, but not limited to, basements, foundations, garages, carports, patios, and decks shall comply with the International Residential Code.
- B. ALLOWED USE. A manufactured Home is permitted use in any district which allows single family residential use, if it meets all requirements of that district.
- C. REQUIREMENTS. Each manufactured home dwelling which is not located in an approved and licensed Mobile Home Park shall meet the following requirements:
1. The dwelling unit shall comply with all requirements of the district in which it is located.
 2. The dwelling unit shall be certified under the National Manufactured Home Construction and Safety Standards Act of 1976 and shall not have been altered in violation of such certification.
 3. The dwelling unit must be taxed as real property the Title surrendered by an appropriate affidavit to the Utah State Tax Commission and said affidavit recorded in the County Recorder's Office as provided by Utah Code Annotated 1953, Section 59-2-602, as amended.
 4. The dwelling unit shall be permanently connected to all required utilities.
 5. The dwelling unit must be mounted and attached on a permanent engineered foundation that is continuous reinforced, poured in place concrete footing and poured in place foundation wall or concrete block foundation that meets or exceeds the standards adopted and published by the National Conference of States on Building Codes and Standards (NCSBCS) for the installation of manufactured homes titled "The Standard for Manufactured Home Installations, Ansi 225." There must be a porch landing at each exit door with minimum dimensions of three feet (3') by three feet (3') constructed to meet the requirements of the International Residential Code. All running gear, tongues, axles, and wheels must be removed at the time of installation.
 6. At least sixty percent (60%) of the roof of the dwelling unit must be pitched at a minimum of 2.5:12 and shall have a roof surface of wood shakes, asphalt, composition or wood shingles, concrete, fiberglass or metal tiles, slate, or built up gravel materials.
 7. The dwelling unit shall have exterior siding material consisting of wood, masonry, concrete, stucco, Masonite, metal or vinyl lap, or any material meeting the International Residential Code. The roof overhang shall not be less than eight inches (8"), including rain gutters which may be up to four inches (4") of the required overhang, measured from the vertical side of the dwelling unit. The roof overhang requirement shall not apply to areas above porches, alcoves, and other appendages which together do not exceed one-fourth of the length of the structure.
 8. The width of the dwelling unit shall be at least twenty feet (20') at the narrowest point of its ground floor level for a length of at least forty feet (40') exclusive of any garage area. Transportable sections must be at least ten feet (10') wide, unless transportable in three (3) or more sections in which case only one section must be ten feet (10') wide.

16.24 PLANNED UNIT DEVELOPMENT (PUD)

16.24.010 INTRODUCTION

16.24.020 PURPOSE

16.24.030 DEVELOPMENT REQUIREMENTS

16.24.040 PERMITTED USES

16.24.050 GENERAL SITE PLAN

16.24.060 REVIEW BY PLANNING AND ZONING BOARD

16.24.070 SCOPE OF PLANNING AND ZONING BOARD ACTION

16.24.080 CONSTRUCTION LIMITATIONS

16.24.010 INTRODUCTION

Compliance with the regulations of this chapter in no sense excuses the developer from the applicable requirements of the Levan Subdivision Ordinance, except as modifications thereof may be specifically authorized in the approval of the application for the planned unit development.

16.24.020 PURPOSE

The purpose of the planned unit development is to allow diversification in the relationship of residential uses and structures to their sites and to permit a more flexible development of such sites. The application of planned unit concepts is intended to encourage good neighborhood and housing design, thus insuring substantial compliance with the intent of the zone district regulations and other provisions of this ordinance related to the public health, safety, and general welfare and at the same time securing the advantages of large scale site planning for residential development.

16.24.030 DEVELOPMENT REQUIREMENTS

- A. The minimum land area required for development of a PUD is 4 acres.
- B. The development shall be in single or corporate ownership at the time of application or the subject of an application filed jointly by all owners of the property.
- C. The Planning & Zoning Board shall require such arrangements of structures and open spaces within the site development plan as necessary to assure that adjacent
- D. Density allowed for a PUD shall be as provided in the regulations established by this ordinance in the zone district in which the proposed PUD is to be developed.
- E. Where feasible, buildings and uses of lowest height and intensity shall be arranged around the boundaries of the development.
- F. Lot area, width, yard, height, density, and coverage regulations shall be determined by approval of the site development plan.
- G. Every effort shall be made, by creative site planning, to preserve all existing trees or substantial shrubs on a development site.
- H. Every PUD shall provide common open space, accessible to all lots or units, of at least 30 percent of the gross area of the development site. No streets, driveways, or parking area may be included as part of the required open space.
- I. Preservation, maintenance, and ownership of required open space within the development shall be accomplished by:
 1. Dedication of the land as a public park or parkway system, or
 2. Granting to Levan Town a permanent open space easement on and over the said private open spaces to guarantee that the open space remain perpetually in recreational use, with ownership and maintenance being the responsibility of a home owner's association established with articles of association and bylaws which are satisfactory to Levan Town, or
 3. Creation of a separate corporation for home owners by which common areas shall be owned and maintained, or
 4. Complying with the provisions of the Condominium Ownership Act of 1963, Title 57, 8, Utah Code Annotated, 1953, as amended, which provides for the payment of common expenses for the upkeep of common areas and facilities within condominium portions of a development.
- J. Landscaping, fencing, and screening related to the several uses within the site and as a means of integrating the proposed development into its surroundings shall be presented to the Planning & Zoning Board for approval together with other required plans for development.
- K. The size, location, design, and nature of signs, if any, and the intensity and direction or area of flood lighting

shall be described in the application.

- L. A grading and drainage plan shall be submitted to the Planning & Zoning Board with the application.
- M. A planting plan, showing proposed tree and shrubbery plantings, shall be prepared for the entire site to be developed.
- N. The proposed use of the particular location shall be shown as necessary or desirable to provide a service or facility which will contribute to the general well-being of the neighborhood and the community.
- O. It shall be shown that under the circumstances of the particular case, the proposed use will not be detrimental to the health, safety, or general welfare of persons residing in the vicinity, or injurious to property or improvements in the vicinity of the planned unit development.

16.24.040 PERMITTED USES

Subject to the review and approval of the Planning & Zoning Board, uses permitted in a planned unit development shall be those uses which are permitted in the zone district in which the planned unit development is located; provided that for the purposes of this chapter single-family, attached dwellings such as townhouses or zero-lot-line lots shall be considered single-family dwellings and may be permitted in a planned unit development. Planned unit developments shall only be allowed in districts which specifically list them as an allowed use.

16.24.050 GENERAL SITE PLAN

Applications shall be accompanied by a general site plan showing where pertinent:

- A. The use or uses, dimensions, sketch elevations, and locations of proposed structures.
- B. Dimensions and locations of areas to be reserved and developed for vehicular and pedestrian circulation, parking, public uses such as schools and playgrounds, landscaping, and other open spaces.
- C. Architectural drawings and sketches demonstrating the general design and character of the proposed uses and the physical relationship of the uses.
- D. Such other pertinent information including residential density, coverage, and open space characteristics shall be included as may be necessary to make a determination that the contemplated arrangement of buildings and uses makes it desirable to apply regulations and requirements differing from those ordinarily applicable under this ordinance.

16.24.060 REVIEW BY PLANNING AND ZONING BOARD

In order that it may recommend approval of a planned unit development, the Planning & Zoning Board shall have authority to require that the following conditions be met by the applicant:

- A. FINANCIAL ABILITY OF APPLICANTS. That the proponents of the planned unit development have demonstrated to the satisfaction of the Planning & Zoning Board their financial ability to comply with regulations imposed on the proposed project pursuant to this ordinance.
- B. TIME LIMIT. That the proponents intend to start construction within one (1) year of the approval of the project, and any necessary zoning district change, and intend to complete said construction within four (4) years from the date construction begins.
- C. CONFORMITY TO GENERAL PLAN. That the proposed planned unit development conforms to the Levan General Plan in terms of general location, use of land, and standards of development.
- D. RESIDENTIAL ENVIRONMENT. That the proposed development will:
 - 1. Constitute a residential environment of sustained desirability and stability;
 - 2. Be in harmony with or complementary to the character of the zoning district; and in the case of multi-family dwellings:
 - a. Not create traffic congestion;
 - b. Provide for proper entrance and exits and for internal traffic circulation and parking;
 - c. Be in harmony with the character of the zone district; and
 - d. Have no adverse effect on adjacent or surrounding neighborhoods.

16.24.070 SCOPE OF PLANNING AND ZONING BOARD ACTION

In carrying out the intent of this chapter, the Planning & Zoning Board shall consider the following principles:

- A. It is the intent of this chapter that site and building plans for a planned unit development shall be prepared by

- a designer or team of designers having professional competence in urban planning. The commission may require the applicant to engage such a qualified designer or design team.
- B. It is not the intent of this chapter that control of the design of a planned unit development by the Planning & Zoning Board be so rigidly exercised that individual initiative be stifled and substantial additional expense incurred; rather, it is the intent of this chapter that the control exercised be the minimum necessary to achieve the purpose of this ordinance.
 - C. The Planning & Zoning Board, in carrying out this chapter, shall also observe such of the principles stated under Site Plan Review chapter of this ordinance as are appropriate to the review of a planned unit development.
 - D. The Planning & Zoning Board may recommend to the legislative body the approval or disapproval of an application for a planned unit development. In recommending approving an application, the commission may attach such conditions as it may deem necessary to secure compliance with the purposes set forth in the Site Plan Review chapter.

16.24.080 CONSTRUCTION LIMITATIONS

- A. Upon approval of a planned unit development, construction shall proceed only in accordance with the plans and specifications approved by the Planning & Zoning Board and in conformity with any conditions attached by the commission to its approval.
- B. Amendments to approved plans and specifications for a planned unit development shall be obtained only by following the procedure herein outlined for first approval of a planned unit development.
- C. If the planned unit development is to be subsequently divided either as a subdivision into (1) phase development parcels, or (2) separately-owned and operated units, such division boundaries shall be indicated on the development plan and preliminary subdivision approval concurrently obtained in accordance
- D. No permit shall be issued for any proposed building, structure, or use within the project unless such building, structure, or use is in accordance with the approved development plan and any conditions imposed in conjunction with its approval.

16.26 MOBILE HOME PARKS AND RECREATIONAL VEHICLE PARKS

16.26.010 PURPOSE

16.26.020 INCLUSION

16.26.030 PROVISIONS APPLYING TO MOBILE HOME PARKS

16.26.040 APPROVAL

16.26.050 APPLICATION

16.26.060 STANDARDS AND REQUIREMENTS

16.26.070 PREMISES

16.26.080 UTILITIES

16.26.090 GUARANTEES

16.26.100 COMPLIANCE WITH OTHER TOWN REGULATIONS

16.26.110 PROVISIONS APPLYING TO RECREATIONAL VEHICLES AND RECREATIONAL VEHICLE PARKS

16.26.120 STANDARDS AND REQUIREMENTS

16.26.130 GUARANTEES

16.26.140 LICENSE

No mobile home park may be constructed or operated, except in compliance with the standards contained in this chapter and all other applicable provisions of this ordinance. Mobile home parks shall not be allowed in any district, unless such use is specifically listed as an allowed or conditional use in that district.

16.26.010 PURPOSE

- A. To permit variety and flexibility in land development for residential purposes by allowing the use of mobile homes in certain districts within the municipality.
- B. To permit development of facilities for recreational vehicles in appropriate districts within the town.
- C. To assure that mobile home development and recreational vehicle accommodations in Levan will be of such character as to promote the objectives and purposes of the zoning ordinance, to protect the integrity and characteristics of the districts contiguous to those in which mobile home parks and recreation vehicle parks are located, and to protect other use values contiguous to or near mobile home park and recreational vehicle park uses.

16.26.020 INCLUSION

For the purpose of this ordinance, a recreational vehicle is a vehicular unit, other than a mobile home, primarily designed as a temporary dwelling for travel, recreational and vocational use, which is either self-propelled or is mounted on or pulled by another vehicle, including, but not limited to, a travel trailer, a camp trailer, a truck camper, or a motor home.

16.26.030 PROVISIONS APPLYING TO MOBILE HOME PARKS

A. Location and Use

1. No mobile home as herein defined shall be located, placed, used, or occupied in Levan Town except within approved mobile home parks, mobile home sales
2. Areas for mobile home parks shall generally be located adjacent to or in close proximity to an arterial or collector street and near adequate shopping facilities.
3. A portion of a mobile home park in a generally commercial area may be used as a recreational vehicle park, providing all applicable requirements of the Levan Town Zoning Ordinance for that district and all other applicable requirements of this ordinance are met.

16.26.040 APPROVAL

Mobile home parks may not be constructed unless first approved by the Planning & Zoning Board after review of plans for said mobile home park which satisfy the commission that the proposed development will:

- A. Be in keeping with the general character of the zone district within which the proposed development will be located.
- B. Be located on a parcel on land containing not less than 2 acres.
- C. Have at least 10 spaces completed and ready for occupancy before first occupancy is permitted.
- D. Meet all standards and requirements of this ordinance and all other requirements of applicable ordinances of Levan Town, except where such requirements are modified by approval of a planned unit development plan.
- E. Have the written approval of the State Board of Health.

16.26.050 APPLICATION

- A. An overall plan for development of a mobile home park shall be submitted to the Planning & Zoning Board for site plan review LMC 16.28. The plan shall be drawn to a scale no smaller than one inch to thirty feet (30'). At least six (6) hard copies of the plan shall be submitted. The plan shall show the following in addition to that required for site plan review:
 1. The topography of the site represented by contours, shown at not greater intervals than two feet (2') when required by the Planning & Zoning Board;
 2. The proposed street and mobile home space layout;
 3. Proposed reservations for parks, playgrounds, and open spaces;
 4. Tabulations showing percent of area to be devoted to parks, playgrounds, and open space, percent to mobile homes, and total area to be developed;
 5. Proposed location of parking space;
 6. Generalized landscaping and utility plan, including location of water, electricity, and gas lines, and fire hydrants;
 7. Any other data that the Planning & Zoning Board may require.

16.26.060 STANDARDS AND REQUIREMENTS

- A. Approval of a mobile home park shall be subject to the following conditions and regulations, and any additional conditions imposed by the Planning & Zoning Board and/or legislative body.
 1. The area shall be in one ownership, or if in several ownerships, the application for approval of the development shall be filed jointly by all the owners of the
 2. The plans for a mobile home park shall be prepared by such qualified persons and with such additional plans as the Planning & Zoning Board may require.
 3. The number of mobile homes shall be limited to eight (8) units per acre. The mobile homes may be clustered, provided that the total number of units does not exceed the number permitted on one (1) acre multiplied by the number of acres in the development. The remaining land not contained in individual

lots, roads, or parking shall be set aside and developed as parks, playgrounds, and service areas for the common use and enjoyment of occupants of the development and visitors thereto.

4. Not less than eight percent (8%) of the gross land area shall be set aside for the joint use of occupants. The land covered by vehicular roadways, sidewalks, and off-street parking shall not be construed as part of the area required for parks and playgrounds.
5. No mobile home or add-on shall be located closer than fifteen feet (15') from the nearest portion of any other mobile home or add-on. All mobile homes and add-ons shall be set back at least ten feet (10') from road curbs or walks. If the tongue of the mobile home remains attached, it shall be set back a minimum of six feet (6') from the road curbs or walks.
6. All areas not covered by mobile homes, hard-surfacing, or building, shall be landscaped as approved by the town, and such landscaping shall be permanently maintained.
7. All off-street parking spaces and driveways shall be hard-surfaced before the adjacent mobile home spaces may be occupied.
8. Within forty-five (45) days of occupancy, each mobile home shall be skirted, or shields may be used providing they are fireproof and well-painted or otherwise preserved.
9. A strip of land at least five feet (5') wide surrounding the entire parks shall be left unoccupied by mobile homes and shall be planted and maintained in lawn, shrubs, and trees designed to afford privacy to the development.
10. All storage and solid waste receptacles outside the confines of any mobile home must be housed in a closed structure compatible in design and construction to the mobile homes and to any service buildings within the development. The service buildings shall be constructed to standard commercial practice and kept in good repair as approved by the building inspector.
11. No mobile home space shall be rented for a period of less than thirty (30) days, and occupancy shall be by written lease.
12. The roadways shall be of adequate width to accommodate anticipated traffic, but not less than the following unless modified by an approved planned unit development plan.
 - a. For one-way traffic: fifteen feet (15') in width plus extra width as necessary for maneuvering mobile homes.
 - b. For two-way traffic: thirty feet (30') in width.
13. Each mobile home park must have two (2) accesses to public streets as a minimum.
14. There shall be standard street lighting on all dedicated streets.
15. Storm drainage facilities shall be so constructed as to protect residents of the development as well as adjacent property owners. Such facilities shall be of sufficient capacity to insure rapid drainage and prevent the accumulation of stagnant pools of water in or adjacent to the development.
16. In addition to meeting the above requirements and conforming to the other laws of the town, all mobile home parks shall also conform to the Uniform Fire Code and to requirements adopted by the Utah State Board of Health.
17. Storm drainage facilities shall be so constructed as to protect those who will reside in the park as well as adjacent property owners by insuring rapid drainage and preventing accumulation of pools of water. A grading and drainage plan, including primary on-site drainage water containment such as a sump, shall be submitted to the Planning & Zoning Board. Primary on-site containment shall accommodate a twenty-five year rain storm of one hour's duration.

16.26.070 PREMISES

The premises on which any mobile home is located, used, or occupied shall be maintained in a clean, orderly, and sanitary condition. The accumulation of any rubbish, waste, weeds, or other unsightly material thereon shall constitute a nuisance and a violation of this ordinance, for which the legislative body may direct removal of the mobile home from the premises.

16.26.080 UTILITIES

Every mobile home park shall provide utility service to every mobile home stand or lot as required by Levan Town Ordinances and as required by the Planning & Zoning Board.

16.26.090 GUARANTEES

- A. For mobile home parks, adequate and reasonable guarantees must be provided as determined by the Planning

& Zoning Board for permanent retention of open space and for the maintenance of roadways, storage facilities, service facilities, and landscaping resulting from the application of these regulations. Guarantees may be in the form of a bond, letter of credit, escrow, cash deposit, or in other form to be determined by the Planning & Zoning Board, which form must be approved by the legislative body and town attorney.

1. In any case when a mobile home park is owned by more than one person or when the owner will not be present as manager, the developer shall establish and appoint a park manager. The manager shall be a resident of Levan and shall be authorized to receive, process, and represent fully the interest of the owners with respect to management and maintenance of the park.
2. Prerequisite to the operation of any mobile home park in Levan shall be the obtaining of an annual business license.

B. For recreational vehicle parks, adequate and reasonable guarantees must be provided as determined by the Planning & Zoning Board for permanent retention of open space and for the maintenance of roadways, storage facilities, service facilities, and landscaping resulting from the application of these regulations.

16.26.100 COMPLIANCE WITH OTHER TOWN REGULATIONS

Any mobile home located in any permitted area shall comply with and conform to all other zoning laws, rules, regulations, and building, plumbing, fire prevention, and all other codes and requirements applicable to a structure or building erected within the zone in which said is located.

16.26.110 PROVISIONS APPLYING TO RECREATIONAL VEHICLES AND RECREATIONAL VEHICLE PARKS

A. RECREATION VEHICLE LOCATION AND USE

1. No recreational vehicle as herein defined shall be located, placed, used, or occupied, for any use or reason for any period of time even for temporary or overnight use, in any district except within approved and licensed recreational vehicle parks and except as otherwise provided herein.

B. RECREATIONAL VEHICLE STORAGE. Recreational vehicles may be stored anywhere within the town in accordance with the following provisions:

1. One such recreational vehicle may be placed, kept, or maintained wholly within a structure lawfully existing on the premises; or
2. One such recreational vehicle, not over thirty-two feet (32') in length, may be placed on a lot provided that it shall not be located in any front or side yard and provided further that no part of any such recreational vehicle shall be kept closer than five feet (5') to any residence.
3. Notwithstanding any provisions contained herein, a recreational vehicle may be located anywhere on the lot, except in a clear vision zone of a corner lot, for a temporary period not to exceed twenty-four (24) hours for loading and unloading of said recreational vehicle.
4. Recreational vehicles stored according to the provisions of this section shall not be used or occupied for any use or reason for any period of time even temporarily or overnight.

C. RECREATIONAL VEHICLE SALES LOT

1. Recreational vehicles may be stored, displayed, sold, and serviced in a sales lot.
2. With the exception of use as displays on said sales lot, such recreational vehicles shall not be used or occupied for any use or reason, for any period of time even temporarily or overnight, including, but not limited to, use as business or office space.

D. RECREATIONAL VEHICLE PARKS

1. Recreational vehicle parks shall generally be located:
 - a. Adjacent to or in close proximity to a major traffic artery or highway;
 - b. Near adequate shopping facilities.
2. No space or spaces in a recreational vehicle park shall be used by one individual vehicle for more than thirty (30) consecutive days, nor shall such space or spaces be rented or leased to anyone individual for more than thirty (30) cumulative days in any ninety (90) day period. However, with the approval of the Planning & Zoning Board one space may be designated for and occupied by a permanent manager with this thirty (30) day limitation.

E. RECREATIONAL VEHICLES IN MOBILE HOME PARKS. Recreational Vehicles may be accommodated in an

approved and licensed mobile home park, provided that:

1. The recreational vehicle park portion of the development is separated by barriers, screens, or otherwise from the area of mobile homes.
2. The recreational vehicle use area shall have direct access to a collector or arterial street shown on the Transportation and Circulation Map of Levan Town.
3. Separate ingress and egress shall be provided for recreational vehicles when required by the Planning & Zoning Board.
4. The Planning & Zoning Board recommends approval.

16.26.120 STANDARDS AND REQUIREMENTS

The development of a recreational vehicle park shall conform to the following standards and requirements:

- A. The area shall be in single ownership.
- B. The site shall abut upon a collector or arterial street shown on the transportation and circulation map of Levan Town.
- C. All entrances and exits from the recreational vehicle park shall be by forward motion only.
- D. No exit or entrance from a recreational vehicle park shall be through a residentially-developed area.
- E. No entrance or exit of a recreational vehicle park shall be located closer than thirty feet (30') to an intersection of two or more streets.
- F. All vehicle spaces or pads shall be set back at least twenty feet (20') from any public street right-of-way.
- G. All one-way roadways shall be at least twelve feet (12') in width, and all two-way roads at least twenty feet (20') in width, and all roadways shall be hard-surfaced.
- H. All areas within the park which are not hard-surfaced, including the twenty foot (20') setback space, shall be landscaped and maintained with lawns, trees, and shrubs designed to provide privacy and noise containment and shall be equipped with adequate sprinkling devices as determined by the building inspector.
- I. In a recreational vehicle park, the number of vehicle spaces shall be limited to twenty (20) units per acre. The spaces may be clustered, provided that the total number of units does not exceed the number permitted on one acre, multiplied by the number of acres in the development. The remaining land not contained in individual vehicle spaces, roads, or parking shall be set aside and developed as park, playground, or service areas for the common use and enjoyment of occupants of the development and visitors thereto.
- J. Each vehicle space shall be at least twenty feet (20') in width and at least thirty feet (30') in length, for spaces planned to have the recreational vehicle and towing vehicle park side-by-side, and at least fifteen feet (15') in width and at least forty-five feet (45') in length for spaces planned as drive-through spaces in which the towing vehicle parks in front of the recreational vehicle. Drive-through spaces are recommended whenever the size and shape of the property permits this design.
- K. All storage and solid waste receptacles must be housed in a closed structure compatible in design and construction to the character of the parks.
- L. The service buildings shall be constructed and maintained to standard commercial practice as approved by the building inspector.
- M. Off-street and off-roadway parking spaces shall be provided for visitors at the rate of one such space for each five (5) recreational vehicle spaces in the recreational vehicle park; such spaces shall have a minimum width of ten feet (10') and a minimum length of twenty feet (20') and may be grouped in appropriate locations.
- N. Storm drainage facilities shall be so constructed as to protect those who will reside in the park as well as adjacent property owners by insuring rapid drainage and preventing accumulation of pools of water. A grading and drainage plan, including primary on-site drainage water containment such as a sump, shall be submitted to the Planning & Zoning Board. Primary on-site containment shall accommodate a twenty-five (25) year rain storm of one hour's duration.
- O. Every recreational vehicle park shall provide utility service as may be required by Levan Town ordinances and as required by the Planning & Zoning Board.
- P. Public rest rooms and a dump station shall be provided.

16.26.130 GUARANTEES

For recreational vehicle parks, adequate and reasonable guarantees must be provided as determined by the Planning & Zoning Board for permanent retention of open space and for the maintenance of roadways, storage facilities, service facilities, and landscaping resulting from the application of these regulations.

16.26.140 LICENSE

No recreational vehicle park shall be operated in the town of Levan until an annual business license has been obtained.

16.28 SITE PLAN REVIEW

16.28.010 PURPOSE

16.28.020 APPLICATION AND REVIEW PROCESS

16.28.030 DEVELOPMENT REVIEW COMMITTEES

16.28.040 CONSIDERATIONS IN REVIEW OF APPLICATION

16.28.050 CONDITIONS

16.28.060 FINDINGS AND DECISIONS

16.28.070 NOTIFICATION OF APPROVAL OR DENIAL

16.28.080 LEGISLATIVE BODY APPROVAL

16.28.010 PURPOSE

A design review procedure is established in order to satisfy the recommendations of the Levan Town General Plan relating to the visual quality of the town; such procedure is intended to assure that the general appearance of buildings and structures and the improvement of land shall contribute to an orderly and harmonious appearance and to safe, functionally-efficient development, and, therefore, to the stability of property values and the general welfare of the community.

It is not the purpose of this chapter that design should be so rigidly controlled so as to stifle creativity or individual expression, or that substantial additional expenses be incurred; rather, it is the intent of this chapter that any control exercised be the minimum necessary to achieve the objectives as stated above.

16.28.020 APPLICATION AND REVIEW PROCESS

- A. REQUIREMENT. Site plan review is required for all new development and main buildings except single family, detached housing. As required by this ordinance, architectural drawings and/or site development plans shall be presented to the administrator, drawn to a standard scale, which shall show any or all of the following: the building lot and dimensions, building locations, landscaping, existing trees and shrubbery, off-street parking facilities, vehicular and pedestrian circulation, location and width of abutting streets, existing and proposed grades, surface drainage, and a north arrow; in addition, the presentation may also be required to include scale drawings of major exterior elevations, all signs, and an indication of exterior building material and proposed exterior color scheme.
- B. REVIEW AND APPROVAL BY PLANNING & ZONING BOARD. The Planning & Zoning Board shall determine if the proposed architectural and site development plans submitted are consistent with this chapter and with the purpose and objectives of this ordinance.

16.28.030 DEVELOPMENT REVIEW COMMITTEES

Prior to site plan review, all development that requires site plan review, shall be submitted to a development review committee consisting of town utility department heads, the town administrator, the zoning administrator, and others as designated by the legislative body.

16.28.040 CONSIDERATIONS IN REVIEW OF APPLICATION

The Planning & Zoning Board and the administrator shall consider the following matters and others when applicable, in their review of applications and may refer the plans to one or more expert consultants if the commission deems it necessary.

- A. CONSIDERATIONS RELATING TO TRAFFIC SAFETY AND TRAFFIC CONGESTION
 1. The effect of the site development plan on traffic conditions on abutting streets.
 2. The layout of the site with respect to locations and dimensions of vehicular and pedestrian entrances, exits, drives, and walkways.
 3. The arrangement and adequacy of off-street parking facilities to prevent traffic congestion, and compliance with the provisions of LMC 16.20.010, Off-Street Parking.
 4. The location, arrangement, and dimensions of truck loading and unloading facilities.
 5. The circulation patterns within the boundaries of the development.

6. The surfacing and lighting of off-street parking facilities.

B. CONSIDERATIONS RELATING TO SIGNS. Compliance with the provisions of LMC 16.38.010, Signs, for signs that are integral with the architectural design of the buildings.

C. CONSIDERATIONS RELATING TO LANDSCAPING

1. The location, height, and materials of walls, fences, hedges, and screen plantings to insure harmony with adjacent development or to conceal storage areas, utility installations, or other unsightly development.
2. The planting of ground cover or other surfacing to prevent dust and erosion.
3. The unnecessary destruction of existing healthy trees.

D. CONSIDERATIONS RELATING TO BUILDINGS AND SITE LAYOUT

1. Consideration of the general silhouette and mass, including location on the site, elevations, and relation to natural plant coverage, all in relationship to the character of the neighborhood.
2. Consideration of exterior design in relation to adjoining structures in height, bulk, area openings, breaks in facade facing on the street (or streets), line and pitch of roofs, and the arrangement of structures on the parcel.

E. CONSIDERATIONS RELATING TO DRAINAGE

1. The effect of the site development plan on the adequacy of the storm and surface water drainage.

16.28.050 CONDITIONS

The Planning & Zoning Board, or the administrator, when authorized, shall decide all applications for site-plan review. Site-plan approval may include such conditions consistent with the considerations of this chapter as the commission or administrator deem reasonable and necessary under the circumstances to carry out the intent of this chapter.

16.28.060 FINDINGS AND DECISIONS

Upon a finding by the Planning & Zoning Board or administrator that the application meets the intent of this chapter, the site-plan approval shall be granted, subject to such conditions as are necessary; otherwise, approval shall be denied. The commission may grant final approval, or a preliminary approval with suggestions for improvement. A preliminary approval is valid for a period of one year. The applicant or his representative must be in attendance at the Planning & Zoning Board meeting at which his proposal is to be presented.

16.28.070 NOTIFICATION OF APPROVAL OR DENIAL

Upon the granting of design approval, the secretary of the Planning & Zoning Board shall prepare and mail or deliver, within fourteen (14) days, to the applicant a formal statement thereof, stating the fact of the grant and any conditions attached thereto, or the fact of denial and the reasons therefore.

16.28.080 LEGISLATIVE BODY APPROVAL

Within one (1) month of presentation of its response, the Planning & Zoning Board shall transmit its response to the legislative body.

16.30 ADULT ORIENTED BUSINESSES

16.30.010 SPECIFIC REVIEW CRITERIA FOR CERTAIN CONDITIONAL USES

16.30.010 SPECIFIC REVIEW CRITERIA FOR CERTAIN CONDITIONAL USES

In addition to the foregoing, the Planning Commission must evaluate the applicant's compliance with each of the following criteria when considering whether to approve, deny or conditionally approve an application for each of the following conditional uses.

The purpose and objective of this chapter is to establish reasonable and uniform regulations to prevent the concentration of adult-oriented businesses or their location in areas deleterious to the health, safety and welfare of the Town, and to prevent inappropriate exposure of such businesses to the community. This chapter regulates the time, place, and manner of the operation of sexually-oriented businesses, consistent with the United States and Utah State Constitutions. See also Town Sexually Oriented Business LMC 5.12.

- A. No adult-oriented business may be located within one thousand feet (1000') of any:
 - 1. School, day care facility, cemetery, public park, library, or religious institution;
 - 2. Residential zoning boundary;
 - 3. Liquor store; or
 - 4. Other adult-oriented business.
- B. For the purposes of this chapter, distance is measured in a straight line, without regard to intervening structures or objects, from the closest exterior wall of the structure in which the adult-oriented business is located and:
 - 1. The closest exterior wall of another adult-oriented business;
 - 2. The closest property line of any school, day care facility, public park, library, cemetery or religious institution; and
 - 3. The nearest property line of any residential zone.

16.32 HOME OCCUPATION

16.32.010 HOME OCCUPATION STANDARDS

16.32.020 REQUIREMENTS

16.32.010 HOME OCCUPATION STANDARDS

Each application for a business license for a home occupation shall include the owner's covenant that the proposed use:

- A. Shall not include outdoor storage, outdoor display of merchandise, nor parking/storage of any vehicle in excess of twelve thousand pounds (12,000 lbs) gross vehicle weight.
- B. Shall not include identifying signage in excess of a two (2) square foot name plate, attached to the dwelling;
- C. Is limited to the on-site employment of immediate family who occupy the dwelling. (this criteria is not intended to limit the number of employees who are engaged in business for the home occupation but work off -premises.);
- D. Shall not alter the residential character or appearance of the dwelling or neighborhood;
- E. Shall not occupy more than twenty-five percent (25%) of the main floor of the dwelling nor more than fifty percent (50%) of the floor area of any garage or outbuilding in which the use is conducted;
- F. Shall not generate business-related vehicular traffic in excess of three (3) vehicles per hour;
- G. Shall not cause a demand for municipal services in excess of that associated with normal residential use;
- H. Shall be enclosed within a structure in complete conformity with current building, fire, electrical and plumbing codes; and
- I. Is not a mortuary, animal hospital, kennel, clinic, hospital, rv storage yard, junkyard, auto repair service, commercial stable or sexually oriented business.

16.32.020 REQUIREMENTS

- A. In zone districts where allowed, an individual may be granted a business license after application for and issuance of a home occupation permit. A home occupation shall be clearly incidental and secondary to the residential use of the building and not change the character thereof. Home occupations are a privilege which can be revoked if disruption of the residential neighborhood occurs.

Home occupation applications shall be reviewed by the administrator and classified as impact occupations or no-impact occupations. To qualify as a no-impact home occupation the applicant must demonstrate that there will no business activity carried on in the home except bookkeeping, scheduling, etc. Any application that does not demonstrate to the planning & zoning board's satisfaction that it is a no-impact occupation shall be classified as an impact home occupation. A home occupation permit shall not be approved by the planning & zoning board unless it can be shown that:

- 1. It shall be conducted entirely indoors and within the home.
- 2. It shall involve the use of no more than one room in the dwelling or the equivalent of thirty percent (30%) of the ground floor area, whichever is greater.
- 3. It shall generate no vehicular or pedestrian traffic, or parking, in excess of that normally associated with a residential use.
- 4. The use shall not create a nuisance by reason of noise, dust, odor, vibration, fumes, smoke, electrical



interference, or other causes.

5. It shall not employ persons other than bona fide residents of the residence where the permit is issued. No -impact home occupations need not comply with this provision.
6. There shall be no stock-in-trade, and any identification sign shall comply with appropriate regulations of LMC 16.38.010.

B. Home occupations will be limited to one per dwelling unit.

C. PUBLIC HEARING. Before any impact occupation home occupation permit is issued by the planning & zoning board a public hearing shall be held. Notice of such hearing shall be published in at least one newspaper of general circulation in Levan at least fourteen (14) days prior to such hearing. At least eight (8) days prior to the hearing, all property owners within five hundred feet (500') of the area under consideration shall be notified by mail of the time and place of the hearing. After the required hearing and review of the home occupation application, the planning & zoning board may approve or disapprove said permit. If approved, the planning & zoning board shall authorize the administrator to issue a home occupation permit.

D. APPEALS OF DECISION. Any person shall have the right to appeal the decision of the planning & zoning board to the legislative body. Such appeal shall be filed within thirty (30) days from the date of the decision of the planning & zoning board. Upon receipt of such appeal, the legislative body shall respond within forty-five (45) days. Failure by the legislative body to respond shall be deemed to be a denial of the appeal.

E. TIME LIMIT. Unless the uses approved in a home occupation permit are implemented within a maximum period of one (1) year of its issuance, the permit shall expire. The planning & zoning board may grant a maximum extension of six (6) months under exceptional circumstances. If an application for a home occupation is not approved, the applicant shall not reapply for twelve (12) months.

F. TEMPORARY USES. A home occupation permit for uses which are of a temporary nature only may be issued for the intended duration of the temporary use or for one (1) year, whichever period of time is shorter. The planning & zoning board may grant extensions of six (6) months each under exceptional circumstances.

16.34 VESTED RIGHTS

16.34.010 PURPOSE

16.34.020 PROCEDURE TO CLAIM VESTED RIGHTS

16.34.030 PROCESSING VESTED RIGHTS CLAIMS

16.34.010 PURPOSE

The purpose of this chapter is to allow a procedure for recognizing vested development rights under Utah law, as amendments are made to this ordinance from time to time to provide certainty and predictability in the development approval process for affected landowners, to protect the planning process as the Levan General Plan is updated and implemented, and to effectuate the public policy favoring the settlement of disputes.

16.34.020 PROCEDURE TO CLAIM VESTED RIGHTS

In order for any person to claim a vested right under this chapter the following shall apply:

- A. Applicant shall file a claim with the administrator outlining all reasons for claiming a vested right.
- B. Such claim must be filed within sixty (60) days of the effective date of the change or amendment or the alleged vested right shall be deemed abandoned. A landowner who fails to file within the time frame provided by the ordinance is presumed to have waived or abandon any vested right.
- C. Prior to processing any request for a vested right claim an appropriate fee as established by the legislative body must be paid.

16.34.030 PROCESSING VESTED RIGHTS CLAIMS

Upon receipt of a claim for vested rights the Planning & Zoning Board shall, within thirty (30) days, invite the applicant to a hearing before the Planning & Zoning Board to determine if a vested right exists. Within fourteen (14) days of the hearing, the Planning & Zoning Board shall deliver to the legislative body a written finding concerning said claim. The legislative body shall make a determination upon the claim within thirty (30) days. The legislative body may, but is not required to, hold an additional hearing on the application. In order to approve any vested rights application the legislative body shall also be required to make a written finding concerning the application. The finding shall be filed with the town recorder with a copy to the administrator and the Planning & Zoning Board. Upon receipt of a copy of the finding, the administrator shall issue a certificate of vested right. Any appeal from the decision of the legislative body shall be to the district court. Such appeal must be filed within thirty (30) days

from the date of the decision.

16.36 NONCONFORMING USES

16.36.010 PURPOSE

16.36.020 CONTINUING EXISTING USES AND AFFIDAVIT

16.36.030 CONSTRUCTION APPROVED PRIOR TO ORDINANCE

16.36.040 DETERMINATION OF NONCONFORMING STATUS

16.36.050 AUTHORITY TO CONTINUE

16.36.060 NONCONFORMING USES, SUBSTITUTION, EXTENSION, DISCONTINUANCE, ABANDONMENT, ETC

16.36.070 CESSATION OF USE DEFINED

16.36.080 NON-COMPLYING STRUCTURES

16.36.090 ORDINARY REPAIR AND MAINTENANCE AND STRUCTURAL SAFETY

16.36.100 APPEALS

16.36.010 PURPOSE

This Chapter regulates the continued existence of Non-Conforming Uses and Non-Complying Structures as defined in LMC 16.36. While Non-Conforming Uses, Non-Complying Structures and improvements may continue, this Chapter is intended to limit enlargement, alteration, restoration, or replacement which would increase the discrepancy between existing conditions and the Development standards prescribed by this Code. It is intended to control and gradually eliminate those uses of land or buildings, which although legal at the time of their establishment, do not now conform to the use regulations of the zone district within which they are situated. Such uses shall be deemed non-conforming uses. Likewise it is intended to control and gradually eliminate buildings which, although legal at the time of their erection, do not now conform to the height, bulk, and location regulations of the zone district within which they are situated. Such buildings shall be deemed to be nonconforming buildings. In addition, applications are reviewed to ensure that they are reducing the degree of non-conformity and improving the physical appearance of the Structure and site through such measures as landscaping, Building design, or the improved function of the use in relation to other uses.

16.36.020 CONTINUING EXISTING USES AND AFFIDAVIT

Except as hereinafter specified, any use, building, or structure, lawfully existing at the time of the enactment or subsequent amendment of this ordinance, may be continued even though such use, building, sign, or structure does not conform to the provisions of this ordinance or the zone district in which it is located. Except as otherwise provided by law, nothing in this ordinance shall prevent the strengthening or restoring to a safe condition of any part of any building or structure declared unsafe by proper authority.

Affidavit. Following the effective date of this ordinance or any amendment thereto, by which a use, structure, or sign becomes nonconforming, the owner of a land use, structure, or sign, may register such nonconforming use, structure or sign, by filing with the administrator an affidavit setting forth the time that said use, structure, or sign came into existence, the size of the structure, or sign, and the size and extent of the nonconforming use existing on the effective date of this ordinance or applicable amendment. The administrator shall preserve the affidavit and on the basis of an approved affidavit issue a certificate of occupancy.

16.36.030 CONSTRUCTION APPROVED PRIOR TO ORDINANCE

A building, structure, or part thereof which does not conform to the regulations for the zone district in which it is situated, but for which a building permit was issued and construction started prior to the enactment of this ordinance, may be completed in accordance with such plans providing work is prosecuted continuously without delay. Such building shall be deemed to be nonconforming and shall be subject to the regulations set forth herein.

16.36.040 DETERMINATION OF NONCONFORMING STATUS

- A. Burden on owner to establish legality. The owner bears the burden of establishing that any Non-Conforming Use or Non-Complying Structure lawfully exists.
- B. Determination of status. The Director of Community Development shall determine the Non-Conforming or Non-Complying status of properties. Any decision of the director may be appealed within ten (10) calendar days of the decision to the Board of Adjustment. Upon appeal, the Board of Adjustment shall conduct a hearing and shall review the matter under de novo standard of review.

16.36.050 AUTHORITY TO CONTINUE

- A. Continuation of non-conforming use. A lawful Non-Conforming use may continue subject to the standards and limitations of this Chapter
- B. Continuation of non-complying structure. A Non-complying Structure that was lawfully constructed with a permit prior to a contrary change in this Code, may be used and maintained, subject to the standards and limitations of this Chapter.

16.36.060 NONCONFORMING USES, SUBSTITUTION, EXTENSION, DISCONTINUANCE, ABANDONMENT, ETC

A nonconforming use shall not be enlarged, extended, moved within the premises, or changed unless the use is changed to a use permitted in the zone district in which it is located, and a nonconforming building shall not be reconstructed or structurally altered unless such alteration shall result in removing those conditions of the building which render it nonconforming, except as follows:

A. SUBSTITUTION OR EXTENSION

- 1. When authorized as a special exception by the legislative body in accordance with this ordinance, a nonconforming use which is determined to be of a more desirable nature may be substituted for another nonconforming use.
- 2. Whenever a nonconforming use has been changed to a conforming use, such use shall not thereafter be changed to a nonconforming use. Except as provided in sub-section (A)(6) below, no nonconforming use may be changed to another non-conforming use.
 - a. Application for any nonconforming use must be made upon forms provided by the Town Recorder. Upon filing of a complete application, the Town shall post the property indicating that an application for modification of a non-confirming use has been filed and that more detailed information may be obtained from the Town.
 - b. Notice shall be provided pursuant to the Notice Matrix in LMC 16.42.010.
 - c. Within thirty (30) working days of the Planning & Zoning Board's receipt of a complete application, and after giving public notice, the Board of Adjustment shall hold a public hearing on the nonconforming use application. The Board of Adjustment shall either grant the application in whole or in part, with or without modifications or conditions, or deny the application. The Board of Adjustment's decision shall be made pursuant to criteria provided below:
 - d. The Board of Adjustment shall approve an application to change a nonconforming use to another nonconforming use if the applicant proves the following criteria:
 - (1) All reasonable measures will be undertaken to alleviate or reduce the incompatibility or adverse effects of the nonconforming use or building upon abutting properties or in the neighborhood;
 - (2) All changes, additions, or expansions comply with all current laws except as to use;
 - (3) The new use will provide for enclosed storage of necessary equipment, materials, and refuse, rather than create a need or additional outside storage; and
 - (4) The new use does not increase the parking requirement; or if there is an increase, the site plan meets the parking requirement and the Board of Adjustment finds that adjoining properties and the neighborhood will not be adversely impacted by the increased parking demand.
- 3. When authorized as a special exception by the legislative body in accordance with this ordinance, a building devoted to a nonconforming use may be completed upon the lot occupied by such building provided that such completion is necessary and incidental to the existing use of such building.
- 4. Repairs and structural alterations may be made to a nonconforming building or use provided that the floor area of such building is not increased. Alterations may also be made to assure compliance with health and safety codes.
- 5. A nonconforming use may be extended to include the entire floor area of the existing building in which it is conducted at the time the use became nonconforming.
- 6. A nonconforming use may not be enlarged, expanded, or extended to occupy all or a part of another structure or site that it did not occupy on the date on which the use became non-conforming. A nonconforming use may be extended through the same building or structure provided no structural alteration of the building or structure is proposed or made for the purpose of the extension and the parking demand is not increased.

7. Exterior or interior remodeling or improvements to a structure containing a nonconforming use shall be allowed.
8. A building or structure containing a nonconforming use may not be moved unless the use shall thereafter conform to the regulations of the zoning district into which the building or structure is moved.
9. A nonconforming building or structure which is damaged or partially destroyed by fire, flood, wind, earthquake, other calamity or act of nature, or the public enemy, to the extent of not more than three (3) times its assessed value at the time, may be destroyed, and the occupancy or use of such building structure or part thereof which existed at the time of such partial destruction may be continued or resumed provided that such restoration is started within a period of one year and is diligently prosecuted to completion. In the event such damage or destruction exceeds 3 times the assessed value of such nonconforming building or structure, no repairs or reconstruction shall be made, except in the case of residences or accessory farm buildings, unless every portion of such building or structure is made to conform to all regulations for new buildings in the zone district in which it is located, as determined by the administrator.
10. Damage or destruction of building or structure with non-conforming use. If a Building or Structure that contains a Non-Conforming Use is destroyed fifty percent (50%) or more by fire or natural calamity, is voluntarily razed, or is required by law to be razed, the Non-Conforming Use shall not be resumed, and the Building or Structure shall not be restored unless it is restored to accommodate a conforming use within a complying Structure. If a Building or Structure that contains a Non-Conforming Use is damaged less than fifty percent (50%) by fire or natural calamity, the Non-Conforming Use may be resumed and the Building or Structure may be restored to its original condition, provided such work is started within six (6) months of such calamity, is completed within eighteen (18) months of work commencement, and the intensity of use is neither increased nor changed. The extent of damage or destruction shall be the ratio of the estimated cost of restoring the Building or Structure to its condition before the damage or destruction to the estimated cost of duplicating the entire Building or Structure as it existed prior to the damage or destruction. The estimate shall be based on the current issue of "Building Standards" published by the International Conference of Building Officials (I.C.B.O.).
11. An application for substitution or extension of a nonconforming use may be made to the legislative body by the property owner or certified agent. The legislative body shall give consideration to the nature and condition of adjacent uses and structures and their inter-action with the nonconforming use or structure. The legislative body may deny the substitution or extension; may grant the substitution or extension as is; or may grant a permit subject to such requirements and conditions with respect to location, construction, maintenance, operation, and duration of the proposed use as it may deem necessary for the protection of adjacent properties. A public hearing may be held when deemed to be necessary or in the public interest by the legislative body.

B. ABANDONMENT

1. A Non-Conforming use that is discontinued for a continuous period of one (1) year is presumed abandoned and shall not thereafter be reestablished or resumed. Any subsequent use of the Building, Structure, or land must conform to the regulations for the Zoning District in which it is located.

C. REBUTTABLE PRESUMPTION OF ABANDONMENT. The presumption of abandonment may be rebutted upon a showing that during such period:

1. Any period of discontinued use caused by governmental actions or an Act of God without any contributing fault by the Owner and the Owner did not intend to discontinue the use; or
2. The Owner has been actively and continuously marketing the Building, Structure, or land for sale or lease with the use and the Owner has been maintaining the Building, Structure, or land in accordance with the Uniform Building Code; or
3. The Owner can demonstrate no abandonment of the use.

16.36.070 CESSATION OF USE DEFINED

A use shall be deemed to have ceased when it has been discontinued either temporarily or permanently for a period of one year or more, whether or not with the intent to abandon said use.

- A. CESSATION OF USE NONCONFORMING USE OF BUILDING. Except for residential or accessory farm structures, a building or structure which was originally designed for a nonconforming use shall not be put to a nonconforming use again when such use has ceased for one (1) year or more.

B. CESSATION OF USE OF NONCONFORMING USE OF LAND. A nonconforming use of land not involving any building or structure (except minor structures such as fences, signs, and buildings less than four hundred feet [400'] in area) shall not be resumed when such use has ceased for one (1) year or more.

16.36.080 NON-COMPLYING STRUCTURES

No Non-Complying Structure may be moved, enlarged, or altered, except in the manner provided in this Chapter or unless required by law.

- A. Any Non-Complying Structure may be repaired, maintained, altered, or enlarged, provided that such repair, maintenance, alteration, or enlargement shall neither create any new non-compliance nor shall increase the degree of the existing non-compliance of all or any part of such Structure.
- B. A Non-Complying Structure shall not be moved in whole or in part, for any distance whatsoever, to any other location on the same or any other lot unless the entire Structure shall thereafter conform to the regulations of the Zone in which it will be located.
- C. If a Non-Complying Structure is destroyed fifty percent (50%) or greater by fire or natural calamity, or is voluntarily razed or is required by law to be razed, the Structure shall not be restored unless it is restored to comply with the regulations of the Zone in which it is located. If a Non-Complying Structure is damaged less than fifty percent (50%) by fire or natural calamity, the Structure may be restored to its original condition, provided such work is started within six months of such calamity, completed within eighteen (18) months of work commencement, and the intensity of use is not increased. The extent of damage or destruction shall be the ratio of the estimated cost of restoring the Structure to its condition before the damage or destruction to the estimated cost of duplication the entire Structure as it existed prior to the damage or destruction. The estimate shall be based on the current issue of "Building Standards" published by the International Conference of Building Officials (I.C.B.O.).

16.36.090 ORDINARY REPAIR AND MAINTENANCE AND STRUCTURAL SAFETY

The Owner may complete normal maintenance and incidental repair on a complying Structure that contains a Non-Conforming Use or on a Non-Complying Structure. This Chapter shall not be construed to authorize any violations of law nor to prevent the strengthening or restoration to a safe condition of a Structure in accordance with an order of the Building Official who declares a Structure to be unsafe and orders its restoration to a safe condition.

16.36.100 APPEALS

Appeal from a Board of Adjustment decision made pursuant to this Chapter shall be made to the district court and not to Town Council. Any person applying to the district court for review of any decision made under the terms of this Chapter shall apply for review within thirty (30) days after the date the decision is filed with the Town Recorder as prescribed by state statute.

16.38 SIGN STANDARDS

16.38.010 PURPOSE

16.38.020 SIGN STANDARDS

16.38.030 ENFORCEMENT

16.38.040 REQUIRED DRAWINGS AND INFORMATION

16.38.050 MEASUREMENT OF SIGNS

16.38.060 PROHIBITED SIGNS

16.38.070 CLEAR VIEW OF INTERSECTING STREETS

16.38.080 COMPLIANCE

16.38.090 TEMPORARY SIGNS

16.38.100 SIGN SPECIFICATIONS BY DISTRICT

16.38.110 SIGN PERMIT REVIEW

16.38.010 PURPOSE

The sign regulations are intended to provide standards for the installation of signs in a manner that will promote the general welfare of the community. This shall be accomplished by encouraging good, harmonious design and by establishing appropriate size and location requirements. Such regulations shall allow businesses to identify themselves and the goods or services they offer; safeguard and enhance property values; and protect the public health, safety, and welfare of the citizens Levan Town.

16.38.020 SIGN STANDARDS

- A. PERMITS. It shall be unlawful for any person whether acting as owner, occupant, or contractor, or otherwise to erect, construct, reconstruct, locate, relocated, enlarge or alter any sign within Levan Town until the plan for such sign has been approved and a permit issued by the town council, except the name plates, property signs, service signs and temporary signs conforming to the provisions of this code may be erected without such approval or permit. No such permit shall be issued until the proposal and application have been reviewed and approved by the planning & zoning board or administrator, as provided in LMC 16.06.010.2.
- B. APPLICATION. Application for such permission shall be in writing, and shall contain the name of the person for whose benefit the same is made, the period of time for which such permit is so desired, the place where such structure is to be erected or constructed, the dimension thereof, the material of which the same is to be composed, and the manner of construction; which application shall be accompanied by a blue print or drawing or tracing of such proposed sign or other structure. Each sign shall be installed in accordance with the requirements of the building inspector and building code, and meet the required specifications as to material and construction.
- C. PLANNING & ZONING BOARD REVIEW. At the time new buildings or developments are presented for site plan review, proposals for all signs to be installed on any buildings or premises shall be reviewed and will require planning & zoning board approval. Signs to be added to existing buildings or uses, or signs that are to be enlarged, changed, or substantially modified, shall also be reviewed and approved.
- D. LIGHTS AND LIGHTED SIGNS. In any zone no spot light, floodlight or lighted sign shall be installed in any way which will permit the rays of such sign light to penetrate beyond the property on which such light or lighted sign is located in a manner constituting a nuisance.
- E. GROUND SIGNS. No part of any ground sign shall be permitted to extend or project into any required yard space more than six feet (6') except as hereinafter specifically provided, and no part of such sign shall project across property line, in any district requiring a front yard.
- F. PROJECTION OF SIGNS. No part of any sign shall be attached to any building or other structured in such a way as to project more than six feet (6') into any required yard space or across any property line in a district requiring a front yard.
- G. SIGNS ON PUBLIC PROPERTY. No ground sign shall be erected on publicly owned land, inside street rights of way, or otherwise, except signs owned and erected by a public agency or erected by permission of an authorized public agency and no projecting sign shall project nearer the curb line than two feet (2')
- H. PROHIBITED SIGNS. No sign, handbill, poster, advertisement or notice of any kind or sort, whether political or otherwise, shall be fastened, placed, posted, painted or attached in any way in or upon any curbstone, lamp post, telephone pole, telegraph pole, electric light or power pole, hydrant, bridge, tree, rock, sidewalk or street, except signs owned and erected by permission of an authorized public agency or required by law. No animated signs shall be erected in any residential neighborhood.
- I. TRAFFIC HAZARDS. Signs or other advertising structures shall not be erected at the intersection of any streets or driveways in such manner as to obstruct free and clear vision; or at any location whereby reason of the position, shape or color it may interfere with, obstruct the view of or be confused with any authorized traffic signs, signal, or devise; or which makes use of the words "stop", "drive-in", "danger", or any other words, phrases, symbols or characters in such manner as to interfere with, mislead or confuse traffic or vehicle operators.
- J. MAINTENANCE. Every sign shall be kept in good condition as to maintenance and repair. The ground space within a radius of ten feet (10') from the base of any ground sign shall be kept free and clear of all weeds, rubbish and inflammable material. The town council may require dilapidated or unsafe signs to be put in good condition, and upon failure of the owner to do so within a specified time, may order such sign demolished. In case the owner shall fail, neglect, or refuse to comply with the notice to demolish, the town may demolish such sign and charge the cost thereof to the owner.
- K. CLEARANCE. There shall be a minimum clearance of ten feet (10') between the ground or sidewalk, and any part of a projection sign or ground sign that projects into any required yard space with the exception of property signs, public necessity signs, service signs, and name plates.
- L. OWNERSHIP. The imprint of the owner on all advertising signs shall be in plain and public view. Signs not carrying such an imprint will be presumed to be owned by the person in possession of the property on which the sign is located.
- M. MOVING SIGNS. No sign shall be moved to a new location on the lot or building or enlarged or replaced unless it be brought into compliance with the provisions of this chapter
- N. APPEALS TO THE BOARD OF ADJUSTMENTS. Appeals to the board of adjustment may be taken by any

person aggrieved, where there is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement of the provisions of this chapter. In specific cases where a variance from the terms of this chapter as to location of a sign or signs would be contrary to the public interest, due to special conditions whereunder literal enforcement of the provisions of this chapter would result in unnecessary hardship, and appeal for such variance may also be taken so the spirit of the chapter shall be observed and substantial justice done.

16.38.030 ENFORCEMENT

- A. The administrator shall be vested with the duty of enforcing these sign regulations. In performance of such duty, the administrator shall be empowered and directed to issue permits for the construction, alteration, or repair of signs.
- B. The administrator shall ascertain that all signs, constructions, reconstructions, or modifications of existing signs are built or constructed in conformance with the zoning ordinance, building codes, and the specific requirements of this chapter.
- C. The administrator shall issue a notice of violation to the person having charge or control or benefit of any sign found to be unsafe or in violation of this chapter.
- D. If an unsafe or illegal sign is not repaired, modified, or removed within ten working days after issuing said notice, the administrator shall at once abate and remove said sign. The owner, or person having charge or benefit of any such sign, shall pay to Levan town, within 30 calendar days after written notice is mailed to such person, the costs incurred in such removal.

16.38.040 REQUIRED DRAWINGS AND INFORMATION

All applications for approval shall be accompanied by drawings drawn to scale and dimensioned, and which illustrate the following:

- A. A site plan with dimensioned property lines showing existing and proposed buildings and parking areas.
- B. On the site plan, the location of all existing or proposed signs on buildings or premises.
- C. Full color elevations of all signs, showing the dimensions and square foot area, the dimensions of the wall upon which the sign is to be erected, and the size of any existing signs on the same wall, if any.
- D. Height and size of all free-standing signs.
- E. Type of sign illumination, if any
- F. Details of sign construction and attachment.

16.38.050 MEASUREMENT OF SIGNS

In determination of the square footage and height of signs, the method of measurement shall be as follows:

- A. Sign copy mounted or painted on a background panel or area distinctively painted, textured, or constructed as a background for the sign copy:

Sign area shall be measured as that area contained within the outside dimensions of the background panel or surface.

- B. Sign copy mounted as individual letters and/or graphics against a wall or fascia of building or other structure that has not been painted, textured, or otherwise altered to provide a distinctive background for the sign copy:

Sign area shall be measured as the area enclosed by the smallest single rectangle that will enclose all sign copy.

- C. Sign copy mounted or painted on an illuminated sign or illuminated architectural element of a building:

The entire illuminated surface or illuminated architectural element which contains sign copy shall be counted as sign area.

- D. Number of sign faces:

One—area of the single face only.

Two—if the interior angle between the two sign faces is forty-five degrees (45°) or less, the area will be the area of one face only; if the angle between the two sign faces is greater than forty-five degrees (45°), the sign area will be the sum of the areas of the two faces.

Three or more—the sign area shall be the sum of the areas of the three or more faces.

Spherical, free-form, sculptural, other non-planar signs—sign area shall be the sum of the areas of the four (4) vertical sides of the smallest polyhedron that will encompass the sign structure.

- E. Sign area shall include the areas of all permitted signs, except non-residential, district directional signs assisting in the flow of traffic, street addresses, or signs necessary for safety (e.g., stop engine, no smoking) that do not exceed two (2) square feet in area.
- F. For a sign having more than one component - e.g. a service station identification/price sign combination on a monument base-mounted on the same surface; the sign area shall be the area of the smallest rectangle that will encompass the several components of the sign.
- G. Height of free-standing signs shall be the distance from the top of the sign structure to the top or curb or crown of roadway where no curb exists. The height of any monument base or other structure erected to support or ornament the sign shall be measured as part of the sign height.
- H. Height of wall signs shall be the distance from the top of the sign structure to the top of curb or crown of road where no curb exists.
 - I. Lot frontage. If more than one use or business occupies a lot, the lot frontage is to be used to calculate the sign sizes for a combined total of a ground or projecting sign, not for each use. The total may then be divided between the uses.
 - J. Flat or wall signs. There may be any number of flat or wall signs provided their total does not exceed the maximum percentage of wall area coverage allowed.

16.38.060 PROHIBITED SIGNS

If a sign type is not specifically designated below, then it is prohibited.

Sign Standards

Sign Type	Allowed	Conditional	Max Area	Max Height	General Restrictions
Banner Sign		X	32 sq. ft	>12'	Installed for < 21 consecutive days or 63 days per year
Campaign	X		16 sq. ft	4'	Removed w/ 15 days following election
Construction	X		32 sq. ft	12'	Removed after the first of 3 months from the completion or upon C.O.
Flat or Wall Sign		X	10% of façade facing street	n/a	Internally illuminated signs prohibited. Signs are only allowed on facades with street frontage for commercial uses
Name Plate	X		1 sq. ft	n/a	< 2 per residence
Real Estate	X		6 sq. ft	5'	

Signs not specifically authorized are prohibited, including but not limited to the following:

- A. Political signs in public rights-of-way or public property.
- B. Signs announcing the proposed development of property prior to site plan approval or after issuance of certificate of occupancy.
- C. Signs mounted, attached, or painted on trailers, boats, or motor vehicles when parked for extended periods of time on or near the premises.
- D. Roof signs, or signs that project above the highest point of the roof line or parapet of the building.
- E. Any sign with intermittent or flashing illumination, animated, or moving signs (message centers may be allowed).
- F. Signs that emit sound.

16.38.070 CLEAR VIEW OF INTERSECTING STREETS



In all zone districts which require a front yard, no sign shall be placed on any corner lot within a triangular area formed by the street property lines on a line connecting them at points forty feet (40') from the intersection of the street lines.

16.38.080 COMPLIANCE

- A. COMPLETION. If the work authorized under a sign permit has not been completed within three (3) months after date of issuance, said permit shall become null and void, and there shall be no refund of any fee required by this chapter. An extension of time may be granted at the sole discretion of the town upon a showing of good cause.
- B. MAINTENANCE. All signs and advertising structures shall be maintained in good condition. Signs relating to a product no longer available for purchase or to a business which has moved, shall be removed or the advertising copy removed within thirty (30) days of such unavailability, closure, or relocation unless said sign has been determined to be of special historic or artistic value as determined by the planning commission.
- C. CHANGE OF BUSINESS NAME. Whenever the name of a business changes, the signs on the premises shall be modified to bring them into conformance with these regulations, even though the intended change is a change of sign copy only. This regulation shall not apply to directory signs designed with interchangeable letters or panels.

16.38.090 TEMPORARY SIGNS

Temporary signs may not be permanently attached to the ground, buildings or other structures. The following signs shall be permitted in all zone districts according to the following regulations:

- A. SALE, LEASE, OR RENT SIGNS. Non-illuminated and not exceeding six (6) square feet in aggregate area and five feet (5') in maximum height pertaining only to the land or building upon which displayed.
- B. SUBDIVISION ADVERTISING SIGNS. To be located on the site or within three quarters (3/4) of a mile radius of the recorded subdivision and in accordance with the following schedule:
 - 1. One sign per arterial street or major entry.
 - 2. Maximum sum of all such signs to total one hundred sixty (160) square feet.
 - 3. Maximum height above grade level shall be eighteen feet (18') for all such signs.
 - 4. Such signs may be illuminated only by non-flashing lights and so shielded that only the face of the sign is illuminated.
 - 5. Such signs may be maintained for a period of two (2) years, or until all the lots in the subdivision are sold, whichever occurs first.
 - 6. Such signs shall not be located within one hundred feet (100') of any existing residential structure.
 - 7. All off-site subdivision signs shall be subject to approval by the planning & zoning board.
- C. Banners, pennants, and displays: shall be permitted for maximum of thirty (30) consecutive days beginning with the first day of business operation.
 - 1. One banner sign is allowed per primary building wall. Banners may be installed for a period not to exceed twenty-one (21) consecutive days or sixty-three (63) days per calendar year.

16.38.100 SIGN SPECIFICATIONS BY DISTRICT

16.38.100.1 CLEARANCE AND SETBACKS

16.38.100.2 AGRICULTURAL/RESIDENTIAL

16.38.100.3 MIXED USE: RESIDENTIAL USES

16.38.100.4 MIXED USE: NON-RESIDENTIAL USES

16.38.100.5 CENTRAL COMMERCIAL ZONING (CC) (Reserved)

16.38.100.6 HIGHWAY COMMERCIAL ZONING (HC) (Reserved)

16.38.100.7 INDUSTRIAL ZONES (Reserved)

16.38.100.1 CLEARANCE AND SETBACKS

The following criteria apply to all signs:

- A. CLEAR VIEW. At intersecting streets and within the Clear View area, there shall be a minimum clearance of ten feet (10') beneath any ground sign unless a sign is less than three feet (3') in Height as measured from the average grade of the intersecting streets. In this area, the maximum diameter of poles supporting signs shall

be eight inches (8").

- B. PEDESTRIAN WAYS. For signs over pedestrian ways, the clearance between the ground and the bottom of any projecting or ground sign shall not be less than eight feet (8').
- C. DRIVEWAYS. For signs over driveways for vehicular traffic, the minimum clearance shall be fourteen feet (14').
- D. SETBACKS. Signs more than three feet (3') in Height and having less than an eight-foot (8') clearance, must comply with all Setbacks.
- E. SIGNS OVER PUBLIC PROPERTY. The following criteria apply to signs over public property:
 - 1. No sign shall be located on publicly owned land or inside street rights-of-way except signs required and erected by permission of an authorized public agency. This restriction shall include, but is not limited to, handbills, posters, advertisements or notices that are fastened, placed, posted, painted, or attached in any way upon any curbstone, lamp post, telephone pole, telegraph pole, electric light or power pole, hydrant, bridge, tree, rock, sidewalk or street.
 - 2. Ground signs must be setback at least eighteen inches (18") from any public right-of-way.

16.38.100.2 AGRICULTURAL/RESIDENTIAL

The following signs shall be permitted in agricultural and residential districts for agricultural and residential uses, according to the following regulations:

- A. IDENTIFICATION SIGNS. A sign not exceeding four (4) square foot in area, giving the name only of the land or building in which displayed, or of the owner or lessee thereof.
- B. Temporary signs see LMC 16.38.090.
- C. Permanent subdivision identification signs for recorded subdivisions in accordance with the following:
 - 1. Maximum area of such sign to be determined by the planning & zoning board with a maximum height of six feet (6').
 - 2. Such signs to be monument type, i.e., individually-mounted letters on a free-standing wall.
 - 3. Final location of such signs to be approved by the planning & zoning board.
 - 4. The planning & zoning board may require landscaping to be installed in connection with the issuance of a sign permit.
- D. DIRECTIONAL OR PUBLIC NECESSITY SIGNS. Not to exceed four (4) square feet in area; such signs shall not exceed four feet (4') in height.
- E. HOME OCCUPATION SIGNS. One unlighted, wall-mounted sign not to exceed eight (8) square feet.
- F. Identification signs for apartment and condominium complexes as follows:
 - 1. A free-standing sign, not exceeding forty-eight (48) square feet in area. Such sign shall not exceed twelve feet (12') in width or six feet (6') in height. Such sign must be located at least four feet (4') from any property line.
 - 2. A wall sign, not exceeding ten (10) square feet in area. Height of such sign shall not exceed ten feet (10').
- G. Mobile home and trailer parks identification signs:
 - 1. All signs permitted in LMC 16.38.100.2.
 - 2. One identification sign for each entrance to the park. Each sign shall not exceed forty-eight (48) square feet in area, six feet (6') in height, or twelve feet (12') in width, and such sign shall be located at least four feet (4') from any property line.

16.38.100.3 MIXED USE: RESIDENTIAL USES

The following signs shall be permitted in the mixed use districts for residential uses, according to the following regulations:

- A. IDENTIFICATION SIGNS. A sign not exceeding four (4) square feet in area, giving the name only of the land or building in which displayed, or of the owner or lessee thereof.
- B. Temporary signs see LMC 16.38.090.
- C. Permanent subdivision identification signs for recorded subdivisions in accordance with the following:
 - 1. Maximum area of such sign to be determined by the planning & zoning board with a maximum height of six feet (6').
 - 2. Such signs to be monument type, i.e., individually-mounted letters on a free-standing wall.
 - 3. Final location of such signs to be approved by the planning & zoning board.

4. The planning & zoning board may require landscaping to be installed in connection with the issuance of a sign permit.
- D. DIRECTIONAL OR PUBLIC NECESSITY SIGNS. not to exceed four (4) square feet in area; such signs shall not exceed four feet (4') in height.
- E. Identification signs for apartment and condominium complexes as follows:
1. A free-standing sign, not exceeding forty-eight (48) square feet in area. Such sign shall not exceed twelve feet (12') in width or six feet (6') in height. Such sign must be located at least four feet (4') from any property line.
 2. A wall sign, not exceeding ten (10) square feet in area. Height of such sign shall not exceed ten feet (10').
- F. Mobile home and trailer parks identification signs:
1. All signs permitted in LMC 16.38.100.2.
 2. One identification sign for each entrance to the park. Each sign shall not exceed forty-eight (48) square feet in area, six feet (6') in height, twelve feet (12') in width, and such sign shall be located at least four feet (4') from any property line.

16.38.100.4 MIXED USE: NON-RESIDENTIAL USES

The following signs shall be permitted in mixed use districts for non-residential uses according to the following regulations:

- A. All signs permitted in LMC 16.38.100.2.
- B. Civic organizations and governmental buildings may be identified on group display structures in accordance with the following standards:
1. Such structures shall be on arterial streets and in commercial or industrial districts and within one quarter (1/4) mile of the town limits.
 2. Structures shall not be over five feet (5') in height or in excess of forty-eight (48) square feet in area.
 3. The sign shall not be illuminated.
 4. Each civic organization shall be limited to a maximum area of four (4) square feet.
 5. Exact location and design of the sign structure shall require approval of the planning & zoning board.
 6. Churches shall not be included in the above.
- C. Identification signs displaying the name of the building or tenant business. Such signs may be wall-mounted with a maximum height of twelve feet (12'), and/or such signs may be free standing according to the following:
1. Free-standing identification signs shall be permitted with a maximum height of thirty five feet (35'). A second such free-standing sign shall be permitted for a lot whose front property line measures greater than sixty (60) lineal feet. Where two free-standing signs are permitted they shall be located at least forty feet (40') apart.
 2. Free-standing identification signs shall be located so that no portion of the sign shall hang over the property line.
- D. In addition to the above, each tenant may be allowed three square feet of non-illuminated sign area, identifying his business, to be located on the wall adjacent to the entry of the tenants business.
- E. In addition to the above, a directory with a maximum area of eight (8) square feet and a maximum height of six feet (6') may be permitted behind the required front yard setback.

16.38.100.5 CENTRAL COMMERCIAL ZONING (CC) (Reserved)

16.38.100.6 HIGHWAY COMMERCIAL ZONING (HC) (Reserved)

16.38.100.7 INDUSTRIAL ZONES (Reserved)

16.38.110 SIGN PERMIT REVIEW

This Code regulates to the maximum extent allowed by law.

- A. EXCEPTIONS. The following signs are not regulated by this Code:
1. Signs of a governmental nature for the control of traffic and other regulatory purposes such as street signs, danger signs, railroad crossing signs and signs of public service companies indicating danger and aids to service or safety;
 2. Signs, which are associated with public and quasi-public organization functions which are clearly of a

- temporary nature;
 - 3. Interior signs;
 - 4. Flags, emblems, or insignias of any nation or political subdivision;
 - 5. Signs not exceeding one square foot in area and bearing only property numbers, post box numbers or names of occupants of premises;
 - 6. Legal notices, identification information, or directional signs erected by governmental bodies;
 - 7. Commemorative plaques of recognized historical agencies, or identification emblems or symbols of religious orders, provided that no such plaque, symbol or identification emblem exceeds three square feet in area, and such that the plaque, symbol or emblem be placed flat against a building; and
 - 8. Existing signage, which has been previously approved, shall not be required to comply with this chapter insofar as the initial installation is concerned. All other requirements are in force.
- B. NONCONFORMING SIGNS. A nonconforming sign shall not be reconstructed, raised, moved, placed, extended or enlarged unless said sign is changed so as to conform to all provisions of this chapter. Alterations shall not be interpreted to include changing the text or copy of off-premises advertising signs, theater signs, outdoor bulletin or other similar signs which are designed to accommodate changeable copy.
- C. ABATEMENT. Prohibited signs are Class C Misdemeanors. The nonconforming sign provisions of this chapter shall not be applicable to prohibited signs.
- D. PERMITS. Except as provided in this code, it is unlawful to display, erect, relocate, or alter any sign without first submitting a sign permit application to the Planning Commission in writing and obtaining a sign permit. When a Town sign permit has been issued, it is unlawful to change, modify, alter, or otherwise deviate from the terms or conditions of said permit without prior approval of the Building Official. A written record of such approval shall be entered upon the original permit application and maintained in the files of said Town official. The application for a sign permit shall be made by the Owner or tenant of the property on which the sign is to be located, or his/her authorized agent or a licensed sign contractor and shall be accompanied by the following plans and other information:
- 1. The name, address and telephone number of the owner or persons entitled to possession of the sign or control of the same and of the sign contractor or erector;
 - 2. The location by street address of the proposed sign structure;
 - 3. A site plan and elevation drawings of the proposed sign, caption of the proposed sign and elevations of building facades if the application is for a wall sign. The site plan shall include the proposed location of the sign in relation to the face of the building or to the boundaries of the lot on which it is situated;
 - 4. Plans indicating the scope and structural detail of the work to be done, including details of all connections, guy lines, supports and footings, and materials to be used, stamped by a professional engineer licensed in the State of Utah;
 - 5. Application for, and required information for such application, and electrical permit for all electric signs if the person building the sign is to make the electrical connection; and
 - 6. A statement of sign value as personal property.
- E. EXEMPT SIGN CHANGES. The following changes do not require a sign permit:
- 1. The changing of the advertising copy or message of signs specifically designed for the use of replaceable copy;
 - 2. Electrical maintenance, repainting, or cleaning maintenance of a sign;
 - 3. The repair of a sign;
 - 4. Real estate signs no larger than six square feet;
 - 5. Campaign signs no larger than sixteen square feet; and
 - 6. Nameplate signs.
- F. TRAFFIC HAZARDS. Signs or other advertising structures shall not be erected at the intersection of any streets or driveways in such manner as to obstruct free and clear vision; or at any location where by reason of the position, shape or color, it may interfere with, obstruct the view of or be confused with any authorized traffic sign, signal device, or make use of words, phrases, symbols or characters in such manner as to interfere with, mislead or confuse vehicle operators.
- 1. At intersecting streets and within the Clear View Area, there shall be no signs allowed, unless a sign is less than three feet (3') in height as measured from the average grade of the intersecting streets.
 - 2. For signs over pedestrian ways, the clearance between the ground and the bottom of any projecting or ground sign shall not be less than eight feet (8').
 - 3. For signs over driveways for vehicular traffic, the minimum clearance shall be fourteen feet (14').

4. For signs more than three feet in height and having less than an eight-foot (8') clearance, the front setback shall be the same as for buildings in that zoning district. In no case shall the front setback be less than eighteen inches (18") from the front property line as measured from the leading edge of the sign.
- G. SIGNS OVER PUBLIC PROPERTY. No sign shall be located on publicly owned land or inside street rights-of-way except signs required and erected by permission of an authorized public agency. This restriction shall include, but not be limited to, handbills, posters, advertisements or notices that are fastened, placed, posted, painted, or attached in any way upon any curbstone, lamp post, telephone pole, electric light or power pole, hydrant, bridge, tree, rock, sidewalk or street. No projecting sign attached to a building shall project over public property more than four feet and in no case be closer than four feet to curb line or edge of street, whichever is more restrictive. Ground signs must be setback at least eighteen inches from any public right-of-way.

16.40 ANNEXATION OF REAL PROPERTY

16.40.010 CEMETERY ANNEXATION

16.40.010 CEMETERY ANNEXATION

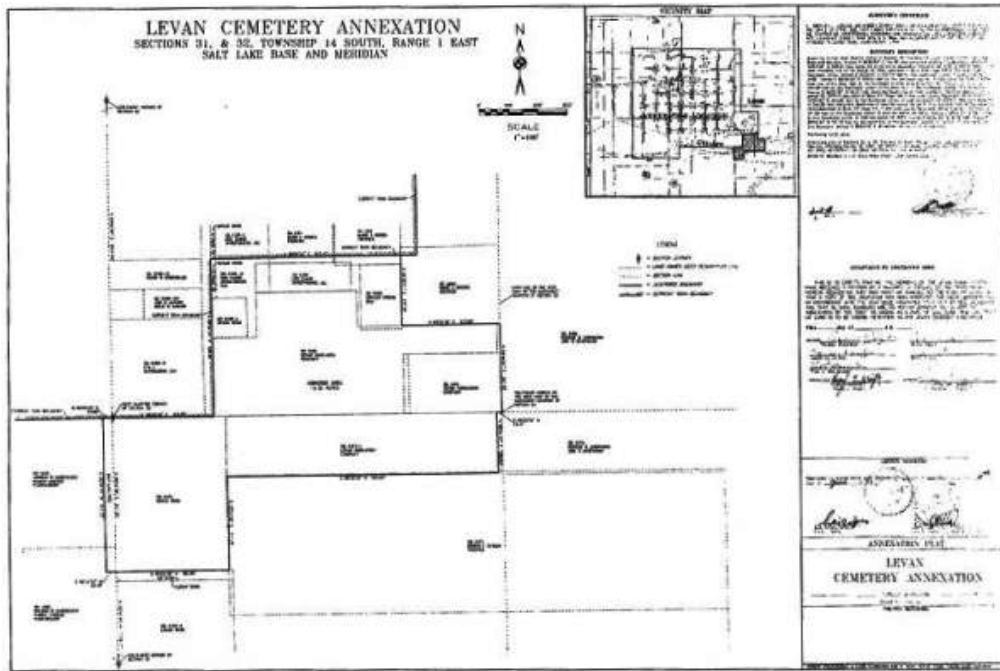
- A. The real property described on the attached annexation plat, and description of property referenced as Exhibit A is hereby annexed to Levan Town and the corporate limits of Levan Town are hereby amended and extended to incorporate the real property described herein.
- B. The land described in Exhibit A is hereby zoned for residential use (R-1).
- C. A certified copy of this ordinance and an original plat describing the property so annexed shall be filed with the Juab County Recorder within thirty (30) days after the date this ordinance is adopted.
- D. Amended Articles of Incorporation shall be filed with the Utah Lieutenant Governor's office as required by law.
- E. A certified copy of this ordinance, and original plat describing the property annexed and a Notice of Annexation pursuant to Utah Code Ann. § 10-1-116, shall be filed with the Utah State Tax Commission within forty-five (45) days after the date this ordinance is adopted.
- F. This ordinance shall be effective on the date of its first publication.
- G. The Mayor or the designee of the Mayor is authorized to notify and implement this annexation with respect to local, county and state governmental entities.

EXHIBIT A

Legal Description of Annexed Parcels: Levan Cemetery Annexation Description

Beginning at the West Quarter corner of Section 32, Township 14 South, Range 1 East, Salt Lake Base and Meridian; thence N 89°22'30" E 346.50 feet along the existing City Boundary; thence N 00°54'30" W 529.84 feet along the existing City Boundary; thence N 89°04'23" E 647.43 feet to the West boundary line of tax parcel XD 3490 described in Book 405 Page 105 in the Juab County Recorder's Office; thence S 00°50'51" E 237.54 feet to the Southwest corner of said parcel XD 3490; thence N 89°09'09" E 333.00 feet to the Southeast corner of said parcel XD 3490 and the East line of the West Half of the Northwest Quarter of said Section 32; thence S 00°50'51" E 297.00 feet to the Southeast corner of the West Half of the Northwest Quarter of said Section 32; thence S 89°22'30" W 16.37 feet along the South line of said Quarter to the East boundary of tax parcel XD 3474-1 described in Book 417 Page 190 in the Juab County Recorder's Office; thence S 00°54'30" E 200.00 feet to the Southeast corner of said tax parcel XD 3474-1; thence S 89°22'30" W 925.00 feet along the South line of said tax parcel XD 3474-1 to the East line of Tax parcel XD 3473 described in Book 141 Page 445 in the Juab County Recorder's Office; thence S 00°54'30" E 311.50 feet to the Southeast corner of said tax parcel XD 3473; thence S 89°22'30" W 385.00 feet to the Southwest corner of said tax parcel XD 3473; thence S 89°22'30" W 33.00 feet; thence N 00°54'30" W 511.33 feet to the North line of the Southeast Quarter of Section 31 and the Existing City Boundary; thence N 89°04'23" E 33.00 feet to the point of beginning.

Containing 19.32 acres.



16.42 ADMINISTRATION, ENFORCEMENT AND PENALTIES

16.42.010 POWER OF THE PLANNING AND ZONING BOARD AND LEGISLATIVE BODY

16.42.020 PETITION FOR CHANGE

16.42.030 CONFORMANCE TO ORDINANCE PROVISIONS

16.42.040 ENFORCEMENT

16.42.050 REVIEWING BODIES

16.42.060 ALLOWED USE REVIEW

16.42.070 CONDITIONAL USE REVIEW

16.42.080 TELECOMMUNICATIONS

16.42.090 NUISANCE AND ABATEMENT

16.42.100 NOTICE

16.42.110 TERMINATION OF PROJECTS FOR INACTION

16.42.120 PENALTIES

16.42.130 LICENSING

16.42.140 APPEALS AND RECONSIDERATION PROCESS

16.42.150 CONSTITUTIONAL TAKINGS REVIEW AND APPEAL

16.42.010 POWER OF THE PLANNING AND ZONING BOARD AND LEGISLATIVE BODY

The Planning & Zoning Board or Legislative body may initiate proposals for change or modification of any chapter or regulation of this ordinance as necessity may arise.

16.42.020 PETITION FOR CHANGE

Any person desiring to initiate a change in this ordinance or the zoning map shall submit a petition to the administrator explaining the request and the reasons therefore. The petition shall be accompanied by an amendment petition fee in an amount determined by resolution of the legislative body.

Amendments shall be made in the following manner:

- A. An Applicant must file a written request for amendment with the Town Clerk. The Town Council or Planning Commission may initiate an amendment as provided below. An owner/applicant shall file an application, which shall include, without limitation:
 - 1. A list of the names and addresses (in label form) of all owners of all properties for which the amendment is requested and for all property within three hundred feet (300') of the boundaries of the area for which the amendment is requested;

2. The legal description of all property included; and
 3. A written statement addressing the criteria required for approval pursuant to sub-section (E) below.
- B. The Planning Commission shall hold a public hearing on all amendments to this title or to the zoning map. The Town Clerk shall cause a notice, including a description of the property for which the zoning amendment is requested, a brief explanation of the proposed zoning, and the date, place and time of the public hearing, to be prepared as provided in LMC 16.42.100 Notice below. The purpose of the notice is to reasonably inform surrounding property owners and jurisdictions of the Application. No minor omission or defect in the notice or mailing shall be deemed to impair the validity of the proceedings to consider the Application.
- C. Following the public hearing, the Planning Commission shall adopt a written recommendation to the Town Council, advising the Council to approve, disapprove, or modify the proposal. If the Planning Commission fails to take action within thirty (30) days of the close of the public hearing, the Town Council shall consider the matter forwarded from the Planning Commission with a negative recommendation. The Planning & Zoning Board shall recommend adoption of proposed amendments only where it finds that the proposed amendment is in accord with the Levan Town General Plan, or that changed conditions make the proposed amendment necessary to fulfill the purposes of this ordinance.
- D. Concurrence by the legislative body in an unfavorable recommendation from the Planning Commission shall constitute a denial of the application, and no public hearing shall be held, unless one is specifically requested by the applicant. If the legislative body determines the proposed amendment to be desirable despite the Planning & Zoning Board's unfavorable recommendation, a public hearing shall be held. Re-submission of an application for the same amendment shall not be allowed for a period of twelve (12) months.
- E. Before any amendment or change shall be passed by the legislative body they must hold a public hearing on all proposed amendments to this title or zoning map forwarded from the Planning Commission. Notice of the public hearing shall be consistent with LMC 16.42.020(B). After the required hearing on the proposed amendment, the legislative body may adopt or reject such amendment.
- F. The Town's zoning is the result of a detailed and comprehensive appraisal of the Town's present and future land use allocation needs. In order to establish and maintain sound, stable, and desirable development within the Town, re-zoning of land is to be discouraged and allowed only under the limited circumstances herein described. Therefore, the Planning Commission may recommend, and the Town Council may grant, a re-zoning Application only if it determines, in written findings, that the proposed re-zoning is consistent with the policies and goals of the Levan Master Plan and that the Applicant has demonstrated that the:
1. Proposed re-zoning is necessary either to comply with the Levan Master Plan Proposed Land Use Map, or to provide land for a community need that was not anticipated at the time of adoption of the Levan Master Plan;
 2. Existing zoning was either the result of a clerical error or a mistake of fact, or that it failed to take into account the constraints on development created by the natural characteristics of the land, including but not limited to, steep slopes, flood plain, unstable soils, and inadequate drainage; or
 3. Land or its surrounding environs has changed or is changing to such a degree that it is in the public interest to encourage redevelopment of the area or to recognize the changed character of the area.
- G. The Town Council may enact an ordinance, without a public hearing or Planning Commission recommendation, which establishes temporary zoning regulations for any part or all of the area within the municipality if the:
1. Town Council makes a written finding of compelling, countervailing public interest; or
 2. Area is not zoned.

Temporary zoning regulations may prohibit or regulate the erection, construction, reconstruction, or alteration of any Building or Structure or any Subdivision approval. The Town Council shall establish a period of limited effect for the ordinance, which period may not exceed six (6) months.

16.42.030 CONFORMANCE TO ORDINANCE PROVISIONS

All department officials and public employees of Levan Town who are vested with the duty or authority to issue permits shall conform to the provisions of this ordinance and shall issue no permit, certificate, or license for uses, buildings, or purposes in conflict with the provisions of this ordinance, and any such permit, certificate, or license issued in conflict with the provisions of this ordinance, intentionally or otherwise, shall be null and void.

16.42.040 ENFORCEMENT

The administrator, as defined in LMC 16.06.010.5, is hereby designated and authorized to administer and enforce this ordinance. The town attorney, town police department, and other town employees shall also be charged with enforcement of the provisions of this ordinance. The administrator shall enforce all provisions of this ordinance, entering actions in the court when necessary, and failure to do so shall not legalize any violation of such provisions.

16.42.050 REVIEWING BODIES

The Board of Adjustment (BOA), the Planning Commission (PC), and the Town Council (TC) each have the following primary authority to review Applications for compliance with this Title:

Reviewing Bodies

TYPE OF REVIEW	BOA	PC	TC
Administrative Lot Line Adjustment			
Appeal		X	
Allowed Use			
Appeal		X	
Business License			X
Conditional Use		X	
Appeal			X
Conditional Use-Administrative			
Appeal		X	
Non-Complying Structure	X		
Plat Amendment		X	X
Subdivision/Condo		X	X
Map Amendment		X	X
Variance	X		

- A. No Building Permit shall be valid for any Structure unless the plans for the proposed structure have been submitted to and have been approved by the Planning Commission.
- B. No new use shall be valid on any Property unless the use is allowed in the zone, or unless a Conditional Use Permit has been properly issued for the use.
- C. No Subdivision map shall be recorded unless all conditions of subdivision approval have been satisfied or otherwise secured.
- D. The Planning Commission may process one (1) Application at a time, per property or may process coordinated Applications simultaneously.
- E. The Planning Commission issues permits for Allowed Uses, Conditional Uses, and Building Permit applications.
- F. The Planning Commission reviews, and forwards a recommendation to the Town Council regarding, each Application for Subdivision approval, Subdivision Plat Amendment, initial zoning, re-zoning, condominium record of survey, and amendments to this Title.
- G. The Board of Adjustment hears all requests for Variances, Special Exceptions, modifications of Non-Complying Structures and zoning appeals (except appeals relating to Conditional Use Permits and Administrative Conditional Use Permits).
- H. No review shall occur until all applicable fees are paid.

16.42.060 ALLOWED USE REVIEW

Plan review process. The following process applies to all applications for New Development.

- A. INITIAL CONTACT. An Applicant for New Development shall contact the Planning Commission to discuss the scope and purpose of the proposed development and the requirements of this Code, including the following;
 - 1. Is an Allowed Use within the Zone;



2. Complies with all applicable Development requirements of the Zone including Building Height, Setback, Front, Side, and Rear Yards, and Lot coverage;
3. Respects Lot Lines of a legally subdivided Lot;
4. Complies with the parking requirements for the Zone.
5. Conforms with applicable Design Guidelines, if any, for the Zone;
6. Can adequately be serviced by roads, existing or proposed utility systems or lines; and
7. Pertains to land on which all tax assessments have been paid.

B. PRELIMINARY REVIEW. The Applicant shall provide the Planning Commission with:

1. A statement of intended use;
2. Drawings in sufficient detail to allow staff to review the proposal for compliance with this code;
3. The Tax identification number for the Parcel; and
4. A vicinity map to orient the parcel to its surrounding infrastructure and a statement of intended use.
5. Project identification (project name, location, Developer and Developer's address and contact information);
6. Concept Drawings shall be either 8½" x 11" or 11" x 12" and shall include the following:
 - a. Location and height of existing and proposed Structures within the proposed development and within two hundred feet (200') of the proposed development;
 - b. Location of fire hydrants and street lights within two hundred fifty feet (250') of the proposed development;
 - c. Property lines and dimensions indicating total site area, parking and driveway area, gross area of all Buildings and Structures, area of proposed landscaping indicated as a percentage of lot coverage by landscaping;
 - d. North arrow;
 - e. Proposed buildings, parking areas, drive-aisle widths, road or driveway lengths and landscaped areas. Indicate number and layout of proposed parking spaces;
 - f. Locations of access, curb cuts, gutters, sidewalks and proposed driveways as well as proposed circulation pattern;
 - g. Public Improvements and dedications;
 - h. Location and design of proposed walls, landscaping and exterior lighting;
 - i. Phasing plan, if any
 - j. Description and hours of intended uses; and
 - k. Payment of the Development Review Committee fee set by fee resolution.

C. The Applicant shall cause a professional architect or engineer to prepare five (5) copies of the site plan for site plan review and must file a Complete Application with all associated fees. The site plan drawings shall include:

1. General:
 - a. Dated drawings prepared on a 22" x 34" format;
 - b. Indicated scale shall be no less than 1" = 40'.
 - c. Name of project/development, address and developer's name.
2. Dimensions, Orientation and Legal Description:
 - a. Parcel dimensions;
 - b. North arrow;
 - c. Indicate adjacent streets and properties. Provide street names;
 - d. Names of adjacent property owners;
 - e. Centerlines of adjacent roads;
 - f. Tax ID number and legal description of site;
 - g. Present and proposed ownership.
3. Numerical Data. Indicate the following:
 - a. Total site area;
 - b. Parking and driveway area;
 - c. Buildings and Structures (indicate floors);
 - d. Landscaped area (indicate percentage of total site area to be landscaped);
 - e. Building area (by use);
 - f. Required parking; and

- g. Proposed hours of operation.
4. Location and Height of Structures. Indicate the following:
 - a. Existing and proposed Structures on site and on adjacent properties within two hundred fifty feet (250'); and
 - b. Setbacks for on-site and off-site Structures.
 5. Existing Improvements. Indicate the following:
 - a. All existing curbs, gutters, sidewalks and driveway approaches;
 - b. All existing sewer mains, water mains and fire hydrants within two hundred fifty feet (250') of the property;
 - c. All road dedication information;
 - d. Important features such as railroads, water courses, etc. within two hundred fifty feet (250') of the proposed development;
 - e. Existing street light locations.
 6. Off-Street Parking and Loading. Provide location and layout of existing and proposed facilities.
 7. Points of Vehicular Access.
 - a. Provide location and size of vehicular entrances and exits.
 - b. Indicate circulation patterns and relationship of proposed driveways and accesses to adjacent properties.
 - c. Indicate location of driveways for adjacent and/or facing properties.
 8. Walls and Fences:
 - a. Indicate location and design of existing and proposed walls and fences;
 - b. Provide information describing height and proposed materials of construction.
 9. Exterior Lighting: Indicate location and Height of existing and proposed exterior lighting standards and/or fixtures.
 10. Utility Information and Easements:
 - a. Indicate location and Height of overhead power, communications, or transmission lines, or buried utility lines within two hundred fifty feet (250') of proposed development;
 - b. Provide existing and proposed utility easement information.
 11. Landscaping. Indicate the following:
 - a. Location and dimension of all existing and proposed Structures, property lines, easements, parking lots, driveways, roadways, sidewalks, signs, dumpsters and refuse areas, fences, recreation features, and any other property feature as determined by the Town Planner;
 - b. Location, size and common species name of all vegetation to be retained;
 - c. Location, size and common species name of all new plants including trees, shrubs, and flower bed areas;
 - d. Proposed grading of the site indicating contours at two-foot intervals (berming in one-foot intervals);
 - e. Elevation of proposed fences and retaining walls;
 - f. Irrigation system (separate irrigation plan may be required); and
 - g. Quantitative data indicating the following:
 - (1) Total area and percentage of the site in landscaped area;
 - (2) Total area and percentage of the site in drought tolerant plant species;
 - (3) Number, species and caliper size of all trees to be retained on the site; and
 - (4) Number, species and caliper size of all new trees to be planted on the site.
 12. Architectural and Engineering Data. Provide additional architectural or engineering data as appropriate to adequately communicate proposed project scope or intent in order to facilitate development review.
 13. Building Elevations. Provide building elevations for new construction or exterior modifications of existing buildings. Denote all colors and building materials.
 14. Grading and Drainage Plan.
 - a. Provide a grading and drainage plan, including existing and proposed topography within two hundred fifty feet (250') of the proposed development;
 - b. Use two-foot (2') contours unless ground slope is greater than five percent (5%), in which instance

five-foot (5') contours are appropriate; and

- c. Show proposed storm drainage system, including pipe sizes and slopes, catch basins, manholes, detention basins, etc. and proved drainage calculations.

15. Public Street Improvements.

- a. Provide plan and profile drawings of proposed street construction, including curb/gutter, sidewalk, park strip, asphalt paving; and
- b. Provide drawings showing proposed and existing utility lines, including pipe size and material, manholes, valves, inverts, pipe slopes and lengths, connections to existing utility lines and appurtenances.

16. Future Phases. Show proposed future phases including proposed street system.

D. BUILDING PERMIT: Upon approval of the building and site plan drawings, and payment of all applicable fees, the Planning Commission shall issue a building permit to the Applicant.

E. INSPECTIONS:

1. The administrator is hereby authorized to inspect or cause to be inspected all buildings and structures in the course of construction, modification, and repair and to inspect land uses to determine compliance with the provisions of this ordinance; provided, however, that no such inspection shall be required as a condition precedent to commencement or continuation of any construction, modification, or repair of any building or structure.
2. The administrator or any employee of Levan Town who is authorized to represent the town shall have the right to enter any building for the purpose of determining the use thereof or to enter the premise for the purpose of determining compliance with the provisions of this ordinance; provided that such right of entry shall be exercised only at a reasonable hour and that in no case shall entry be made to any occupied building in the absence of the owner or tenant thereof without the written order of a court of competent jurisdiction.

F. PUBLIC IMPROVEMENTS. Each Application for New Development must include the Applicant's demonstration of its capability to offer a bond for one hundred percent (100%) of the value of all required public improvements, to provide, to construct and to dedicate required public improvements. Required public improvements include but are not limited to:

1. Streets for internal circulation including sidewalk, curb and gutter according to County Standard Construction Specifications and Drawings. The Applicant shall install sidewalks consistent with the zone standards;
2. Off site street improvements to mitigate demonstrated off-site impacts;
3. Approved Septic System designed to and certified by the Juab County codes;
4. Water lines;
5. Street signs are required on all roads interior to the development as well as where a private road or street conflicts;
6. Fire hydrants; and
7. Street lighting consistent with the lighting standards for the zone.

G. REJECTED USES. If an Application does not meet the criteria set forth above, the Planning Commission shall notify the Applicant stating specifically which criteria have not been satisfied.

H. DISCLAIMER. No Permit shall be valid if any of the criteria listed in this section has not been met.

16.42.070 CONDITIONAL USE REVIEW

There are certain uses that, because of unique characteristics or the potential for detrimental impacts, may not be Compatible in some areas of a Zone or may be Compatible only if certain conditions are imposed. The Planning Commission shall review all Applications for a Conditional Use Permit according to the following procedure:

- A. An Applicant must pay all appropriate fees and must file a Complete Application. The Applicant shall submit all information required in LMC 16.42.060(A-D) if applicable.
- B. Upon receipt of a Complete Application, the Planning Commission shall provide reasonable notice as provided in LMC 16.42.100 notice. The Planning Commission shall conduct a public hearing on the Conditional Use Permit Application and shall either approve, deny, or modify and approve the Application. The Planning Commission shall accept written public comment on an Administrative Conditional Use Permit Application and shall either approve, deny or modify and approve the Application.

- C. The Town shall not issue a Conditional Use Permit unless the Planning Commission concludes that the application complies with the Standards of Review specific to the zone in which the use is proposed.
- D. A Conditional Use Permit runs with the land.
- E. Unless otherwise indicated, Conditional Use Permits shall expire one (1) year from the date of approval, unless the conditionally permitted use has commenced on the site. Prior to the expiration of the Conditional Use Permit, the Planning Commission may grant two (2) additional extensions of up to one (1) year each if the Applicant demonstrates that the extension would not result in an unmitigated impact.
- F. If the Planning Commission determines that the holder of a Conditional Use Permit is in violation of the terms or conditions upon which the permit was issued, the Town Clerk shall notice the permit holder and schedule a hearing before the Planning Commission at which the permit holder must show cause to the Planning Commission why the Conditional Use Permit should not be revoked. If the Planning Commission determines that the terms or conditions of the permit have been violated, it shall cause the permit holder to specify how the holder will promptly comply with the terms and conditions of the permit, or it shall revoke the permit.
- G. Appeals must be pursuant to LMC 16.42.150.

16.42.080 TELECOMMUNICATIONS

All Telecommunications Regulations apply to both commercial and private low power radio services and facilities, such as cellular or PCS communications and paging systems.

- A. TELECOMMUNICATIONS SIGNS. Signs shall only be permitted if they are related to the health and safety of the general public. All proposed signs shall be submitted with the Telecommunications Facility application and are subject to review by the Planning Commission.
- B. REMOVAL. The building official is empowered to require an un-maintained or abandoned low-power radio services antenna to be removed from the building or premise when that antenna has not been repaired or put into use by the owner, the person having control, or the person receiving the benefit of the structure within thirty calendar days after notice is given to the owner, the person having control, or the person receiving the benefit of the structure.
- C. ABANDONMENT. The applicant, or applicant's successor(s) and/or assign(s) shall be responsible for the removal of unused Telecommunications Facilities within twelve (12) months of abandonment of use. If such tower is not removed by the property owner, then the Town may employ all legal measures, including as necessary, obtaining authorization from a court of competent jurisdiction, to remove the tower, and after removal may place a lien on the subject property for all direct and indirect costs incurred in dismantling and disposal of the tower, including court costs and reasonable attorney fees.

16.42.090 NUISANCE AND ABATEMENT

Any building or structure erected, constructed, altered, enlarged, converted, moved, or maintained contrary to the provisions of this ordinance, and any use of any land, building, or premise established, conducted, or maintained contrary to the provisions of this ordinance, shall be, and the same hereby is declared to be unlawful and a public nuisance, and the town attorney of Levan Town shall, upon request of the legislative body, immediately commence action or proceedings for the abatement and removal and enjoinder thereof in the manner provided by law, and shall take other steps and shall apply to such courts as may have jurisdiction to grant such relief as will abate and remove such building or structure, and restrain and enjoin any person, firm, or corporation from erecting, building, maintaining, or using any such building or structure or using property contrary to the provisions of this ordinance. The remedies provided for herein shall be cumulative and not exclusive.

16.42.100 NOTICE

The Town shall notice all public hearings that are required by this Title.

- A. PUBLIC HEARING REQUIREMENTS. The Town Clerk shall provide reasonable notice of all public hearings, which notice shall contain a description of the property, with a brief explanation of the proposed use, and the date, place and time of the public hearing, which notice shall be:
 1. Posted in at least three (3) public places in the Town, one of which shall include the subject property for annexation, re-zone, and subdivision applications. All other applications shall be posted in at least two (2) public places in the Town;
 2. Published in a newspaper of general circulation within the Town at least fourteen (14) days before the date of the Planning Commission hearing; and

3. Sent by first class mail to all record owners of subject property within three hundred feet (300') of the subject property.

- B. NOTICE TO NEARBY ENTITIES. The Planning Commission shall provide notice by first class mail, at least seven (7) days before the date of a "pre-development activity", as that term is defined in UCA §10-9-103 to:
- C. The County, if the County's unincorporated territory is within one (1) mile of the subject property; and
- D. Each municipality within one (1) mile of the property that is involved in the pre development activity.
- E. PURPOSE OF NOTICE. The purpose of the notice is to reasonably inform surrounding property owners and jurisdictions of an Application for zoning, multi-family, commercial or industrial development or a proposed modification to the General Plan. No minor omission or defect in the notice or mailing shall be deemed to impair the validity of the proceedings to consider the zoning Application. If at or prior to the public hearing an omission or defect in the mailed notice is brought to the attention of the Planning Commission, it shall determine whether the omission or defect impairs or has impaired a surrounding property owner's ability to participate in the public hearing, upon which finding it shall continue the hearing on the Application for zoning for at least fourteen (14) days. Any omission or defect in the mailed notice that is not brought to the commissions' attention or that the commission finds did not impair a surrounding property owner's ability to participate in the hearing shall not affect the validity of the zoning proceedings.
- F. EFFECT OF NOTICE. Proof that notice was given pursuant to sub-section (A) above is prima facie evidence that notice was properly given. If notice given under authority of this section is not challenged as provided for under State law within thirty (30) days from the date of the hearing for which the challenged notice was given, the notice was adequate and proper.

16.42.110 TERMINATION OF PROJECTS FOR INACTION

Applicants must move their projects either to approval or denial in a reasonably expeditious manner. Upon fourteen (14) days written notice to the Applicant, the Town may formally deny an Application, which remains inactive for six (6) months. Delays occasioned by the Town shall not constitute cause for terminating an Application. An Applicant may appeal the Town Clerk's denial of a project for Inaction to the Planning Commission in the same manner as any other Appeal. The Planning Commission may reinstate subject to conditions, or may deny reinstatement. If reinstatement is denied, the Application is formally denied.

16.42.120 PENALTIES

Any person, firm, or corporation, whether as principal agent, employed or otherwise, violating or causing or permitting the violation of any of the provisions of this ordinance shall be guilty of a Class C misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than \$750, or by imprisonment in the county jail of Juab County for a term not exceeding 90 days, or by both such fine and imprisonment. 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, continued, or permitted by such person, firm, or corporation, and shall be punishable as herein provided.

- A. In addition, the Town shall be entitled to bring a civil action to enjoin and/or abate the continuation of the violation.
- B. Private Citizens of the Town or Owners of Property within the Town may file an action to enjoin the continuation of a violation affecting their interests.

16.42.130 LICENSING

Licenses or permits issued in violation of this Title, or based on fraudulent information, are null and void.

16.42.140 APPEALS AND RECONSIDERATION PROCESS

The Applicant, staff, or any other person with standing to challenge a decision administering or interpreting this Title may appeal the decision as follows:

- A. ZONING CODE INTERPRETATION AND ADMINISTRATION. All Town decisions which interpret or administer this Title, may be appealed to the Planning Commission within ten (10) days of Final Action, by filing notice of appeal with the Town Clerk, except that:
 - 1. Conditional Use Permit/Small Scale MPD. The Town Council shall hear appeals of Planning Commission decisions with respect to a Conditional Use Permit or Small Scale MPD. The Appeal must be filed with the

Town Clerk within ten (10) days of the Planning Commission's Final Action.

- B. BOARD OF ADJUSTMENT. The District Court hears appeals of decisions of the Board of Adjustment that are filed within thirty (30) days of the final Board decision.
- C. STANDING TO APPEAL. The following persons have standing to appeal a Final Action:
 - 1. Any Person who submitted written comment or testified on a proposal before the Planning Commission;
 - 2. The Owner of any Property within three hundred feet (300') of the boundary of the subject site;
 - 3. Any Town official, Board or Commission having jurisdiction over the matter; and
 - 4. The Owner of the subject Property.
- D. FORM OF APPEALS. Appeals must be filed with the Town Clerk and must be by letter or petition, with the name, address, and telephone number of the petitioner; his or her relationship to the project or subject Property; and a comprehensive statement of the reasons for the Appeal, including the specific provisions of law that are alleged to be violated by the action taken.
- E. WRITTEN FINDINGS REQUIRED. The Appellate Body shall direct Staff to prepare detailed written:
 - 1. Findings of Fact, which explain the circumstances of the body's decision; and
 - 2. Conclusions of law in support of its decision.
- F. ACTION ON APPEALS TO A TOWN BODY. The Town shall comply with the following standards for all appeals to a Town body under this Title:
 - 1. The Town, in consultation with the Appellant, shall set a date for the Appeal;
 - 2. The Town shall notify the Owner of the Appeal date;
 - 3. The Town body hearing the Appeal shall consider the written appeal, Final Action and all other pertinent information from the appellant; and
 - 4. The Town body hearing the Appeal may affirm, reverse, or affirm in part and reverse in part any properly appealed decision or may remand the matter with directions for specific areas of review or clarification. Appellate review is limited to consideration of only those matters raised in the written Appeal, unless the body, by motion, enlarges the scope of the Appeal to accept information on other matters.
- G. TOWN COUNCIL CALL-UP. Within fifteen (15) calendar days of Final Action on any project, the Town Council, on its own motion, may call up for review any Final Action taken by the Planning Commission. The Town Clerk shall give prompt notice of the call-up to the Chairman of the Planning Commission together with the date set by the Council for consideration of the merits of the matter. The Clerk shall also provide notice as required by LMC 16.42.120. In calling a matter up, the Council may limit the scope of the hearing to certain issues.
- H. NOTICE. Notice of all Appeals or call-ups shall be given by:
 - 1. Publishing the matter once at least seven (7) days prior to the hearing in a newspaper having general circulation in the Town; and
 - 2. By mailing courtesy notice seven (7) days prior to the hearing to all parties who requested mailed courtesy notice for the original action.
- I. STAY OF APPROVAL PENDING REVIEW OF APPEAL. Upon call-up, or Appeal, any approval granted by the Planning Commission or staff will be suspended until the reviewing body has taken final action on the Appeal.
- J. APPEAL FROM THE TOWN COUNCIL. The Applicant or any Person aggrieved by Town action on the project may Appeal from the Final Action of the Board of Adjustment or Town Council to a court of competent jurisdiction. The decision shall stand, and those affected by the decision may act in reliance on it unless and until a court enters an interlocutory or final order modifying or suspending the decision.
- K. FINALITY OF ACTION. Final Action occurs when the deciding body has adopted and executed written findings of fact and conclusions of law on the matter in question.

16.42.150 CONSTITUTIONAL TAKINGS REVIEW AND APPEAL

To promote the protection of private Property rights and to prevent the physical taking or exaction of private Property without just compensation, the Town Council and all Commissions and Boards shall adhere to the following before authorizing the seizure or exaction of Property:

- A. TAKINGS REVIEW PROCEDURE. Prior to any proposed action to exact or seize Property, the Town Attorney shall review the proposed action to determine if a constitutional taking requiring "just compensation" would occur. The Town Attorney shall review all such matters pursuant to the guidelines established in sub-section

- (B) below. Upon identifying a possible constitutional taking, the Town Attorney shall, in a confidential, protected writing, inform the Council, commission or board of the possible consequences of its action. This opinion shall be advisory only. No liability shall be attributed to the Town for failure to follow the recommendation of the Town Attorney.
- B. TAKINGS GUIDELINES. The Town Attorney shall review whether the action constitutes a constitutional taking under the Fifth or Fourteenth Amendments to the Constitution of the United States, or under Article I, § 22 of the Utah Constitution. The Town Attorney shall determine whether the proposed action bears an essential nexus to a legitimate governmental interest and whether the action is roughly proportionate and reasonably related to the legitimate governmental interest. The Town Attorney shall also determine whether the action deprives the private Property Owner of all reasonable use of the Property. These guidelines are advisory only and shall not expand nor limit the scope of the Town's liability for a constitutional taking.
- C. APPEAL. Any Owner of private Property who believes that his/her Property is proposed to be "taken" by an otherwise Final Action of the Town may Appeal the Town's decision to the Takings Appeal Board within thirty (30) days after the decision is made. The Appeal must be filed in writing with the Town Clerk. The Takings Appeal Board shall hear and approve and remand or reject the Appeal within fourteen (14) calendar days after the Appeal is filed. The Takings Appeal Board, with advice from the Town Attorney, shall review the Appeal pursuant to the guidelines in sub-section (B) herein. The decision of the Takings Appeal Board shall be in writing and a copy given to the appellant and to the Town Council, Commission or Board that took the initial action. The Takings Appeal Board's rejection of an Appeal constitutes exhaustion of administrative remedies rendering the matter suitable for appeal to a court of competent jurisdiction.
- D. TAKINGS APPEAL BOARD. There is hereby created a three (3) member Takings Appeal Board. The Mayor shall appoint three (3) current members of the Board of Adjustment to serve on the Takings Appeal Board. If, at any time, three (3) members of the Board of Adjustment cannot meet to satisfy the time requirements stated in sub-section (C) above, the Mayor shall appoint a member or sufficient members to fill the vacancies.

NOTICE MATRIX

ACTION	NOTICE	NOTICE TYPE
Conditional Use Review	To Owners within 300 ft., prior to the hearing before the Planning Commission	MAILING
Zoning and Re-Zoning	To Owners of the Property and Owners within 300 ft., prior to each hearing before the Planning Commission and Town Council.	POSTED; PUBLISHED; MAILING
Zoning Ordinance Amendments	Prior to each hearing before the Planning Commission and Town Council	PUBLISHED
General Plan Amendments	Prior to each hearing before the Planning Commission and Town Council	PUBLISHED
Appeals from Staff, Planning Commission and Town Council Call-Up	To all parties who received mailed notice for the original Planning Commission meeting prior to the date set for the appeal or call-up meeting.	MAILING
Variance Requests, Non-conforming Use Modifications and Appeals to Board of Adjustment	1. To Owners within 300 ft., prior to the hearing before the Board of Adjustment. 2. To Council Prior to any final action.	POSTED; MAILING
Lot Line Adjustments: Between two Lots without a plat amendment	1. Need consent letters, as described on the CEDD Application form, form Owners involved. 2. If application is turned down, then Applicant will be notified of right to appeal to Planning Commission and of right to file a formal plat amendment application.	

Preliminary and Final Subdivision Plat Application	To Owners within 300 ft., prior to the hearing before the Planning Commission and Town Council	POSTED; MAILING
Condominium Applications (Record of Survey) Amendments	To Owners within 300 ft., prior to the hearing before the Town Council. Notice shall include: <ol style="list-style-type: none"> 1. A statement that anyone objecting to the proposed plat must file a written objection to change within ten (10) days of the date of notice; 2. A statement that if no objection is filed, no public hearing will be held; and 3. The date, time and place of the public hearing if objections are filed. 	POSTED; MAILING
Petition with consent of all Owners in Plat to Vacate or Change a Plat		Vacation: PUBLISHED; POSTED; MAILING
Petition without Consent of all Owners to Vacate or Change a Plat; Vacating or Changing a Plat without a Petition when written objections are received.	To Owners within 300 ft., prior to the hearing before the Town Council. Notice shall include: <ol style="list-style-type: none"> 1. A statement that anyone objecting to the proposed plat must file a written objection to change within ten (10) days of the date notice; 2. A statement that if no objection is filed, no public hearing will be held; and 3. The date, time and place of public hearing if objections are filed. 	POSTED; MAILING; Vacation: PUBLISHED; POSTED; MAILING
Termination of Projects	Once to Applicant 14 days prior to termination	MAILING

