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REVISED ORDINANCES OF MARYSVALE TOWN

TITLE 1-000. GENERAL PROVISIONS.

Chapter 1-001. 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 Marysvale Town."

Part 1-002. 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 city 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including franchises, grants, dedications, bond issues, elections and special levies for local assessments, hereby are repealed except as otherwise provided in subsection B of this section.
- B. Those ordinances of this city which are of a general nature, which are not repealed and which the recorder is hereby authorized and directed to insert in the appropriate place in this code, and which shall be deemed part of this code are: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. TITLE 9 FEES AND SCHEDULES
 2. TITLE 12 ZONING
 3. TITLE 14 FHA APPROVED WATER ORDINANCE
 - 4.
 - 5.
- C. The fees or charges established by the ordinances repealed by this code of revised ordinances shall remain in effect until subsequently changed by ordinance or resolution, except that the fees and charges established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.

1-003. EFFECT OF REPEALING ORDINANCES. The repeal of the ordinances as provided in section 1-002, 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any duty imposed, any penalty incurred, nor any action or proceeding commenced under or by virtue of the ordinances repealed, or the term of office of any person holding office at the time these ordinances take effect; nor shall the repeal of any ordinance have the effect of reviving any ordinance heretofore repealed or superseded.

1-004. EFFECTIVE DATE. These Revised Ordinances shall become effective MARCH 1, 1996.

1-005. DEFINITION AND RULES OF CONSTRUCTION. In the construction of the ordinances of this city, the following rules and definitions shall be observed and applied unless such construction would be inconsistent with the manifest intent of these ordinances:

- A. **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.
- B. **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.
- C. **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.
- D. **Tenses.** The use of any verb in the present tense shall include the future and past tense, when applicable.
- E. **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.”
- F. **Street.** The term “street” includes alleys, lanes, courts, boulevards, public ways, public squares, public places, sidewalks, gutters and culverts, crosswalks, and intersections.
- G. **Business.** The term “business” includes any trade, profession, calling, activity, operation or enterprise for which a license is required by any ordinance of this city.
- H. **License.** The term “license” includes any certificate or license issued by this city.
- I. **Property.** The term “property” includes both real and personal property.
- J. **Owner.** The term “owner” applied to a building or land shall include any part owner, joint owner, tenant in commons, joint tenant or leasee of a whole or part of such building or land.
- K. **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.
- L. **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.

- M. **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 city, 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 day next following such Sunday or holiday which is not a Sunday or holiday. When time is expressed in hours, Sunday and all holidays shall be excluded.
- N. **Week.** The word “week” shall be construed to mean any seven-day period.
- O. **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 city.
- P. **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.
- Q. **Municipality or city.** The words “municipality” or “city,” as used throughout this code, means
- R. **Governing body.** The word “governing body,” as used throughout this code, means the city council of this city.
- S. **Offense.** Offense means any act, action, or conduct prohibited by this code, or the failure to perform any acts required in this code.
- T. **Officer or officials.** The terms “officer” or “official,” as used in this code, mean any elected or appointed person employed by the city, unless the context clearly indicates otherwise.
- U. **Recorder.** The term “recorder” means the individual appointed to act as the recorder of the city.

1-006. CAPTIONS. The captions in this code immediately preceding each section are intended as mere captions to indicate the content of the section, and shall not be deemed or taken to be part of the sections.

1-007 SEVERABILITY. It is hereby declared to be the intention of the city council 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.

1-008. NUMBERING ORDINANCES.

- A. The recorder 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 recorder 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 the 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 section shall not affect or render invalid any ordinance of this city.

1-009. 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 city council.

1-100. CONSTRUCTION OF PENALTIES.

1-110. INTRODUCTORY PROVISIONS TO CONSTRUCTION OF CRIMES UNDER THIS CODE.

1-111. APPLICATION OF CODE – OFFENSE PRIOR TO EFFECTIVE DATE.

- A. The provision 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; if the offense was committed after the effective date of this code.
- B. Any offense committed prior to the effective date of this code shall be governed by the ordinances of this city 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.

1-112. PURPOSES AND PRINCIPLES OF CONSTRUCTION. The provisions of this code shall be construed in accordance with these general purposes to:

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

1-113. CRIMES ABOLISHED. No conduct is a crime or an offense unless made so by this code, or other ordinances or other applicable statute.

1-114. STRICT CONSTRUCTION RULE NOT APPLICABLE. The rule that a penal ordinance is to be strictly construed shall not apply to this code or any of its provisions, or other ordinances of this city. All provisions of this code and offenses defined by it shall be construed according to the fair import of their terms to promote justice and to affect the objects of the law and general purposes of Section 1-112.

1-115. PROCEDURE – GOVERNED BY STATE AND CONSTITUTIONAL PROVISIONS LIABILITY FOR CIVIL DAMAGES NOT AFFECTED.

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

1-120. JURISDICTION AND VENUE.

1-121. JURISDICTION OF OFFENSES.

- A. A person is subject to prosecution in this city for an offense which he commits, while either within or outside the municipality, by his own conduct or that of another for which he is legally accountable, if:
 - 1. The offense is committed either wholly or partly within the city; or
 - 2. The conduct outside this city constitutes an attempt within this city; or
 - 3. The conduct outside this city constitutes a conspiracy to commit an offense within this city, and an act in furtherance of the conspiracy occurs in this city; or

4. The conduct within the city constitutes an attempt solicitation or conspiracy to commit in another jurisdiction an offense under this code and such other jurisdiction.

- B. An offence is committed partly within this city if either the conduct which is an element of the offense, or the result which is such an element, occurs within this city.
- C. An offense which is based on an omission to perform a duty imposed by this code is committed within this city, regardless of the location of the offender at the time of the omission.

1-130. LIMITATION OF ACTIONS.

1-131. EMBEZZLEMENT OF PUBLIC MONEYS – FALSIFICATION OF PUBLIC RECORDS. A prosecution for embezzlement of public moneys or the falsification of public records may be commenced at any time.

1-132. MISDEMEANOR – ANY INFRACTION – COMMENCEMENT OF PROSECUTION.

- A. Except as otherwise provided in this part, prosecutions for other offenses are subject to the following periods of limitation:
 1. A prosecution for a misdemeanor must be commenced within two years after it is committed;
 2. A prosecution for any infraction must be commenced within one year after it is committed;

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

1-133. FRAUD OR BREACH OF FIDUCIARY OBLIGATION – MISCONDUCT BY PUBLIC OFFICER OR EMPLOYEE. If the period prescribed in Section 1-132-A has expired, a prosecution may nevertheless be commenced for:

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

1-134. DEFENDANT OUT OF STATE. The period of limitation does not run against any defendant during any period of time he is out of the state following the commission of an offense.

1-135. LESSER INCLUDED OFFENSE FOR WHICH PERIOD OF LIMITATIONS HAS RUN. Whenever a defendant is charged with an offense for which the period of limitations has not run, and the defendant should be found guilty of a lesser offense for which the period of limitations has run, the finding of the lesser and included offense against which the statute of limitations has run shall not be a bar to punishment for the lesser offense.

1-140. MULTIPLE PROSECUTION AND DOUBLE JEOPARDY – CRIMINAL JOINDER.

1-141.“SINGLE CRIMINAL EPISODE” DEFINED. In this code unless the context requires a different definition, “single criminal episode” means all conduct which is closely related in time and is incident to an attempt or an accomplishment of a single criminal objective. Nothing in this part shall be construed to limit or modify the joinder of offenses and defendants in criminal proceedings.

1-142. INCORPORATION BY REFERENCE OF PROVISIONS OF STATE CRIMINAL CODE. The provision of Utah Code Annotated 1953, Sections 76-1-402 through 76-1-405, are hereby adopted as part of this code and incorporated herein by reference.

1-143. JOINDER OF OFFENSES AND DEFENDANTS.

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

1-150.BURDEN OF PROOF.

1-151. INCORPORATION OF STATE CODE. The provisions of *Utah Code Annotated 1953*, Sections 76-1-501 through 76-1-504, are hereby adopted and incorporated herein by reference.

1-160. DEFINITIONS.

1-161. INCORPORATION OF STATE CODE. The provisions of *Utah Code Annotated 1953*, Section 76-1-601 is hereby adopted and incorporated herein by reference.

1-200. PRINCIPLES OF CRIMINAL RESPONSIBILITY.

1-210. CULPABILITY GENERALLY.

1-211. INCORPORATION OF STATE CODE. The provisions of *Utah Code Annotated 1953*, Section 76-2-101 through 76-2-105, are hereby adopted and incorporated herein by reference.

1-220. CRIMINAL RESPONSIBILITY FOR CONDUCT OF ANOTHER.

1-221. INCORPORATION OF STATE CODE. The provisions of Utah Code Annotated 1953, Sections 76-2-201 through 76-2-205, are hereby adopted as part of this code and incorporated herein by reference.

1-230. DEFENSES TO CRIMINAL RESPONSIBILITY.

1-231. INCORPORATION OF STATE CODE. The provisions of *Utah Code Annotated 1953*, Sections 76-2-301 through 76-2-308, hereby are adopted as part of the code and incorporated herein by reference.

1-240. JUSTIFICATION EXCLUDING CRIMINAL RESPONSIBILITY.

1-241. INCORPORATION OF STATE CODE. The provisions of *Utah Code Annotated 1953*, Sections 76-2-401 through 76-2-406, are hereby adopted and incorporated herein by reference.

1-300. PUNISHMENTS.

1-310. CLASSIFICATION OF OFFENSES.

1-311. SENTENCING IN ACCORDANCE WITH CHAPTER.

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

1-312. DESIGNATION OF OFFENSES. Offenses are designated as misdemeanors or infractions.

1-313. MISDEMEANORS CLASSIFIED.

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

1-314. INFRACTIONS.

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

1-315. CONTINUING VIOLATION. In all instances where the violation of these ordinances or any ordinance hereinafter enacted is a continuing violation, a separate offense shall be deemed committed on each day during or on which the violation occurs or continues to occur.

1-320. SENTENCING.

1-321. SENTENCES OR COMBINATION OF SENTENCES ALLOWED – CIVIL PENALTIES. Within the limits prescribed by this code, a court may sentence a person adjudged guilty of an offense to any one of the following sentences or a combination of such sentences:

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

1-322. MISDEMEANOR CONVICTION – TERM OF IMPRISONMENT.

- A. In the case of a class B misdemeanor, for a term not exceeding six months;
- B. In the case of a class C misdemeanor, for a term not exceeding 90 days.

1-323. INFRACTION CONVICTION – FINE, FORFEITURE, AND DISQUALIFICATION.

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

1-330. FINES AND SPECIAL SANCTIONS.

1-331. FINES OF PERSONS. A person who has been convicted of an offense may, in addition to any term of imprisonment imposed, be sentenced to pay a fine not to exceed \$299.00 when the conviction is of a class B or C misdemeanor or infraction.

1-332. FINES OR CORPORATIONS, ASSOCIATIONS, PARTNERHIPS, 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 city or for any offense defined outside of this code over which this city 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.

1-340. LIMITATIONS AND SPECIAL PROVISIONS ON SENTENCES.

1-341. INCORPORATION OF STATE CODE. The provisions of *Utah Code Annotated 1953*, 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.

1-400. ADMINISTRATIVE REMEDIES.

1-410. HEARINGS.

1-411. REQUEST. Unless otherwise specifically provided in any ordinance of the city or any code adopted by reference, a hearing before the city council may be requested by any person:

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

1-412. FORM OF REQUEST. The request for hearing must be made in writing to the mayor or recorder and made within 30 days following the date notice denying, refusing, revoking, qualifying, restricting or revoking the license or permit is mailed by the city to the applicant or license holder at his address as it appears on the application or license.

1-413. PROCEDURE.

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

1-414. NOT ADDITIONAL REMEDY. This part shall not be construed 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.

1-500. NO CIVIL LIABILITY.

1-501. NO LIABILITY ON CITY. None of the provisions of this code shall create any civil liability on the city, its officers or employees, whether or not the code imposes mandatory or directional duties, and whether or not the city, its officers or employees perform or do not perform such duties.

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

Chapter2-100.INCORPORATION. See U.C.A. 10-20101 et seq.

Chapter2-200.MUNICIPAL WARDS. See U.C.A. 10-2-201 et seq.

Chapter2-300.CLASSIFICATION. See U.C.A. 10-2-301 et seq.

Chapter2-400.EXTENSION OF MUNICIPAL LIMITS. See U.C.A. 10-2-401 et seq.

Chapter2-500.RESTRICTION OF MUNICIPAL LIMITS. See U.C.A. 10-2-501 et seq.

Chapter2-600.CONSOLIDATION OF MUNICIPALITIES. See U.C.A. 10-2-601 et seq.

Chapter2-700.DISSOLUTION OF MUNICIPALITY. See U.C.A. 10-2-701 et seq.

TITLE 3-000.
MUNICIPAL GOVERNMENT.

Chapter **3-100. THE GOVERNING BODY.**

3-101. LEGISLATIVE AND EXECUTIVE POWERS. See U.C.A. § 10-3-101

3-102. OTHER FUNCTIONS. See U.C.A. § 10-3-102

3-105. IN CITIES OF THE THIRD CLASS. See U.C.A. § 10-3-105.

Chapter **3-200. ELECTIONS OF GOVERNING BODY.**

3-201. MUNICIPAL ELECTION – TERMS OF OFFICE. See U.C.A. § 10-3-201.

3-202. TERMS OF ELECTED MUNICIPAL OFFICERS. See U.S.A. § 10-3-202.

3-205. ELECTION OF OFFICERS IN CITIES OF THE THIRD CLASS. See U.C.A. § 10-3-205.

3-208. ELECTION EXPENSES TO BE PUBLISHED – PENALTY. See U.C.A. § 10-3-208.

Chapter 3-300. MEMBERSHIP ON GOVERNING BODY, VACANCIES AND POWER TO VOTE.

3-301. ELIGIBILITY AND QUALIFICATIONS. See U.C.A. § 10-3-301.

3-302. VACANCIES IN OFFICES. See U.C.A. § 10-3-302.

Chapter 3-400. MAYOR AS A MEMBER OF GOVERNING BODY.

3-401. MAYOR AS A VOTING MEMBER OF GOVERNING BODY. See U.C.A. § 10-3-401.

3-404. NO VETO. See U.C.A. § 10-3-404.

Chapter 3-500. MEETING, PROCEDURE AND CONDUCT – VOTING.

3-502. TIME, PLACE – EXCEPTIONS. The city council shall hold a regular meeting which shall be held on the second Tuesday of each month at the town hall, which meeting shall begin promptly at 7:30 o'clock p.m., during mountain standard time and at 8 o'clock p.m., during mountain daylight time, provided that:

- A. If the meeting date is a legal holiday, then the meeting shall be held at the same time and place above described on the next following day which is not a legal holiday.
- B. The city council may have a different time and place for holding regular meetings of the city council, if a notice is posted within 48 hours.

3-503. MEETINGS IN CITIES OF THE THIRD CLASS AND TOWNS. See U.C.A. § 10-3-502.

3-504. QUORUM NECESSARY TO DO BUSINESS. See U.C.A. § 10-3-503.

3-505. QUORUM DEFINED. See U.C.A. § 10-3-504.3 or more

3-506. ATTENDANCE - An elected official may have three absences from town board meetings per calendar year. Further absences may result in being removed from office for malfeasance/ misfeasance, which is a class A misdemeanor, in accordance with the municipal officers and Employees' Ethics Act. This ordinance shall become effective July 11, 2017. Passed, adopted and ordered published by the Council of Marysvale, Utah this 11th day of July 2017.

3-507. HOW THE VOTE IS TAKEN. See U.C.A. § 10-3-506.

3-508. MINIMUM VOTE REQUIRED. See U.C.A. § 10-3-507.

3-509. RECONSIDERATION. See U.C.A. § 10-3-508.

Chapter 3-600. PUBLIC MEETINGS, EXECUTIVE SESSIONS< RECORDS AND PUBLICATION PROCEDURE.

3-601. BUSINESS OF GOVERNING BODY CONDUCTED ONLY IN OPEN MEETING. See U.C.A. § 10-3-601 and 52-4-1.

3-602. EXECUTIVE SESSIONS. See U.C.A. § 10-3-602 and 52-4-4.

3-603. PUBLIC RECORDS. See U.C.A. §§ 10-3-603, 63-2-61 through 63-2-70, and 78-26-1 through 78-26-3.

3-604. PUBLICAION OR PROCEEDINGS, EXPENSES. See U.C.A. § 10-3-604.

3-605. PENALTY. See U.C.A. § 10-3-605.

3-606. RULES OF PROCEDURE. See U.C.A. § 10-3-606.

3-607. RULES OF CONDUCT FOR MEMBER OF THE GOVERNING BODY. See U.C.A. § 10-3-607.

3-608. RULES OF CONDUCT FOR THE PUBLIC. See U.C.A. § 10-3-608.

3-609. ACTION ON COMMITTEE REPORTS. See U.C.A. § 10-3-609.

3-610. REQUIRING ATTENDANCE OF WITNESSES, PRODUCTION OF EVIDENCE. See U.C.A. § 10-3-610.

Chapter 3-700. MUNICIPAL ORDINANCES, RESOLUTIONS AND PROCEDURE.

3-701. LEGISLATIVE POWER EXERCISES BY ORDINANCE. See U.C.A. § 10-3-701.

3-702. EXTENT OF POWER EXERCISES BY ORDINANCE. See U.C.A. § 10-3-702.

3-703. PENALTY FOR VIOLATION OR ORDINANCE. See U.C.A. § 10-3-703.

3-704. FORM OF ORDINANCE. See U.C.A. § 10-3-704.

3-705. REQUIREMENTS AS TO FORM. See U.C.A. § 10-3-705.

3-706. REVISION OF ORDINANCES. See U.C.A. § 10-3-706.

3-707. POWER TO CODIFY ORDINANCES. See U.C.A. § 10-3-707.

3-708. ARRANGEMENT OF ORDINANCES. See U.C.A. § 10-3-708.

3-709. REPEAL OF CONFLICTING PROVISIONS – TITLE. See U.C.A. § 10-3-709.

3-710. PUBLICATION IN BOOK, PAMPHLET OR LOOSELEAF FORM – STATE STATUTES. See U.C.A. § 10-3-710.

3-711. PUBLICATION OF ORDINANCES. See U.C.A. § 10-3-711.

3-712. EFFECTIVE DATE. See U.C.A. § 10-3-712.

3-713. RECORDING, NUMBERING, AND CERTIFICATION OF PASSAGE. See U.C.A. § 10-3-713.

3-714.

3-715. MUNICIPAL ORDINANCES RECEIVED IN EVIDENCE. See U.C.A. § 10-3-715.

3-716. FINES AND FORFEITURES – DISPOSITION. See U.C.A. § 10-3-716.

3-717. PURPOSE OF RESOLUTIONS. See U.C.A. § 10-3-717.

3-718. FORM OF RESOLUTION. See. U.C.A. § 10-3-718.

3-719. RESOLUTIONS NEED NO PUBLICATION EFFECTIVE DATE. See U.C.A. §10-3-719.

Chapter **3-800.MUNICIPAL ADMINISTRATION.**

3-803. OFFICERS LIMITED TO ONE OFFICE. See U.C.A. § 10-3-803.

3-804. CHANGE IN NAMES, FUNCTIONS, AND SUPERINTENDENTS OF DEPARTMENTS. See U.C.A. § 10-3-804.

3-808. ADMINISTRATION VESTED IN MAYOR. See U.C.A. § 10-3-808.

3-809. POWERS OF MAYORS IN CITIES OF THE THIRD CLASS AND TOWNS. See U.C.A. § 10-3-809.

3-810. ADDITIONAL POWERS AND DUTIES OF ELECTED OFFICIALS IN CITIES OF THE THIRD CLASS AND TOWNS. See U.C.A. § 10-3-810.

3-811. 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.

3-812. CHANGE OF DUTIES IN CITIES OF THE THIRD CLASS AND TOWNS. See U.C.A. § 10-3-812.

3-813. GENERAL ADMINISTRATIVE POWERS OF ALL MUNICIPALITIES. See U.C.A. § 10-3-813.

3-814. PERSONNEL ASSIGNED TO ONE OR MORE DEPARTMENTS. See U.C.A. § 10-3-814.

3-815. RULES AND REGULATIONS FOR ADMINISTRATION OF MUNICIPALITIES. See U.C.A. § 10-3-815.

3-816. MAY REQUIRE THAT APPOINTED OFFICERS RESIDE IN MUNICIPALITY. See U.C.A. § 10-3-816.

3-817. ELECTED EXECUTIVES TO APPOINT THEIR DEPUTIES. See U.C.A. § 10-3-817.

3-818. COMPENSATION AND SALARIES.

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

1. Mayor \$100.00
2. Councilmember \$ 50.00
3. Recorder/treasurer salary
4. Maintenance salary

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

1. Employee's share of the social security tax.

C. No person may serve in more than one position as an officer or as an employee.

D. In addition to all other compensation or salaries any officer or employee of this city may receive, following the submission to the recorder 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 city council.

3-819. AMOUNT OF BOND.

- A. Before taking the oath of office and entering on the duties of their respective office, the following named city officials shall each give a bond with good and sufficient securities, payable to the city 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 city in the following amounts:
 - 1. Recorder/treasurer \$25,000.00
- B. The treasurer's bond shall be superseded by any rules, regulation or directive of the state money management council when such rule, regulation or directive is binding on this municipality.
- C. The premium charged by any corporate surety for any bond required in this section shall be paid by this city.
- D. The bond required in this section may be a blanket bond.

3-821. BOND OF TREASURERS. See U.C.A. § 10-3-821.

3-822. APPROVAL OF BONDS. See U.C.A. § 10-3-822.

3-823. PREMIUM PAID BY MUNICIPALITY. See U.C.A. § 10-3-823.

3-824. BONDS OF FIRST OFFICERS AFTER INCORPORATION. See U.C.A. § 10-3-824.

3-825. ADDITIONAL BONDS. See U.C.A. § 10-3-825.

3-826. OFFICIAL NEGLECT AND MISCONDUCT – PENALTY. See U.C.A. § 10-3-826.

3-827. 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.

3-828. OATH – GIVEN – FILED. See U.C.A. § 10-3-828.

3-829. ACTS OF OFFICIALS NOT VOIDED. See U.C.A. § 10-3-829.

Chapter 3-900. APPOINTED OFFICIALS AND THEIR DUTIES.

3-901. CREATING OFFICES – FILLING VACANCIES. See U.C.A. § 10-3-901.

3-902. Reserved.

3-903. CUSTODIAN OF RECORDS OF PUBLIC IMPROVEMENTS. See U.C.A. § 10-3-903.

3-904. BOOKS AND SUPPLIES – RECORDING, FILING AND INSPECTION. See U.C.A. § 10-3-904.

3-905. FEES TO BE PAID IN ADVANCE. See U.C.A. § 10-3-905.

3-906. SEAL. See U.C.A. § 10-3-906.

3-907. RECORDATION NOT TO INTERFERE WITH OTHER RECORDATION. See U.C.A. § 10-3-907.

3-908. NONCOMPLIANCE A MISDEMEANOR. See U.C.A. § 10-3-908.

3-910. HEADS OF DEPARTMENTS AND SUBORDINATE OFFICERS. See U.C.A. § 10-3-910.

3-911. REMOVAL OF DEPARTMENTAL HEADS. See. U.C.A. § 10-3-911.

3-912. DEPARTMENT HEADS MAY SUSPEND SUBORDINATES. See U.C.A. § 10-3-912.

3-916. RECORDER, TREASURER, in CITIES OF THE THIRD CLASS AND TOWNS. See U.C.A. § 10-3-916.

Chapter **3-1000. CIVIL SERVICE COMMISSION.** Reserved.

Chapter **3-1100. PERSONNEL RULES AND BENEFITS.** Reserved.

**TITLE 4-000.
ELECTIONS. Reserved.**

**TITLE 5-000.
COURTS. Reserved.**

TITLE 6-000. FINANCE AND TAXATION.

Chapter **6-100. UNIFORM FISCAL PROCEDURES ACT.** See Sections 10-6-101 et.seq., *Utah Code Annotated 1953*.

Chapter **6-200. SALES AND USE TAX.**

Part **6-201. PURPOSE.** The purpose of this chapter is to levy a seven eighths 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, *Utah Code Annotated 1953*, and in compliance with the applicable provisions of Chapters 16 and 16 of Title 59, *Utah Code Annotated 1953*.

6-202. CONTRACT WITH STATE OF UTAH. The existing contract between the city 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 ordinances of this city, is hereby declared to be in full force and effect.

6-203. SALES TAX LEVIED.

- A. **Levy of Tax.** There is hereby levied a tax upon every retail sale of tangible personal property, services, meals made within the city at the rate of seven eighths 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 defined by Title 54, *Utah Code Annotated 1953*, shall not be obligated to determine the place or places within any county or city 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*, 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 City 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 city shall be substituted therefore. Nothing in this subsection shall be deemed to require substitution of the name of the city for the word “state” when that word is used as part of the title of the State Tax Commission, or of the Constitution of Utah, nor shall the name of the city 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 operations 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. **Exceptions.** 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 the county or municipality in accordance with Uniform Local Sales and Use Tax Law of Utah.

6-204. USE TAX. Reserved.

6-300. Reserved.

6-400. AN ORDINANCE PROVIDING FOR THE PURCHASING POLICY.

Article 1
General Provisions.

- A. **The underlying purposes of this policy are:**
 - 1. To ensure fair and equitable treatment of all persons who wish to, or do conduct business with the Marysvale Town.
 - 2. To provide for the greatest possible economy in Ton procurement activities.
 - 3. To foster effective broad-based competition within the enterprise system to ensure that the Town will receive the best possible service or product at the lowest possible price.
- B. **Compliance/exemptions from this policy:**

1. This policy shall not prevent the Town from complying with the terms and conditions of any grant, gift, or bequest that is otherwise consistent with the law.
2. When a procurement involves the expenditure of federal assistance funds, the Town shall comply with the applicable federal law and regulations.

C. Definitions.

1. “Business” means any corporation, partnership, individual, sole proprietorship, joint stock company, joint venture, or any other private legal entity.
2. “Change order” means a written order signed by the purchasing agent, directing the contractor to suspend work or make changes, which the appropriate clauses of the contract authorize the purchasing agent to order without the consent of the contractor or any written alteration in specifications, delivery point, rate of delivery, period of performance, price, quantity, or other provisions of any contract accomplished by mutual action of the parties to the contract.
3. “Contract” means any Town agreement for the procurement or disposal of supplies, services, or construction.
4. “Invitation for bids” means all documents, whether attached or incorporated by reference, used for soliciting bids.
5. “Person” means any business, individual, union, committee, club, other organization or group of individuals.
6. “Procurement” means buying, purchasing, renting, leasing, leasing with an option to purchase, or otherwise acquiring any supplies, services, or construction.
7. “Purchasing agent” means the person duly authorized by the town council of the Town enter into and administer contracts and make written determination with respect thereto.
8. “Purchase description” means the words used in a solicitation to describe the supplies, services, or construction to be purchased, and includes specifications attached to or made a part of the solicitation.
9. “Request for proposals” means all documents, whether attached or incorporated by reference, used for soliciting proposals.

Article 2
Office of The Purchasing Agent

A. The purchasing agent shall be responsible to make procurements, solicit bids and proposals, enter into and administer contracts, and make written determinations for the Town. The mayor and or the town council of the Town shall act as the purchasing agent.

Article 3
Source Selection and Contract Formation-General Provisions
[22]

A. Purchases not requiring sealed bids:

1. Purchases costing less than \$5,000.00 in total shall not require bids of any type.
2. Purchases costing more than \$5,000.00 but less than \$25,000.00 in total shall require two to three (2 to 3) telephone bids.
3. Purchases made through the cooperative purchasing contracts administered by the State Division of Purchasing.
4. Purchases made from a single-source provider.
5. Purchases required during an emergency, i.e., an eminent threat to the public's health, welfare, or safety. However, as much competition as practical should be obtained, and such purchases should be limited to amounts necessary to the resolution of the emergency.
6. Purchases in excess of \$2,000.00 require town council approval.

B. Purchases requiring sealed bids:

1. Contracts shall be awarded by competitive sealed bidding, except as otherwise provided by this policy.
2. An invitation for bids shall be issued when a contract is to be awarded by competitive sealed bidding. The invitation shall include a purchase description and all contractual terms and conditions applicable to the procurement. Public notice of the invitation for bids shall be given at least twenty one (21) days prior to the date set forth therein for the opening of bids. The notice may include publication in newspaper of general circulation.
3. Any procurement in excess of \$25,000.00 shall require a legal notice in a local newspaper of general circulation.
4. Bids shall be opened publicly in the presence of one or more witnesses at the time and place designated in the invitation for bids. The amount of each bid and any other relevant information, together with the name of each bidder, shall be recorded. The record and each bid shall be open to public inspection.
5. Bids shall be unconditionally accepted without alteration or correction, except as authorized in this policy. Bids shall be evaluated based on the requirements set forth in the invitation for bids.
6. Correction or withdrawal of the inadvertently erroneous bids before and after award, or cancellation of awards or contracts based on such bid mistakes, shall be permitted. After bid opening no changes in bid process or other provisions of bids prejudicial to the interest of the Town or fair competition shall be permitted. All decisions to permit the correction or withdrawal of bids or to cancel awards or contracts based on bid mistakes shall be supported by a written determination made by the purchasing agent.

7. The contract shall be awarded with reasonable promptness, by written notice, to the lowest bidder whose bid meets the requirements and criteria set forth in the invitation for bids.

C. **Cancellation and rejection of bids.** An invitation for bids, a request for proposals, or other solicitation may be cancelled, or any or all bids or proposals may be rejected, in whole or in part, as may be specified in the solicitation, when it is in the best interests of the Town. The reasons shall be made part of the contract file.

D. **Use of competitive sealed proposals in lieu of bids.** When the purchasing agent determines in writing that the use of competitive sealed bidding is either not practicable or not advantageous to the Town, a contract may be entered into by competitive sealed proposals. Competitive sealed proposals are most appropriately used for professional service-type contracts.

1. Proposals shall be solicited through a request for proposals. Public notice of the request for proposals shall be given at least twenty one (21) days prior to the advertised date of the opening of the proposals.
2. Proposals shall be opened so as to avoid disclosure of contents to competing offerors during the process of negotiation. A register of proposals shall be prepared and shall be open for public inspection after contract award.
3. The request for proposals shall state the relative importance of price and other evaluating factors.
4. Offerors shall be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals, and revisions may be permitted after submissions and prior to award for the purpose of obtaining best and final offers. In conducting discussions, there shall be no disclosure of any information derived from proposals submitted by competing offerors.
5. Award shall be made to the person whose proposal is determined, in writing, to be the most advantageous to the Town, taking into consideration price and the evaluation factors set forth in the request for the proposals. No other factors or criteria shall be used in the evaluation. The contract file shall contain the basis on which the award is made.

E. **Architect-Engineer services are qualification-based procurements.** Requests for such services should be publicly announced. Contracts should be negotiated by the Town based on demonstrated competence at fair and reasonable prices. See section 63-56-42 through 44 of the *Utah Code*.

F. **Determination of non-responsibility of bidder.** Determination of non-responsibility of a bidder or offeror shall be made in writing. The unreasonable failure of a bidder or offeror to promptly supply information in connection with an inquiry with respect to responsibility may be grounds for a determination of non-responsibility with respect to the bidder or offeror. Information furnished by a bidder or offeror pursuant to this section

shall not be disclosed outside of the purchasing division without prior written consent by the bidder or offeror.

G. **Cost-plus-a-percentage-of-cost contracts prohibited.** Subject to the limitations of this section, any type of contract which will promote the best interests of the Town may be used, provided that the use of a cost-plus-a-percentage-of be used only when a determination is made in writing that such contract is likely to be less costly to the Town than any other type, or that it is impracticable to obtain the supplies, services, or construction required, except under such a contract.

H. **Required contract clauses.**

1. The unilateral right of the Town to order, in writing, changes in the work within the scope of the contract and changes in the time of performance of the contract that do not alter the scope of the contract work.
2. Variations occurring between estimated quantities of work in a contract and actual quantities.
3. Suspension of work ordered by the Town.

Article 4 **Specifications**

All specifications shall seek to promote overall economy and best use for the purposes intended and encourage competition in satisfying the Town's needs, and shall not be unduly restrictive. Where practical and reasonable, and within the scope of this article, Utah products shall be given preference.

Article 5 **Appeals**

- A. Any actual or prospective bidder, offeror, or contractor who is aggrieved in connection with the solicitation or award of a contract may appeal to the purchasing agent. An appeal shall be submitted in writing within five (5) working days after the aggrieved person knows or should have known the facts.
- B. The purchasing agent shall promptly issue a written decision regarding any appeal, if it is not settled by a mutual agreement. The decision shall state the reasons fro the action taken and inform the protestor, contractor, or prospective contractor of the right to appeal to the town council.
- C. The town's council shall be the final appeal on the Town level.
- D. All further appeals shall be handled as provided in section 63-56-58 through 64 of the *Utah Code*.

Article 6

Ethics in Public Contracting

- A. No person involved in making procurement decisions may have personal investments in any business entity which will create a substantial conflict between their private interests and their public duties.
- B. Any person involving in making procurement decisions is guilty of a felony if the person asks, receives, or offers to receive any emolument, gratuity, contribution, loan, or reward, or any promise thereof, either for the person's own use or benefit of any other person or organization from any person or organization interested in selling to the Town.

This ordinance was passed by the Marysvale Town Board on January 13, 2004.

The addition of ordinance 6-400 of Marysvale was posted at three public places within the municipality this 14th day of January 2004. The public places are:

1. Tug's One Stop
2. U.S. Post Office
3. Country Style

Dated this 14th day of December 2004.

Wendy Steed, Town Clerk

TITLE 7-000.

[26]

MUNICIPAL IMPROVEMENTS AND PUBLIC SERVICE PROJECTS. Reserved.

TITLE 8-000. MUNICIPAL PROPERTY.

Chapter	8-100. REGULATION AND CONTROL.
Part	8-101. CONTROL OF PROPERTY. See U.C.A. 10-8-1 and 10-8-2.
	8-102. ACQUISITION AND DISPOSAL. See U.C.A. 10-8-5.
	8-103. ERECTION AND CARE OF BUILDING. See U.C.A. 10-8-5.
	8-110. CONTROL OF CITY PROPERTY.
	8-111. UNLAWFUL USE. Unless authorized by permit or other written authorization issued by the city, or unless authority is granted by provisions of this code or other ordinance of the city now or hereafter enacted, it shall be a class B misdemeanor for any person to: <ul style="list-style-type: none">A. Construct, lay, excavate, erect, operate or maintain over, under, across, in or through any property owned or controlled by this city or utility, canal, ditch, construction or building.B. Enter upon any property of this city contrary to posting or marking, restricting or prohibiting use of the area.C. Intentionally use or perform acts upon property of the municipality which materially impairs, alters, or damages the property.
	8-112. REPAIR OR RESTORATION. The city council, in addition to any other penalty which may be imposed, may order any person who has damaged, altered or changed any property of this city to repair or restore the property to its original condition prior to the damage, alteration or change.
	8-113. FRANCHISE. <ul style="list-style-type: none">A. The city council may grant 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 city, and the provisions of sections 8-111 and 8-112 shall not apply to the extent such provisions are waived, qualified or

made inapplicable to the rights or privileges granted in the franchise ordinance or easement.

B. Any franchise or easement granted by this city shall be in writing, and any franchise or easement not in writing shall be void.

8-114. ACTS EXEMPTED. It shall not be a violation of this part where any person uses the public property of this city in the manner or for the purpose or purposes for which such property has been made available for public use.

8-200. CEMETERIES.

8-201. DEFINITIONS. The following words or phrases shall have the following meanings unless the context otherwise clearly requires:

A. The terms "lot owner" or "purchaser" and "grave owner or purchaser" shall mean the owner or purchaser of burial privileges or the collateral right or use of any burial lot evidence by a deed or burial right or use of any burial lot evidence by a deed or burial right for a described lot, or by proved and recognized descent or devise from the original owner.

B. The term "lot" shall include the partial lots or single graves in the city cemetery.

8-202. THE NAME. The burial ground of this city shall be known and designated by the name of MOUNTAIN VIEW CEMETERY.

8-203. CEMETERIES COVERED. All cemeteries owned and/or maintained by the city, wherever situated, are hereby declared subject to the provisions of this chapter.

8-210. CEMETERY SUPERINTENDENT.

8-211. OFFICE OF CEMETERY SUPERINTENDENT. There is hereby created the position of cemetery superintendent.

8-212. DUTIES OF THE CEMETERY SUPERINTENDENT. The cemetery superintendent shall have the general supervision and administration of the city cemetery, including but not limited to:

1. Recommending to the city council such additional rules and regulations as may be necessary for operation, maintenance, use and protection of the cemetery.
2. Subdividing the cemetery into lots and gravesites.
3. Maintaining a record of the location of graves and preventing any lot from being used beyond its capacity.

4. 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.
5. 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, notifying the recorder of such fact. The recorder 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.
6. Opening any graves in the cemetery upon application to him being made by the recorder or by any person having the right to make such application and being responsible for closing all graves.
7. Removing floral pieces or displays left on any grave as deemed necessary to the appearance of the cemetery, but such floral pieces or displays shall not be removed sooner than seven (7) days after original placement, except in emergency.
8. Keeping the streets, alleys, walks and avenues in the cemetery in good order and unobstructed.
9. 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.

8-220. REGULATION OF CEMETERY AND BURIALS.

8-221. BURIALS. Before any deceased person is buried in the city cemetery, a permit properly issued by the registrar of the registration district in which the death occurred or, in the absence of such registrar, a permit duly issued by the state division cemetery superintendent. After burial, the cemetery superintendent shall endorse upon the permit a description of the location where the deceased is buried and shall enter all the information contained in the permit in the cemetery records.

8-222. BURIAL PERMIT. It shall be unlawful for any person to bury the body of a deceased person in the city cemetery without first obtaining a certificate of burial right for the lot used, or producing satisfactory evidence of the right to burial based on a properly acquired certificate of burial right.

8-223. REGISTRATION OF BURIALS. Before any deceased person may be buried in the city cemetery, the relatives or person having charge of the deceased shall provide the recorder with a written statement which shall be filed by the recorder, which statement shall contain, if known, information about the deceased regarding his or her name, when and where born, the date and cause of death, the name of the attending physician, date of burial, name of cemetery and the description of the location of the grave.

8-224. BURIALS AND DISINTERMENT.

- A. It is an infraction for any person to:
 - 1. Disinter any body buried in any cemetery, except under the direction of the cemetery superintendent who shall, before disinterment, require a written permission from both the city healthy officer and the owner of the lot or his or her heirs, which written authorization shall be filed and preserved in a record kept for such purposes.
 - 2. 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.
- B. It is an infraction to inter anything other than the remains of human bodies in cemeteries.
- C. It is an infraction to bury the body of any person within this city, except in the city cemetery or a private cemetery, unless by special permission of the city council under such rules and regulation that may prescribe.

8-225. VAULTS REQUIRED.

- A. Unless in writing waived by the cemetery superintendent, it shall be unlawful for any person to be buried in the cemetery, unless the casket shall be placed in a vault made of concrete, fiberglass, steel, or brick-lined or of such other material approved by the city council, substantially constructed and covered with a similar durable material.
- B. No wood shall be used as a permanent part of the construction of any part of the vault.

8-227. SALE SUBJECT TO RULES. Every lot or single grave sold is subject to rules and regulation 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.

8-228. CARE RESERVED. The city 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.

8-229. ORDERS AND RESPONSIBILITIES FOR ERRORS. Under no circumstances will the city assume responsibilities for errors in opening graves when orders are given by telephone.

8-230. TRAFFIC RULES.

- A. The provisions of the city 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.
- B. It shall be unlawful for any person to ride or drive within the city cemetery at a speed greater than 10 miles per hour.

8-231. CHILDREN. Children under the age of 18 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.

8-232. ANIMALS PROHIBITED. No animal shall be allowed in any cemetery, except in the confines of a vehicle and must be, at all times, retained within the confines of said vehicle while the vehicle remains in the cemetery.

8-233. 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.

8-234. INJURY TO CEMETERY PROPERTY PROHIBITED.

- A. 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.
- B. It shall be an infraction for any person to injure, deface, break, destroy or remove any headstone, tombstone, monument, tree, shrub, or any other property in the cemetery.

8-235. LANDSCAPING BY PRIVATE PERSONS. Except as provided by the rules and regulations of the city council, 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 street, alley or walk in the cemetery, or to grade the ground or land thereof. 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.

8-236. PLACEMENT OF MARKERS. It shall be unlawful for any person to erect, place or cause to be placed any marker or monument on any lot in the cemetery in violation of the rules and regulations promulgated by the city council regarding the placement, construction, and design of all such markers.

8-237. ADDITIONAL RULES AND REGULATIONS.

- A. The city 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.
- B. The mayor may from time to time, as the city council deems necessary, direct and publish a booklet of rules and regulations for the convenience of the purchasers of lots in the city 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 city council.
- C. Any change in the rules and regulations shall be adopted by the city council before such changes shall be official.

8-240. FEES AND CHARGES.

8-241. COLLECTION OF FEES. The recorder and other such persons as the city council 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 city council from time to time by resolution.

8-242. FEE TO BE PAID FOR OPENING GRAVE.

- A. No grave shall be opened in the city cemetery until payment of a fee for the labor and expense in so opening the grave shall be paid.
- B. The presentation of a receipt from the recorder or person designated by the city council 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 city wherein the mortician agrees to be responsible and liable for such fees and for perpetual care payments, the recorder or authorized person may give the cemetery superintendent authority to open graves without the presentation of a receipt from the recorder or authorized person.

8-243. PURCHASE PRICE AND FEES. The city council shall from time to time by resolution, fix the size of lots, the price at which burial rights shall be sold and the fees which shall be charged for various cemetery services to be provided.

8-250. SALE OF LOTS.

8-251. SALE.

- A. The recorder, and such other person as the city council may designate, are hereby authorized to sell the use of lots in the city cemetery for burial

purposes only, and to collect all sums arising from the sale. The record shall keep a complete record of all sales, which record shall describe the location of the lot purchased and the price paid therefore. The recorder 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., currently paid services.

B. 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.

8-252. RESTRICTIONS OF RESALE.

A. From and after March 1, 1996, the lots sold by this city shall not be further sold, transferred, conveyed or assigned to any person, except the city. The city hereby agrees to buy back any city cemetery grave lot, which it may hereafter sell. The repurchase of such lots shall be for the original price paid by the purchase, or the current selling price of the lot, whichever is less.

B. Whenever a certificate to burial rights or lots reverts to the city, as provided for in this part, or becomes vested in the city 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.

C. The certificates shall be issued and signed by the mayor and shall be attested by the recorder. 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.

8-260. PERPETUAL CARE. Reserved.

8-261. CONTRACTING FOR PERPETUAL CARE. Reserved.

8-262. CARE INCLUDED. There will be no plaiting at the cemetery without permission of the city council or permission of the cemetery superintendent.

8-270. PERPETUAL CARE FUND. Reserved.

8-271. PERPETUAL CARE FUND CREATED. Reserved.

8-272. DUTIES OF TREASURER. Reserved.

8-273. DUTY OF CITY COUNCIL. Reserved.

8-274. INCOME. Reserved.

8-280. NONPERPETUAL CARE LOTS.

8-281. MAINTENANCE CHARGES ON LOTS WITHOUT PERPETUAL CARE.
Reserved.

8-282. REVERSION OF NONPAYING LOTS. Reserved.

8-283. PROCEDURE FOR REVERSION OF LOT TO CITY. Reserved.

8-290. INDIGENTS.

8-291. BURIAL OF INDIGENTS.

- A. The city council may by resolution designate a portion of the city cemetery to the burial of indigents. Whenever it is made to appear to the mayor by proof submitted to him by the recorder 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 desired to have the body of such deceased interred in the cemetery, the mayor may grant burial space for such deceased person at the request made to him by the recorder.
- B. The mayor shall communicate his decision to both the recorder and the cemetery superintendent. The mayor shall give report of his decision, whether affirmative or negative, to the city council at its next regular meeting. All strangers without funds or other persons who may die in the city may be granted the privilege granted herein.

Motion passed by the Marysvale Town Board on
The foregoing change in Ordinance 8-262 of Marysvale was posted at three public
places within the municipality at the 10th day of May 2001. The public places are:
1.Tug's One Stop
2.U.S. Post Office
3.Country Style

Dated this 10th day of May 2001.

Wendy Steed
Marysvale Town Clerk

TITLE 9-000.
LICENSING, CONTROL AND REGULATION OF
BUSINESS AND CONSTRUCTION

Chapter **9-100. LICENSING, CONTROL AND REGULATION OF BUSINESS AND REGULATION OF BUSINESSES.**

Part **9-110. GENERAL PROVISIONS.**

9-111. DEFINITIONS. As used in chapters 9-200, 9-300 and 9-400.

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

9-112. BUSINESS LICENSE REQUIRED. It shall be a class B misdemeanor for any person to transact, engage in or carry on any business, trade, profession, calling or to operate a vending, pinball or coin-operated machine without first receiving the class or type of license required by the municipality.

9-113. LICENSE ASSESSOR AND COLLECTOR. The recorder is designated and appointed assessor officials assessor of license fees for this municipality. On receipt of any application of a license, the recorder shall assess the amount due thereon and shall collect all license fees. The city council shall from time to time establish the fees by resolution. The fees will be listed in the current fee schedule. 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.

9-114. PAYMENT 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 31st 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 March 1st of each year.
- C. One-half of annual fee shall be payable for all licenses issued by the municipality pursuant to applications made after July 1st of each year, and licenses issued after July 1st shall expire on the first day of the following January. Payment shall be due upon date of application approval.

9-115. Reserved.

9-116. APPLICATIONS FOR LICENSE.

- A. All applications for license shall include but not be limited to:
 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 of 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.

9-117. CERTIFICATE. All certificates of license shall be signed by the mayor, attested by the recorder, 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 the licenses are divided into classes.
- D. License period will be one year.
- E. The place where such business, calling, trade or profession is to be conducted.

9-118. DISPLAY.

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

9-119. TRANSFER OF LICENSE PROHIBITED. No license granted or issued under any ordinance of this municipality shall be assigned or transferred to any other person. It shall not be deemed to authorize any person, other than therein named, to do business or to authorize any other business, calling, trade or profession than is therein named, unless by permission of the governing body.

9-120. REVOCATION OR DENIAL OF BUSINESS LICENSE.

- A. Any license issued pursuant to the provisions of this code or of any ordinance of this municipality may be revoked, and any application denied by the governing body because of:
 - 1. The failure of the licensee or applicant to comply with the conditions and requirements of this code or any ordinance of the municipality.
 - 2. Unlawful activities conducted or permitted on the premises where the business is conducted.
- B. Prior to the revocation of a license or denial of an application to renew business license, the licensee or applicant shall be given a notice which shall state in substance that the governing body intends to revoke the business license or deny the application to renew, together with the reason or reasons therefore, at a regular or special meeting of the governing body (which shall

be at least 10 days and not more than 30 days from the date notice is sent), and that the licensee or applicant has a right to appear, to be represented by counsel, to hear the evidence against him, to cross-examine witnesses and to present evidence as to why the license should not be revoked or the application denied.

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

9-121. BRANCH ESTABLISHMENTS. A separate license must be obtained for each separate place of business in the municipality, and each license shall authorize the licensee to engage only in the business licensed thereby at the location, or in the manner designated in such license, provided, that warehouses and distributing places used in connection with or incident to a business licensed under this part shall not be deemed to be separate places of business or branch establishments.

9-122. JOINT LICENSE. Whenever a person is engaged in two or more businesses at the same location within the municipality, such person shall be required to obtain separate licenses for conducting each of 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.

9-123. RECIPROCAL RECOGNITION OF LICENSES.

A. No license shall be required for operation of any vehicle or equipment in this municipality when:

1. Such vehicle is merely passing through the municipality.
2. Such vehicle is used exclusively in inter-city or inter-state commerce.

B. No license shall be required by chapters 9-200, 9-300 or 9-400 of any person whose only business activity in this municipality is the mere delivery in the municipality of property sold by him at a regular place of business maintained by him outside the municipality where:

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

3. Neither the property delivered nor any of the facilities by which it was manufactured, produced or processed are subject to inspection by authority of this municipality for compliance with health or sanitary standards prescribed by this municipality; and
4. The truck or other conveyance by which such delivery is made prominently displays at all times a license plate or symbol used by the said licensing authority to evidence such business license. Such plate or symbol shall identify the licensing authority by which it is issued, shall indicate that it evidences a license issued thereby, and shall specify the year or term for which it is effective.

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

9-124. EXEMPTIONS TO LICENSE.

- A. No license fee shall be imposed under chapters 9-200 or 9-300 on any person engaged in business for solely religious, charitable, eleemosynary or any 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 subsection A of this section.

9-125. FEE NOT TO CONSTITUTE UNDUE BURDEN ON INTERSTATE COMMERCE.

None of the license taxes provided for by chapter 9-300 shall be applied as to occasion an undue burden on interstate commerce. In any case, where a license tax is believed by a licensee or applicant for license to place an undue burden upon such commerce, he may ask the 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 the 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 chapter 9-300 is discriminatory, unreasonable or unfair as to applicant's business, and shall recommend to the governing body a license tax for the applicant in any 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 the assessed on businesses of like nature.

9-200. BUSINESSES LICENSED ON AN ANNUAL FEE. Fee schedule adopted February 14, 1995.

9-211. SCHEUDLE. The business, location, trade, calling or profession of every person engaged in a business in this city listed below shall pay an annual license fee as follows:

A. Automotive trades:

Service stations:

- 4 dispensers or fewer	\$15.00
- Each dispense over 4	5.00
- Repairs cars, trucks and farm machinery	15.00

Sells Parts, Accessories, Tires, Tubes \$ 5.00
Gasolines and Oil \$ 5.00

New Car Dealer

Has new car franchise, sells new and uses cars and parts, accessories, tires, tubes and operates garage to repair the above. \$50.00

Trucking Firm, Establishment or Business \$50.00

Parts and Accessory Store

Sells parts, accessories, tires, tubes \$ 5.00
Gasolines and oil \$ 5.00

New Car Dealer

Has new car franchise, sells new and used cars and parts, accessories, tires, tubes and operates garage to repair the above. \$50.00

Trucking Firm, Establishment or Business \$50.00

Parts and Accessory Store

Sells automobile parts and accessories \$25.00

Tires, Repairs and Recapping

Sells and repairs all kinds of tires and tubes \$ 5.00

Used car dealer \$35.00

Wholesale oil company \$35.00

B.	Building Trades	\$50.00
	Lumbar Yard	\$15.00
	Contractor	\$15.00
	Beer License	\$75.00
C.	Drug Store	
	Sells drugs, candy, prescriptions, toiletries, sundries, fountain and other items not specifically designated in other fields.	
	1-2 Employees	\$20.00
	3-4 Employees	\$30.00
	Each employee over 4	\$55.00
D.	Foods	
	Bakery	\$15.00
	Café	
	Up to 10 seats	\$20.00
	Dairy or Creamery	\$20.00
	Grocery Store	
	Sells meats, groceries, soft drinks, ice-cream, candy, wrapped bakery goods.	
	1-5 Employees	\$20.00
	Frozen Food Locker Business	\$20.00
E.	Financial Establishments	
	Banks	\$50.00
	Small loan business	\$20.00
F.	Home Furnishings	
	Furniture store	
	Salvage Dealer	\$15.00
H.	Personal Service	
	Assayers	\$10.00
	Accountant (CPA)	\$25.00
	Barber (each barber)	\$10.00
	Beautician, Cosmetologist, Manicurist (each operator)	\$10.00
	Each additional operator	\$ 5.00
	Chiropractor	\$20.00
	Dentist	\$20.00
	Dry Cleaning/Cleaning and pressing	\$20.00
	Florist	\$20.00
	Laundries (including self-service)	\$20.00
	Lawyer	\$50.00
	Masseur, Masseuse (massage parlors)	\$50.00
	Plus per operator	\$ 5.00
	Mortician	\$100.00
	Optometrist	\$20.00

Osteopath	\$20.00
Pharmacist	\$20.00
Photo Shop	\$20.00
Physician and Surgeon	\$50.00
Professional Engineers	\$50.00
Real Estate Salesman	\$20.00
Plus Per Salesman	\$10.00
Securities Dealers and Brokers	\$20.00
Soft Water Service	\$10.00
Taxi Service	\$20.00
Veterinarian	\$20.00
Tree Trimmers (surgeon and gardeners)	\$20.00
Spray Service	\$20.00
Any Other Personal Service	\$20.00
 I. Recreation	
Tavern	\$75.00
Bicycle Shop	\$10.00
Boxing and Wrestling (per day)	\$25.00
Circus or Carnival (per day)	\$100.00
Skating Rink (ice or roller)	\$20.00
Theater	\$20.00
Set-up License	\$20.00
ATV Resort	\$25.00
Billiard Parlor	\$20.00
Bowling Alley	\$25.00
Pin Ball Machines, Used for Amusement Only, Wholesale Distributer (per machine)	\$10.00
Dance Halls	\$10.00
Dance Studios and Dancing Schools	\$10.00
 J. Wearing Apparel	
Dry Goods, Ready-to-wear Clothing, Shoes	\$25.00
Jewelry Store and Watch Repair	\$25.00
Men's, Ladies and Boys' Clothing	\$25.00
Shoe Store	\$20.00
 K. Other	
Auctioneer	\$ 5.00
Cosmetic Salesman	\$ 5.00
Hotel or Motel or Apartments (10 units and under)	\$50.00
Over 100 units	\$75.00
Bed and Breakfast	\$50.00
Rest Home	\$25.00
Solicitor or Peddler	\$ 5.00
Sporting Goods Store	\$20.00
Propane Gas Dealer	\$20.00
Television Sales	\$50.00

Television Repair	\$50.00
Garage, In Connection With Service Station Repairs	
Cars, trucks, but does not sell parts	\$15.00
Auto Body Shop	\$20.00
Machine Shop	\$15.00
Sheet Metal Shop	\$15.00
Upholstery Shop	\$15.00
Monuments	\$10.00
Trailer Court (mobile home parks, see zoning)	
10 units and under	\$25.00
over 10 units	\$35.00
Furnace Cleaning and Repair	\$10.00
Septic Tank Cleaner	\$10.00
Cold Storage	\$15.00
Carpet and Rug Cleaning and Repair	\$15.00
Collection Agency	\$20.00
Day Nurseries	\$10.00
House Cleaning Services	\$10.00
RV Parks	\$25.00
Over 10 units	\$35.00
Tailors	\$10.00
Vending Machine	\$10.00
Plus for each machine	\$ 5.00
Fruit Stands	\$10.00
Book Store	\$10.00
Printing Shop	\$10.00
Gas Company	\$20.00
Telephone Company	\$25.00
Cigarette and or Tobacco (except vending machines)	\$10.00
Boarding School	\$50.00
L. The License Fee for All Other Businesses for Which No License Fee is Otherwise Stated in this Section	\$10.00.

9-300. BUSINESS LICENSED ON THE BASIS OF GROSS RECEIPTS. Reserved.

9-310. ADMINISTRATION AND IMPOSITION OF TAX. Reserved.

9-311. Reserved.

9-312. BUSINESS SUBJECT TO TAX. Reserved.

9-313. REGISTRATION. Reserved.

9-314. TAX LEVIED. Reserved.

9-315. TAX ON BUSINESS WITHOUT PLACE OF BUSINESS WITHIN MUNICIPALITY. Reserved.

9-316. EXEMPT SALES. Reserved.

9-317. RECORDS AND REPORTS. Reserved.

9-318. IN ADDITION TO OTHER LICENSE FEES. Reserved.

9-319. PENALTY. Reserved.

9-320. PRESERVIATION OF RECORDS. Reserved.

9-321. PUBLICATION PROHIBITED. Reserved.

9-322. FALSE RETURNS. Reserved.

9-323. FAILURE TO FILE RETURN. Reserved.

9-324. COLLECTION OF LICENSE TAX. Reserved.

9-400. LICENSING AND REGULATING SPECIFIC BUSINESSES. Reserved.

9-410. INTOXICANTS. Reserved.

9-411. LICENSE TO SELL BEER AT RETAIL.

- A. It shall be a class B misdemeanor for any person to engage in the business of selling light beer at retail, in bottles or draft, without first having procured a license therefore from the governing body and paid the license fee required by 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.

9-412. DEFINITIONS. The words and phrases used in this part shall have the meanings specified in the Utah Liquor Control Act, unless a different meaning is clearly evident.

9-413. RETAIL LICENSES. Retail licenses issued hereunder shall be of the following three kinds, and shall carry the following privileges and be known as class "A", class "B", class "C", and "seasonal licenses".

- A. Class "A" retail licenses issued hereunder 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 by the issued for a period of time not to exceed one year, which period shall be determined by the governing body.

9-414. BEER LICENSE FEES. In addition to any other business license fee which any person or place of business may be required to pay, the city council shall, from time to time, enact by a fee for an annual beer license. This fee shall be listed in the current fee schedule.

9-415. LICENSE FEES TO ACCOMPANY APPLICATION. Applications provided for in this part shall be accompanied by the fees provided in this part. The fee shall be returned to the applicant, if the application is denied.

9-416. PURCHASE OF BEER FOR RESALE. It is a class B misdemeanor for any licensee to purchase or acquire or to have or possess for the purpose of sale or distribution, any beer, except that which he shall have lawfully purchased from a brewer or wholesaler licensed under the provisions of the Utah Liquor Control Act.

9-417. APPLICATION FOR LICENSE.

- A. All applications for licenses authorized by this part shall be verified, and shall be filed with the recorder. 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. Application must be subscribed by the applicant who shall state under oath that the facts there in contained are true.

9-418. APPLICATIONS REFERRED TO THE RECORDER. All applications filed in accordance with the provisions of this part shall be referred to the SHERIFF for inspection and report. The SHERIFF shall, when possible within two (2) weeks 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 SHERIFF shall also add to such report his recommendation as to whether or not the application should be granted.

- 9-419. **RENEWALS.** All applications for renewal licenses filed by the holders of existing licenses shall be filed with the recorder at least 30 days prior to the expiration date of the then issued license. Any person who fails to file such application with 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.
- 9-420. **QUALIFICATION.** 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 21 years, and a citizen of the United States, or to anyone who has been convicted of a felony, or any violation of any law of the state of Utah, or provision of the ordinances of this municipality relating to intoxicating liquors or controlled substances, or of keeping a gambling or disorderly house, or who has pleaded guilty to or has forfeited his bail on a charge of having committed a felony, or of having violated any such law or ordinance, or to any partnership, any member of which lacks any of the qualifications set forth in this section, or to any corporation of which any director or officer lacks any such qualifications.
- 9-421. **BOND REQUIRED.** No license under this part shall be granted by the governing body until the applicant shall have filed with the recorder a bond in the sum of as required by Section 32-4-4, *Utah Code Annotated 1953*. The bond shall be made in favor of his municipality.
- 9-422. **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 the health regulations of this municipality and the state of Utah.
- 9-423. **TRANSFER OF LICENSE.** Licenses issued pursuant to this part shall not be transferable, and if revoked by the governing body, the fee paid by the licensee to the municipality for the license shall be forfeited to the municipality.
- 9-424. **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 200 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 see or otherwise furnish or dispose of beer, or allow it to be drunk or consumed on the premises, or to allow beer out of the original containers to remain in the licensed premises, whether or not open to the public, after the closing hour or 1:00 a.m. and before 8:00 a.m. of any day, except that the closing hour on the day following December 31st 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 section D.
- F. It shall be unlawful for any person have 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 with the permission of the chief of police or 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 beer is sold under the 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 town of Marysvale shall not exceed four, 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 license.

Motion passed by the Marysvale Town Board on December 8, 2009. Changed ordinance 9-424-J from one beer license to four beer license. This was posted at three public places within the municipality at the 10th day of November 2009. The three places are:

- 1- Tug's One Stop

2- U.S. Post Office
3- Country Style
Dated this 8th day of December 2009.

Wendy Steed
Marysville Town Clerk

9-425. Reserved.

9-426. INSPECTION.

- A. All licensed premises shall be subject to inspection by any officer, agent, or peace officer of the municipality or the liquor control commission, or the state board of health, and every licensee shall, at the request of the board of health, furnish to it samples of beer which he shall have for sale.
- B. Any license granted pursuant to this part may be revoked on a finding by the governing body that the licensee has had 10 days or more notice from the board of health that the licensee is violating one or more health ordinance, rule or regulation.
- C. The governing body may direct the sheriff 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.

9-427. 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 is 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 recorder and made within 30 days following the date of notice denying, refusing, revoking, qualifying, restricting, or revoking the beer license is mailed by the municipality to the applicant or license holder at this 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 10 days following the conclusion of the hearing, in writing, inform the person who requested the hearing of the decision of the city council.
- E. This part shall not be construed 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.

9-430. CONSTRUCTION CONTRACTORS. Reserved.

9-450. SOLICITORS, CANVASSERS, PEDDLERS, AND INTINERANT MERCHANTS.

9-451. LICENSE REQUIRD. 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.

9-452. DEFINITIONS.

- A. “Transient merchant”, “itinerant merchant” or “itinerant vendor” is defined as any person, firm or corporation, whether as owner, agent, co-signee or employee, whether or not a resident of the municipality, who engages in a temporary business of selling and delivering goods, wares and merchandise within the municipality, and who, in furtherance of such purpose, hires, leases, uses or occupies any building, structure, motor vehicle, tent, railroad boxcar, public room in any hotel, motel, lodging house, apartment, shop or any street, alley, or other place within the municipality, for the exhibition and sale of such goods, wares and merchandise, either privately or at public auction. The person, firm or corporation so engaged shall not be relieved from complying with the provisions of this part merely 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.
- B. “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 or exposing the same for sale, or making sales and delivering articles to purchasers, or who, without traveling from place to place, shall see 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 delivers to purchasers as part of a scheme or design to evade the provisions of this part shall be deemed a peddler subject to the provisions of this part. The word "peddler" shall include the words "hawker" and "huckster".

C. "Canvasser" or "solicitor" means any individual, whether or not a resident of the municipality, traveling either by foot, wagon, motor vehicle, or other type of conveyance, from place to place, from house to house, or from street to street, taking or attempting to take orders for the sale of goods, wares and merchandise, personal property of any nature whatsoever for future delivery, or for services to be furnished or performed in the future, whether or not such individual has, carries, or exposes for sale a sample of the subject of such sale, or whether he is collecting advance payments on such sales, provided that such definition shall include any person who, for himself, or for another person, firm or corporation, hires, leases, uses or occupies any building, structure, tent, railroad boxcar, hotel or motel room, lodging house, apartment, shop or any other place within the municipality for the sole purpose of exhibiting samples and taking orders for future delivery.

9-453. APPLICATION FOR LICENSE.

A. Applicants for permits and licenses under this part, shall file a sworn application in writing signed by the applicant, if an individual, by all partners, if a partnership, and by the president, if a corporation, or by an agent, including a state or regional agent, with the recorder 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. If the applicant is employed by an agent of another person, the name and permanent address of such other person or persons.
3. The length of time for which the applicant desires to engage in business within the municipality.
4. The place or places within the municipality where the applicant proposes to carry on his or her business.
5. 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.
6. 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.
7. A statement as to whether or not the applicant, or any of his employers, has been convicted of any crime, misdemeanor or

violation of any municipal ordinance, the nature of the offense and the punishment or penalty assessed therefore.

8. If the applicant desires to sell fresh vegetables, fruits, meats, or other foodstuffs, a statement by a reputable physician in the state of Utah, dated not more than 10 days prior to submission of the application, certifying the applicant to be free of infectious, contagious, or communicable diseases.
9. 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 with the state of Utah.

B. At the time of filing the application, a fee shall be deposited with the recorder. The city council shall from time to time enact by resolution the amount of the fee to be paid. This fee shall be listed in the current fee schedule.

9-454. INVESTIGATION AND ISSUANCE OF LICENSE.

- A. On receiving the application, the recorder shall refer it to the SHERIFF who shall cause such investigation of the applicant's business and moral character to be made as he deems reasonable ad 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 SHERIFF shall endorse such upon the application, together with a statement of his reasons therefore, and return the application to the recorder, 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 SHERIFF shall endorse such upon the application and return it to the recorder, 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.

9-455. FEES.

- A. The city council shall, from time to time, enact by resolution, the fees to be charged by Marysvale Town for any license pursuant to this part.
- 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.

C. If any license fee or tax is not paid within 60 days of the due date, a penalty of 50% of the amount of such license fee or tax, or \$5.00 whichever is greater. All penalties provided for in this section shall be collected by the city recorder, and the payment thereof enforced by him in the same manner as the license fees are collected, and payment thereof enforced. No license shall be issued until all penalties legally assessed have been paid in full.

9-456. LICENSES, BADGES, REVOCATION, EXPIRATION, APPEAL.

A. Reserved.

B. Any person licensed pursuant to this part shall exhibit their license at the request of any citizen of the municipality.

C. It shall be the duty of any police officer of this municipality to require any person seen soliciting, canvassing or peddling, and who is not known by such officer to be duly licensed, to produce his or her license and to enforce the provisions of this part.

D. Revocation of license.

1. Permits and licenses issued pursuant to this part may be revoked by the chief of police or the recorder/clerk, after notice and hearing, for any of the following causes:
 - a. Fraud, misrepresentation for false statement made in the course of carrying on his business as solicitor or canvasser.
 - 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 the 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 Chapter 1-400.

E. Any person aggrieved by the action of the recorder in the denial of a permit or a license issued pursuant to this part, or by the action of the city council of the municipality. Such appeal shall be taken by filing with the council within 14 days after notice of the action complained of has been mailed to such person's last known address or address on the business application, a

written statement setting forth fully the grounds for the appeal. The council shall set a time and place for the hearing on such appeal and notice of such hearing shall be given to the applicant in the same manner as above proved in section D.

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

9-457. ADDITIONAL REQUIREMENTS. This part shall not be construed so as to waive the provisions and requirements of any other ordinance of this municipality, and the requirements and fees required herein shall be in addition to any other requirements and fees of any other ordinance of this municipality.

9-458. 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 any 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 address for at least six months prior to the date when the individuals engaged in the activity which would otherwise require licensing by this part.

9-500. BUILDING REGULATIONS.

9-510. BUILDING OFFICIAL.

9-511. BUILDING OFFICIAL. There is hereby created the position of building official who shall also be known as the municipal building inspector.

9-512. STOP ORDER. The building inspector shall have the power to order all work stopped on construction, alteration or repairs of buildings in the municipality when such work is being done in violation of any provisions of any ordinance relating thereto, or in violation of the subdivision or zoning ordinance. Work shall not be resumed after the issuance of such order, except on the written permission of the inspector, provided that if the stop order is an oral one, it shall be followed by a written stop order within one hour. Such written stop order may be served by any peace officer or authorized person.

9-513. ENTRY POWERS. The building inspector shall have the power to enter into any building or the premises where the work of altering, repairing, or constructing any building or structure is going on, for the purpose of making inspections at any reasonable hour, pursuant to any of the provisions of Chapter 9-500 and 9-600 and Title 10-000 of this code.

9-514. ADDITIONAL DUTIES OF BUILDING INSPECTOR. The building official (inspector) shall in addition to all other duties, impose on him 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 Part 9-560 of this title.
- D. Review all building permit applications for new construction or substantial improvements to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a location that has a flood hazard, any proposed new construction or substantial improvement (including prefabricated and mobile homes) must (i) be designed (or modified) and anchored to prevent flotation, collapse, or lateral movement of the structure, (ii) use construction materials and utility equipment that are resistant to flood damage, and (iii) use construction methods and practices that will minimize flood damage.
- E. Review subdivision proposals and other proposed new developments to assure that (i) all such proposals are consistent with the need to minimize flood damage, (ii) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located, elevated, and constructed to minimize or eliminate flood damage, and (iii) adequate drainage is provided so as to reduce exposure to flood hazards.
- F. Require new or replacement water supply systems and/or sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and require on-site waste disposal systems to be located so as to avoid impairment of them or contamination from them during flooding.

9-520. GENERAL PROVISIONS.

9-521. PERMIT REQUIRED – EXCEPTIONS.

- A. It shall be a class C misdemeanor for any homeowner and a class B misdemeanor for any person who receives payment or anything of value to construct or alter any building or structure, except a fence, without first securing the permit required by this chapter.
- B. This section shall not apply where the retail cost of the materials used in the construction or alteration is less than \$500.00, except that it shall apply in the cases where the construction or alteration results in an enlarged structure or affects the walls of the building or structure.

9-522. APPLICATION FOR PERMIT. A building permit shall be secured from the mayor 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.

9-523. APPROVAL OF PLAN. The application and plans shall be forwarded from the mayor to the building inspector, who shall review the plan to determine whether the proposed construction or alteration conforms to the building codes and ordinances of this municipality. The building inspector shall return the plans to the recorder within 10 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 annexed to the plans. On receipt of an approved plan, the recorder 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.

9-524. 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.

9-525. SECONDARY WATER CONNECTIONS TO BE PROVIDED AT ALL FUTURE WATER CONNECTIONS. Reserved.

9-526. FEE SCHEDULE. The city council shall from time to time enact by resolution the fees to be paid for the application for a building permit.

9-530. BUILDING CODE.

9-531. ADOPTION OF BUILDING CODE. The International Building Code and International Residential building code, such edition that may from time to time be adopted by resolution by the city council, published by the International Conference of Building Officials and printed as a code in book form, and is approved and adopted as the building code of this municipality.

9-540. ELECTRICAL CODE. The National Electrical Code, such edition that may from time to time be adopted by resolution by the city council, published by the National Electrical Contractors Association and approved 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, a copy of which has been previously filed with the recorder for use and examination by the public, hereby is approved and adopted as the electrical code of this municipality.

9-541. ELECTRICAL INSPECTION. The building inspector shall perform all functions of electrical inspection and shall, among other things, inspect and supervise the construction, installation, and repairs of all electric light and power wiring, fixtures, appliances, or apparatus installed within the limits of the city, and shall require compliance with the provision 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.

9-542. PERMITS AND INSPECTIONS. No alterations or additions shall be made in existing wiring, nor shall any wiring or any apparatus which generates, transmits, transforms, or utilizes any electricity be installed without first obtaining a permit therefore, except minor repair work such as repairing flush and snap switches, replacing fuses, changing lamp sockets and receptacles, taping bare joints and repairing drop cords. Applications for such permit describing such work shall be made in writing and shall conform as far as practicable to the requirement set forth in section 9-522 of this title. This section shall not apply to installations in powerhouses 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 installation after he has been duly notified to correct such defective work by the building inspector.

9-543. PERMIT FEES. The electrical permit fees applicable in this municipality for use under the National Electrical Code, such edition that may from time to time be adopted by resolution by the city council, shall be the amount enacted by resolution of the city council and listed in the current fee schedule.

9-544. ELECTRICAL DISTURBANCES.

- A.** Electrical installations for signs, equipment or other facilities 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.

9-560. PLUMBING CODE.

9-561. PULMBING CODE ADOPTED. The International Plumbing Code and International Mechanical Code, such edition that may from time to time be adopted by resolution by the city council, published by the International Association of Plumbing and Mechanical Officials as a code in book form. Is approved and adopted as the plumbing code of this municipality, except as otherwise altered or modified by the ordinances of this municipality.

9-562. APPLICATION AND SCOPE. The provisions of this part shall apply to, but not be limited to, all new construction, relocated buildings, and to any

installation, alteration, repair or reconstruction of a plumbing system within the municipality, except as otherwise provided in this part.

9-563. PLUMBING INSPECTOR – DUTIES.

- A. There is hereby created the position of plumbing inspector.
- B. The plumbing inspector shall issue permits to properly licensed, bonded and registered persons. Licensing should be for work to be done within the scope of this part. The plumbing inspector:
 - 1. Shall order changes in workmanship and/or materials essential to enforce compliance with all provisions of the plumbing code.
 - 2. Shall investigate any construction or work regulated by this part and issue such notices and orders as are necessary to prevent or correct dangerous or unsanitary conditions.
 - 3. May recommend the revocation of any license to the state department of business regulation for cause, and report to the department of regulation all violation of this part by journeymen, apprentices or contractors.

9-564. ALLOWANCE FOR EXCEPTION TO ORDINANCE. Where structural conditions impose extreme difficulty in fully complying with the plumbing regulations of this part, any aggrieved party may apply in writing to the plumbing inspector for special permission to deviate from the regulations. If in the judgment of the plumbing inspector such deviation is reasonable and does not create an unsanitary or unsafe condition, he shall recommend to the governing body that the request for deviation be approved or disapproved, or that approval is subject to such conditions as the governing body may require. The governing body, on review, may approve or disapprove the application or vary the condition on which approval is granted.

9-565. RIGHT OF ENTRY GRANTED. The plumbing inspector shall have the right of entry within reasonable hours to any building or premise for the purpose of inspection or to investigate any work or conditions governed by this part.

9-566. POWER TO CONDEMN GRANTED. The plumbing inspector is hereby empowered to condemn and order repaired, removed, replaced or changed, any plumbing found in any unsanitary condition or not in accordance with this part. Failure to comply with the order within a reasonable time is an infraction.

9-567. INTEREST IN SALE OR INSTALLATION OF EQUIPMENT PROHIBITED. The plumbing inspector and his assistants shall not in any way engage in the sale or installation of plumbing equipment upon which they are required to make inspection hereunder.

9-568. PERMITS REQUIRED. No plumbing shall be installed nor additions or alterations made in existing plumbing, except as provided in section 9-572 without first obtaining a permit. Application for such permits shall be in writing to the recorder, 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 he shall fail to correct any defective plumbing installed by him after he has been notified in writing by the plumbing inspector of defective work.

9-569. REVOCATION OF PERMIT. The plumbing inspector may revoke any permit when the person to whom the permit is issued fails, neglects, or refuses to do the work there under in conformance with this part, or when the permit is issued in error.

9-570. EXPIRATION OF PERMIT. Every permit issued by the plumbing inspector shall expire and become null and void if work authorized by such permit is not commenced within 60 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 120 days or more.

9-571. DENIAL OR 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.

9-572. PERMITS NOT REQUIRED.

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

9-573. HOME OWNER PERMIT. Any permit required by this part may be issued to any person to do any plumbing or drainage work regulated by this part in a single family dwelling used exclusively for living purposes, including the usual accessory buildings and quarters in connection with such buildings in the event that any such person is a 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 working knowledge of the

requirements contained in this part, pays the necessary fees, and calls for all inspections required by this part.

9-574. PERMIT FEES. Before a permit shall be issued, permit fees in the amount enacted by resolution of the city council and listed in the current fee schedule shall be paid to the treasurer.

9-575. REINSPECTION CHARGE. After notice that any plumbing work is ready for inspection, if the plumbing inspector calls at the place designated to make such inspection and finds the work not ready for inspection, he shall charge an additional fee 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.

9-576. REFUSAL TO COMPLY WITH ORDER OF INSPECTOR. It shall be unlawful for any owner, agent or occupant of any building or premises to fail, neglect or refuse to repair, remove, replace or change within 10 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.

9-577. PENALTY.

- A. The violation of any provision of this part by any homeowner, building owner or manager of any building, apartment, hotel, motel or other structure shall be an infraction.
- B. The violation of any provision of this part by any person who receives payment or anything of value for performing such work shall be a class B misdemeanor.

9-600. OTHER BUILDING OR CONSTRUCTION CODES.

9-610. INDIVIDUAL WASTEWATER (SEWAGE) DISPOSAL CODE ADOPTED. The "Regulations for Individual Wastewater Disposal Systems", such edition that may from time to time be adopted by resolution by the city council, published by the Utah Department of Health, a copy of which has been filed with the recorder for use and examination by the public, hereby is adopted.

9-620. SMALL UNDERGROUND WASTEWATER DISPOSAL SYSTEM CODE ADOPTED. Part V, "Small Underground Wastewater Disposal Systems" of the Code of Waste Disposal Regulations, adopted by the Utah Division of Health and Utah State Committee on Water Pollution, in May 1965, such edition that may from time to time be adopted by resolution by the city council, and issued and published as a code in book form, three copies of which have been filed for use and examination by the public in the office of the 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 provision of this

or the preceding chapter. 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.

9-630. CODE FOR INSTALLING GAS PIPING AND APPLIANCES ADOPTED.

9-631. CODE ADOPTED. Recommended good practices for gas piping, appliance installation and venting, such edition that may from time to time be adopted by resolution by the city council, published by Mountain Fuel Supply in book form, three copies of which have been filed for use and examination by the public in the office of the recorder, is hereby adopted by this municipality.

9-632. SECTION OF CODE NOT ADOPTED. Section 1 of the Gas Code is not adopted.

9-633. CONSTRUCTION OF GAS CODE. The practices recommended, suggested or described by the word "should" are hereby made mandatory unless the building inspector or the gas company determine that it is in the best interests of and safe for the gas user and municipality to vary the requirements of the gas code, provided that such variation shall be in accordance with generally accepted gas use standards.

9-634. VIOLATIONS DECLARED A NUISANCE. Violation of this part is hereby made a nuisance and shall be abated in the manner provided in Part 10-350, provided that conditions which present an immediate danger to life may be abated by causing the gas to be immediately turned off.

9-640. UNIFORM SUGN CODE ADOPTED. Reserved.

9-650. UNIFORM HOUSING CODE. Reserved.

9-651. ADOPTION OF A HOUSING CODE. Reserved.

9-652. APPLICATION. Reserved.

9-653. ALTERATION. Existing buildings which are altered or enlarged shall be made to conform to the housing code, insofar as the new work is concerned, in accordance with section 104(a), (b), (c), (d), (e) and (i) of the Uniform Building Code.

9-654. RELOCATION. Existing buildings which are moved or relocated shall be considered as new buildings and shall comply with all requirements of the Housing Code.

9-655. ESTABLISHMENT OF A HOUSING ADVISORY AND APPEALS BOARD. Reserved.

9-656. 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.

9-657. PERMITS AND INSPECTIONS. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, or demolish any building or structure, cause or allow the same to be done, without first obtaining a separate building permit for each such building or structure from the building official in the manner and according to the applicable conditions prescribed in the Housing Code.

9-660. FALLOUT SHELTERS.

9-661. EXEMPTION FROM BUILDING CODE REQUIREMENTS. Due to the specialized purpose of emergency nature for which family fallout shelters are designed, any such shelter which complies with the provisions of this chapter is hereby exempt from the provisions of the Building Code, except as otherwise provided herein.

9-662. DEFINITION. For the purpose of this part, a family fallout shelter is a structure designed and constructed for emergency use only, to afford minimum protection from nuclear radiation, commonly known as fallout, resulting from a nuclear incident which recently has been or is likely to be of catastrophic proportions.

9-663. DESIGN. A family fallout shelter shall be of a design conforming to that recommended or accepted by the Federal Department of Defense, Office of Civil Defense.

9-664. CONSTRUCTION. A family fallout shelter shall, in all matters relating to construction and structural stability, comply with not less than the equivalent of the provisions relating to design loads and general building requirements specified in the Uniform Building Code.

9-665. ADMINISTRATIVE APPLICATION OF BUILDING CODE.
Notwithstanding the foregoing, the provisions contained in the Building Code relating to administration, permits and inspections shall be applicable to family fallout shelters.

Motion passed by the Town Board of Marysville on March 11, 1997.
The foregoing change in Ordinance #9-424-J of Marysville was posted at three public places within the municipality this 12th day of March 1997. The public places are:

1. Tug's One Stop
2. U.S. Post Office
3. Country Style

Dated this 12th day of March 1997.

Wendy Steed
Marysvale Town Clerk

**TITLE 10-000.
FIRE, HEALTHY, SAFETY AND WELFARE.**

Chapter 10-100. FIRES – DEPARTMENT – CODE.

10-100 An ordinance granting the local fire official the authority to prohibit the use of any ignition source, including fireworks, lighters, matches, and smoking materials within the town and penalty.

Whereas, local fire officials are authorized to enforce the state fire code, pursuant to Utah Code Annotated 53-7-104: and

Whereas local fire officials may prohibit the use of fireworks and other ignition sources when hazardous environmental conditions necessitate controlled use, pursuant to Utah Code Annotated 15A-5-202 (3) (b) which amends the 209 International Fire Code: and

Whereas, the Governor of the State of Utah has recommended that Cities and Town consider banning certain fireworks, open fires and other potential sources of fire within areas of the City or Town.

Now therefore, be it ordained by the Town Council as follows:

Section 1. Purpose

This ordinance authorizes the Marysvale (fire chief) as the local fire official for this municipality to prohibit open fires and the use of any ignition source, including fireworks, lighters, matches, and smoking materials, when hazardous environmental conditions necessitate controlling the use thereof.

Section 2. Definitions

“Hazardous environmental conditions” means extreme dryness or lack of moisture, windy conditions, the presence of dry weeds and other vegetation and any combination thereof.

“Ignition source” means fireworks, lighters, matches, smoking materials, and similar means used to ignite fire.

“Fireworks” shall have the same meaning as found in Title 53, Chapter 7 of the Utah Code.

Section 3. Authority of local fire official to issue orders

The local fire official is hereby authorized to issue orders prohibiting open burning, open fires, the use of any ignition source, including fireworks, lighters, matches, and smoking materials in any area of the municipality when the local fire official determines that hazardous environmental conditions necessitate controlling or prohibiting the use thereof.

Section 4. Areas affected

The local fire official shall determine what areas are subject to prohibition and the extent of the prohibition and shall identify the same in a written order. The order may also include a map outlining affected areas.

Section 5. Public notice

The municipality shall immediately post copies of the written order of the local fire official in at least three public places within the town: post a copy of the order on the official municipal website; inform all local news media outlets of the order and provide a copy of the order thereto.

Section 6. Penalty

Any person who intentionally or knowingly violates an order of the fire chief issued pursuant to this ordinance is guilty of a class B misdemeanor.

Section 7. Enforcement

Every officer charged with enforcement of State and municipal laws within the jurisdiction of this municipality, including the Fire Marshal is hereby charged with the responsibility to enforce this ordinance.

Section 8. Repeal and severability

If any section, phrase, sentence or portion of this ordinance is for any reason held invalid or unconstitutional by any court or competent jurisdiction, such portions shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 9. Effective date

Part

10-200. AN ORDINANCE ADOPTING CERTAIN RESTRICTIONS ON THE USE OF FIREWORKS WITHIN CERTAIN AREAS OF THE MUNICIPALITY

Whereas, in 2011 the Utah legislature modified the state law by amending the types of fireworks which may be discharged in Utah which appears to have increased the use of fireworks within the town: and

Whereas, in 2012 State law changed the dates allowed for discharge: and

Whereas, there currently is and may be in the future a high risk of fire during the time when fireworks are allowed to be discharged: and

Whereas, the Governor of the State of Utah has recommended that cities and towns consider a ban on fireworks due to high fire danger: and

Whereas, the council finds it is in the best interest of the municipality and the general health, safety and welfare of the public that this ordinance should be passed:

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THIS MUNICIPALITY AS FOLLOWS:

1. Definition. All terms relating to fireworks used in this ordinance shall have the same meaning as they are defined in Utah Code Ann. 53-7-202. Of the Utah Fire Prevention Act.

2. Sale, Discharge and Possession of Certain Fireworks Restricted.

- a. It is unlawful and for any person to sell or offer for retail sale, or to discharge, or to have in their possession any fireworks in this municipality, other than class C common Utah State approved explosives used in accordance with, and only on the dates allowed, by Utah Code Ann. Sections 53-7-220 through 225: the rules adopted pursuant thereto: and this ordinance, except as otherwise permitted by state law.
- b. It is unlawful for any person to discharge any fireworks within 20 feet of any residence, dwelling, or structure.
- c. During unusual extreme hazardous fire conditions in certain portions of the municipality, the discharge of any and all fireworks including class C common fireworks is prohibited in the area of the municipality described as follows: The Marysvale Town limits.

3. Enforcement.

- a. Every officer charged with enforcement of State and municipal law including the Fire Marshal is hereby charged with the responsibility to enforce this ordinance.
- b. Fireworks possessed, sold or offered for sale in violation of this ordinance may be seized and destroyed and the license of the person selling or offering fireworks for sale may be revoked.

4. Punishment. Violation of this ordinance shall be a class B misdemeanor punishable by both fine and imprisonment as set forth in Utah law.

5. Effective Date. This ordinance shall take effect immediately upon passing.

These ordinances # 10-100 and # 10-200 shall become effective on July 1, 2012.

Passed, adopted and ordered published by the Council of Marysvale, Utah this 3rd day of July, 2012.

Wade Fautin
Mayor

Wendy Steed
Town Clerk

10-111. CREATION. There is hereby created a fire department to be known as the Marysvale Town Fire Department.

10-120. PERSONNEL AND DUTIES.

10-121. CREATION OF POSITION OF CHIEF. There is hereby created the position of chief of the fire department.

10-122. POWERS AND DUTIES OF CHIEF.

- A. The chief shall have responsibility for the general supervision of the department.
- B. During a fire, the chief shall have full authority to take all measures as he shall deem necessary, subject to state law, to control and extinguish the fire, and for that purpose he is hereby made a special peace officer.
- C. The chief shall at least annually report to the city council the condition of the fire equipment, the number of fires and their causes and estimated loss there from, together with such other information as the city council may request, or as he shall deem appropriate.
- D. The chief shall strictly enforce all of the provisions of the ordinances of this city relating to the protection against and prevention of fire.
- E. The chief shall strictly enforce all of the provisions of the ordinances of this city relating to the protection against and prevention of fire.
- F. The chief, subject to the approval of the mayor and city council, shall establish rules and regulations for the operation of the department.

- G. The chief may delegate his duties to any person in the department, but such delegation shall not relieve the chief of his responsibility for the performance thereof.
- H. The chief shall cause all fires to be promptly investigated to determine the cause of the fire and report the cause of the fire, the time originated and such other information as may be relevant to prevent other fires.

10-123. EMPLOYEES. Reserved.

10-130. POWERS OF FIRE DEPARTMENT.

10-131. EMERGENCY VEHICLES. Fire trucks are hereby designated authorized emergency vehicles.

10-132. 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.

10-134. CONTROL OF PERSONS. All persons present at a fire shall obey the orders of any fireman.

10-134. INTERFERENCE WITH FIREMEN IN DISCHARGED 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.

10-135. 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 city, 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.

10-136. 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 the purpose in the office of the department, and shall report the same to the government body at such time as it may direct.

10-137. 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.

10-138. MALES PRESENT AT FIRE SUBJECT TO ORDERS. Every male person 18 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.

10-139. FALSE ALARM. It shall be unlawful for any person to turn in or report to the fire department a false alarm or report of a fire or to tamper or remove any part of the fire alarm system.

10-150. UNIFORM FIRE CODE.

10-151. UNIFORM FIRE CODE ADOPTED. There is hereby adopted as the fire code by this city, for the purpose of prescribing regulations governing conditions hazardous to life and protecting property from fire or explosion, that certain code known as the Uniform Fire Code, 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 section 10-156 of this part, a copy of which has been and is now filed in the office of the recorder for use and inspection by the public.

10-152. ESTABLISHMENT AND DUTIES OF BUREAU OF FIRE PREVENTION.

- A. The Uniform Fire Code shall be enforced by the Bureau of Fire Prevention in the fire department of the city which is hereby established and which shall be operated under the supervision of the chief of the fire department.
- B. The chief of the fire department may detail such members of the fire department as inspector 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 the examination shall be for an indefinite term with removal only for cause.

10-153. DEFINITIONS.

- A. The word "jurisdiction" as used in the Uniform Fire Code, shall mean the boundaries of this city.
- B. The term "corporation counsel" as used in the Uniform Fire Code shall mean the attorney for this city.

10-154. ESTABLISHMENT OF LIMITS OF DISTRICTS IN WHICH STORAGE OF FLAMMABLE OR COMBUSTIBLE LIQUIDS IN OUTSIDE ABOVEGROUND TANKS IS TO BE PROHIBITED. Reserved.

10-155. ESTABLISHMENT OF LIMITS IN WHICH BULK STORAGE OF LIQUEFIED PETROLEUM GASES IS TO BE RESTRICTED. The limits referred to in section 20.105(a) of the Uniform Fire Code, in which the bulk storage of liquefied petroleum gas is restricted, are hereby established in the appropriate appendix attached to this code.

10-156. ESTABLISHMENT OF LIMITS OF DISTRICTS IN WHICH STORAGE OF EXPLOSIVES AND BLASTING AGENTS IS PROHIBITED.

10-157. AMENDMENTS MADE IN THE UNIFORM FIRE CODE. Any amendments to the Uniform Fire Code shall be set forth in the appropriate appendix to this code.

10-158. APPEALS. Whenever the chief shall disapprove an application, refuse to grant a permit for which application has been received, or when it is claimed that the provisions of the fire code do not apply, or that the true intent and meaning of the fire code have been misconstrued or wrongly interpreted, the applicant may appeal the decision of the chief to the city council within 30 days from the date of such decision.

10-159. NEW MATERIALS, PROCESSES OR OCCUPANCIES WHICH MAY REQUIRE PERMITS. The building inspector and the chief of the bureau of fire prevention shall act as a committee to determine and specify, after giving affected persons any 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 the fire prevention shall post such list in a conspicuous place in his office and distribute copies thereof to interested persons.

10-160. PENALTIES. Reserved.

10-170. STANDARD FIRE-FIGHTING EQUIPMENT.

10-171. EQUIPMENT FOR NEW FIRE PROTECTION SYSTEMS – STANDARD EQUIPMENT. See U.C.A. section 11-4-1.

10-172. DUTY OF LOCAL GOVERNING BODY TO MAINTAIN AND COMPLY.
See U.C.A. section 11-4-2.

10-173. PROHIBITED SALES AND PENALTIES. See U.C.A. sections 11-4-3 and 11-4-4.

10-200. HEALTH. Marysvale Town hereby adopts the standard healthy code and any changes as the Central Utah Board of Health may from time to time direct.

10-220. HEALTH DIRECTOR.

10-221. POSITION CREATED. There is hereby created the position of health director who shall serve as the chief administrative officer of the board of health.

10-222. POWERS AND DUTIES OF HEALTH DIRECTOR.

- A. The health director may appoint any qualified person to act as his assistant when so authorized by the city council.
- B. The health director shall:
 - 1. Be the executive officer of the Central Utah Board of Health.
 - 2. Enforce all ordinances of this city and the state of Utah which relate to the health and welfare of the residents of this city.
 - 3. Enforce all rules, regulations and ordinances relating to:
 - a. Plumbing, sanitation, contagious or infectious diseases, quarantine and sewage disposal.
 - b. Producing, storing, keeping and selling meat, dairy or other foods or food products.
 - c. The quarantine and disposal of all animals affected with any contagious or infectious diseases.
 - 4. Enforce the nuisance ordinances of this city.
 - 5. 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 by disinfected.
 - 6. Have the right and authority, when he shall deem necessary, to secure and 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 with the city for the purposes of enforcing this chapter.

10-223. UNWHOLESOME FOOD. It is a class B misdemeanor for any person to sell or offer for sale, any unwholesome food or beverage which has been condemned by any government food inspector.

10-224. VACATING PREMISES.

- A. It shall be unlawful for any person, upon vacating or moving from any dwelling, storeroom, or other building, to fail to remove all garbage, rubbish, or ashes from such building or premise and the grounds appurtenant thereto,

or to fail to place the same in a thoroughly sanitary condition within 24 hours after the premises are vacated.

B. In situations where rental property is so vacated, the owner of the property shall be concurrently responsible with the tenant thereof for compliance with this section.

10-225. DISCHARGE OF SEWAGE POLLUTION.

A. It shall be unlawful for any person to discharge or permit the discharge of any sewage or filth from any premises into and upon any public highway, stream, water course, or public place, or into any drain, cesspool, or private wastewater disposal system which does not conform to standards established by the state division of health or by this municipality.

B. The health director may order a connection for sewage disposal to be made with the public sewer system provided by the municipality if such is available, provided that the public sewer system is within 300 feet of the premises.

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

10-226. INADEQUATE PLUMBING. The health director shall have power to require the prompt repair of all leaks or other defects in plumbing throughout the city. 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 the public generally.

10-240. COMMENCEMENT OF OFFENSIVE BUSINESS.

A. No person shall commence or change the location of any offensive business or establishment in or within one mile of the limits of this city without first filing an application for a permit to do so with the recorder.

B. 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.

C. 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.

10-242. ISSUANCE OF PERMITS.

- A. The recorder 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 city council. The city council, after review, may grant to the applicant, any opportunity to be heard and present additional facts. Thereafter the city council may:
 - 1. Deny the application.
 - 2. Recommend a modification thereof.
 - 3. Grant a limited permit to enter into the business or make the change of location subject to the requirement that the business facility conform to standards established by the city council with reference to controlling the offensive features of the business.
- B. 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 city council at the time of granting of the permit, or because a change of circumstances makes the continued operation of maintenance of the business or facility a public nuisance.
- C. The city council 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.

10-243. EXISTING OFFENSIVE BUSINESS AND FACILITIES.

- A. The city council 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 city limits. If the city council determines that the continuation of the business or facility has become a nuisance to persons situated within the city 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 city council is considering revoking or modifying the operator's license.
- B. If the city council decides to require a modification of the manner in which the business or facility is to be maintained, it shall specify the standards or specification to which the enterprise must conform or otherwise lose its license to engage thereafter in the business or activity.

10-244. CONTROL OR ANIMAL AND FOUL FACILITIES.

- A. The city council 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.
- B. The city council 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.
- C. In the event that the city council 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.
- D. After a hearing, the city council may issue a limited license wherein it may prescribe the specification and standard which must be followed by the business or facility in order to be permitted to continue in operation.
- E. Upon a determination by the city council 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 city council shall have power to bring all necessary legal proceedings to force removal, abatement, or adherence to standards.

10-245. KEEPING ANIMALS.

10-300. NUISANCES.

10-310. NUISANCES GENERALLY.

10-311. NUISANCES DEFINED. Whenever it is dangerous to human life or health, and whatever renders soil, air, water, or food impure or unwholesome, it 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.

10-312. 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.

10-313. DECLARATION OF NUISANCE.

- A. Every act or condition made, permitted, allowed or continued in violation of section 10-311 above, is hereby declared to be a nuisance and may be abated and punished as hereinafter provided.
- B. Nuisances include:
 - 1. Befouling water in any spring, stream, well, or water source supplying water for culinary purposes.
 - 2. Allowing any privy, vault or cesspool or other individual waste water disposal system to become a menace to health or a source of odors to air or water.
 - 3. Permitting any garbage container to remain on premises when it has become unclean and offensive.
 - 4. Allowing vegetable waste, garbage, litter, filth or refuse of any nature to accumulate within or upon any private alley, yard or area, except when it is temporarily deposited for immediate removal.
 - 5. Permitting the accumulation of manure in any stable, stall, feed yard, yard, or in any other building or area in which any animals are kept.
 - 6. Permitting any slaughter house, market, meat shop, stable, feed yard, or other place or building wherein any animals are slaughtered, kept, fed, or sold to remain unclean or in any state or condition detrimental to health or creating a nuisance because of odors, or in which flies or rodents breed.
 - 7. Discharging or placing any offensive water, liquid waste, or refuse of any kind into any street, alley, sidewalk, gutter, stream, wash, natural 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.
 - 8. Keeping or collecting any stale or putrid grease or other offensive matter.
 - 9. Having or permitting upon any premises any fly- or mosquito-producing condition.
 - 10. Keeping any drinking vessel for public use without providing a method of decontamination between uses.
 - 11. Permitting or performing any ablutions in or near any public drinking fountain.
 - 12. Failing to furnish any dwelling house, boarding house, or factory or other place of employment with such privy vaults, water closets, sinks or other facilities as may be required to maintain the same in sanitary condition.
 - 13. Neglecting or refusing to discontinue use of, clean out, disinfect, and fill up all privy vaults and cesspools or other individual waste water disposal systems within 20 days after notice from any enforcement officer or official of the city.
 - 14. Permitting any lot or excavation to become the repository of stagnant water or any decaying or offensive substances.

15. Obstructing or tending to obstruct or interfere with or render dangerous for passage any street or sidewalks, lake, stream, drainage, canal or basin, or any public park without first obtaining the written permission of the city council.

10-314. 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.

10-315. TOILET OR SEWER FACILITIES. All toilet or sewer facilities shall be constructed and maintained in accordance with the ordinances of the city. 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.

10-316. RESTRICTIONS ON BLOCKING WATER.

- A. 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.
- B. Maintenance of any such water course in such condition shall constitute a nuisance and the same shall be subject to abatement.

10-321. 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 any 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.

10-322. 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.

10-323. STANDARDS OF WEED CONTROL.

- A. It is hereby declared that the above-stated weeds constitute a nuisance when they:
 1. 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.
- B. The cut weeds shall be removed from the premises.

10-330. DEFINITION OF NUISANCE. For the purpose of this part the term "nuisance" is defined to mean any condition or use of premises or of building exteriors which are deleterious or injurious, noxious, or unsightly which includes, but is not limited, to keeping or depositing on, or scattering over the premises any of the following:

- A. Lumber, junk, trash, or debris.
- B. Abandoned, discarded or unused objects or equipment such as furniture, stoves, refrigerators, freezers, cans or containers.

10-332. 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.

10-333. 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 purpose 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.

10-334. ABATEMENT OF NUISANCE BY OWNERS. The owner, owners, tenants, lessees or occupants of any lot within this city on which such storage as defined in the foregoing section 10-333 is made, and also the owner, owners or lessees of the above described property involved in such storage shall jointly and severally abate such purposes, or otherwise to remove such property from the city.

10-340. DANGEROUS BUILDINGS.

10-341. ADOPTION OF A CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS. The "Uniform Code for the Abatement of Dangerous Buildings," 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), a copy of which has been filed for use and examination by the public in the office of the recorder of this city, is hereby approved and adopted as the Abatement of Dangerous Buildings Code of this city.

10-342. 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 city.

10-343. 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.

10-344. 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 the procedures specified in section 401 of the Abatement of Dangerous Buildings Code.

10-345. ESTABLISHMENT OF A BOARD OF APPEALS. Reserved.

10-346. 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.

10-350. ADMINISTRATIVE NOTICES – HEARINGS – DISPOSAL OF NUISANCE – LIEN – PENALTY FOR VIOLATION.

10-351. APPOINTMENT AND DUTIES OF INSPECTOR.

- A. There is hereby established the position of nuisance inspector whose duties it shall be to enforce the provisions of this chapter. Until another person is designated, the city council shall enforce the provisions of this chapter. More than one person may be appointed to act as inspector under this section.
- B. The nuisance inspector is authorized to:
 1. Perform all functions necessary to enforce the provisions of this chapter.
 2. Inspect or cause to be inspected, as often as needed, all buildings, structures, lots or places for the purpose of determining whether such are in compliance with the provisions of this chapter.
- C. If he concludes there is an objectionable condition in violation of this chapter, the inspector shall:
 1. Ascertain the names of the owners and occupants and descriptions of the premises where such objects and conditions exist.
 2. Serve notice in writing upon the owner and occupant of such premises, either personally or by mailing notice, postage prepaid, addressed to the owner and occupant at their last known post office addresses as disclosed by the records of the county assessor, or as otherwise ascertained, requiring such owner or occupant, or both, as the case may be, to eradicate or destroy and remove the same within such time as the inspector may designate, provided that any person

notified pursuant to this subsection shall be given at least 10 but not more than 20 days, as determined by the inspector following the date of service of such notice, to correct the objectionable condition. The notice shall:

- a. Contain a specific statement of the nature of the violation and generally describe the premises on which the violation exists.
- b. Inform the owner, occupant or other person that in the event he 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 city council at a time and place to be set by the city council. A written application for a hearing shall state the time within which the person must conform to the provisions of the notice.
- c. Inform the person that in the event he fails or neglects to correct the objectionable condition, the city 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 cost of correcting the violation against the property as a tax.

3. In the event the owner or occupant makes such request for a hearing, the city council shall set the time and place for hearing objections and the recorder 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.

10-352. HEARING.

- A. At the written request of an owner, occupant or other person having an abate weeds, objectionable conditions, or objects from the property, the city council 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 interest in property which is the subject of notice to remove or not the removal or abatement of the objects or conditions is properly within the purview of this chapter. The city council 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 10 days, the city council shall, over the signature of the mayor or such other member of the city council as it may designate, render its written decision, a copy of which shall be mailed to be served upon the owner or other person to whom original notice was given by the inspector.

- B. In the event the decision of the city council 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 10 days from the date of notice of the decision within which to conform thereto, unless additional time, not to exceed 30 days, is authorized by the inspector.
- C. In the event the decision of the city council either overrules or modifies the determination of the inspector, the written decision of the city council shall apprise the owner or occupant of that fact, and set forth the details and extent to which the owner or occupant must make removal or other abatement of the objectionable objects or conditions, if any. The owner or occupant shall be required to conform to the decision of the city council within 10 days after service of 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 city council.
- D. The inspector shall file an amended notice and proof of service of notice and file the same in the office of the county treasurer.

10-353. 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 condition to be removed or destroyed at the expense of the city.

10-354. 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 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 person having an interest in the property.

10-355. FAILURE TO MAKE PAYMENT. In the event of 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 city treasurer within the 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 chapter.

10-356. COLLECTION BY LAWSUIT. In the event collection of expenses of destruction and removal are pursued through the courts, the city 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.

10-357. 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 copies of the statement to the county treasurer within 10 days after the completion of the work of destroying or removing such weeds, refuse, garbage, objects or structures. Thereupon, the cost of the work shall be pursued by the county treasurer in accordance with the provisions of section 10-11-14, *Utah Code Annotated 1953*, and the recalcitrant owner shall have such rights and shall be subject to such powers as are thereby granted.

10-358. CRIMINAL PROCEEDING. The commencement of criminal proceedings for the purpose of imposing penalties for violations of this chapter shall not be conditioned upon prior issuance or the granting to the defendant of any opportunity to abate or remove the nuisance. The provisions of this chapter relating to notice and abatement shall be deemed merely alternative and additional methods of securing conformity to the provisions of this chapter.

10-359. PENALTY FOR FAILURE TO COMPLY.

- A. Any owner, occupant or person having an interest in the property subject to this chapter who shall fail to comply with the notice or order given pursuant to this chapter shall be guilty of a class C. misdemeanor.
- B. Compliance by any owner, occupant or person to whom a notice has been given as provided in this chapter, shall not be admissible in any criminal proceeding brought pursuant to this section.

10-400. GARBAGE AND LITTER.

10-410. GARBAGE REGULATION.

10-411. DEFINITIONS.

- A. “Garbage” means waste from the preparation, handling, storing, cooking or consumption of food and food products.
- B. “Residential garbage” refers to garbage produced in places of private residence and dining halls not open to the public.
- C. “Commercial garbage” refers to garbage produced in commercial establishments, public or quasi-public institutions or establishments, including restaurants, hotels, motels and similar establishments.
- D. “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.
- E. “Community waste” means lawn cutting, clippings from bushes and shrubs, leaves and trees and tree branches.

F. "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 bag manufactured specifically for use in garbage and refuse collection.

10-412. COLLECTION OF GARBAGE.

- A. The city or its agent shall collect, remove and dispose of all residential, commercial garbage the removal of which is not otherwise provided for by the establishment or institution as herein provided. All garbage and refuse shall be collected, removed and disposed of with such frequency and in such manner as the city council may from time to time establish by regulation.
- B. Except as otherwise expressly permitted by this part, no garbage or refuse shall be moved or hauled away or transported upon the streets or public ways of the city, except by the city or its agent and except by authorized person hauling commercial garbage or refuse as hereinafter provided. It is hereby declared to be unlawful for any person, except as permitted in this part, to haul or remove garbage or refuse in the city.
- C. Commercial establishments, public or quasi-public, institutions and establishments creating commercial garbage, shall employ the services of authorized contractors to remove commercial garbage. Authorized garbage haulers must apply for and receive permission to do so from the recorder. Haulage of the refuse must be done in the manner, at such times and in such vehicles as may be approved for such purposes as the city council may from time to time by regulation provide.
- D. Nothing contained in this section shall preclude persons from hauling their own residential garbage, trash or community waste over the streets and alleys of the city as the city council may authorize.
- E. Nothing in this section shall be construed as eliminating the charge made for garbage service.

10-413. SERVICE CHARGE.

A. All residents and all business establishments within the municipality shall pay the city the following garbage service charges:

Residential Rate:

1. Residential units comprised of one, two, or three dwelling units shall pay for each dwelling unit \$3.00 per month.
2. Residential units comprised of four or more dwelling units shall pay, for the first three units \$3.00 per month. For all units in excess of three shall pay \$3.00 per month.

Commercial Rate:

1. All business establishments producing either residential garbage or commercial garbage or refuse shall pay a minimum monthly charge of \$3.00, plus such additional amount per month as may be determined by the city council upon the basis of volume, time or weight for each class of business establishment.
- B. Charges shall apply to all residences and business establishments whether or not they have also elected to haul their own garbage or employ the services of authorized garbage haulers.

10-414. METHOD OF PAYMENT OF SERVICE CHARGES.

A. The garbage service charges above imposed by this part shall be added to the charge made for water furnished through the water system of the city and shall be billed and collected in the same manner as water service charges are billed and collected.

10-415. NO ACCUMULATION OF GARBAGE. It shall be unlawful for any person to accumulate garbage or refuse or cause garbage or refuse to be deposited upon any street or alley or upon any premises in the city without express permission from the city 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 city council 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.

10-416. CONTAINERS. Reserved.

10-417. CLOSING OF GARBAGE CONTAINERS REQUIRED. All garbage and market waste must be placed in rainproof and fly proof receptacles of the type herein required, and the receptacle shall be tightly closed in such a manner as to prevent offensive odors or flies.

10-418. TIME AND PLACE OF PICKUP.

- A. All garbage and refuse subject to garbage collection by the city shall be placed at a pickup point designated from time to time by regulations adopted by the city council.
- B. Until otherwise provided by regulation, garbage and refuse must not be set out upon the street for collection.

10-419. DISPOSAL OF COMMUNITY WASTE.

- A. Community waste may be disposed of by residents and business establishments in the class IV landfill east of town.
- B. The city council 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 wastes disposal service should require a charge to be made by the city, 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 city.

10-420. 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.

10-421. 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 soil, or any other refuse upon any lot within the city, whether such lot is occupied or vacant, unless such person so placing, depositing or dumping such refuse is the owner, tenant, occupant or lessee thereof or has the same under his jurisdiction and control.

10-422. LIMITATIONS UPON DUMPING. Dumping waste and garbage shall be permitted only in such places as are designated by the city council. Dumping shall be subject to such rules and regulations as may be formulated by the city council.

10-423. REGULATIONS. The city council may adopt such regulations as in its opinion are necessary to implement this part and its objectives.

10-430. LITTER – HANDBILLS.

10-431. DEFINITIONS. For the purpose of this part:

- A. "Authorized receptacle" is a public or private litter storage and collection receptacle.
- B. "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:
 - 1. Which advertises for sale any merchandise, product, commodity, or thing;
 - 2. 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;
 - 3. 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 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 city; or
 - 4. 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.
- C. "Garbage" means waste from 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 the kitchens, stores, markets, restaurants, hotels and other places where food is handled, stored, sold, cooked or consumed.
- D. "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 city.
- E. "Newspaper" is any newspaper of general or local circulation or any periodical or current magazine regularly published with not less than four issued per year, and sold to the public.
- F. "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.

- G. "Park" is a park, reservation, playground, beach, recreation center or any other public area in the city, owned or used by the city.
- H. "Refuse" is all putrescible and non-putrescible solid waste (except body wastes), including garbage, rubbish, ashes, street cleanings, dead animals, and solid market and industrial wastes.
- I. "Rubbish" is non-putrescible solid wastes consisting of both combustible and noncombustible wastes, such as paper, wrapping, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery and similar materials.
- J. "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.

10-432. LITTER IN PUBLIC PLACES. No person shall throw or deposit litter in or on any street, sidewalk or other public place except:

- A. In authorized receptacles for collection or in official municipal garbage dumps; or
- B. For collection as authorized by the city council.

10-434. SWEEPING LITTER INTO GUTTERS PROHIBITED EXCEPT AS OTHERWISE AUTHORIZED BY THE CITY COUNCIL. 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.

10-436. MERCHANT'S DUTY TO KEEP SIDEWALKS FREE OF LITTER. No person owning or occupying any 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.

10-436. 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.

10-437. 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.

10-438. 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 property disposed of elsewhere as provided herein.

10-439. 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.

10-440. THROWING OR DISTRIBUTING COMMERCIAL HANDBILLS IN PUBLIC PLACES. No person shall throw or deposit any commercial or noncommercial handbill in or on any sidewalk, street or other public place. Unless otherwise authorized by the city council, it is an infraction for any person to hand out, 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 hand out or distribute, without charge to the receiver thereof, any noncommercial handbill to any person willing to accept it.

10-441. PLACING COMMERCIAL AND NONCOMMERCIAL HANDBILLS ON VEHICLES. Unless otherwise authorized by the city council, no person shall throw or deposit any commercial or noncommercial 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 noncommercial handbill to any occupant of a vehicle who is willing to accept it.

10-442. DEPOSITING COMMERCIAL AND NONCOMMERCIAL HANDBILLS ON UNINHABITED OR VACANT PREMISES. No person shall throw or deposit any commercial or noncommercial handbill in or on any private premises which are temporarily or continuously uninhabited or vacant.

10-443. PROHIBITED DISTRIBUTION OF HANDBILLS WHERE PROPERLY POSTED. No person shall throw, deposit or distribute any commercial or noncommercial 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.

10-444. DISTRIBUTING COMMERCIAL AND NONCOMMERCIAL HANDBILLS AT INHABITED PRIVATE PREMISES. No person shall throw, deposit or distribute any commercial or noncommercial 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.

10-445. 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.

10-446. 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.

10-447. 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.

10-448. 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.

10-449. HANDBILLS AND POSTERS.

- A. No person or business shall post, stick, 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, upon any sidewalk, curb, or any other portion or part of any public way or public place or any lamppost, 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 city.
- B. It shall be unlawful to distribute indiscriminately to the public by leaving at houses or residences in the city 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.
- C. Applications for such permit shall be made to the recorder 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.

D. Liceses 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 recorder before any such license is issued.

**10-450 PENALTIES FOR ILLEGALLY DUMPING GARBAGE AND
VANDALISM AT THE DUMPSTERS**

A. \$50.00 fine for illegally dumping items that is not permitted in the dumpsters and for dumping alongside the dumpsters.

B. \$300.00 fine for vandalism at the dumpsters.

TITLE 11-000.
TRANSPORTATION, STREETS AND PUBLIC WAYS.

Chapter **11-100. Reserved.**

11-200. Reserved.

11-300. STREETS AND PUBLIC WAYS.

Part **11-310. SUPERINTENDENT OF STREETS.**

11-311. DEPARTMENT – SUPERINTENDENT OF STREETS.

- A. There is hereby created a department of streets which shall have general supervision of streets, sidewalks, bridges, and other public ways.
- B. The department shall be under the direction and control of the superintendent of streets.

11-312. POWERS AND DUTIES OR STREET DEPARTMENT. The department shall:

- A. Have charge of the construction, maintenance and repair of streets, sidewalks, bridges, curbs, gutters, culverts, drains, waterways and other public ways. It shall have control of all waters flowing on the streets, sidewalks, and public ways whether originating from storm, flood, drainage or irrigation waters.
- B. Keep a record of and promptly investigate all complaints of defective streets, culverts, drains, ditches, sidewalks, and other public ways and, when proper, repair, replace or take such action as deemed best, and shall record the action taken on each complaint.
- C. Enforce the provisions of this chapter 11-300 and all other ordinances relating to the maintenance and use of streets, culverts, drains, ditches, waterways, curbs, gutters, sidewalks and other public ways.
- D. Repair, or cause to be repaired, all defects coming to the department's attention and take responsible precautions to protect the public from injuries due to such defects pending their repair.

11-320. STREETS – TRAFFIC CONTROL.

11-321. ADOPTION OF UNIFORM TRAFFIC CODE. *The Utah Traffic Code Rules of the Road, 1983 Edition*, as complied, prepared and published as a code in book form by the Utah Department of Public Safety, a copy of which has been filed for use and examination by the public in the office of the recorder, hereby is approved and adopted as the traffic code for this city, except as such code may be altered or modified by the ordinances of this city.

11-322. 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 city and its offices, departments, agencies, and agents.
- B. Local authorities shall mean the city council of this city.
- C. The Department of Public Safety of the State of Utah shall mean the chief of police of this city or his agent.
- D. Magistrate shall mean the justice of the peace or judge of this city.

11-323. 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 city, the *prima facie* speed limits on the streets of this city shall be 30 miles per hour, except ATV'S and off-road recreational vehicles shall not exceed 10 miles per hour.

11-324. ANGLE PARKING. Reserved.

11-325. THROUGH STREETS DESIGNATED. Reserved.

11-326. AUTHORITY TO ERECT STOP OR YIELD SIGNS. Whenever any ordinance of this city 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 streets, 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 approaches to either streets as determined by the chief law enforcement officer on the basis of an engineering and traffic study.

11-327. ADOPTION OF UNIFORM RULES AND REGULATINOS OF OFF-ROAD VEHICLES ANY ATV RECREATIONAL VEHICLES.

- A. Vehicles primarily designed for use “off-highway” or off-road,” primarily for recreational purposes, may be driven on designated streets within the Town of Marysville.
- B. Speed limits for such vehicles may not exceed 120 miles per hour.
- C. Such vehicles must display a sticker signifying they are registered with the State of Utah as recreational vehicles.

11-328. PENALTIES. Any person violating, causing or permitting violation of any provisions of this part shall be guilty of a misdemeanor. Notwithstanding other language or provisions in the *“Utah Traffic Code – Rules of the Road, 1983,* hereby adopted.

11-330. ANIMALS ON STREETS. Reserved.

11-331. DRIVING ANIMALS ON STREETS. Reserved.

11-340. PARKING REGULATIONS.

11-341. PARKING OR BLOCKING STREETS OR HIGHWAYS. In addition to the parking provisions contained in the *Utah Traffic Code*, adopted by this city, 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.

11-342. SIGNS. The city council may authorize or direct any person employed by the city to erect or install any sign or traffic control device required to enforce the provisions of this part.

11-343. 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, 1983,* as adopted by this city, except when necessary to avoid interference with other traffic, or in compliance with the directions of a policeman or traffic control device.

11-344. 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 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.
- G. **Parking prohibited.** It shall be an infraction for any person to park or leave standing on any public road, street, alley or city property, any motor vehicle for 48 or more consecutive hours. 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 the impoundment and removal shall be charged to the owner or any person who claims the impounded motor vehicle.

11-350 CONSTRUCTION AND REPAIR OF STREETS AND SIDEWALKS.

11-351. CONSTRUCTION BY PERSONS. It shall be unlawful for any person, either as owner, agent, servant, contractor, or employee to construct a street or sidewalk which does not conform to specifications established by the city engineer or other authorized representative of the city, unless special permission to deviate from such specification is first obtained from the city council.

11-352. PERMIT REQUIRED – SUPERVISION.

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

C. All sidewalks shall be constructed under the inspection of the superintendent of streets or his duly authorized representative.

11-353. CONSTRUCTION OF DRIVEWAYS OR CHANGES OF

CONSTRUCTION. It shall be unlawful for any person to construct a driveway across a sidewalk, or cut or change the construction of sidewalk, curb, or gutter without first making written application and obtaining from the recorder 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 city.

11-354. 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 city council, 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 city council. Any such permit may be revoked by the city council 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 city council, the public interest requires such revocation.

11-355. PLACING AND 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.

11-356. 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 city.

11-357. IRRIGATION DITCHES ACROSS STREETS/SIDEWALKS. All owners or occupants of lots in this city 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 streets and sidewalks to or from their respective lots. All culverts, ditches, pipes and flumes conveying water under streets and sidewalks shall meet and maintain such reasonable standards and specifications as may be established by the superintendent of streets.

11-360. SIDEWALK REGULATIONS.

11-361. REMOVAL OF SNOW. Reserved.

11-362. PLACING TRASH OR OTHER OBSTRUCTION IN STREETS,

GUTTERS, SIDEWALKS. It shall be unlawful for any person owning, occupying or having control of any premise to place or permit to be placed upon or in the sidewalk, parking area, gutter, or on the half of the street next to such premise:

- A. Any broken ware, glass, filth, rubbish, sweepings, refuse matter, ice, snow, water, garbage, ashes, tin cans or other like substances.
- B. Any vehicles, 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, except as expressly authorized by ordinance, without the permission of the city council 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 ordinance.

11-363. OPENINGS IN STREET.

11-364. 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.

11-365. DISCHARGE OF WATER ON STREET. Reserved.

11-366. CROSSING AT INTERSECTIONS.

11-367. BUSINESS TO KEEP SIDEWALK CLEAN.

11-368. 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 city council. 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 city council'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.

11-369. 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 period longer than four (4) hours.

11-370. 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.

11-371. CONGREGATING ON SIDEWALKS. It is an infraction for any person or persons to congregate about or upon any sidewalks, stairway, doorway, window or in front of any business or dwelling house, thereafter, 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.

11-380. EXCAVATIONS.

11-381. PERMIT FRANCHISE REQUIRED.

- A. No person shall make an 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 city.
- 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 city or laws of Utah.

11-382. EXCLUDED EXCAVATION. The following types of excavations do not come within the scope of this part:

- A. Excavations of any kind in city streets in projects designed, contracted for, and inspected by the city engineer or other authorized personnel of the city.

11-383. 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 city or in other public places.

11-384. 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 removed immediately from the site of the work.

11-385. 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 trampers or similar means. Material for backfilling will have optimum moisture to ensure 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.

11-386. 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 city council, 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 streets 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.

11-387. 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, and 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 grading:

Passing 1-inch sieve 100%

Passing 3/4-inch sieve 85% - 100%

Passing No. 4 sieve 45% - 65%

Passing No. 10 sieve 30% - 50%

Passing No. 200 sieve 5% - 10%

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.

11-388. 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 28 days.

11-389. CONCRETE BASE, BITUMINOUS WEARING SURFACES. This type of surfacing shall be constructed as above described.

11-390. 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 part 11-388 of this part, except that the

gravel shall be a minimum on one inch more than the thickness of the existing gravel.

11-391. 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 the excavator's equipment is removed from the site and excavation has been backfilled and proper temporary gravel surface is in place. From sunset to sunrise all barricades and excavations 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.

11-392. RELOCATION AND PROTECTION OF UTILITIES. An excavator shall not interfere with any existing utility without the written consent of the city council 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 city or private enterprise, shall be moved to accommodate the permittee, unless the owner otherwise directs. No utility, whether owned by city or private enterprise, shall be moved to accommodate the permittee unless the cost of such is 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 timers or otherwise, all pips, conduits, poles, wires, or other apparatus which may be in any way affected by the excavation work, and 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 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 any excavation permit. The city 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.

11-393. JETTING PIPE. Jetting pipe by means of water under pressure, or compressed air, is permitted only when approved by the city.

11-394. 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 recorder payable to the city, except that a public utility operating or using any of the streets under a franchise from the city will not be required to furnish such bond, providing such franchise obligates the holder thereof to restore the streets and to hold the city 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 city attorney in form and substance.
4. Conditions upon the permittee's compliance with this part in order to secure and hold the city 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 city, the city council or any city 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 city, all opening 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 will 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 surety or cash deposit shall be \$100.00 and \$10.00 for each SQUARE foot of street the permittee shall excavate.

11-395. 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 with the free use of the street, unless such persons shall first have obtained an excavation permit therefore from the recorder. Any public utility regulated by the State of Utah or holding a franchise from the city 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 city to cover all excavations such utilities may make within the streets of the city. All permits shall be subject to revocation and the city 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 city is notified as soon as practicable and a permit is applied to upon the next working day following the emergency.

11-400. UTAH OFF-HIGHWAY VEHICLE ACT AND BOARD OF PARKS AND RECREATION RULES.

Title 41, Chapter 22, *Utah Code Annotated 1953* as amended.

Note: Rules of the board are preceded by R620.

41-22-1. It is the policy of this state to promote safety and protection for persons, property, and the environment connected with the use, operation, and pursue a safety education program, and to develop trails and other facilities for the use of these vehicles.

31-22-2. As used in this chapter:

1. **“Advisory council”** means the off-highway vehicle advisory council appointed by the Board of Parks and Recreation.
2. **“All-terrain type 1 vehicle”** means any motor vehicle 50 inches or less in width, having an unladen dry weight of 700 pounds or less, traveling on three or more low pressure tires, having a seat designed to be straddled by the operator, and designed for or capable of travel over unimproved terrain.
3. **“All-terrain type II vehicle”** means any other motor vehicle, not defined in subsection 41-22-2 (2), (9), or (19), designed for or capable of travel over unimproved terrain. This term does not include golf carts, any vehicle designed to carry a disabled person, any vehicle not specifically designed for recreational use, or farm tractors as defined under section 41-1-1.
4. **“Board”** means the Board of Parks and Recreation.
5. **“Dealer”** means a person engaged in the business of selling off-highway vehicles at wholesale or retail.
6. **“Division”** means the Division of Parks and Recreation.
7. **“Low-pressure tire”** means any pneumatic tire six inches or more in width, designed for use on wheels with rim diameter of 12 inches or less and utilizing an operation pressure of 10 pounds per square inch or less as recommended by the vehicle manufacturer.
8. **“Manufacturer”** means a person engaged in the business of manufacturing off-highway vehicles.
9. **“Motorcycle”** means every motor vehicle having a saddle for the use of the operator and designed to travel on not more than two tires.
10. **“Motor vehicle”** means every vehicle which is self-propelled.
11. **“Off-highway vehicle”** means any snowmobile, all-terrain type I vehicle, all-terrain type II vehicle, or motorcycle.
12. **“Off-highway implement of husbandry”** means every all-terrain type I vehicle, motorcycle, or snowmobile which is used by the owner or his agent for agricultural operations.

13. **“Operate”** means to control the movement of, or otherwise use an off-highway vehicle.
14. **“Operator”** means the person who is in actual physical control of an off-highway vehicle.
15. **“Owner”** means a person, other than a person with a security interest, having a property interest or title to an off-highway vehicle and entitled to the use and possession of that vehicle.
16. **“Public land”** means land owned or administered by any federal or state agency or any political subdivision of the state.
17. **“Register”** means the act of assigning a registration number to an off-highway vehicle.
18. **“Roadway”** is used as defined in subsection 41-6-1.
19. **“Snowmobile”** means any motor vehicle designed for travel on snow or ice and steered and supported in whole or in part by skis, belts, cleats, runners, or low-pressure tires.
20. **“Street or highway”** means the entire width between boundary lines of every way or place of whatever nature, when any part of it is open to the use of the public for vehicular travel.

R620-401-3. On the initial registration and each year thereafter, the division shall issue registration validation stickers which shall be attached to the base decals as instructed.

1. The Motor Vehicle Division, before issuing a registration card and registration stickers, shall require from each applicant a certificate from the county assessor of the county in which the off-highway vehicle has situs for the taxation. The certificate shall state one of the following:
 - A. The property tax on the off-highway vehicle for the current year has been paid.
 - B. In the county assessor’s opinion, the tax is a lien on real property sufficient to secure the payment of the tax; or
 - C. The off-highway vehicle is exempt by law from payment of property tax for the current year.

41-22-4.

1. No person may knowingly falsify an application for registration, affidavit or ownership, or bill of sale for any off-highway vehicle.
2. No person may alter, deface, or remove any manufacturer’s serial number on any off-highway vehicle.
3. No person may use or permit the use or display of any registration sticker, registration card, or permit upon or in the operation of any off-highway vehicle other than the vehicle for which it was issued.

41-22-5. The board shall adopt rules which:

1. Determine the day and month when the annual registration expires.

R620-402. Registration Expiration.

1. Snowmobile registrations shall expire annually on the last day of October. All other off-highway vehicle registration shall expire annually on the last day of April.
2. Provide for the issuance and control of dealer registrations for use by dealer and manufacturer for demonstrating and testing purposes; and
3. Provide for the issuance and control of temporary permits for use by purchasers of off-highway vehicles pending completion of the registration.

R620-403. Dealer Registration.

1. Each person acting as a dealer who has an established place of business and is engaged in the business of selling off-highway vehicles, may make application to the Division of Motor Vehicles, who is acting as agent for Division, in order to obtain dealer registration.

41-22-3(1)

- A. Unless exempted under section 41-22-9, no person may operate or transport and no owner may give another person permission to operate or transport any off-highway vehicle on any public land, trail, street, or highway in this state, unless the off-highway vehicle has been registered under this chapter for the current year.
- B. Unless exempted under section 41-22-9, no dealer may sell an off-highway vehicle which can be used or transported on any public land, trail, street, or highway in this state, unless it has been registered or is in the process of being registered under this chapter for the current year.

2. The owner of any off-highway vehicle requiring registration under this chapter shall file an application for registration with the motor vehicle division on forms approved by it.
3. Each application for registration of an off-highway vehicle shall be accompanied by:
 - A. Evidence of ownership, a title, or a manufacturer's certificate of origin, and a bill of sale showing ownership, make, model, horsepower or displacement, and serial number;
 - B. The past certificate of registration; or
 - C. The fee for a duplicate.

4. With every initial registration, the Motor Vehicle Division shall assign a number which shall remain with the vehicle and be valid until ownership of the vehicle is transferred. The number shall be displayed on the subsequent annual registration, the Motor Vehicle Division shall issue numbered stickers to be affixed to the vehicles as prescribed by the board and a registration card, which shall be available for inspection on the vehicle at all times.

620-401. Assigned numbers and registration stickers.

1. The assigned number shall be the manufacturer assigned vehicle identification number. If the off-highway vehicle does not have a vehicle identification number, then the Division of Motor Vehicles may assign and identification number.
2. Upon receipt of the application in the approved form, the division shall issue registration base decals which shall be displayed as follows: on snowmobiles - a base decal shall be mounted on both sides of the hood or pan; on motorcycles or all-terrain type I vehicles, a base decal shall be mounted on both sides of the fork; and on all-terrain type II vehicles, a base decal shall be mounted on the front and the rear of the vehicle. In all instances base decals shall be mounted in a visible location. Base decals shall remain on the off-highway vehicle until the vehicle is sold or transferred.

The application shall contain the following information:

- A. Name of the business.
- B. The business address.
- C. The business owner's name (if the business is a corporation, the names of the principal officers of the corporation).
- D. The type of vehicles offered for sale.
- E. The manufacture line of vehicles for which the dealer holds franchise from the manufacturer to sell. Attached to the application shall be copies of the appropriate city, county, and state licenses required to do business in this state.
3. Upon filing the application by the dealer, the Division of Motor Vehicles may assign a dealer number and dealer registrations to the dealer.
4. Dealer registrations are valid only when demonstrating an off-highway vehicle to a prospective purchaser and shall not be permanently attached to a vehicle.
5. Every off-highway vehicle dealer who obtains dealer registration is responsible to maintain the registration and control its use.
6. Dealer registrations are not valid on any off-highway vehicle which is a rental or lease unit or on an off-highway vehicle which is not a part of the dealer inventory and available for immediate sale.
7. If the Division of Motor Vehicles has reasonable grounds to believe that a dealer has failed to comply with any of the above provisions, after notice to

the dealer and a hearing, dealer registration may be suspended. Upon suspension, the dealer will surrender all of his dealer registrations to the Division of Motor Vehicles within 15 days.

R620-404. Temporary registration.

1. An off-highway vehicle dealer may apply for temporary registrations to be used on off-highway vehicles sold by his business. The application to obtain temporary registrations is the same as outlined in rule 620-03H (1).
2. Each temporary registration will be valid for a period not to exceed 30 days from date of issue.
3. A temporary registration will not be valid on any off-highway vehicle held in the dealer inventory for sale, or any off-highway vehicle not sold by the same dealer who issued the registration.
4. A dealer shall not issue more than one temporary registration for any off-highway vehicle.
5. A dealer who obtains temporary registrations will be responsible for their issuance and is required to maintain records of each registration obtained and issued. Dealer records will contain a description of the off-highway vehicle sold, the name and address of the purchaser, and the date issued.
6. Temporary registration records kept by the dealer shall be made available for inspection and audit by authorized agents of the Division of Motor Vehicles during regular business hours.
7. If the Division of Motor Vehicles has reasonable grounds to believe that a dealer has failed to comply with any of the above provisions, after notice to the dealer and a hearing, temporary registrations may be suspended. Upon suspension, the dealer will surrender all of his unused temporary registrations to the Division of Motor Vehicles within 15 days.

41-22-5.5 (1)

- A. The owner of an all-terrain type I vehicle, motorcycle, or snowmobile used for agricultural purposes, may apply to the Motor Vehicle Division for an off-highway implement of husbandry sticker. Each application shall be accompanied by evidence of ownership, a title, or a manufacturer's certificate of origin, and an affidavit certifying that the off-highway vehicle is used for agricultural purposes. The owner shall receive an off-highway implement of husbandry sticker upon production of the documents required above and payment of an off-highway implement of husbandry sticker fee established by the board, not to exceed \$10.

R620-405. Off-Highway Implement of Husbandry Sticker Fee.

1. The sticker fee shall be \$10.

- B. If the vehicle is also used for recreational purposes on public lands, trails, streets, or highways, it shall also be registered under section 41-22-3.
- C. The off-highway implement of husbandry sticker shall be displayed in a manner prescribed by the board and shall identify the all-terrain type vehicle, motorcycle, or snowmobile as an off-highway implement of husbandry.

R620-405-2 Off-Highway implement of husbandry sticker display.

- 1. The implement of husbandry sticker shall be displayed as follows: on snowmobiles, the sticker shall be mounted on the left side of the hood or pan; on motorcycles or all-terrain type I vehicles, the sticker shall be mounted on the left side of the fork. In all instances the sticker shall be mounted in a visible location.
- 2. The off-highway implement husbandry sticker is valid only for the life of the ownership of the all-terrain type I vehicle, motorcycle, or snowmobile and is not transferable.
- 3. The off-highway implement of husbandry sticker is valid for an all-terrain type I vehicle, motorcycle, or snowmobile which is being operated adjacent to a roadway:
 - A. When the all-terrain type I vehicle, motorcycle, or snowmobile is only being used to travel from one parcel of land owned or operated by the owner of the vehicle to another parcel of land owned or operated by the owner; and
 - B. When this operation is necessary for the furtherance of agricultural purpose.
- 4. If the operation of an off-highway implement of husbandry adjacent to a roadway is impractical, it may be operated on the roadway if the operator exercises due care towards conventional motor vehicle traffic.
- 5. It is unlawful to operate an off-highway implement of husbandry along, across, or within the boundaries of an interstate freeway.

41-22-6. Repealed.

41-22-7. If a certificate of registration is lost or destroyed, or if an owner changes his address from that shown on his certificate of registration, the owner shall, within 15 days, apply for a duplicate certificate.

41-22-8. The board shall establish the fees which shall be paid in accordance with this chapter, subject to the following:

- 1. The fee for each registration may not exceed \$10.

R620-406. Off-highway vehicle registration fees.

1. The fee is \$10.
2. The fee for each duplicate certificate of registration may not exceed \$2.
3. The fee for duplicate numbered stickers may not exceed \$4.
4. No fee may be charged for off-highway vehicles which are owned and operated by the United States Government, this state, or its political subdivisions.

41-22-9. The following off-highway vehicles are exempt from the registration requirements of this chapter:

1. Vehicles which are currently registered for highway use, have a valid motor vehicle safety inspection sticker or certificate, and on which the required safety equipment has not been subsequently modified;
2. Off-highway vehicles which are not in the state more than 14 days in any year and are owned by a nonresident;
3. Off-highway vehicles sold by a dealer to a person who is not a resident of this state;
4. Off-highway implements of husbandry operated in the manner prescribed by subsections 41-22-5.5 (3) through (5); and
5. New off-highway vehicles being transported to an off-highway vehicle dealership by the dealer, employee of the dealership, or agent for the dealership.

41-22-10. The board may:

1. Appoint and seek recommendations from the off-highway vehicle advisory council representing the various off-highway vehicle, conservation, and other appropriate interests; and
2. Adopt a uniform marker and sign system for use by agents of appropriate federal, state, county, and city agencies in areas of off-highway vehicle use.

R620-407. Off-highway vehicle advisory council.

1. The board will appoint a nine-member off-highway vehicle advisory council representing off-highway vehicle users in the state. One member will be from each of the following agencies or interests: The Bureau of Land Management, The U.S.D.A., Forest Service, snowmobiling, motorcycling, all-terrain vehicle usage, four-wheel drive vehicle usage, off-highway vehicle dealers, off-highway vehicle safety, and a membership at large.

41-22-10.1

1. Currently registered off-highway vehicles may be operated on public land, trails, streets, or highways that are posted by sign or designated by map or

description by the controlling federal, state, county, or city agency, as open to off-highway vehicle use.

2. The Utah Division of Parks and Recreation shall meet once within six months of the effective date of this act, with the county commissioners to explain the provisions of these sections of the Utah Code.
3. The controlling federal, state, county or city agency shall:
 - A. Provide a map or description showing or describing land, trails, streets, or highways open to off-highway vehicle use; or
 - B. Post signs designating lands, trails, streets, or highways open to off-highway vehicle use.

4. No liability may be imposed on any federal, state, county, or city relating to the designation of maintenance of any land, trail, street, or highway open for off-highway vehicle use.

41-22-10.2. It is unlawful for any off-highway vehicle to operate along, across, or within the boundaries of an interstate freeway or controlled access highway, as defined in subsection 41-6-1 (17).

41-22-10.3. No person may operate an off-highway vehicle upon any street or highway, not designated as open to off-highway vehicle use, except:

1. When crossing a street or highway and the operator comes to a complete stop before crossing, proceeds only after yielding the right of way to oncoming traffic, and crosses at a right angle;
2. When loading or unloading an off-highway vehicle from a vehicle or trailer, which shall be done with due regard for safety, and at the nearest practical point of operation; or
3. When an emergency exists, during any period of time and at those locations when the operation of conventional motor vehicles is impractical, or when the operation is directed by a peace officer or other public authority.

41-22-10.4. Snowmobiles may be operated on streets or highways which have been officially closed for the season to conventional motor vehicle traffic because snow removal is no longer provided for the season by the public authority having jurisdiction.

41-22-10.5. All municipalities, including counties, may adopt ordinances designating streets and highways as off-highway vehicle routes, but these routes may not be along, across, or within the boundaries of an interstate freeway or limited access highway.

41-22-10.6. Any person operating an off-highway vehicle is subject to the provision of chapter 6, title 41, unless specifically excluded.

Note: Chapter 6, title 41, contains the motor vehicle on-highway rules of the road.

41-22-10.7.

1. An off-highway vehicle registered under this chapter and an off-highway implement of husbandry operated in the manner prescribed by subsections 41-22-5.5 (3) through (5) shall be equipped with:
 - A. Brakes adequate to control the movement of and to stop and hold the vehicle under normal operating conditions;
 - B. Headlights and taillights when operated between sunset and sunrise;
 - C. Noise control device; and
 - D. A safety flag when operated on sand dunes.
2. The board may promulgate rules which set standards for the equipment referred to the subsection (1).

41-22-10.8.

1. Operators and passengers of all-terrain type I vehicles, snowmobiles, or motorcycles are required to wear properly fitted, safety-rated protective headgear:
 - A. When operating the vehicle in competitive events on lands or highways designated as open for off-highway vehicle use; or
 - B. If under 18 years of age.
2. Operators and passengers of off-highway implements of husbandry operated in the manner prescribed by subsections 41-22-5.5 (3) through (5) are exempt from the requirements of this section.
3. Any person convicted of violations of this section is guilty of an infraction and shall be fined not more than \$50 per offense.

41-22-10.9

1. No person may operate an off-highway vehicle on any land, trail, street, or highway designated as open to off-highway vehicle use or in the manner prescribed by section 41-22-10.3, unless the persons possesses:
 - A. A valid motor vehicle operator's license, as provided in chapter 2, title 41; or
 - B. The appropriate safety certificate issued by the Division under this chapter.
2. (A). Any person convicted of a violation of this section is guilty of an infraction and shall be fined not more than \$50 per offense.

- B. It is a defense to a charge under this section, if the person charged produces in court a license or an appropriate safety certificate issued to him and valid at the time of his citation.
3. The requirements of this section shall apply only to the Utah resident.

41-22-11. No person, except an agent of an appropriate federal, state, county, or city agency, operating within that agency's authority, may place a regulatory sign governing off-highway vehicle use on any public land.

41-22-12.

1. All federal agencies are encouraged and agencies of the state and its subdivisions shall refrain from closing any public land to responsible off-highway vehicle use, except where just and reasonable cause can be demonstrated, such as protection of watersheds, plant, and animal life.
2. No person may operate and no owner of any off-highway vehicle may give another person permission to operate an off-highway vehicle on any public land which has not been designated as open to off-highway vehicles.

41-22-12.1. No person may operate a wheeled vehicle with gross vehicle weight or 700 pounds or more on any snowmobile trail that has been marked, posted, designated, or maintained as a snowmobile trail by the Division.

41-22-12.5 (1)

- A. No person shall operate or accompany a person operating an off-highway vehicle upon privately-owned land of any other person, firm, or corporation without permission from the owner of person in charge.
- B. It is unlawful for any person operating or accompanying a person operating an off-highway vehicle to refuse to immediately leave private land upon request of the owner or person in charge of such land.
- C. Subsections (A) and (B) shall not apply to prescriptive easements on privately owned land.
- D. No person operating or accompanying a person operating an off-highway vehicle shall obstruct any entrance or exit to private property without the owner's permission.

2. It is unlawful for any person to tear down, mutilate, or destroy any sign, signboards, or other notice which regulates trespassing for purposes of operating an off-highway vehicle on land, or to tear down, deface, or destroy any fence or their enclosure or any gate or bars belonging to any such fence or enclosure.

41-22-13. No person may operate an off-highway vehicle in connection with acts of vandalism, harassment of wildlife or domestic animals, burglaries or other crimes, or damage to the environment which includes excessive pollution or air, water, or land, abuse of the watershed, impairment of plant or animal life, or excessive mechanical noise.

41-22-14. It is unlawful for any person who is under the influence of intoxicating liquor or any narcotic drugs to drive or be in actual physical control of any off-highway vehicle within this state. Violators of this section are subject to all procedures, implied consent, presumptions, and punishment provisions of section 41-6-44 and 44-6-44.10.

41-22-15. No person may organize, promote, or hold an off-highway vehicle race or other organized event on any land or highway within this state, except as permitted by the appropriate agency or landowner having jurisdiction over the land or highway.

41-22-16.

1. Any law enforcement officer authorized under chapter 1A, title 77 may enforce the provisions of this chapter and the rules promulgated under this chapter.
2. Whenever any person is arrested for any violation of the provisions of this chapter, or of the rules promulgated under this chapter, the procedure 41-6-168 and 41-6-169.

41-22-17.

1. Unless another penalty is provided for in this chapter or elsewhere in the laws of this state, and person who violates any provision of this chapter or the rules promulgated under this chapter, upon conviction, is guilty of a class B misdemeanor.
2. The Division may revoke or suspend the registration of any off-highway vehicle whose application for registration has been falsified. The owner shall surrender to the Division, within 15 days of suspension or revocation, any suspended or revoked certificate of registration and stickers.

41-22-18. The provisions of this chapter and other applicable laws of this state govern the operation, equipment, registration, and all other matters relating to the use of off-highway vehicles on public land. Nothing in this chapter may be construed to prevent the adoption of any ordinance or local law relating to the operation and equipment of off-highway vehicles in which the provisions are identical to the provisions of this chapter, or the rules promulgated under this chapter, but these ordinances or local laws shall be operative only as long as and to the extent that they continue to be identical to the provisions of this chapter, or the rules promulgated under this chapter.

41-22-19.

1. All registration fees and related moneys collected by the Motor Vehicle Division or any agencies designated to act for the Motor Vehicle Off-Highway Vehicle account in the general fund, less the costs of collecting off-highway vehicle registration fees by the Motor Vehicle Division. The balance of the monies may be used by the Division as follows:
 - A. For the construction, improvement, operation, or maintenance of state-owned or administered off-highway vehicle facilities;
 - B. As matching funds with any federal agency or political subdivision of the state, for the construction, improvement, operation, or maintenance of federal, municipal, or county-owned or administered off-highway vehicle facilities.
 - C. For the administration and enforcement of the provisions of this chapter; and
 - D. For the education of off-highway vehicle users.
2. All agencies or political subdivisions requesting matching funds shall submit plans for proposed off-highway vehicle facilities to the Division for review and approval.

41-22-20. All public land administering agencies are encouraged to develop and maintain trails, parking areas, rest rooms, and other relating facilities appropriate to off-highway vehicle use when a need can be demonstrated, and to promote the safety, enjoyment, and responsible use of all forms of this recreational activity.

41-22-21. The rules promulgated under this chapter and any amendments to those rules shall be published as required by the Utah Administrative Rulemaking Act.

41-22-22. Repealed.

41-22-23. Repealed.

41-22-25. Repealed.

41-22-26. Repealed.

41-22-27. Repealed.

41-22-28. Repealed.

41-22-29.

1. No person under eight years of age may operate, and no owner may give another person who is under eight years of age permission to operate an off-highway vehicle on any public land, trail, street, or highway of this state.

2. Any person convicted of a violation of this section is guilty of an infraction and shall be fined not more than \$50 per offense.

41-22-30.

1. No person who is eight years of age or older, but under 16 years of age may operate and no owner may give that person permission to operate an off-highway vehicle on any public land, trail, street, or highway of this state, unless the person is operating the vehicle under one of the following conditions:
 - A. He is under the direct supervision of a certified off-highway vehicle safety instructor during a scheduled safety training course.
 - B. He has in his possession the appropriate safety certificate issued by the Division.
2. (A) Any person convicted of a violation of this section is guilty of an infraction and shall be fined not more than \$50 per offense.
 - B. It is a defense to a charge under this section, if the person charged produces in court an appropriate safety certificate that was issued to the youth operating the off-highway vehicle and was valid at the time of the citation or arrest.
3. The requirements of this section shall apply only to Utah residents.

41-22-31.

1. The Board shall establish curriculum standards for a comprehensive off-highway vehicle safety education and training program and shall implement this program.
 - A. The program shall be designed to develop and instill the knowledge, attitudes, habits, and skills necessary for the safe operation of an off-highway vehicle.
 - B. Components of the program shall include the preparation and dissemination of off-highway vehicle information and safety advice to the public and the training of off-highway vehicle operators.
 - C. Off-highway vehicle safety certificates shall be issued to those who successfully complete training or pass the knowledge and skills test established under the program.

R620-408. Off-highway vehicle education curriculum standards.

R620-408-1. Student requirements.

1. Students attending the off-highway vehicle education course shall be required to have a parent or adult responsible for that student attend at least the first hour of the pre-ride module, and all of the skills module.
2. All students shall submit to his instructor a liability release form signed by his parent or legal guardian during the first off-highway vehicle education class.
3. Have no convictions for driving under the influence of alcohol or drugs during the previous five years.

R620-408-2. Safety instructor requirements.

1. An off-highway vehicle safety instructor shall teach a minimum of eight off-highway vehicle modules per year to maintain instructor certification.

41-22-33.

1. Beginning July 1, 2987, a \$2 fee will be added to the registration fee required to register an off-highway vehicle safety and education program. The Division may also collect a fee not to exceed \$10 from each person who receives the training and takes the knowledge and skills test for off-highway vehicle use.
2. (A) To help defray instructors' costs, the Division may allow volunteer certified off-highway vehicle safety instructors to retain up to \$3 of the fee collected from each student who receives the training and takes the knowledge and skills test.
 - B. On or before the 10th of each calendar month, volunteer off-highway vehicle safety instructors shall report to the Division all fees collected and students trained and shall accompany the report with all money received for off-highway vehicle training, less the remuneration described.
 - C. If a volunteer off-highway vehicle safety instructor intentionally or negligently fails to pay the amount due, the Division may assess a penalty of 20% of the amount due. All delinquent payments shall bear interest at the rate of 1% per month. If the amount due is not paid because of bad faith or fraud, the Division shall assess a penalty of 100% of total due together with interest.
 - D. All fees collected from students, except the remuneration, shall be kept separate and apart from private funds of the instructor and shall, at all times, belong to the state. In case of an assignment for the benefit of creditors, receivership, or bankruptcy, the state shall have a preferred claim against the instructor, receiver, or trustee for all money owing the state for training, and shall not be stopped from asserting the claim by reason of commingling of funds or otherwise.
 - E. The willful misdating of an off-highway vehicle education safety certificate, the issuance of an incomplete certificate, or the issuance of a receipt in lieu of a certificate is unlawful.

R620-408-5. Off-highway vehicle education fees.

1. The fee for the off-highway vehicle education course is \$10.
2. The fee to challenge the off-highway vehicle education course by taking the knowledge and skills test is \$5.
3. Repealed.
4. A duplicate off-highway vehicle education certificate is \$2.

****ORDINANCE ADOPTION****

[Adopted: July 28, 2022]

MARYSVALE TOWN, STATE OF UTAH LAND USE ORDINANCE

AN ORDINANCE AMENDING A LAND USE ORDINANCE, REGULATING THE USAGE OF LANDS WITHIN THE INCORPORATED AREAS OF MARYSVALE TOWN, PIUTE COUNTY, STATE OF UTAH.

WHEREAS, the Marysvale Town Council as the legislative body of Marysvale Town, State of Utah, specifically finds that it is in the best interest of the safety and welfare of the citizens of the Town, to amend the Town's comprehensive land use ordinance.

NOW THEREFORE BE IT ORDAINED AND ENACTED by the Marysvale Town Council, State of Utah to amend the comprehensive land use ordinance for Marysvale Town, Piute County, State of Utah (Title 12 of Marysvale Town Code).

ORDAINED AND ENACTED by the Marysvale Town Council, State of Utah, on this
____ day of _____, 2024.

Bill Davis
Marysvale Town Mayor

ATTEST:

Karen Christensen
Marysvale Town Clerk

[Adopted: July 28, 2022]

MARYSVALETOWN
STATE OF UTAH

ZONING ORDINANCE

[Adopted: July 28, 2022]

TITLE 12-100

GENERAL PROVISIONS

12-100.1 SHORT TITLE. This Title shall be known and cited as the “Marysvale Town Land Use Ordinance” and may also be identified within this document as “this Title”, “Zoning Ordinance” or “Land Use Ordinance”.

12-100.2 PURPOSE. This Title establishes and enacts regulations for the use and development of land in Marysvale Town in order to execute the policies and objectives of the general plan. As such, it is the specific purpose of this Title to guide development within the Town in an orderly fashion, and thus protect the prosperity, health, safety and welfare for the Town for its present and future inhabitants. To this end, the following specific goals are identified:

1. To protect, preserve, restore and enhance the natural, historical and cultural resources.
2. To guide the growth and development of the Town to assure a suitable balance between desirable economic activity and the most satisfactory residential lifestyle.
3. To secure safety from flood, geological hazard and other danger.
4. To manage land use and construction to assure availability and capacity of public utilities and services during periods of growth and change.
5. To promote the most efficient relationship between land uses and buildings and the circulation of vehicular and pedestrian traffic to minimize congestion, accidents and noise.

12-100.3 AUTHORITY. This ordinance is enacted under the authority of the State of Utah Municipal Land Use, Development, and Management Act [hereinafter “LUDMA”] (UCA 10-9a).

12-100.4 APPLICABILITY. This ordinance shall govern and apply to the usage of all lands within the municipal boundaries of Marysvale Town, Piute County, State of Utah (hereinafter the “Town”).

12-100.5 INTERPRETATION. In interpreting and applying the provisions of this Title, the requirements contained herein are declared to be the minimum requirements the purpose set forth.

12-100.6 SEVERABILITY. If any section of this Title should for any reason be found invalid, by a court of competent jurisdiction, the remaining sections nevertheless be carried into effect.

12-100.7 FEES. Appropriate fees shall be charged for building permits and inspections, land use applications, Appeal Authority hearings or any other service required by this Title. Such fees shall be established by the Marysvale Town Council. (See **Appendix A**)

12-100.8 PENALTIES. Any civil offense against this Title shall be a Class C Misdemeanor, which shall be punishable by imprisonment up to 90 days and a maximum fine of \$750.

12-100.9 APPEALS. Pursuant to Utah Law, no person shall challenge in District Court, the Town's land use decisions made consistent with Utah law, Marysvale Town Code, and this ordinance until said person has exhausted all administrative remedies as provided by the Town and by **UCA 10-9a-7**.

12-100.10 LEGAL NONCONFORMING PROPERTIES. Utah law and Marysvale Town Code shall govern the establishment, restoration, reconstruction, extension, alteration, expansion, or substitution of any approved nonconforming use and any approved noncomplying structure related to such use.

12-100.11 DEFINITIONS. This ordinance shall be interpreted using the definitions provided in LUDMA (**UCA 10-9a-103, UCA 10-9a-604.1, UCA 10-9a-604.2**) in addition to, or as modified by the following:

Acceptance. Actions of the Town to take ownership of rights of way dedicated to public use as shown on the subdivision plot or other recordable downward.

Accessory building. A building or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal building or structure.

Building official. The officer or other designated authority, or duly authorized representative, charged with the administration and enforcement of building codes and standards, for Marysvale Town, State of Utah.

Administrative land use authority (ALUA). The individual, board, or commission formally appointed or employed by the Town, including staff or the Planning Commission. The ALUA does not include the Town Council or a member of the Town Council.

County. Piute County, State of Utah, United States of America.

Dedication. Action of the developer to transfer ownership and control of rights of way shown on the subdivision plot or other recordable elements from private to public ownership.

Easement. An interest in land belonging to another person, so that the easement owner has a limited right to use or enjoy the other person's property.

Local health department. The Central Utah Public Health Department.

Mobile home. See Marysvale Town Mobile Home Ordinance.

Manufactured home. See Marysvale Town Mobile Home Ordinance.

Permanent living. The condition of 1 or more persons occupying a recreational vehicle for longer than 30 consecutive days.

Planning commission. The Marysvale Town Planning Commission.

Prescriptive easement. A prescriptive easement is created when a person uses another person's property (even though the use was not expressly agreed to) for a

prolonged period. Prescriptive easements recognize long-standing usage, especially if the use was relied upon for the enjoyment of property. To establish a prescriptive easement, the use must be:

1. Open, or used in such a way that the property owner would be aware that the property is being used;
2. Notorious, or used in such a way that the general public would be aware that the property is being used;
3. Adverse to the owner's interest, or without permission or approval from the property owner; and
4. Continuously used for at least 20 years for private use; or
5. Continuously used for at least 10 years for public use.

Recreational vehicle. See Marysvale Town Recreational Vehicle Ordinance.

Review cycle. The occurrence of:

1. The applicant's submittal of a complete subdivision land use application;
2. The Town's review of said subdivision land use application;
3. The Town's response to the subdivision land use application in accordance with this ordinance; and
4. The applicant's reply to the Town's response that addresses each of the Town's required modifications or requests for additional information.

Right-of-way. The legal right, established by usage or grant, to pass along a specific route through grounds or property belonging to another owner.

Short-term rental. See Marysvale Town Short-Term Rental Ordinance.

State. The State of Utah, United States of America.

State health department. The State of Utah Department of Environmental Quality.

Subdivision improvement plans. The civil engineering plans associated with required infrastructure required for a subdivision.

Subdivision plan review. A review of the applicant's subdivision improvement plans and other aspects of the subdivision land use application to verify that the application complies with Town Codes and applicable standards and specifications.

Temporary living. The condition of 1 or more persons occupying a recreational vehicle for less than 30 consecutive days.

Town. Unless otherwise indicated, Marysvale Town, State of Utah.

Town attorney. The Marysvale Town Attorney appointed by the Town Council to prosecute individuals who commit any State public offense and Town criminal offense within Marysvale Town, and act as civil legal representation and offer legal advice on behalf of the Town and its officials.

Town council. The Marysvale Town Council, State of Utah.

Maintenance responsibility. The obligation and responsibility of keeping road, street, or improvement in a condition that provides responsible use.

Zoning administrator. The individual designated by the Marysvale Town Council as the Zoning Administrator for Marysvale Town, State of Utah.

Zoning map amendment. May also be referred to as "Zone Change".

TITLE 12-200 PLANNING COMMISSION

12-200.1 ESTABLISHMENT. This Section hereby establishes a Planning Commission within the incorporated areas of Marysville Town. The establishment of the Planning Commission shall be in accordance with the policies and procedures as set forth in **UCA 10-9a-301**.

12-200.2 NUMBER AND TERMS OF MEMBERS.

12-200.2.1 NUMBER OF MEMBERS. The Planning Commission shall consist of 5 members and up to 3 alternate members appointed by the Town Council. Alternate members may fill the position of any absent or excused regular member and shall have all the duties and powers of regular members when filling in. Alternates who are not filling in for regular members may still participate in planning commission meetings, but may not vote.

12-200.2.2 TERMS OF MEMBERS. The terms of office for the members of the Planning Commission shall be 2 years. Members shall be permitted to be removed for cause upon written charges and after a public hearing before the Town Council, if such a hearing is requested.

12-200.3 APPOINTMENT OF MEMBERS. Members shall be appointed and approved by the Town Council. The terms of office for the Planning Commission members shall be staggered at intervals so as to provide continuity in policy and personnel. Members of the Planning Commission shall be residents of the Town.

12-200.4 VACANCIES AND REMOVAL FOR CAUSE.

12-200.4.1 VACANCIES. The Town Council may appoint members to fill any unexpired terms of any regular or alternate members who vacate their positions for any reason.

12-200.4.2 REMOVAL FOR CAUSE. Planning Commission members may be removed from their position for cause by the Town Council. "Cause" includes, but is not limited to, moving out of the Town limits, failing to attend Planning Commission meetings or committing any act unfavorable to public service.

12-200.5 COMPENSATION. The members of the Planning Commission, whether regular or alternate members, shall serve without compensation except for the reimbursement of actual expenses incurred as approved by the Town Council. The Town Council may elect to provide compensation to the chairperson.

12-200.6 OFFICERS. The Planning Commission shall elect from its membership a chairperson and a vice chairperson. The Planning Commission shall establish and adopt rules and procedures for its organization and transaction of business and shall keep a public record of its proceedings.

A secretary to assist the Planning Commission shall be appointed by the Town Council. The secretary shall keep minutes of the Planning Commission meetings for public record and conduct all correspondence, including the notification of decisions. The secretary shall certify records. The secretary shall prepare and submit the minutes of Planning Commission meetings to the Zoning Administrator and the Planning Commission. The Town Council may elect to provide compensation to the secretary.

12-200.7 QOURUM AND VOTE. A quorum shall consist of at least 3 members. Evidence shall not be presented unless a quorum is present. A majority vote shall be constituted of at least a majority of members present. If a majority vote cannot be obtained among the quorum, the item of business will be tabled until the next regular meeting of the Marysvale Town Planning Commission.

12-200.8 DUTIES AND POWERS. The Planning Commission shall review and make recommendations to the Town Council in accordance with **UCA 10-9a-302**.

12-200.9 APPEALS. Any person with standing aggrieved by any decision of the Planning Commission shall have the right to make such appeals as provided by this Title or State law. Such appeals shall be based on the record.

Appeal of Planning Commission decisions shall be to the Town Council. Appeals shall be in writing and shall be filed with the Town Clerk not more than 30 days after the decision by the Planning Commission. The Town Council may affirm, modify or reverse the decision of the Planning Commission. Appeal review by the Town Council shall be recorded in an open public meeting. Town Council decisions will be final.

TITLE 12-300 TOWN COUNCIL

12-300.1 FORM OF GOVERNMENT. The Town of Marysvale shall operate as a Five-Member Council Form of Government as described in **UCA 10-3b-4**.

12-300.2 DUTIES AND POWERS. The Town Council shall exercise all legislative powers, have all legislative duties, and perform all legislative and executive functions of the Town in accordance with **UCA 10-3b-4**.

12-300.3 APPEALS. Any person with standing aggrieved by any decision of the Town Council shall have the right to make such appeals as provided by this Title or State law. Such appeals shall be based on the record. Town Council decisions may be appealed to the Appeal Authority.

Appeals shall be in writing and shall be filed with the Town Clerk's Office not more than 10 days after the decision by the Town Council. The Appeal Authority may affirm, modify or reverse the decision of the Town Council. Appeal review shall be recorded in an open public meeting. The Appeal Authority's decision shall be final at the local level.

TITLE 12-400 APPEAL AUTHORITY

12-400.1 ESTABLISHMENT. This Section hereby establishes an Appeal Authority within the incorporated areas of Marysvale Town. The establishment of the Appeal Authority shall be in accordance with the policies and procedures as set forth in **UCA 10-9a-701**.

12-400.2 APPOINTMENT. The Appeal Authority shall consist of one individual or firm formally appointed by the Marysvale Town Council.

12-400.3 DUTIES AND POWERS. The Appeal Authority for Marysvale Town, State of Utah shall hear and decide requests for variances and appeals in accordance with **UCA 10-9a-701(1)(b)** and **UCA 63C-30-202**.

12-400.4 VARIANCES. Requests for variances from the terms of this Ordinance shall be made to the Appeal Authority. The Appeal Authority shall hear and decide requests for variances in accordance with **UCA 10-9a-702**.

12-400.5 APPEALS. Appeals from land use decisions applying any land use regulation of Marysvale Town, State of Utah and/or appeals from a fee charged in accordance with **UCA 10-9a-510** shall be to the Appeal Authority.

12-400.6 FEES. The land use applicant shall pay any applicable fee as authorized by 12-100.6 of this Title

TITLE 12-500 ZONING OFFICIALS

12-500.1 GENERAL. This section establishes the duties and responsibilities for Zoning Officials within the limits of Marysvale Town, Utah with respect to the administration of this Title.

12-500.2 ZONING ADMINISTRATOR.

1. The Zoning Administrator shall be authorized to undertake reviews, make recommendations and grant approvals as set forth in this Title.
2. The Zoning Administrator shall assist the Planning Commission in the amending, **preparing and adopting** the General Plan and land use regulations.
3. The Zoning Administrator, along with the Building Official, shall receive all applications for **site plan review** and review for completeness and prepare submittals for review by the Planning Commission and Town Council.
4. The Zoning Administrator shall receive all **land use applications** or other plans to be permitted or approved as required by this Title, review for completeness and prepare submittals for review by the Planning Commission and Town Council.
5. Requests for **amendments** or changes to land use regulations, the General Plan, this Title or map shall be submitted to the Zoning Administrator for processing.
6. The **interpretation** and application of the provisions of this Title shall be by the Zoning Administrator. An appeal of an interpretation by the Zoning Administrator shall be submitted to the Town Council, and such interpretation shall be considered to be final.

12-500.3 BUILDING OFFICIAL. Applications for building permits and amendments thereto shall be submitted to the Planning Commission and Town Council for review and approval prior to review and permit issuance from the Building Official. Each application shall include a set of building plans and all data necessary to show that the requirements of this Title are met. The Building Official is hereby authorized to enforce the provisions of this Title and any adopted building codes, such as International Building or Residential Code, when performing any building inspection within the limits of Marysvale Town.

12-500.4 LIABILITY. The Zoning Administrator, Building Official or designee, charged with the enforcement of this Title, acting in good faith and without malice in the discharge of the duties described in this Title, shall not be personally, civilly or criminally liable for any damage that may accrue to persons or property as a result of an act or by reason of an act or omission in the discharge of such duties.

TITLE 12-600.6.3 MINES, QUARRIES AND GRAVEL PITS

Extractions from deposits of rock, stone, gravel, sand, earth, minerals or construction materials shall be permitted in Industrial zoning districts and prohibited in all other zoning districts. This shall include mining claims on Federal lands within the incorporated areas of Marysvale Town.

Mines, Quarries and Gravel Pits owned and/or operated by Federal, State or local government entities shall be exempt from the provisions of this section.

ADOPTION:

Passed and adopted by the Marysvale Town Council, State of Utah, on this _____ day of _____, 2023.

Ann Kennedy, Mayor
Marysvale Town

ATTEST:

Karen Christensen
Town Clerk

12-600.1 PARKING AND LOADING SPACES.

12-600.1.1 GENERAL. Off-street parking shall be provided in compliance with this Section where any building is erected, altered, enlarged converted or increased in size or capacity.

The off-street parking spaces required for each permitted use in this Title shall not be less than that found in Table 12-600.1.

**Table 12-600.1
OFF STREET PARKING REQUIREMENTS**

Use	Number of Parking Spaces Required
Dwelling Unit	2 per dwelling unit
Hotel/Motel	1 per sleeping unit
Restaurant	1 per 100 gross square feet

Retail	1 per 200 gross square feet
Commercial	1 per 300 gross square feet
Industrial	1 per 500 gross square feet

12-600.1.2 DIMENSIONS. A minimum width of 9 feet and a minimum length of 20 feet shall be provided for each parking stall. Handicap spaces shall be developed in accordance with the American Disabilities Act (ADA). For uses or occurrences where the parking requirements of this Title are found unreasonable, appropriate parking and loading space requirements shall be determined by the Planning Commission.

12-600.2 BUILDING PERMITS.

12-600.2.1 GENERAL. It shall be unlawful to erect, construct, reconstruct, alter or change the use of any building or other structure greater than 200 square feet within the incorporated areas of Marysville Town without approval of a building permit. The Town shall not issue a building permit unless the plans of and for the proposed erection, construction, reconstruction, alteration or use fully conform to all regulations of this Title. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this Title, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

12-600.2.2 POTABLE DRINKING WATER CONNECTIONS. Any building permit requiring a new water connection shall require Town Water Authority approval prior to issuance of the building permit.

12-600.2.3 WASTEWATER DISPOSAL. Any building permit requiring a new wastewater system shall require Town approval prior to issuance of the permit from the local health department or DEQ.

12-600.2.4 SUBDIVISIONS. No building permit shall be issued for any lot in a proposed subdivision until the requirements of this ordinance have been met.

12-600.3 FENCING.

12-600.3.1 GENERAL. Unless specifically approved by the Planning Commission and/or Building Official, any wall, fence, or other barrier shall not exceed the following:

MAX HEIGHTS	
YARD	HEIGHT (FEET)

Front	3.5
Side	6.0
Rear	6.0

12-600.3.2 FENCE TYPES. Any wall, fence or barrier that is not primarily transparent (metal bar, chain link, etc.) shall not exceed 3.5 feet in height inside 25 feet from any front property line or side property line which fronts a street or road.

12-600.4 ACCESSORY BUILDINGS.

12-600.4.1 GENERAL. *Accessory buildings* may be constructed on a vacant lot or parcel if the following conditions are met:

1. Fully developed site plan including:
 - A. location and size of future primary building;
 - B. location and size of accessory building; and
 - C. location of proposed utilities.
2. CUPHD approval for proposed wastewater disposal system that will accommodate all proposed structures and demand for wastewater disposal, including space for a replacement area;
3. Affidavit of awareness and commitment to comply with Marysville Town Ordinances; and
4. Proposed structures shall enhance appearance of the property and neighborhood(s).

12-600.4.2 SETBACKS. *Accessory buildings* shall be setback a minimum of:

1. 10 feet from any dwelling, structure, or accessory building;
2. 30 feet from any front property line; and
3. 10 feet from any side or rear property line.

12-600.4.3 ACCESSORY DWELLING UNITS (ADUS). One ADU per lot or parcel shall be permitted in all zoning districts. The ADU shall:

1. Not exceed 50% of the main dwelling or 1,250 square feet, whichever is less;
2. Require written approval from the local health department for the proposed new wastewater disposal demand. If demand exceeds current capacity, a new wastewater disposal system shall be required.
3. Require written approval from the Town Council for the proposed new culinary water system demand. If demand exceeds current capacity, the new water connection shall not be granted.
4. Be setback a minimum of:
 - A. 10 feet from any dwelling, structure or accessory building;

- B. 30 feet from any front property line; and
- C. 10 feet from any side or rear property line.

12-600.5 EASEMENTS AND RIGHTS-OF-WAY. Uses of easements and/or rights-of-way shall be permitted in or through any Zone for the purpose of serving a permitted use in the same or any Zone. Such easements or rights-of-way may be used for uses similar to, but not limited to the following:

- 1. Roads, streets, highways.
- 2. Railroads, tramways, cableways and conveyor systems.
- 3. Pipelines for the transmission of water, waste water, materials, fuels or products.
- 4. Overhead or underground transmission or distribution lines, including poles, towers and conductors.
- 5. Uses not requiring continuous routes along the ground such as radio, television or microwave relay stations and towers.
- 6. Structures and facilities incidental to the above.

12-600.6 SPECIAL REGULATIONS.

12-600.6.1 HOME OCCUPATIONS.

Classification. Home occupations shall be classified as follows:

Class A: little to no impact on the Conditional Use Review Criteria listed in 12-700.7 of this Title (i.e., home offices, etc.).

Class B: clear impact on the Conditional Use Review Criteria listed in 12-700.7 of this Title (i.e., daycares, salons, retail, manufacturing, rentals, etc.).

Conditions. Home occupations shall comply with the following conditions:

- 1. *Class A* Home Occupations shall be a permitted use in all zoning districts and an approved conditional use permit shall not be required.
- 2. *Class B* Home Occupations shall be a conditional use in all zoning districts and an approved conditional use permit shall be required.
- 3. A Town approved Business License shall be required for all home occupations.
- 4. The home occupation, and all inventory, supplies and equipment shall not exceed or consume more than 50% of the primary structure.
- 5. Goods relating to the home occupation shall not be stored in the front yard of the lot
- 6. If necessary, additional parking spaces shall be provided to accommodate the Home Occupation. All parking shall be off-street.

12-600.6.2 ADULT USES. *Adult Uses* shall be permitted in Commercial zoning districts and shall be prohibited in all other zoning districts.

Conditions. Adult Uses shall comply with the following conditions:

1. Adult Use businesses shall not be located within 1,000 feet from any park, school, day care, library or religious institution.
2. Adult Use businesses shall not be located adjacent to any residential zone boundary.
3. Adult Use businesses shall only include those deemed legal by the State of Utah such as bars, taverns, pool halls, lounges, etc.

TITLE 12-700 CONDITIONAL USES

12-700.1 GENERAL. A Conditional Use Permit shall be obtained for certain uses, which would become harmonious or compatible with neighboring uses through the application and maintenance of qualifying conditions and located in specific locations within a Zone, but shall not be allowed under the general conditions of the Zone as stated in this Title.

An approved Conditional Use Permit shall be required for each Conditional Use listed in this Title. No building permit, other permit or license shall be issued for a Conditional Use by any officer or employee unless a Conditional Use Permit has been recommended by the Planning Commission and approved by the Town Council.

12-700.2 APPLICATION. Application for a Conditional Use Permit shall be available at the office of the Town Clerk or on the Town's Website. Conditional Use Permit applications shall be submitted to the Town as provided in this Title. Applications shall be accompanied by maps, drawings, statements or other documents in accordance with the provisions of this Title. An appropriate fee outlined in the Marysvale Town Fee Resolution shall be collected at the time of submittal.

12-700.3 DETERMINATION.

12-700.3.1 PLANNING COMMISSION. The Planning Commission shall recommend approval, approval with modifications or deny the Conditional Use application. In recommending any Conditional Use Permit to the Town Council, the Planning Commission shall set conditions based on the standards listed in 12-700.6 of this Chapter.

12-700.3.2 TOWN COUNCIL ACTION. The Town Council shall approve, approve with modifications or deny recommended Conditional Use applications. In approving a Conditional Use Permit, the Town Council shall determine if the proposed use:

1. Has reasonable conditions proposed, or imposed, to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with the applicable standards listed in 12-700.6 of this Chapter.

2. Will not be detrimental to the health, safety or general welfare of persons residing or working in the area, or injurious to the property or improvements in the area.
3. Is in harmony with the intent of the Town's General Plan, Zoning Ordinance and the Zoning District in which it is located.

12-700.4 EXPIRATION AND REVOCATION.

12-700.4.1 EXPIRATION. A Conditional Use Permit shall be considered to be exercised when the application has been approved by the Town Council. When such permit is abandoned or discontinued for a period of 1 year, it shall not be reestablished, unless authorized by the Planning Commission, Town Council or Appeal Authority on appeal.

12-700.4.2 REVOCATION. A Conditional Use Permit shall be revoked where the applicant fails to comply with conditions imposed by the Town. Conditional Use Permits shall be suspended upon failure to renew any associated business licenses. Upon suspension, the Planning Commission shall determine if the Conditional Use Permit is to be reissued or revoked. The Planning Commission may initiate revocation proceedings when evidence indicates the Conditional Use Permit is no longer in the public interest, or when directed by the Marysville Town Council. Conditional Use Permit holders and impacted land owners shall be granted the opportunity of a public hearing prior to any revocation.

12-700.5 AMENDMENTS. An amendment to an approved Conditional Use Permit shall be submitted to the Zoning Administrator accompanied by supporting information. The Planning Commission or Town Council shall review the amendment and shall be permitted to approve, deny or amend such amendment and impose conditions deemed necessary.

12-700.6 CONDITIONAL USE REVIEW CRITERIA. A request for a Conditional Use shall be approved, approved with modifications or denied. Each request for a Conditional Use approval shall be consistent with the criteria listed as follows:

The request:

1. Is consistent with all applicable provisions of the General Plan.
2. Shall not adversely affect adjacent properties.
3. Is compatible with the existing or allowable uses of adjacent properties.
4. Can demonstrate that adequate public facilities, including roads, drainage, potable water, wastewater systems and police and fire protection exist or will exist to serve the requested use at the time such facilities are needed.
5. Can demonstrate adequate provision for maintenance of the use and associated structures.
6. Has minimized, to the degree possible, adverse effects on the natural environment.
7. Will not create undue traffic congestion.
8. Will not adversely affect the public health, safety or welfare.

9. Conforms to all provisions of this Title and other applicable Town Ordinances.

12-700.7 SHORT-TERM RENTALS

AN ORDINANCE ESTABLISHING CERTAIN RULES AND REGULATIONS FOR SHORT-TERM RENTALS WITHIN THE AREA OF MARYSVALE TOWN, UTAH.

WHEREAS, The Marysvale Town Council deem it necessary to enact certain standards, rules and regulations regarding Short-Term Rentals located in Marysvale Town, State of Utah in the interest of the health, safety and welfare of the Short-Term Rental occupants and the citizens of Marysvale Town.

Be it ordained by the Marysvale Town Council, State of Utah as follows:

Section 1 SHORT TITLE. This Ordinance shall be known as the "Short-Term Rental Ordinance."

Section 2 SCOPE. The provisions of this Ordinance shall apply to any residential dwelling unit, accessory dwelling unit or other structure operating and occupied as a Short-Term Rental within all zones and incorporated areas of Marysvale Town. The owner of the subject property shall be responsible for compliance with the provisions of this Chapter and the failure of an owner, agency, managing agency, local contact person, or renting occupants to comply with the provisions of this Chapter shall be deemed noncompliance by the owner.

Section 2 PURPOSE. The purpose of this Ordinance is to establish regulations for the use of Short-Term Rentals to protect local residents' quality of life, building safety and fire hazard mitigation, ensure proper collection and remittance of Transient Room Taxes and appropriate Sales and Use Taxes and to address negative impacts relating to noise, parking, traffic, garbage and other common occurrences resulting from Short-Term Rentals.

Section 3 DEFINITIONS. For purposes of this chapter, the following words and phrases shall have the meaning respectively ascribed to them by this section:

1. **Applicant.** The Owner of the Short-Term Rental unit or the Owner's authorized agent or representative.
2. **Building official.** For the purposes of this Ordinance, the Building Official shall be the person or firm authorized by the Town to perform applicable inspections.
3. **Glamping unit.** A canvas-like structure designed to be used or occupied for transient and recreational purposes. Canvas-like structure include, but are not limited to: tents, yurts, teepees, covered wagons, etc. Glamping Units are regulated under the Marysvale Town Glamping Ordinance.
4. **Local Contact Person.** The person designated by the Owner or the Manager, for the purpose of: 1) responding to complaints regarding the

condition, operation or conduct of occupants of the Short-Term Rental; and 2) taking remedial action to resolve any such complaints.

5. **Manager.** The Owner or the designated agent or representative of the Owner who is responsible for compliance with this Ordinance.
6. **Owner.** The person(s) or entity(ies) that hold(s) legal and/or equitable title to a dwelling unit being operated, legally or not, as a Short-Term Rental.
7. **Property.** A legal lot or parcel of land on which a Short-Term Rental is located.
8. **Short-term rental.** A dwelling unit, or any portion thereof, being used for transient accommodation purposes, including but not limited to, single-family dwellings, multiple family dwellings, accessory dwelling units (ADU's), glamping units or any other dwelling unit for a period *typically* less than thirty consecutive days. Additionally, any dwelling unit that 1) is listed on any accommodation website including but not limited to Airbnb, Vrbo, HomeAway, Trip Advisor, etc.; 2) has (or should have) an approved Marysvale Town Business License and Conditional Use Permit, if applicable, for a STR or 3) pays (or should pay) applicable Sales and Use and Transient Room Taxes for the STR, is hereby considered a Short-Term Rental and shall be subject to the regulations set forth in this Ordinance, even if the STR is rented out for a period longer than thirty days.
9. **Transient.** Occupancy of a dwelling unit for not more than thirty days.
10. **Zoning administrator.** The person formally assigned by the Marysvale Town Council to enforce the provisions of this Ordinance.

Section 4 SHORT-TERM RENTAL PERMIT REQUIREMENTS

4.1 SELF-INSPECTION. A self-inspection for compliance with the regulations set forth in Sections 8-10 of this Ordinance and the current International Building Code shall be performed at the Short-Term Rental property by the applicant prior to approval of the Conditional Use Permit and/or Business License. The applicant shall furnish evidence of compliance via pictures and documentation as required by Sections 8-10 of this Ordinance.

4.2 CONDITIONAL USE PERMIT.

1. Short-Term Rentals shall be a permitted use in Commercial zoning districts a conditional use in the following zoning districts:
 - A. Agricultural; and
 - B. Residential.
2. Short-Term Rentals shall be limited to one per parcel and may be approved as the main dwelling unit or the accessory dwelling unit, but not both.

3. No dwelling in any zoning district shall be occupied or used as a Short-Term Rental until the Owner has obtained an approved:
 - A. Short-Term Rental Self-Inspection from the Town;
 - B. Conditional Use Permit from the Town Council, if applicable; and
 - C. Business License from the Town Council.

4.3 BUSINESS LICENSE. An approved business license shall be required for all Short-Term Rentals within the unincorporated areas of Marysville Town. The business license application shall include:

1. Contact Information;
2. Property Information;

The Owner of any Short-Term Rental shall be required to collect and remit all Transient Room Taxes and appropriate Sales and Use Taxes by the end of the year. The Town shall suspend all permits and licenses for Short-Term Rentals more than one year past due on applicable taxes until the Owner has paid all applicable taxes.

If a Manager or individual is managing more than one Short-Term Rental property in Marysville Town, a separate Conditional Use Permit and Business License shall be required for each Short-Term Rental property in Marysville Town, in addition to the Business License required for the Manager themselves.

Section 5 FEES. Appropriate fees shall be charged for Conditional Use Permit applications, Business License applications and renewals and any other services required by this Ordinance. Such fees shall be established by the Town Council and shall be referred to in the Marysville Town Planning and Zoning Fee Resolution.

Section 6 AUTHORIZED MANAGER OR LOCAL CONTACT PERSON

6-1 DESIGNATION. An Owner may designate a Manager or Local Contact Person to be held responsible for compliance with the requirements of this Ordinance on behalf of the Owner. Notwithstanding this subsection, the Owner shall not be relieved from any responsibility or liability for noncompliance with any applicable law, rule or regulation pertaining to the use and occupancy of the subject Short-Term Rental, regardless of whether such noncompliance was committed by the Owner, Manager, Local Contact Person or the occupants of the Owner's Short-Term Rental.

6-2 AVAILABILITY. While a Short-Term Rental is occupied or open for business, the Owner, Manager and/or Local Contact Person shall provide a phone number that shall be available 24/7 for the purpose of responding to complaints regarding the condition, operation or conduct of occupants of the Short-Term Rental.

6-3 MANAGER RESPONSIBILITY FOR GUEST'S CONDUCT. The Manager and/or Local Contact Person shall use reasonably prudent business practices to

ensure that the occupants of the Short-Term Rental do not create unreasonable noise or disturbances, engage in disorderly conduct, or violate any applicable law, rule or regulation pertaining to the use and occupancy of the Short-Term Rental.

6-4 MANAGER RESPONSE TO COMPLAINT. The Manager and/or Local Contact Person shall, upon notification that any occupant of the Short-Term Rental has created unreasonable noise or disturbances, engaged in disorderly conduct or committed violations of any applicable law, rule or regulation pertaining to the use and occupancy of the Short-Term Rental, respond within one hour to halt or prevent recurrence of such conduct.

6-5 FAILURE TO RESPOND. Upon failure of the Manager or Local Contact Person to respond to calls or complaints in one hour regarding the condition, operation or conduct of occupants of the Short-Term Rental, the Manager shall receive written notice from the Town. In the event that the Owner, Manager or Local Contact Person fail to respond to the complaints and or written notification from the Town, the Town Council may consider revocation of the Owner's Conditional Use Permit in a public meeting.

Section 7 SALE OR TRANSFER OF PROPERTY. In the event of a sale or other transfer of any property containing a dwelling licensed as a Short-Term Rental, the purchaser or transferee of the property shall be required to amend the Conditional Use Permit and Business License within sixty days of the date of purchase or transfer. In the event that the purchaser or transferee fails to make necessary amendments within said sixty days, the license will be forfeited and the Owner shall be required to re-apply for all appropriate inspections, permits and licenses.

Section 8 BUILDING STANDARDS. At a minimum, any dwelling unit permitted as a Short-Term Rental shall conform to the standards listed in the Short-Term Rental Self-Inspection Checklist (See Appendix 1).

Section 9 PARKING REGULATIONS. The Owner or Manager or any Short-Term Rental shall ensure appropriate off-street parking is provided for its occupants of the Short-Term Rental in accordance with the following:

1. Unless specifically approved by adjacent property owners, off street parking shall be provided **on the same Property** as the Short-Term Rental; and
2. The number of vehicles allowed for a Short-Term Rental shall be restricted to the number of parking spaces provided by the Owner.

Section 10 REQUIRED POSTING. The following information shall be posted in a conspicuous location inside any dwelling unit licensed as a Short-Term Rental:

1. A copy of the Short-Term Rental Business License;
2. The name and 24/7 phone number of the Owner, Local Contact Person or Manager and local emergency contact information;
3. The location of all fire extinguishers and emergency exits;
4. A map showing property boundaries and parking spaces;
5. The maximum occupancy of the dwelling unit and number of vehicles allowed;
6. Trash pick-up day, if applicable, and rules and regulations pertaining to leaving or storing trash on the exterior of the property; and
7. A list of all rules for the specific Short-Term Rental, if applicable.

Section 11 PREVENTION OF NOISE, NUISANCE OR TRESPASS. The Owner or Manager of any Short-Term Rental shall ensure occupants of the Short-Term Rental do not:

1. Create noises that by reason of time, nature, intensity or duration are out of character with noises customarily heard in the surrounding areas;
2. Disturb the peace of surrounding properties by shouting, fighting, playing of loud music, racing of cars or recreational vehicles on streets or engaging in outside recreational or other activities after 10:00 P.M and before 10:00 A.M.;
3. Interfere with the privacy or trespass onto surrounding properties; and
4. Allow pets or animals to create incessant noise, roam the streets without an owner present, trespass on neighboring properties or create any type of mess that is not cleaned up by the owner of the pet or animal.

Section 12 ENFORCEMENT PROVISIONS

1. Any Owner who allows occupation of a dwelling unit as a Short-Term Rental in Marysville Town, as defined herein, without having first obtained the required approvals as outlined in Section 4 of this Ordinance shall:

- A. Receive a request from the Town to come into compliance;
 - B. Upon failure to respond to the first request within thirty days, receive a formal incompliance notice from the Town Attorney; and
 - C. Upon failure to respond to the second notice within fourteen days, the Owner may be guilty of a Class C Misdemeanor, which shall be punishable by a fine of up to \$750, imprisonment for up to 90 days or any combination thereof for each such violation.
2. Any Owner or Manager of a Short-Term Rental in Marysvale Town who refuses to cooperate with, or respond to the Zoning Administrator, Clerk's Office or any other Town Office or staff member after a period of 60 days from the initial notification concerning the provisions of this Ordinance may be guilty of a Class C Misdemeanor, which shall be punishable by a fine of up to \$750, imprisonment for up to 90 days or any combination thereof for each such violation.
3. Any Owner or Manager of a Short-Term Rental in Marysvale Town who, having first obtained the required approvals for use of said dwelling as a Short-Term Rental, thereafter operates or permits operation of said Short-Term Rental in violation of the terms and provisions of this Ordinance may be guilty of an Infraction, and may be punished by a fine of up to \$750 for each such violation.
4. In the event of any one violation of this Ordinance committed by an Owner, Manager, Local Contact Person or occupant of the Short-Term Rental, the Town Council shall discuss said violation(s) in a public meeting and consider action, including possible fines or revocation of the Conditional Use Permit and/or Business License for the Short-Term Rental in accordance with the provisions of this Ordinance.

Section 13 APPEALS. Any person or entity aggrieved by a decision of the Zoning Administrator, Planning Commission or any other Town Office or staff member regarding the provisions of this Ordinance shall have the right to appeal such decision to the Town Council if a written request for an appeal is filed with the Town Clerk's Office within fourteen days of verification that the aggrieved person or entity has been made aware of the decision.

Section 14 SEVERABILITY. Should any portion of this Ordinance be found for any reason to be unconstitutional, unlawful or otherwise void or unenforceable, the balance of the Ordinance shall be severable therefrom and shall survive such declaration, remaining in full force and effect.

Section 15 ADOPTION

Passed and adopted by the Marysvale Town Council on this 17th day of January, 2023.

Mayor, Marysvale Town
Ann Kennedy

ATTEST:

Marysvale Town Clerk

Karen Christensen

Town Seal:

Voting:

Aye Nay Abstain

Ann Kennedy _____

Kennedy Sylvester _____

Jeania Kennedy _____

William Davis _____

Keith Anderton _____

Appendix 1 SHORT-TERM RENTAL INSPECTION CHECKLIST



SHORT-TERM RENTAL SELF-INSPECTION CHECKLIST

The following list includes the most common violations of Short-Term Rentals (STR's). Other life safety violations discovered during the Self-Inspection will be presented to the applicant in the Inspection Report.

- One operable smoke detector in each bedroom, in the major living areas, and on each floor (the major living area can count for the detector on that floor) **IRC 314**.
- An operable carbon monoxide detector on each floor installed per the manufacturer's specifications, when gas (i.e., furnace, stove, water heater, dryer, etc.) is utilized in the structure **IRC 314**.
- Gripable hand railing (1 ¼ inches to 2 inches) on all staircases **IRC 311.7.8**.
- GFCI plugs are required within 6 feet of all sinks/baths/toilets and all exterior outlets **IRC E3902**.
- Sleeping rooms must meet current International Residential Code (IRC) requirements for egress **IRC R3111**.
- Each Short-Term Rental unit shall have at least one operable fire extinguisher.
- Trash shall not be left stored within public view, except in proper containers for the purpose of collection by an authorized waste hauler on scheduled trash collection days.
- Short-Term Rental unit(s) with more than five (5) sleeping rooms, or the ability to sleep more than ten (10) occupants, shall receive written approval from the Building Official prior to occupancy of the Short-Term Rental unit.
- Required Posting in the Short-Term Rental Unit
 - a. A copy of the Short-Term Rental Business License.
 - b. The name and phone number of the Owner, Local Contact Person or Manager and local emergency contact information.
 - c. The location of all fire extinguishers and emergency exits.
 - d. A list of all rules applicable for the specific Short-Term Rental.
 - e. The maximum occupancy of the dwelling unit and the maximum number of vehicles allowed.
 - f. Trash pick-up day and applicable rules and regulations pertaining to leaving or storing trash on the exterior of the property.
 - g. A map showing property boundaries and parking spaces.

TITLE 12-800 NONCONFORMING USES

12-800.1 GENERAL. Except as otherwise required by State law, a structure or use legally established prior to the adoption date of this Title be maintained unchanged. In other than criminal proceedings, the owner, occupant or user shall have the burden to show that the structure, lot or use was lawfully established.

12-800.2 DISCONTINUANCE.

12-800.2.1 VACANCY. Any lot or structure, or portion thereof, occupied by a nonconforming use, that is or hereafter becomes vacant and remains unoccupied by a nonconforming use for a period of 1 year shall not thereafter be occupied, except by a use that conforms to this Title.

12-800.2.2 DAMAGE. If any nonconforming structure or use is, by any cause, damaged to the extent of 50 percent of its value as determined by the Building Official, it shall not thereafter be reconstructed as such.

12-800.3 ENLARGEMENTS AND/OR MODIFICATIONS.

12-800.3.1 MAINTENANCE AND REPAIR. Maintenance, repairs and structural alterations shall be permitted to be made to nonconforming structures or to a building housing a nonconforming use with valid permits.

12-800.3.2 CHANGES OF NONCONFORMING USE. A change of use of a nonconforming use of a structure or parcel of land shall not be made except to that of a conforming use. Where such change is made, the use shall not thereafter be changed back to a nonconforming use.

12-800.3.3 ADDITIONS. Additions to nonconforming structures and parking areas shall conform to the requirements of this Title. Additions to structures housing nonconforming uses that increase the area of a nonconforming use shall not be made.

12-800.3.4 CERTIFICATE OF OCCUPANCY REQUIRED. No building hereafter structurally altered or erected shall be used or changed in use for a nonconforming use until a Certificate of Occupancy has been issued by the Building Official, stating that the building or proposed use thereof or the use of the land, complies with the provisions of this Title for the renewing, changing or extending thereof.

TITLE 12-900 ZONING DISTRICTS

12-900.1 ESTABLISHMENT OF ZONES. For the purpose of this Title, the following Zones are created as necessary to regulate the development of the land in Marysville Town, Utah:

ZONE	ABBREVIATION
Agricultural	A
Commercial	C
Industrial	I
Public	P
Residential-1	R-1
Residential-2	R-2

12-900.2 BOUNDARIES OF ZONES. The boundaries of each of the Zones are established as described herein, and as shown on the map entitled “Zoning Map of Marysvale Town Utah”.

12-900.3 FILING OF ORDINANCE AND MAP. The Marysvale Town Land Use Ordinance and Zoning Map shall be filed in the Marysvale Town Office and may be examined by the public, subject to any reasonable regulations established by the Town Council.

12-900.4 RULES FOR LOCATING. Where uncertainty exists as to the boundary of any Zone, the following rules shall apply:

1. Whenever a boundary line of a Zone overlays any street, river, irrigation canal, other water way, private/public land boundary or any section line, the center of the street, river, irrigation canal, other water way, private/public land boundary or any section line shall be deemed to be the boundary of such Zone.
2. When the application of the above rules does not clarify the Zone boundary location, the Zoning Administrator shall interpret the map.
3. This section applies to locating boundary lines for zoning purposes and shall not determine the legal boundary line between adjoining properties.

TITLE 12-1000 AGRICULTURAL ZONES

12-1000.1 PURPOSE. To identify and preserve land for agricultural activity or that is, by virtue of ownership or easement, precluded from development, and to preserve the historic and natural beauty of those areas. Qualifying land also includes property owned by a governmental entity, or parcels for which a scenic or conservation easement has been granted to a governmental entity, land trust or conservation organization.

12-1000.2 PERMITTED USES.

1. Single-family dwellings, one per parcel.
2. Accessory buildings and uses.
3. Accessory-dwelling units, one per parcel.
4. Livestock keeping and grazing.
5. Crop production.
6. Stands for the sale of produce grown on the premises.

12-1000.3 CONDITIONAL USES.

1. Home occupations.
2. Short-term rentals.
3. Temporary commercial activities for special events.
4. Transmitting stations and towers.

12-1000.4 BUILDING REGULATIONS.

12-1000.4.1 HEIGHT. No dwelling or accessory building shall be erected to a height greater than 2 stories above grade or 35 feet, unless specifically approved by the Building Official.

12-1000.4.2 AREA, WIDTH AND YARD REGULATIONS.

ZONE	AREA	WIDTH	FRONT SETBACK	SIDE SETBACK	REAR SETBACK
A	6 acres	200 feet	25 feet	10 feet	20 feet

12-1000.4.3 OTHER PROVISIONS. No building, structure or enclosure housing any animals shall be located or constructed closer than 100 feet from any dwelling on the same or adjacent lot.

TITLE 12-1100 COMMERCIAL ZONES

12-1100.1 PURPOSE. To provide for a large range of commercial uses. A mix of uses is encouraged including shops, restaurants, offices, banking and hotels.

12-1100.2 PERMITTED USES.

1. Single-family dwellings, one per parcel.
2. Accessory buildings and uses.
3. Accessory-dwelling units, one per parcel.
4. Mixed-use buildings.
5. Accommodation & food services, except that the following uses shall be prohibited:
 - A. Recreational vehicle parks;
 - B. Glamping; and
 - C. Campgrounds.
6. Finance & insurance.
7. Health care & social assistance.
8. Information.
9. Management companies & enterprises.
10. Professional, scientific & technical services.
11. Public administration.
12. Real estate, rental & leasing.
13. Retail trade.
14. Short-term rentals.
15. Wholesale trade.

12-1100.3 CONDITIONAL USES.

1. Two-family dwelling units, one per parcel.

12-1100.4 BUILDING REGULATIONS.

12-1100.4.1 HEIGHT. No Commercial building shall be erected to a height greater than 2 stories above grade or 35 feet, unless specifically approved by the Building Official.

12-1100.4.2 Area, Width and Yard Regulations.

ZONE	AREA	WIDTH	FRONT SETBACK	SIDE SETBACK	REAR SETBACK
C	1 acre	30 feet	10 feet	10 feet	10 feet

12-1100.4.3 Other Provisions. Any Commercial building may be built on the front, side or rear property line upon approval from the Building Official as a fire proof structure.

TITLE 12-1200 INDUSTRIAL ZONES

12-1200.1 PURPOSE. To provide areas where certain industries necessary and beneficial to the local economy may locate and operate.

12-1200.2 PERMITTED USES.

1. Accommodation & food services.
2. Construction.
3. Manufacturing.
4. Mining.
5. Transportation & warehousing.
6. Utilities.
7. Waste management services.
8. Wholesale trade.

12-1200.3 CONDITIONAL USES.

1. Adult uses.
2. Temporary construction camps.

12-1200.4 BUILDING REGULATIONS. The height and yard restrictions pertaining to any adjacent Zone shall apply within one-hundred feet of the common property boundary.

12-1200.5 MODIFYING REGULATIONS. All hazardous areas or materials subject to this Zone shall be completely enclosed by a secure fence or suitable barrier approved by the Building Official to prevent entrance by unauthorized persons and to protect the general public from accidental exposure.

TITLE 12-1300 PUBLIC ZONES

12-1300.1 PURPOSE. To provide appropriate locations for community centers, schools, churches, libraries, fire stations, parks or similar public facilities.

12-1300.2 PERMITTED USES.

1. Community centers and facilities.
2. Educational institutions.
3. Emergency services.
4. Public buildings and facilities.
5. Religious institutions.
6. Transmitting stations and towers.

12-1300.3 CONDITIONAL USES.

1. Temporary commercial activities for special events.

12-1300.4 BUILDING REGULATIONS.

12-1300.4.1 HEIGHT. No building shall be erected to a height greater than 2 stories above grade or 35 feet, unless specifically approved by the Building Official.

12-1300.4.2 AREA, WIDTH AND YARD REGULATIONS.

ZONE	AREA	WIDTH	FRONT SETBACK	SIDE SETBACK	REAR SETBACK
P	none	30 feet	10 feet	10 feet	10 feet

12-1300.4.3 OTHER PROVISIONS. Any building or structure may be built on the front, side or rear property line upon approval from the Building Official as a fire proof structure.

TITLE 12-1400 RESIDENTIAL ZONES

12-1400.1 PURPOSE. To preserve appropriate areas for primarily single-family detached residential lots and/or estate type lots with restricted agricultural and ranching uses. Large animals such as horses may be permitted, but the number and types are limited. Public uses such as churches, schools, parks and trails may be in or adjacent to these areas.

12-1400.2 PERMITTED USES.

1. Single-family dwellings, one per parcel.
2. Accessory buildings and uses.
3. Accessory-dwelling units, one per parcel.
4. The keeping of livestock, with the following conditions:
 - A. Livestock shall be kept for private, non-commercial purposes.
 - B. Unless otherwise authorized by adjacent property owners, livestock shall be contained in an appropriate manner on the permitted lot or parcel and shall not roam freely onto adjacent properties.
 - C. The quantity of livestock units permitted on a lot or parcel shall be determined on the basis of 100 points per vacant acre (e.g., 0.50 acres x 100 = 50 points; or 1.45 acres x 100 = 145 points). 100 points shall be allowed for both small and large livestock (e.g., one vacant acre = 100 small + 100 large). [see table below]

LIVESTOCK POINTS PER ACRE		
TYPE OF LIVESTOCK	NUMBER OF POINTS PER STOCK UNIT	LIVESTOCK UNITS PER ACRE
LARGE LIVESTOCK		
Horses and Cattle	25	4
Pigs	50	2
Sheep and Goats	10	10
SMALL LIVESTOCK		

Poultry, Rabbits and Other Small Animals	5	20
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12-1400.3 CONDITIONAL USES

1. Home occupations.
2. Short-term rentals.
3. Two-family dwelling units, one per parcel.
 - A. Two-family dwelling units shall be a conditional use in R-1 zoning districts and prohibited in R-2 zoning districts.

12-1400.4 BUILDING REGULATIONS.

12-1400.4.1 HEIGHT. No dwelling or accessory building shall be erected to a height greater than 2 stories above grade or 35 feet, unless specifically approved by the Building Official.

12-1400.4.2 AREA, WIDTH AND YARD REGULATIONS.

ZONE	AREA	WIDTH	FRONT SETBACK	SIDE SETBACK	REAR SETBACK
R-1	1 acre	100 feet	25 feet	10 feet	20 feet
R-2	5 acres	100 feet	25 feet	10 feet	20 feet

12-1400.4.3 OTHER PROVISIONS. Residential lots with onsite wastewater (septic) and potable drinking water (well) shall have a minimum lot size of 1 acre per Local Health Department standards.

TITLE 12-1500 MOBILE HOMES AND RECREATIONAL VEHICLES

12-1500.1 PURPOSE. To protect the public, among other purposes, such provisions are intended to provide for permanently wholesome community environments, adequate facilities, adequate services and safety of its citizens.

12-1500.2 INTERPRETATION. The interpretation, application and provisions of this Title shall be held to be the minimum regulations required for the protection or preservation of public health, safety and welfare.

12-1500.3 INTENT.

1. To permit variety and flexibility in land development for residential purposes by allowing the use of Mobile Homes and Recreational Vehicles in certain districts within Marysvale Town.
2. To require that Mobile Home and Recreational Vehicle developments will be of such character as to promote the objectives and purposes of the Marysvale Town Zoning Ordinance; to protect the integrity and characteristics of the districts contiguous to those in which Mobile Home Parks and Recreational Vehicle Parks are located; and to protect other land use values contiguous to or near mobile home or Recreational Vehicle developments.

12-1500.4 LOCATION.

12-1500.4.1 MOBILE HOMES. No occupied Mobile Home shall be located anywhere within the incorporated areas of Marysvale Town without approval of the Planning Commission, Town Council and Building Official.

12-1500.4.2 RECREATIONAL VEHICLES. No Recreational Vehicle as herein defined shall be located, placed, used or occupied for permanent living purposes in any district except within approved and licensed recreational vehicle parks and except as otherwise provided herein. Each person residing in a recreational vehicle in violation of this Section and each property owner permitting persons to reside in a recreational vehicle on the owner's property shall be guilty of a Class C Misdemeanor. Each day of residence shall be a separate offense.

12-1500.4.3 STORAGE. Recreational Vehicles which are unoccupied for living purposes may be unoccupied and stored on a private lot or parcel of land, provided they do not violate any required setbacks for front, rear or side yards.

12-1500.5 UTILITY CONNECTIONS.

12-1500.5.1 VACANT PROPERTIES. On a vacant lot or parcel, no Recreational Vehicle shall be connected to any permanent utility in any district except within approved and licensed recreational vehicle parks and except as otherwise provided herein.

12-1500.5.2 DEVELOPED PROPERTIES. On a developed lot or parcel, a Recreational Vehicle may be temporarily connected to the dwelling unit's utilities, but permanent occupancy shall be prohibited.

12-1500.5.3 EXCEPTIONS.

1. Self-contained infrastructure or utilities that are affixed to, or part of the Recreational Vehicle do not apply to this section.
2. Permanent infrastructure or utilities may be temporarily extended to Recreational Vehicles with an approved Conditional Use Permit by the Planning Commission and Town Council for uses such as a Construction Camp. Evidence of an approved Building Permit shall be required as one of the conditions in the Conditional Use Permit.
 - A. The CUP shall be valid during the period of construction or work relating to the Construction Camp and shall expire 30 days after the applicable work is completed.
 - B. After the work is completed, the temporary mobile home or structure shall be removed from the premises and the recreational vehicle or travel trailer may either be a) removed from the premises or b) disconnected from all infrastructure and utilities and stored on the property, not to be occupied for permanent living purposes.

Title 12-1600 GENERAL PROVISIONS

12-1600.1 PURPOSE. This ordinance is established to provide for the orderly division of lands within the incorporated areas of Marysvale Town, to avoid incompatibilities in land use, and to secure the provision and long-term maintenance of necessary infrastructure and services in an efficient and economical manner for existing and future residents. This ordinance is also enacted to require that an application for the subdivision of lands in Marysvale Town comply with the provisions of this ordinance, Utah law (**UCA 10-9a-6**).

12-1600.2 SITE PREPARATION WORK PROHIBITED. No excavation, grading, or other improvement related to the development of the subdivision shall take place on any land within the proposed subdivision until:

1. The final subdivision plat or record of survey has been approved by the Town;
2. The subdivision plat has been filed or recorded at the office of the County Recorder;

3. Applicable deeds have been recorded at the office of the County Recorder; and
4. All applicable fees have been paid.

12-1600.3 BUILDING PERMITS. No building permit shall be issued for any lot in a proposed subdivision until the requirements of this ordinance have been met.

ADMINISTRATIVE LAND USE AUTHORITY

12-1600.4 ESTABLISHMENT. This section hereby establishes the Marysvale Town Administrative Land Use Authority.

12-1600.5 APPOINTMENT. The ALUA to consider land use applications arising from subdivision applications within the incorporated areas of Marysvale Town shall be an individual or firm formally appointed by the Town Council.

12-1600.6 TERMS – REMOVAL FOR CAUSE. The Town Council shall contract with the individual or firm on an annual basis. At the end of each year, the Town Council may elect to continue the contract, or put the contract out to bid. The individual or firm may be removed from their position for cause by the Town Council. "Cause" includes, but is not limited to, failing to review, hear, and decide subdivision applications within the required timeframes or committing any act inimical to public service.

12-1600.7 COMPENSATION. The ALUA shall be compensated at a fixed amount agreed upon by the individual or firm and the Town Council. The costs derived from the review and decision of the ALUA shall be the responsibility of the applicant, not the Town.

12-1600.8 DUTIES AND POWERS. The ALUA shall consider land use applications arising from subdivision applications within the incorporated areas of Marysvale Town in accordance with this ordinance and **UCA 10-9a-604.1, 3(a)(b).**

DESIGN STANDARDS

12-1600.9 NATURAL CONDITIONS. All subdivisions shall meet the following minimum standards:

1. The design and development of subdivisions shall preserve insofar as possible, cultural or historic sites, natural terrain, natural drainage, existing topsoil, trees, hillsides, etc.
2. Land subject to hazardous conditions (i.e., slides, mud flows, rock falls, snow avalanches, possible mine subsidence, shallow water table, open quarries, floods, etc.) shall be identified and shall not be subdivided until the hazards have been eliminated or will be eliminated by the subdivision and construction plans.

12-1600.10 LOT STANDARDS. All lots in a subdivision shall meet the following minimum standards:

1. Lots and buildings shall meet the minimum area, width, and setback requirements of the Marysvale Town Zoning Ordinance.
2. All lots shall have written approval from the local or state health department for onsite wastewater disposal.
3. All lots shall front a public or private street or road with legal access.
4. No single lot shall be divided by a Marysvale Town and Piute County boundary line.
5. Lots on a cul-de-sac shall have a minimum 30' width at the front property line.

12-1600.11 STREET AND ROAD STANDARDS. All streets and street and roads in a subdivision shall meet the minimum standards of Marysvale Town, in addition to the following:

1. Subdivision improvement plans shall be required for all proposed streets and roads.
2. Streets and roads must have at least 6 inches of pit run rock and 3 inches of gravel.
3. Streets and roads shall meet the minimum standard of the existing street or road they are connecting to, in addition to the requirements of this ordinance.
4. All streets and roads must be graded and drained with adequate crowning, pipe culverts, and barrow ditches.
5. All drainage and improvements must be accepted by the Town.
6. These standards are the minimum required, and in some cases may be enhanced.
7. Each road proposal shall be reviewed, inspected, and approved by the Town before any building permit is issued

12-1600.12 PLANNED UNIT DEVELOPMENTS – OPEN SPACE.

12-1600.12.1 PURPOSE. This section is provided as an alternative subdivision layout option to encourage the preservation and protection of open space and scenic, cultural, historic, and sensitive lands located within the Town. This subdivision layout option is designed to promote efficiencies in the delivery of required infrastructure, facilities, and services in subdivision development. The planned unit development also provides an opportunity to promote the desired goals and policies to enhance the community character of the Town.

12-1600.12.2 ZONING DISTRICTS. Planned Unit Developments may be allowed in the following zoning districts:

1. Agricultural (A); and
2. Commercial (C).

12-1600.12.3 APPLICATION. A planned unit development application shall be made as a preliminary subdivision application and a final subdivision application, and is subject to subdivision review and approval standards as provided by this ordinance for a preliminary and final subdivision application.

12-1600.12.4 GENERAL REQUIREMENTS.

1. **Lot Area.** In order to achieve the effect of clustering and provide desirable open space, the minimum lot area within a planned unit development may be smaller than the minimum size required in the zoning district, as approved by the ALUA.
2. **Lot Width and Frontage.** The minimum lot width and minimum lot frontage provided for each lot located within a planned unit development may be reduced from the minimum requirements of the zoning district, as approved by the ALUA.
3. **Setbacks.** The minimum front, side, and rear yard setback requirements provided for each lot located within a planned unit development may be reduced from the minimum requirements of the zoning district, as approved by the ALUA.

12-1600.12.5 Open Space.

1. **Minimum Area.** A planned unit development shall provide for a minimum of 50% of the total acreage of the subdivision site as open space in accordance with the open space standards, maintenance and dedication requirements provided by this section. As practicable, the open space lands within a planned unit development shall be contiguous and shall provide connectivity to other open space areas.

2. **Preservation and Protection.** Open space areas provided in a planned unit development shall be identified as permanently restricted from any future development by a plat note, conservation easement, or other method of long-term protection and preservation. Open space protection and preservation methods shall be recorded concurrent with the recording of the final subdivision plat.
3. **Ownership.** The ownership of any open space areas shall be in a single ownership and may be owned and maintained by one of the following entities: homeowners' association, land trust, conservation organization, governmental agency or private individual, as approved by the Town Council.
4. **Maintenance Responsibility.**
 - A. All preliminary and final subdivision applications proposing a planned unit development shall provide an open space ownership and maintenance plan addressing the proposed ownership and permanent maintenance of the open space area within the planned unit development. The maintenance responsibility of open space areas shall be clearly stated by a plat note, recordable document, or other method approved by the ALUA in concurrence with the final approval of the subdivision plat.
 - B. Any amendments to an approved open space ownership and maintenance plan shall be approved by the ALUA.

12-1600.12.6 Improvements Guarantee. All preliminary and final subdivision applications proposing a planned unit development shall comply with all land use ordinances of the Town, including all on-site and off-site improvements and guarantee for the installation of subdivision improvements.

IMPROVEMENT STANDARDS

12-1600.13 STREET AND ROAD IMPROVEMENTS.

1. **Minimum Standards.** Streets and street and roads shall be designed and built to the minimum standards of the Town and the Wildland Urban Interface Code. The designing engineer shall certify in writing that the minimum standards have been met prior to any site work or issuance of any building permits in the subdivision.
2. **Lot Frontage.** An application to subdivide lands shall not be considered unless all proposed lots and other areas to be subdivided have adequate frontage, either by minimum widths or appropriate accesses as required by this ordinance and the zoning ordinance. All lots in a proposed subdivision shall be accessed on a private or public street and road improved to the minimum standards of this ordinance.
3. **Rights of Way.** Marysville Town street and roadways shall have the following minimum right of way widths:

STREET AND ROAD TYPE	MINIMUM WIDTH
Major Collector	100 feet
Minor Collector	66 feet
Collector Street and road	66 feet
Major Street and road	66 feet
Minor or Frontage Street and road	66 feet
Private Street and road	32 feet

4. *Effective 5/3/2023*

10-9a-508. Easements. Easements shall follow lot lines whenever practical and shall have a minimum width of 20 feet apportioned equally in abutting properties except where the grade or terrain may require additional space for utilities or maintenance of the easement.

5. **Flag Lots.** Flag lots shall be prohibited for any new subdivision developments.

6. **Intersections.** Streets and street and roads shall intersect at 90-degree angles and no more than 4 streets and street and roads shall enter any intersection.

7. **Grades.** No street and road shall exceed an 8% grade unless specifically approved by the Town and certified by a licensed engineer.

8. **Signage.** Street and road name signs shall be required and shall be installed by the applicant. Signage shall conform to the minimum standards of the Town and provided where necessary for proper identification of all streets and street and roads.

9. **Dedication and Acceptance.**

- A. The applicant shall identify public streets and street and roads and improvements that are to be transferred to public ownership on the subdivision plat or other recordable document. Dedication shall not occur until widths, alignments, location and design features of the proposed rights of way are approved by the Town.
- B. The applicant shall bring public street and roadways and other improvements to the minimum standards of the Town and maintain them in that condition for a period of 1 year before maintenance as public facility may be requested. Only after inspection and approval shall the Town accept the facilities for public maintenance.

- C. Town services shall not be provided to the subdivision until maintenance responsibility for the public improvements is accepted, and the facilities are formally dedicated to the Town.
- D. In the event the Town does not accept maintenance responsibility of the proposed public improvements, the applicant shall be so advised in writing by the Town stating the reason for the rejection or necessary corrective actions. If the needed corrections are not made within a reasonable time, as so stated in the notice, the Town may have the improvements completed and paid for out of the security deposits for the subdivision.

12-1600.14 SOURCE AND SUPPLY OF POTABLE DRINKING WATER.

- 1. **Supply.** All subdivisions of a property approved by the Town of Marysvale shall provide a permanent supply of potable water available to each lot within the subdivided property. It shall be the responsibility of each subdivider to comply with all engineering standards in the construction of a culinary water system, and each subdivided property's culinary system must be fully developed and properly engineered to adequately serve all lots located therein. Any person seeking to subdivide property shall provide and transfer to Marysvale Town a sufficient and adequate supply of acceptable culinary water to service all subdivided lots seeking to be served by the Town's water system. Hauling water to any lot as the primary culinary source shall be prohibited.
- 2. **Approval of Water Right.** Water quantity, quality, and distribution system plans shall be approved, in writing by Marysvale Town's engineer, and all plans shall comply with the State of Utah Department of Environmental Quality and Divisions of Drinking Water. All water supplied by any person subdividing property must be transferred to the Town through a change application filed with the Utah Division of Water Rights, and a written memorandum decision must be received authorizing the transfer prior to approval of the subdivision. In addition, all water must have an acceptable priority date as determined by Marysvale Town or the Utah Division of Water Rights. Marysvale Town requires, each developer or other person who has subdivided property to provide sufficient water to address the impacts of the proposed development which shall be in such amounts per lot as are necessary and roughly proportionate to the impact caused by the proposed development as set forth hereafter in Section 3, Quantity Determination.
- 3. **Quantity Determination.** Marysvale Town shall base the amount of water required to service a subdivided property, through calculating the projected water interest requirements by considering the Town's minimum system-wide sizing standards and the number of equivalent residential connections associated with the culinary water demand for the Town. The Town shall

apply the lower exaction for development with the lower equivalent residential connections as demonstrated by the prior five years of usage data within Marysvale Town to determine the amount of water to be supplied to the Town. Marysvale Town shall make public the methodology used to determine the amount of water necessary to serve a lot within Marysvale Town and shall consider all additional information provided by a developer to ensure the water supply is properly assessed.

12-1600.15 WASTEWATER DISPOSAL.

1. **System.** All subdivisions shall have a feasible wastewater disposal system available to each lot in the subdivision.
2. **Approval.** An onsite wastewater system feasibility application shall be approved in writing by the local health department for any proposed subdivision in Marysvale Town.
 - A. **Onsite Septic Systems.** A subdivision application proposing individual septic systems for each lot shall include written approval from the health department for wastewater feasibility prior to consideration by the Town.
 - B. **Wastewater Treatment Facilities.** A subdivision application proposing a public or private wastewater treatment facility shall include written approval for wastewater feasibility, and an approved construction permit from the local health department or DEQ prior to consideration by the Town.

12-1600.16 FIRE PROTECTION.

1. **Requirements.** All subdivisions shall have a fire protection plan prepared by a licensed engineer and approved by a State, County, or Town fire official prior to consideration by the ALUA.
2. **Compliance.** All fire flow, line size, and hydrant standards shall conform to the International Fire Code.
3. **Line Size.** Water distribution lines in all subdivisions shall be a minimum of 8 inches in diameter. Minimum line sizes may be increased to provide for required fire flow of at least 500 gallons per minute (GPM).
4. **Loops and Valves.** Water systems shall be looped when possible and valves shall generally be spaced such that a break in any one length of main will put no more than 1,000 feet out of service during repairs.

12-1600.17 STORM DRAINAGE.

1. **Requirements.** A stormwater drainage system shall be provided and shall be separate and independent of the wastewater disposal system. The final plans for the drainage system shall be prepared by a licensed engineer and

approved by the Town prior to any site work or issuance of any building permits in the subdivision.

2. **Ditches and Canals.** No ditch or canal shall be approved as suitable for the use of storm drainage water without the written permission of the appropriate ditch or canal company or of the water users, for such use. No ditch or canal shall be used for stormwater unless adequately improved to handle such water as might be reasonably expected to flow from canal ditch water, subdivision runoff water, and other water expected to reach such canal or ditch. The applicant shall work with irrigation companies as to the responsibility for the periodic inspection, cleaning, and maintenance of such ditches, pipes, and culverts.
In cases where canals or ditches cross public streets and street and roads or proposed public streets and street and roads, specifications and grades for pipe or culvert must be approved by the Town.
3. **Impact on Adjoining Properties Prohibited.** The development of a subdivision may not cause drainage from the subdivision to impact adjoining properties. The designing engineer shall prepare drainage plans to be inspected and approved by the Town. Holding and retention basins shall be the preferred method of retaining drainage.

12-1600.18 FLOOD PLAINS. All lots in any proposed subdivision shall have sufficient area for the location of a dwelling entirely outside the flood plain, and where all setback requirements of the zoning district in which the subdivision is located, can be met.

12-1600.19 OTHER UTILITIES. Installation of utilities shall be provided through underground service in properly recorded easements or rights of way. The Town encourages existing overhead power lines within a proposed subdivision be relocated underground whenever feasible.

IMPROVEMENTS GUARANTEE

12-1600.20 GUARANTEE REQUIRED. In lieu of the actual completion and acceptance of the improvements required by this ordinance and before approval of the final plat by the Town council, the applicant shall guarantee the installation and construction of the required improvements free from defective material or workmanship and in compliance with all Town standards.

12-1600.21 FORM OF GUARANTEE. Said guarantee shall be in the form of a cash bond or irrevocable letter of credit for an amount equal to 120% of the cost of improvements not previously accepted and as estimated by the developer's engineer and approved by the Town.

12-1600.22 REQUEST FOR FINAL INSPECTION. After the completion of all subdivision improvements, the applicant shall make a written request to the Town for a final inspection. Inspections shall be made within 8 days from the date of

request by the Town supervisor. A letter of final inspection shall be written within 8 days by the Town specifying the acceptability of all subdivision improvements, or if rejected, a letter stating the deficiencies.

12-1600.23 RELEASE OF GUARANTEE. Once all improvements are approved by the Town, any guarantee filed with the Town therefor shall be released within 5 days from the date of approval. In any event, the applicant shall provide the Town with a letter of guarantee stating that all subdivision improvements will be maintained in a good state of repair and free from defective material or workmanship which becomes evident for one year from their request for final inspection, and will supply the bond as required in this section. A 2-year bond may be required pursuant to **UCA 10-9a-604.5**, as amended.

12-1600.24 INSTALLATION TIME PERIOD. All such improvements shall have been installed within a one-year time period unless extended by the Town council for one additional year.

12-1600.25 PARTIAL RELEASE.

1. A letter of credit or cash bond may be released in part, as progress payment for improvements, subject to the following conditions:
 - A. The developer shall submit to the county public works director, or other assigned county inspector, a request for payment against the letter of credit, showing to whom and for what amount the release is requested. Upon inspection by the county, and approval of the requested amount, the county will authorize the holder of the credit account to disperse the approved payments.
 - B. Said payment requests may be made upon completion of the various phases of development as follows:
 - i. Complete water system installation, including any required storage facility, wells, hydrants or other improvements, etc.
 - ii. Complete street and road construction, including all survey monuments, traffic control and street and road name signs. Street and road construction shall also include storm drainage systems.
 - iii. Complete waste disposal system, as required.
 - iv. Staking of lot corners and any other required survey field work.
 - v. Completion of utilities, including power, telephone, data transmission lines, and natural gas, if bonded by the developer.
2. Requests shall not be submitted more frequently than on a monthly basis. A minimum of 20% of each element shall be retained as required for the guarantee bond required in subsection G of this section.

12-1600.26 RETENTION. In any event, 20% of the total amount of all improvements shall be retained until one year following completion of the project as a guarantee of quality of improvements. A cash bond or irrevocable letter of credit for 20% of the total amount of all improvements shall be filed prior to the release of the improvement bond.

12-1600.27 COST ESTIMATE FOR IMPROVEMENTS. For a developer who proposes to install improvements prior to recording a final plat, as provided by this section, a cost estimate of improvements shall be submitted by the developer's engineer and approved by the Town prior to the start of construction, as the basis for determining the amount of the 20% guarantee bond that shall be posted upon final approval of the improvements by the Town.

PROCESS FOR SUBDIVISION REVIEW AND APPROVAL

12-1600.28 CONCEPTUAL PLAN REVIEW Pre-application meetings for subdivision land use applications are not required pursuant to **UCA 10-9a-604.1, 4(a)(b)**. However, the Town strongly encourages a conceptual plan review meeting be scheduled with the applicant and the Town to provide recommendations and educate the applicant on the requirements of this ordinance. If an applicant requests a pre-application meeting, the Town shall, within 15 business days after the request, schedule the meeting to review the concept plan and give initial feedback.

At the pre-application meeting, the staff shall provide or have available on the Town website the following:

1. copies of applicable land use regulations;
2. a complete list of standards required for the project;
3. preliminary and final application checklists; and
4. feedback on the concept plan.

12-1600.29 ADMINISTRATIVE LAND USE AUTHORITY

Preliminary Plat. The ALUA shall complete a preliminary plat subdivision application review at staff level within 20 business days of submission of a complete preliminary application. If a preliminary plat subdivision application complies with the provisions of this ordinance and State code (**UCA 10-9a-604.1**), the ALUA shall approve the preliminary plat.

Concurrent Processing. If the preliminary plat application is approved by the ALUA without modifications, it shall be considered the final plat.

Final Plat. The ALUA shall complete a final plat subdivision application review at staff level within 20 business days of submission of a complete final application. If a final plat subdivision application complies with the provisions of this ordinance and State code (**UCA 10-9a-604.1**), the ALUA shall approve the final plat.

12-1600.30 FINAL RECORDING. The final subdivision plat shall be recorded by the applicant at the office of the County Recorder within 1 year of final approval by the ALUA. If the final plat is not recorded within the required timeframe, the final subdivision approval from Piute County shall be null and void and the applicant shall be required to submit a new preliminary subdivision application for review and consideration by the ALUA.

PRELIMINARY PLAT

12-1600.31 REQUIREMENTS.

Submission. Preliminary subdivision applications shall be found on the Town's official website and/or the Town Office and shall be officially submitted to the Town. Applications shall only be deemed complete once all requirements of this section have been met.

12-1600.32 REVIEW OF PRELIMINARY PLAT. The ALUA shall review the preliminary plat application at staff level within 20 business days of submission of a complete preliminary application.

1. In reviewing the preliminary subdivision land use application, the ALUA may require:
 - A. additional information relating to an applicant's plans to ensure compliance with Marysvale Town Code and approved standards and specifications for construction of public improvements; and
 - B. modifications to plans that do not meet current codes, applicable standards or specifications, or do not contain complete information.
2. The ALUA's request for additional information or modifications to plans under Subsection 1(a) or (b) shall be specific and include citations to all Town codes, standards, or specifications that require the modifications to plans, and shall be logged in an index of requested modifications or additions.

12-1600.33 CONSIDERATION – PRELIMINARY DECISION. After the ALUA has reviewed the preliminary plat, the applicant shall be advised of any required changes and/or additions. The ALUA shall provide written notice to the applicant with the date of approval, required modifications, or denial and the justification for the decision.

12-1600.34 EFFECTIVE PERIOD. The approval of a preliminary plat shall be effective for a period of 1 year. If the final application is not submitted within the required timeframe, the preliminary application shall be null and void and the applicant shall be required to submit a new preliminary subdivision application for review and consideration by the ALUA.

12-1600.35 EXTENSIONS. The applicant may request time extensions for the expiration of a preliminary plat approval by submitting a request in writing to the ALUA prior to original expiration date. The ALUA shall review requests for extensions and may only consider the request when the applicant is able to demonstrate no change in circumstance, including physical changes to the property or surroundings, that would result in an unmitigated impact or that would result in a finding of non-compliance with the general plan, zoning ordinance, or this ordinance in effect at the time of the extension request.

FINAL PLAT

12-1600.36 REQUIREMENTS. If the preliminary application requires modifications and/or the installation of infrastructure improvements, said modifications and/or improvements shall be made prior to review and consideration of the final plat by the ALUA.

12-1600.37 REVIEW OF FINAL PLAT. The ALUA shall review the final plat application at staff level within 20 business days of submission of a complete final application.

1. In reviewing the final subdivision land use application, the ALUA may require:
 - A. additional information relating to an applicant's plans to ensure compliance with Town Codes and approved standards and specifications for construction of public improvements; and
 - B. modifications to plans that do not meet current ordinances, applicable standards or specifications, or do not contain complete information.
2. The ALUA's request for additional information or modifications to plans under Subsection 1(a) or (b) shall be specific and include citations to all Town codes, standards, or specifications that require the modifications to plans, and shall be logged in an index of requested modifications or additions.
3. If an applicant makes a material change to a plan set, the ALUA has the discretion to restart the review process at the 1st review of the final application, but only with respect to the portion of the plan set that the material change substantively effects.
4. If an applicant does not submit a revised plan within 20 business days after the ALUA requires a modification or correction, the ALUA shall have an additional 20 business days to respond to the plans.
5. After the applicant has responded to the final review cycle, and the applicant has complied with each modification requested in the ALUA's previous review cycle, the ALUA may not require additional revisions if the applicant has not materially changed the plan, other than changes that were in response to requested modifications or corrections.

- A. In addition to revised plans, an applicant shall provide a written explanation in response to the ALUA's review comments, identifying and explaining the applicant's revisions and reasons for declining to make revisions, if any.
- B. The applicant's written explanation shall be comprehensive and specific, including citations to applicable standards and ordinances for the design and an index of requested revisions or additions for each required correction.
- C. If an applicant fails to address a review comment in the response, the review cycle is not complete and the subsequent review cycle by the ALUA may not begin until all comments are addressed.

6. If, on the 4th or final review, the ALUA fails to respond within 20 business days, the ALUA shall, upon request of the property owner, and within 10 business days after the day on which the request is received:

- A. For a dispute arising from the subdivision improvement plans, assemble an appeal panel in accordance with **UCA 10-9a-508(5)(d) et seq.** to review and approve or deny the final revised set of plans. Unless otherwise agreed by the applicant and the municipality, the panel shall consist of the following three experts:
 - i. One licensed engineer, designated by the Town;
 - ii. One licensed engineer, designated by the land use applicant; and
 - iii. One licensed engineer, agreed upon and designated by the two designated engineers as appointed in subsection (a) i and ii of this section.
- B. A member of the panel assembled by the ALUA under Subsection i may not have an interest in the application that is the subject of the appeal.
- C. The land use applicant shall pay:
 - i. 50% of the cost of the panel; and
 - ii. The ALUA's published appeal fee; or

7. For a dispute arising from the subdivision ordinance review, advise the applicant, in writing, of the deficiency in the application and of the right to appeal the determination to a designated appeal authority.

12-1600.38 CONSIDERATION – FINAL DECISION. If the final plat complies with the requirements of **UCA 10-9a-604.1**, this ordinance, and the preliminary subdivision approval, the ALUA shall approve the final subdivision application.

12-1600.39 EFFECTIVE PERIOD. The approval of a final plat shall be effective for a period of 1 year. If the required improvements are not installed and/or final plat is not signed and recorded within the required timeframe, the final application shall be null and void and the applicant shall be required to submit a new preliminary subdivision application for review and consideration by the ALUA.

12-1600.40 EXTENSIONS. The applicant may request time extensions for the expiration of a final plat approval by submitting a request in writing to the ALUA prior to original expiration date. The ALUA shall review requests for extensions and may only consider the request when the applicant is able to demonstrate no change in circumstance, including physical changes to the property or surroundings, that would result in an unmitigated impact or that would result in a finding of non-compliance with the general plan, zoning ordinance, or this ordinance in effect at the time of the extension request.

12-1600.41 PHASE DEVELOPMENTS.

1. The final platting of subdivisions may be done in phases. Each phase shall consist of a number of lots which can be completely developed with improvements within a period designated by the ALUA.
2. The intent is that improvements be completed within a reasonable period of time designated by the ALUA. If little to no work has been done within said time period, and there are no immediate plans for substantial work to be completed, the ALUA shall rule the plat null and void by reason of inactivity.
3. When the improvements have been completed and approved by the ALUA, the applicant may submit the next phase of the proposed development in accordance with the provisions of this ordinance.
4. A final plat shall be accepted only upon the submission of qualified evidence indicating that the applicant has the financial ability to complete the proposed improvements for all lots within the phase to be submitted.

12-1600.42 RECORDING. The final plat shall be recorded, by the applicant, at the office of the County Recorder within 1 year of final plat approval by the ALUA. The final subdivision plat shall only be recorded once the required improvements have been installed, inspected, and approved by the Town, and all required signature blocks have been appropriately signed. If the final plat is not recorded within the required timeframe, the final subdivision approval from the ALUA shall be null and void and the applicant shall be required to submit a new preliminary subdivision application for review and consideration by the ALUA.

SUBDIVISION PLAT AND RECORD OF SURVEY REQUIREMENTS

12-1600.43 SUBDIVISION PLAT. A subdivision plat submitted to the Town shall meet the minimum requirements of **UCA 10-9a-603(2)** in addition to the following:

1. A title with a unique name not used anywhere else in Piute County, State of Utah;
2. Signature blocks for:
 - A. Surveyor's certificate;
 - B. Administrative land use authority's certificate;
 - C. Owner's certificate;
 - D. Acknowledgement; and
 - E. Certificate of recording.

12-1600.44 AMENDED PLAT. An amended subdivision plat submitted to the Town shall meet the minimum requirements of **UCA 10-9a-608** in addition to the following:

1. A title distinguishing the amended plat from the original plat; and
 - A. (i.e., Marysvale Town Subdivision, 2nd Amended, etc.)
2. Signature blocks for:
 - A. Surveyor's certificate;
 - B. Administrative land use authority's certificate;
 - C. Owner's certificate;
 - D. Acknowledgement; and
 - E. Certificate of recording.

12-1600.45 RECORD OF SURVEY. A record of survey for an exempt subdivision submitted to the Town shall meet the minimum requirements of **UCA 17-23-17** in addition to the following:

1. A title stating "Record of Survey for [the specific exempted subdivision]";
 - A. (i.e., Minor Lot Subdivision, Agricultural Land Exemption, etc.)
2. Signature blocks for:
 - A. Surveyor's certificate; and
 - B. Administrative land use authority's certificate.

EXEMPTIONS FROM PLAT REQUIREMENT

12-1600.46 MINOR-LOT SUBDIVISION. UCA 10-9a-605(1) Parcel(s) created from the division of unincorporated land(s) are exempt from the subdivision plat requirements of this ordinance, if:

1. The record of survey has been reviewed by the ALUA and certified that the proposed development qualifies as a minor-lot subdivision as set forth herein. All survey's shall be reviewed by Town Engineer
2. The parent parcel is being subdivided into 5 or less parcels that all front an existing dedicated, accepted, and improved Marysvale Town right of way;
3. Each proposed parcel shall conform to minimum area, width, and land use provisions of the current zoning district. An approved zone change in conjunction to the proposed minor-lot subdivision shall be required by the Town Council if the above conditions are not met. If the zone change request is denied by the Town Council, the minor-lot subdivision application shall be null and void.
4. The applicant shall provide the following:
 - A. Potable drinking water supply shall be required for minor-lot subdivisions.
 - B. **Supply.** All minor subdivisions of a property approved by the Town of Marysvale shall provide a permanent supply of potable water available to each lot within the subdivided property. It shall be the responsibility of each subdivider to comply with all engineering standards in the construction of a culinary water system, and each subdivided property's culinary system must be fully developed and properly engineered to adequately serve all lots located therein. Any person seeking to subdivide property shall provide and transfer to Marysvale Town a sufficient and adequate supply of acceptable culinary water to service all subdivided lots seeking to be served by the Town's water system. Hauling water to any lot as the primary culinary source shall be prohibited.
 - C. **Approval of Water Right.** Water quantity, quality, and distribution system plans shall be approved, in writing by Marysvale Town's engineer, and all plans shall comply with the State of Utah Department of Environmental Quality and Divisions of Drinking Water. All water supplied by any person subdividing property must be transferred to the Town through a change application filed with the Utah Division of Water Rights, and a written memorandum decision must be received authorizing the transfer prior to approval of the subdivision. In addition, all water must have an acceptable priority date as determined by Marysvale Town or the Utah Division of Water Rights. Marysvale Town requires, each developer or other person who has subdivided

property to provide sufficient water to address the impacts of the proposed development which shall be in such amounts per lot as are necessary and roughly proportionate to the impact caused by the proposed development as set forth hereafter in Section 3, Quantity Determination.

D. **Quantity Determination.** Marysvale Town shall base the amount of water required to service a subdivided property, through calculating the projected water interest requirements by considering the Town's minimum system-wide sizing standards and the number of equivalent residential connections associated with the culinary water demand for the Town. The Town shall apply the lower exaction for development with the lower equivalent residential connections as demonstrated by the prior five years of usage data within Marysvale Town to determine the amount of water to be supplied to the Town. Marysvale Town shall make public the methodology used to determine the amount of water necessary to serve a lot within Marysvale Town and shall consider all additional information provided by a developer to ensure the water supply is properly assessed.

E. A subdivision wastewater feasibility study performed by a licensed engineer, to be reviewed and approved by Town Engineer, and approved by the Central Utah Public Health Department, if applicable; and improvement plans for other utilities to be provided and reviewed and approved by the Town Engineer, if applicable.

5. A parcel created from a minor-lot subdivision shall not be further subdivided within 3 years of the filing and recording date of the minor-lot subdivision where the subject parcel was originally created.

6. Evidence of recordable deeds for each proposed parcel in the minor-lot subdivision.

7. The record of survey shall be filed, and accompanied by appropriate deeds for each parcel to be recorded, at the office of the County Recorder within 60 calendar days of final approval by the ALUA. If the record of survey is not filed and appropriate deeds are not recorded within the required timeframe, the minor-lot subdivision approval shall be null and void and the applicant shall be required to submit a new preliminary subdivision application for review and consideration by the ALUA.

12-1600.47 AGRICULTURAL LAND EXEMPTION. UCA 10-9a-605(2)

1. A lot or parcel resulting from a division of agricultural land is exempt from the subdivision plat requirements of this Chapter, if the lot(s):
 - A. Qualify as land in agricultural use under **UCA 59-2-5 Farmland Assessment Act**;
 - B. Are not used and will not be used for nonagricultural purposes; and
 - C. Each have a minimum area of 6 acres.
2. The boundaries of each lot or parcel that is exempted shall be graphically illustrated on a Record of Survey map and approved by the ALUA.
 - A. If the Agricultural Land Exemption lots are created via aliquot parts or by metes and bounds descriptions, the Record of Survey shall not be required.
 - B. Appropriate deeds shall be prepared to meet the requirements of this ordinance and the County Recorder's Office.
3. If a lot or parcel exempted as agricultural land is used for nonagricultural purposes as defined by the Farmland Assessment Act, the Town shall require the lot to comply with the related plat requirements of this ordinance.
4. Upon final approval from the ALUA, the developer shall file the Record of Survey with the County Surveyor's Office, if applicable, and record deeds with the County Recorder's Office.

12-1600.48 METES AND BOUNDS SUBDIVISION UCA 10-9a-605(3)

1. A person may not submit a document that subdivides property by metes and bounds unless it contains written approval from the ALUA required by this ordinance. Recording a document otherwise shall be null and void.
2. The boundaries of each lot or parcel that is exempted shall be graphically illustrated on a record of survey and approved by the ALUA.

12-1600.49 PROPERTY BOUNDARY ADJUSTMENTS. UCA 10-9a-523 To make a property boundary adjustment (i.e., parcel boundary or lot line adjustment), a property owner shall meet the requirements of **UCA 10-9a-523**, in addition to the following:

1. if a parcel that is the subject of a property boundary adjustment contains a dwelling unit, the Town shall require a review of the boundary line agreement to ensure required setbacks and parcel areas are conforming to the corresponding zoning district(s); and
2. upon review of the property boundary adjustment, the Town shall send written notice of the boundary line agreement's approval to the property owner within 14 days.

12-1600.50 BOUNDARY LINE AGREEMENTS. UCA 10-9a-524 Adjoining property owners executing a boundary line agreement, shall meet the requirements of UCA **10-9a-524**, in addition to the following:

1. if a parcel that is the subject of a boundary line agreement contains a dwelling unit, the Town shall require a review of the boundary line agreement to ensure required setbacks and parcel areas are conforming to the corresponding zoning district(s); and
2. upon review of the boundary line agreement, the Town shall send written notice of the boundary line agreement's approval to the property owner within 14 days.

12-1600.51 SUBDIVISION AMENDMENT. UCA 10-9a-608 The ALUA may consider an owner's petition for a subdivision amendment if:

1. The petition seeks to:
 - A. Join 2 or more of the petitioning fee owner's contiguous lots;
 - B. Subdivide one or more of the petitioning fee owner's lots, if the subdivision will not result in a violation of this Ordinance or a development condition;
 - C. Adjust the lot lines of adjoining lots or between a lot and an adjoining parcel if the fee owners of each of the adjoining properties join the petition, regardless of whether the properties are located in the same subdivision;
 - D. On a lot owned by the petitioning fee owner, adjust an internal lot restriction imposed by the local political subdivision; or
 - E. Alter the plat in a manner that does not change existing boundaries or other attributes of lots within the subdivision that are not:
 - i. Owned by the petitioner; or
 - ii. Designated as a common area.

12-1600.52 PUBLIC RIGHT OF WAY SUBDIVISIONS. A parcel of land divided by a public (Town, County, or State) right of way is exempt from the subdivision plat requirements of this Ordinance and the owner of real property may legally subdivide the property, only as it is currently portrayed, by recording deeds at the Office of the County Recorder. Prior to recording the deeds, the exemption shall be confirmed and approved by the ALUA prior to recording of deeds.

APPENDICES
APPENDIX A MARYSVALE TOWN PLANNING AND ZONING FEE SCHEDULE

MARYSVALE TOWN, UTAH
FEE RESOLUTION NO. 2022-

A RESOLUTION TO ESTABLISH CERTAIN FEES FOR LAND USE AND COMMERCIAL OR INDUSTRIAL ACTIVITIES WITHIN THE INCORPORATED AREAS MARYSVALE TOWN, UTAH.

WHEREAS, the Marysvale Town Council has adopted a Zoning Ordinance regulating the use of land within the incorporated areas Marysvale Town, Utah that provide for related fees; and

WHEREAS, the Marysvale Town Council desires that a fair and equitable fee be charged for the cost of providing Town review and monitoring of related projects in the Town; and

NOW THEREFORE, be it resolved by the Marysvale Town Council as follows: The

following fees shall be charged for the designated services provided:

SERVICE PROVIDED FEE

Appeal Authority Hearing Fee	\$200.00	Annexation
Application Fee.....	\$500.00	Business License
Application/Renewal Fee	\$50.00	Conditional Use Permit
Application Fee.....	\$200.00	Zone
Change Application Fee ... \$500.00		

Subdivision Application Fees

1. Minor-Lot Subdivision	\$400.00
2. Subdivision (1-5 lots).....	\$400.00
3. Subdivision (5+ lots)	\$500.00
4. Agricultural Land Exemption/Minor Subdivision	\$200.00
5. Subdivision Amendment	\$200.00

In Witness, Whereof, this Resolution 2022-establishing certain planning and zoning fees within the incorporated areas of Marysvale Town, Utah is hereby passed and adopted by the Marysvale Town Council this 28th day of July, 2022

Ann Kennedy

Mayor, Marysvale Town, Utah

Attest:

Wendy Steed

Marysvale Town Clerk

APPENDIX A

Marysvale Town Planning and Zoning Fee Schedule

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**TITLE 13-00-0-00
POLICE AND PUBLIC OFFENSES**

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13-11-3-00. FIREWORKS

13-11-3-01. SHORT TITLE. This chapter shall be known and cited as the Marysville Town Fireworks Ordinance.

13-11-3-02. DEFINITIONS.

1. “Fireworks” means any composition or device manufactured or used for the purpose of producing a visible or audible effect by combustion, deflagration, or detonation but does not include model rockers, toy pistol caps, emergency signal flares, snakes or glow worms, party poppers, wire sparklers under 36 inches in length, matches, or class A and B explosives.
2. “Ground or hand-held sparkling” device means:
 - A. Any cylindrical tube (cylindrical fountain) not exceeding $\frac{3}{4}$ ” in inside diameter and containing not more than 75 grams of pyrotechnic composition which produces a shower of color and sparks upon ignition and may whistle or pop;
 - B. Any cardboard or heavy paper cone (cone fountain) containing up to 50 grams of pyrotechnic composition which produces a shower or color and sparks upon ignition and may whistle or pop;
 - C. Any cylindrical tube (illuminating torch) containing up to 100 grams of pyrotechnic composition which produces colored fire upon ignition;
 - D. Any pyrotechnic device (wheel) capable of being attached to a post or tree containing up to six “driver” units or tubes not exceeding $\frac{1}{2}$ ” in inside diameter and each contain not more than 60 grams of pyrotechnic composition per driver unit which revolves upon ignition producing a shower of color and sparks and sometimes a whistling effect;
 - E. Any device similar in design and effect to a “wheel” capable of being placed on the ground (ground spinner) and ignited; and
 - F. Any narrow paper fuseless tube (flutter sparkler) filled with pyrotechnic composition that produces color and sparks when the popper at one end of the tube is ignited.
3. “Ground audible device” means any paper or cardboard tube containing not more than 50 milligrams of pyrotechnic material that travels along the

ground (chaser) upon ignition and often produces a whistling and/or popping effect.

4. “Combination fireworks device” means any device containing combinations of two or more of the effects described in subsections (2) and (3).
5. “Trick noisemaker” means:
 - A. Any tube or sphere containing pyrotechnic composition that upon ignition produces white or colored smoke (smoke device) as its primary effect; and
 - B. Any device that produces a small report intended to surprise the user, including: (i) A “booby trap” which is a small tube with a string protruding from both ends that ignites the friction sensitive composition in the tube when the string is pulled; (ii) A “snapper” which is a small paper-wrapped device containing a minute quantity of explosive composition coated with bits of sand which explodes producing a small report; (iii) A “trick match” which is a kitchen or book match coated with a small quantity of explosive or pyrotechnic composition that produces a small shower of sparks when ignited; (iv) A “cigarette load” which is a small wooden peg coated with a small quantity of explosive composition that produces a small report when the cigarette is ignited; and (v) An “auto burglar alarm” which is a tube which contains pyrotechnic composition that produces a loud whistle and smoke when ignited. A small quantity of explosive, not exceeding 50 milligrams may also be used to produce a small report. A squib is used to ignite the device.

13-11-3-03. SALE OR USE OF UNAUTHORIZED FIREWORKS UNLAWFUL. It is unlawful for any person to see or offer for retail sale, or to discharge any fireworks in this city other than those defined in subsections 11-3-2(2) to (5).

13-11-3-04. ENFORCEMENT – SEIZURE OF FIREWORKS SOLD UNLAWFULLY – REVOCATION OF LICENSE.

1. Every city officer charged with the enforcement of state and city laws, including all fire enforcement officials and the division of public safety, is charged with responsibility to enforce this act.
2. Fireworks sold or offered for sale in violation of this chapter may be seized and destroyed and the license of the person selling or offering fireworks for sale may be revoked.

13-11-3-05. State Fire Prevention Board. It shall be a misdemeanor for any person or any retailer to violate the rules established by the State Fire Prevention Board adopted pursuant to section 11-3-5, *Utah Code Annotated 1953*,

13-11-3-06 through 13-11-3-09. Reserved.

13-11-3-10. EXEMPTIONS. This chapter does not apply to the product inventories of fireworks, manufacturers, importers, distributors or wholesalers designated for shipment directly out of the state. Nothing in this act shall supersede the provisions of section 23-13-7, *Utah Code Annotated, 1953*.

13-20-0-00. ANIMAL CONTROL. Reserved

3-20-1-00. POUND MASTER. Reserved

13-20-1-01. OFFICE OF POUND MASTER CREATED. Reserved

13-20-1-02. DUTIES OF POUND MASTER. Reserved

13-20-1-03. INTERFERENCE WITH OFFICER PROHIBITED. Reserved

13-20-1-04. FEES – Services of Pound master. Reserved

13-20-2-00 CARE AND KEEPING. Reserved

13-20-2-01. ANIMALS AT LARGE. Reserved

13-20-2-02. ABANDONMENT. Reserved

13-20-2-03. TRESPASSING ANIMALS AND FOWL. Reserved

13-20-2-04. KILLING OR POISONING PROHIBITED. Reserved

13-20-2-05. 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.

13-20-2-06. DISEASED ANIMALS. It is a class C misdemeanor for any person to bring into the city for sale or have in his possession with intent to see 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.

13-20-2-07. SALE OF DISEASED ANIMALS. It is a class C misdemeanor for any person to bring into the city 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.

13-20-2-08. 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 city health officer. The health officer shall likewise be notified of any person or animal bitten by a rabid or suspected rabid animal.

13-20-2-09. 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 city 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.

13-20-2-10. 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 pound master for a period of 120 days or destroyed.

13-20-2-11. UNLAWFUL ACTS. It shall be unlawful for any person to:

1. Overdrive, overload, drive when overloaded, overwork, torture, cruelly beat, mutilate, or needlessly kill, or carry or transport in any vehicle or other conveyance in cruel and inhumane manner, any animal or cause any of these acts to be done.
2. Fail to provide any animal in his charge or custody with necessary substance, drink, and protection from the elements, or cause any of these acts to be done.
3. Maintain any place where fowls or any animals are suffered to fight upon exhibition or for sport upon any wager.
4. 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.

13-20-3-00. DOGS.

13-20-3-01. DEFINITIONS. As used in this ordinance, unless the context otherwise indicates, the following words shall mean;

1. "Dog" shall mean any male, female, or spayed female dog of any age.
2. "Unlicensed dog" is hereby defined and declared to mean a dog for which a license for the current year has not been paid, or for which the tag provided for in this part is not attached.
3. "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.
4. The term "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, and chain or otherwise.
5. "Pound" shall mean an animal shelter, lot, premises, or buildings maintained by or authorized or employed by the city for confinement or care of dogs seized either under the provisions of this chapter or otherwise.

6. “Impounded” shall mean having been received into the custody of the city pound or into the custody of any authorized agent or representative of the city.
7. “Vicious dog.” Any animal which constitutes a physical threat to human beings or other domestic animals by virtue of a known propensity to endanger life by an unprovoked assault or bite so as to cause serious bodily harm. An animal trained, owned or harbored for the purpose, primarily or in part, for animal fighting. Exceptions: 1. an animal shall not be deemed dangerous if it bites attacks or menaces. (a) Anyone assaulting the owner, (b) a trespasser on the property of the owner, (c) Any person or animal that has tormented or abused it. 2. It is otherwise acting in defense of an attack from a person or other animal upon the owner or other person. 3. It is protecting or defending its young or another animal.
8. “Pound master” shall mean the custodian selected by the city council to be responsible for the operation of the dog pound.

13-20-3-02. LICENSE AND REGISTRATION REQUIRED.

1. It is unlawful for any person to keep, harbor or maintain any dog six or more months old, unless such dog has been registered and licensed in the manner herein provided.
2. Application for registration and licensing shall be made to the pound master or such other person as the city council may authorize to receive such applications.
3. A dog license shall be issued by the pound master or such other person as the city council may authorize.
4. No dog license shall be issued by the city until the fee required herein is paid. Until otherwise changed by resolution of the city council, the following fee shall be charged:
 - A. Each spayed female \$3.50
 - B. Each neutered male \$3.50
 - C. Each unsprayed female \$15.00
 - D. Each unneutered male \$15.00
5. The fee due and payable pursuant to this section shall be due 2-28 and shall be delinquent after 3-1 of each year. A penalty of 10% shall be added to delinquent payments.
6. The owner of any newly acquired dog of licensing age or of any dog which attains licensing age after July 1 of any year shall make an application for registration and license within 10 days after such acquisition or dogs attain the above-stated age; provided that the license fall shall be 50% of the above required for new applications received after July 1 of any year.
7. Anyone owning, keeping, harboring, or maintaining four or more dogs over the age of six months shall be considered operating a kennel and shall be required to pay an annual kennel license fee of \$40.00 per year.
8. 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 shall cover the calendar year in which the license was issued, expiring on the 31st day of December of the year of issuance, regardless of the date when issued.

9. The provisions of this section shall not be intended to apply to dogs whose owners are nonresidents temporarily within the city, nor to dogs brought to the city for the purpose of participating in any dog show, nor to commercial kennels.
10. 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.

13-20-3-03. TAG AND COLLAR. Upon payment of the license fee, the recorder shall issue to 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, except those operating a kennel, shall provide each dog with a collar to which the license tag shall be affixed, and shall see that the collar and tag are constantly worn. In case a dog tag is lost or destroyed, a duplicate will be issued by the recorder upon presentation of a receipt showing the payment of the license fee for the current year and the payment of \$2.00 for such duplicate. Dog tags shall not be transferable from one dog to another, and no refunds shall be made on any dog license fee because of death of the dog or the owner's leaving the city before expiration of the license period. It shall be unlawful to deprive a registered dog of its collar and/or tag.

13-20-3-04. RUNNING AT LARGE PROHIBITED.

1. It shall be unlawful for the owner or keeper of any dog to permit such dog to run at large.
2. It shall be unlawful for the 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.
3. 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.
4. Any dog running at large in violation of the provision 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.

13-20-3-05. 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.

13-20-3-06. STRAYS. It shall be unlawful for any person to harbor or keep within the city 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 recorder or pound master, 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 pound master shall notify the person to whom such license was issued, at the address given in the license.

13-20-3-07. RABIES. Every owner of any dog over the age of six months within the city 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 city council may, by resolution provide that owner of any dog may themselves purchase serum and vaccinate their own dogs. The resolution shall also prescribe the condition with which the owner must comply to obtain the tag hereinafter required.

13-20-3-08. 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 city 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.

13-20-3-09. 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 the violation is permitted to exist or continue shall constitute a separate offense. This section shall not apply to the city dog pound, veterinary hospitals, or medical laboratories.

13-20-3-10. VICIOUS ANIMALS – SPECIAL PROVISIONS.

1. It shall be unlawful for any person to own and possess a vicious dog within the city. 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.
2. 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 pound master or other authorized personnel of the city to put the dog to death or may order such other disposition of the dog as will protect the inhabitants of the city.

13-20-3-11. DOG POUND. The city council may contract with some humane person as pound master, with the adjoining municipality or with the county for the purpose of providing suitable premises and facilities to be used by the city 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.

13-20-3-12. 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 pound master 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.

13-20-3-13. RECORD OF IMPOUNDING ANIMALS. The pound master 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.

13-20-3-14. REDEMPTION OF IMPOUNDED DOGS. Any dog impounded as a licensed or unlicensed dog may be redeemed and taken from such pound by the owner of any authorized person upon exhibiting to the supervisor of person having charge of said pound, a certificate of registry as provided in section 13-20-3-12, showing that the license imposed by this part has been paid for such dog, and upon paying the person in charge of the pound an impounding fee of five dollars and the sum of fifty cents for each and every day such dog shall have been impounded. All impounded dogs 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.

13-20-3-15. 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 pound master's judgment are suffering and recovery is doubtful, the pound master may destroy the dog without awaiting the five-day period.

13-20-3-16. INTERFERENCE WITH IMPOUNDING PROHIBITED. It shall be unlawful for any person to hinder, delay, interfere with, or obstruct the pound master or any of his assistants while engaging in capturing, securing, or taking to the dog pound any dog or dogs liable 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.

13-20-4-00. ESTRAYS.

13-20-4-01. IMPOUNDING AND DISPOSAL OF ESTRAYS, GENERALLY. It is hereby made the duty of the pound master to take into his possession and impound all strays 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.

13-20-4-02. NOTICE OF SALE OF ESTRAYS. Within three days after an stray shall come into the possession of the pound master, 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 city, one of which places shall be at or near the post office. He shall immediately deliver a copy of such notice to the county 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 form of the figure shown in appendix A of this ordinance.

13-20-4-03. RETURN TO THE OWNER ON PAYMENT OF COSTS – SALE. If at any time before the sale of any strays, such animals shall be claimed and proved to be the property of any person, the pound master 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 form of the figure shown in appendix A of this ordinance. The pound master shall immediately file a copy of such bill of sale with the county 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.

13-20-4-04. RECORD OF ESTRAYS. The pound master 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 the compliance with the provisions of this part. The city council shall provide the pound master with a suitable book in which shall be entered the records required by law to be kept by the pound master. Such records shall be open to inspection of the public at all reasonable hours, and shall be deposited by the pound master with his successor in office.

13-20-4-05. 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 be restraining and impounding the animals in the manner provided.

13-20-4-06. 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 pound master 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, including all visible marks and brands. If the animals appear to be owned by different parties, a separate appraisement and a separate certificate thereof shall be made of the damage done by the lot or group of animals which appear to belong to each of the different owners. In such cases, the owners shall be notified separately, and each lot or group of animals shall be advertised and sold separately in the same manner as though the damage had been done by different animals at different times.

13-20-4-07. 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 appraisement. But, if the owner does not live within ten miles of the place of trespass, the party restraining 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 _____ cents a mile one way for the first ten miles necessarily traveled in delivering such certificate, and _____ cents for each additional mile, to be taxed as costs against the animals.

13-20-4-08. FAILURE TO NOTIFY WAIVES DAMAGES. If the party distraining any animals shall fail to deliver them or the certificate of appraisement to the pound master with 48 hours, or shall fail to deliver to the owners of the animals, if known, a copy of the certificate of appraisement 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 provision of this part.

13-20-4-09. WHERE OWNER UNKNOWN – DUTY OF POUND MASTER.

Whenever any animals are delivered to the pound master and the certificate of appraisement is filed with him as herein provided, and such certificate states that the owner is unknown, the pound master shall immediately examine all brand books or brand sheets in his possession. If the owner be ascertained thereby, or if the owner is already known to the pound master, he shall, if the owner lives within ten miles, immediately deliver a copy of such certificate of appraisement 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 pound master 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.

13-20-4-10. NOTICE OF SALE OF DISTRAINED ANIMALS. As soon as any such animals are delivered to the pound master, 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 city, one of which shall be at or near the post office, and he shall deliver a copy of the same to the county 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 10 or more than 20 days from the time of posting such notice. The notices shall be substantially in the form shown in appendix A.

13-20-4-11. 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, 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 qualification 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.

13-20-4-12. SALE – BILL OF SALE. If such animals are not claimed and taken away by the owner, the pound master 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 pound master 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 pound master shall proceed to sell all of said animals so advertised fro sale. He shall execute and deliver a bill of sale therefore, and file a copy with the county clerk as hereinbefore provided.

13-20-4-13. 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 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 any 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. If he fails to do so he 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.

13-20-4-14. OWNER ENTITLED TO RESIDUE OF PROCEEDS. If any strays or trespassing animals sold under the provision 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 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 city, 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 h is right to the same.

13-20-4-15. RECORD OF TRESPASSING ANIMALS. The pound master 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.

13-20-4-16. 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 provision of this part, either by stealth, force, fraud, or to intercept or hinder any person lawfully taking or attempting to take up such animals.

13-30-0-00. GENERAL POLICE POWERS.

13-30-1-00. OFFENSES RE: MINORS.

13-30-1-01. 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:

1. Where they are in locations where persons under the age of 19 are prohibited.
2. 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.
3. In private industrial locations where only adult employees are customarily allowed, provided such locations are inaccessible to persons under the age of 19.
4. In adult-private clubs, provided that such locations are inaccessible to persons under the age of 19.

13-30-1-02. CURFEW – MINORS – EXCEPTIONS. No person under the age of 18 years shall be or remain upon any of the streets, alleys or public places or vacant lots at night between the hours of 11 p.m. and 5 a.m., following, unless such person is accompanied by a parent, guardian or other person having legal custody of such minor person, 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 parent 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 p.m. to 5 a.m., following, in order to provide adequate time to attend such functions provided for minor persons. Where a permit is required from the parent under this section, such permit shall be kept upon the person and it shall be unlawful to be upon the streets, alleys or public places within such curfew hours without such permit.

13-30-1-03. RESPONSIBILITY OF PARENTS, GUARDIANS FOR CURFEW. No parent, guardian or other person having legal charge or custody of any person under 18 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, except as provided in section 13-30-1-02.

13-30-1-04. MINOR PROHIBITED WHERE BEER IS SOLD.

1. It is unlawful for any person to operate any pool or billiard hall in this city if beer as defined in this code is kept, sold or consumed without first making a regulation and enforcing the same, keeping posted in a conspicuous place the terms of such regulation, which shall read, "No person under 21 years of age permitted in these premises."
2. It is unlawful for any person in charge of or employed in such pool or billiard hall to permit any person under the age of 21 years of age to enter upon or remain in any such premises, or for any person under the age of 21 years to enter upon or remain in said premises for any purpose.

3. Pool or billiard halls may be kept open to minors where no beer as defined in this code is kept or consumed or sold.

13-30-2-00. INTOXICANTS AND LIQUOR.

13-30-2-01. PUBLIC INTOXICATION PROHIBITED.

1. It is a class C misdemeanor for any person to be under the influence of any 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.
2. A peace officer or magistrate may release from custody an individual arrested under this section, if he believes imprisonment is unnecessary for the protection of the individual or another.

13-30-2-02. 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 city, 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.

13-30-2-03. POSSESSION OF LIQUOR. It shall be unlawful, except as permitted by state law and the ordinances of this city 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.

13-30-2-04. 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 which is apparently under the influence of liquor.

13-30-2-05. ALCOHOLIC BEVERAGES AND MINORS.

1. 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 persons for medicinal purposes only by the parent or guardian of such per, or to the administering of liquor to such person by a physician in accordance with the provision of this part.
2. It shall be unlawful for any person under the age of 21 years to have possession of beer or any intoxicating liquor.

13-30-2-06. 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 State or the State of Utah.

13-30-2-07. SOLICITATION OF DRINKS. No person shall frequent or loiter in any tavern, cabaret, or nightclub, with the purpose of soliciting the purchase of alcoholic drinks. No proprietor or operator of any such establishment shall allow the presence in such establishment of any who violates the provisions of this section.

13-30-3-00. DISTURBING THE PEACE.

13-30-3-01. 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.

13-30-3-02. 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.

13-30-3-03. LOUDSPEAKERS.

1. It is an infraction for any person to maintain, operate, connect or suffer to 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 there from 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 proposed 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 of police shall set forth in writing and with particularity the grounds for so denying the application for a permit.
2. 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 there from 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 there from directly outside of any building, vehicle or out-of-doors, and provided further that no such 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 there from is projected outside of such walls or window.

13-30-3-04. 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, 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.

13-30-3-05. 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 dancehall, club dance, skating rink, or place of business open to public patronage.

13-30-3-06. INDECENT EXPOSURE.

1. It shall be a class B misdemeanor for any person to indecently expose his/her body in public.
2. For the purpose of this section:
 - A. Indecent exposure means: (a) exposing male genital or the covered male genital shown in a discernible 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).
 - B. "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.

13-30-3-07. 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.

13-30-3-08. 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 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.

13-30-3-09. LOOK OUTS FOR ILLEGAL ACTS. It shall be a class C misdemeanor for any person to act as a guard or lookout for any building, premises, or establishment used for gambling, for illegal sale or purchase of intoxicating liquors, or for any person soliciting, offering or engaging in prostitution, gambling or any other form of vice, or illegal act, or any prostitute, on any street or sidewalk. Nor shall any person give any signal intended to, or calculated to warn, or give warning of the approach of any peace officer to any person in or about such building or premises or place mentioned herein.

13-30-3-10. UNLAWFUL USE OF RESTROOMS. No person over the age of six years shall use the restroom and washrooms designated for the opposite sex.

13-30-4-00. PUBLIC PROPERTY – DOCUMENTS.

13-30-4-01. PUBLIC PROPERTY. For the purpose of the 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.

13-30-4-02. UNLAWFUL ACTS. On any public property it is unlawful for any person to:

1. 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.
2. Soil or litter public restrooms and washrooms.
3. 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.
4. 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.
5. Urinate or defecate, except in the public restroom in receptacles placed there for such purpose.
6. 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.
7. 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.
8. 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 contagious to any park or planted area or left anywhere on the grounds thereof.
9. Sleep on seats, benches, sidewalks, curbs, planters, wall or other areas.

10. 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 city council may exempt designated areas from this subsection by resolution on such terms and conditions as it may prescribe.
11. 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.

TITLE 14-000. UTILITIES.

14-100 IMPACT FEES FOR THE CULINARY WATER PUBLIC FACILITIES

ADOPTING AND ENACTING IMPACT FEES FOR THE CULINARY WATER PUBLIC FACILITIES AND WATER RIGHTS, INCLUDING BUT NOT LIMITED TO, ADOPTING AN IMPACT FEE ANALYSIS

RECITALS:

WHEREAS, Marysville Town has previously not established and is currently not collecting Impact Fees for a culinary water capital facilities and water rights; and

WHEREAS, Utah Code Annotated ("UCA") 11-36a-402 allows for said collection of Impact Fees; and

WHEREAS, UCA 11-36a-303 requires that, prior to amending or enacting new Impact Fees, a Town shall prepare an Impact Fee Analysis; and

WHEREAS, UCA 11-36a-503 also requires that a Town must cause to be posted on the Utah Public Notice Website a notice of intent to prepare an Impact Fee Analysis (see Appendix C); and

WHEREAS, UCA 11-36a-504 requires, and Marysville Town has fulfilled, all noticing requirements included therein and caused to be posted on the Utah Public Notice Website a public notice of intent to adopt Impact Fee Enactment (see Appendix C); and

WHEREAS, in accordance with UCA 11-36a-302(3), Marysville Town Council's plan for Financing System Improvements establishes that Impact Fees are necessary to maintain the existing level of service.

NOW, THEREFORE, BE IT ORDAINED that the Marysville Town Council hereby adopts The Impact Fee Enactment as follows:

Section 1- Definitions

Section 2- Findings

Section 3-Adoption of Impact Fees Analysis

Section 4- Adoption and Administering of Impact Fees

Section 5-Procedures for Challenging or Appealing Impact Fees or the Administration Thereof

Section 6-- Miscellaneous Provisions

Appendix A- Water facilities and Water Rights Impact Fee Schedule

Appendix B- Impact Fee Analysis for the Water Facilities and Water Rights

Appendix C- Notice of intent to prepare an Impact Fee Facilities Plan and Impact Fee Analysis & Notice to Adopt Impact Fee Enactment

SECTION 1- DEFINITIONS

1. 1. DEFINITIONS. As used in this Ordinance, the following terms shall have the meanings Herein set out:

1.1.1. "Town" means Marysvale Town and its incorporated boundaries.

1.1.2. "Development Activity" or "New Development" means any construction or expansion of a building, structure, or use, any change in use of a building or structure, or any changes in the use of land that creates additional demand and need for Public Facilities.

1.1.3. "Equivalent Residential Unit" ("ERU") means a unit of measure which serves as an index to compare the impact on certain Public Facilities equal to the impacts of one typical single-family detached dwelling unit.

1.1.4. "Impact Fees" means the Impact Fees adopted and imposed by this Ordinance on Development Activity or New Development within the Town and as allowed by UCA § 11-36a 01 et al.

1.1.5. "Impact Fee Analysis" means the Impact Fee Analysis prepared and certified by Savage Albrecht Engineering and as adopted by the Town Council in this Ordinance.

1.1.6 "Impact Fee Facilities Plan" means the Impact Fee Facilities Plan prepared Savage Albrecht Engineering as adopted by the Town Council in this Ordinance.

1.1.7. "New Development" means the same as "Development Activity. Please reference the definition for "Development Activity" contained in this Ordinance.

1.1.8. "Public Facility (is)" means the System Improvements that have a life expectancy often (10) or more years, the Town is an Owner, Partner, or Operator, and are necessary in providing culinary water or irrigation water including water rights.

1.1.9. "Proportionate Share" means the cost of Public Facility improvements that are roughly proportionate and reasonably related to the service demands and needs of any Development Activity.

1.1.10. "Service Area" means the area of the incorporated limits of the Town and any area outside of the Town, which may hereafter be annexed into the Town that have benefitted by the installation of the excess capacity of the Public Facilities of Marysvale Town.

1.1.11. "System Improvements" means existing or future Public Facilities that are identified in the Impact Fee Analysis and or Impact Fee Facilities Plan assigned to provide services to Service Area.

1.1.12. "Utah Impact Fees Act" means Utah Code Title 11, Chapter 36a, and as amended.

SECTION 2- FINDINGS

2.1. Findings. The Town Council hereby finds and determines:

2.1.1. There are excess existing Public Facilities that have been built or acquired to accommodate New Development as set out in the Impact Fee Analysis and that the Town has an obligation to reimburse the builder of those excess existing Public Facilities from New Development.

2.1.2. There is a need for Public Facilities for New Development which has been constructed with capacity to service New Development and/or has yet to be constructed to service New Development and is required to protect the public's health, safety, and welfare.

2.1.3. The existing level of service as calculated in the Impact Fee Facilities Plan and/or Impact Fee Analysis shall be perpetuated in the future.

2.1.4. The imposition and collection of the Impact Fees are necessary in providing the Public Facilities occasioned by the demands and needs of the New Development at existing service levels necessary to preserve the public health, safety, and welfare.

2.1.5. The Impact Fees are a fair and equitable means of providing Public Facilities to service New Development. Specifically, the Impact Fee Facilities Plan and/or Impact Fee Analysis establishes: (a) the estimated costs for providing the Public Facilities; (b) identifies the impact on the need for those Public Facilities by New Development; (c) demonstrates how the impacts on the need for the applicable Public Facilities are reasonably related to the New Development; (d) estimates the Proportionate Share of the costs of the needed Public Facilities related to New Development; and (e) identifies how the Impact Fees set out in the Impact Fee Facilities Plan and/or Impact Fee Analysis were determined.

2.1.6. The Impact Fees established by this Ordinance are reasonably related to the costs of providing such Public Facilities necessitated by anticipated New Development within the Town and are consistent with requirements of the Utah Impact Fees Act.

SECTION 3- ADOPTION OF IMPACT FEES ANALYSIS

3 .1. Adoption of Impact Fee Analysis. The Impact Fee Analysis provides the analysis, methodology, and formula used for calculation of the Impact Fees imposed by this Ordinance. The Town Council hereby approves and adopts the Impact Fee Analysis for the water Public Facilities, as contained in Appendix B.

SECTION 4-ADOPTION AND ADMINISTERING OF IMPACT FEES

4.1. Adoption and Imposition of Impact Fees. The Town Council hereby approves and imposes and levies on all Development Activity or New Development Impact Fees for the Water Public Facilities which includes the acquisition of water rights.

4.2. Calculation of Impact Fee. The impact for water Public Facilities shall be collected in the amount contained in Appendix A-Impact Fee Schedule.

4.2.1. The Impact Fee Analysis and Impact Fee Facilities Plan, as contained in Appendix B and shall be used in cases where clarification is required regarding the analysis, methodology, and formula used for calculation of the Impact Fees. If any conflict should occur or arise between Appendix A-Impact Fee Schedule and the Impact Fee Analysis, the Impact Fee Analysis shall prevail.

4.3. Service Area Established. The Service Area for each Public Facilities subject to the impact for that Public Facility is as set out in Appendix B hereto.

4.4. Exemption of Impact Fees. In accordance with UCA 11-36a-403 and as amended, the Town Council may, at its discretion, approve an Impact Fee exemption for Development Activity or New Development when it finds that the Development Activity or New Development has a broad public purpose and when the Town Council establishes one or more sources of funds other than Impact Fees to pay for that Development Activity impact on Public Facilities and/or System Improvements.

4.5. Time of Collection. Unless otherwise provided by the Town Council, Impact Fees imposed by this Ordinance shall be paid prior to, and as a condition of, the issuance of a building permit for any Development Activity or New Development

4.5.2 Annexations. At the discretion of the Town Council, the Town may require collection of Impact Fees on a Development Activity being annexed into the Corporate Limits of the Town, where the parcel's pre-existing development will have an immediate impact on Public Facilities and/or System Improvements.

4.6. Use of Impact Fees. Impact Fees collected by the Town shall be used solely to:

4.6.1 Pay for the Public Facilities or System Improvements provided for by this Ordinance and the Impact Fee Facilities Plan and/or Impact Fee Analysis by the Town;

4.6.2 Reimburse funds to the Town for a Development Activity or New Development's Proportionate Share of Public Facilities or System Improvement already constructed by the Town. The amount of funds to be reimbursed per Impact Fee is enumerated in Appendix B;

4.6.3 Reimburse funds or grant Impact Fee credits to individuals or entities who dedicate land, construct and dedicate some or all Public Facilities or System Improvement where those Public Facilities or System Improvements are beyond an individual's or entities' Proportionate Share; and

4.6.4 Any other use authorized by the "Utah Impact Fees Act" or law.

4.7 Adjustment, Credits, and Reimbursement. In accordance with UCA 11-36a-402 and as amended, the Town Council may adjust and/or grant Impact Fee credits or reimbursement of funds

to a developer through the collection of future Impact Fees imposed by this Ordinance. The Town Council is the appeal board to consider an adjustment and/or grant Impact Fee credits or reimbursement. Any person or entity who believes he/it is entitled for consideration of an Impact Fee adjustment, credit, or reimbursement shall file a written request with the Town Council. The written request for an Impact Fee adjustment or credit shall set forth, in detail and specificity, the grounds and asserted facts for which an adjustment, credit, or reimbursement is warranted. Any adjustment or Impact Fee credits or reimbursement granted by the Town Council shall be memorialized in written form, and shall be a Public Facility and/or System Improvement included in the Impact Fee Facilities Plan and/or Impact Fee Analysis, and based upon the following:

4.7.1. Response to unusual circumstances in specific cases;

4.7.2. Response to a request for a prompt and individualized Impact Fee review for the Development Activity of the State, a school district, or a charter school and an offset, credit, or reimbursement for a Public Facility for which an Impact Fee has been or will be collected;

4.7.3. Ensure that the Impact Fees are imposed fairly;

4.7.4. Adjust the amount of the Impact Fees to be imposed on a particular Development Activity based upon studies and data submitted by the developer;

4.7.5. Ensure that a developer, including a school district or a charter school, receives a credit or proportionate reimbursement of an Impact Fee if the developer dedicates land for a System Improvement; builds and dedicates some or all of a System Improvement; or dedicates a Public Facility.

4.7.6. Ensure that a developer receives a credit or proportionate reimbursement against Impact Fees for any dedication of land for, improvement to, or new construction of, any System Improvements provided by the developer if the facilities: are System Improvements; or are dedicated to the public; and offset the need for an identified System Improvement.

4.7.7. For any other provision or requirement by the "Utah Impact Fees Act" or law to adjust Impact Fees.

4.8. Accounting of Impact Fees. The Town shall account for Impact Fees collected in accordance with the UCA 11-36a-601 and as amended.

4.9. Expenditure of Impact Fee. In accordance with UCA 11-36a-602 and as amended, the Town may expend Impact Fees only for a System Improvement: (a) identified in the Impact Fee Facilities Plan or like improvement; and (b) for the specific Public Facility type for which the fee was collected. The Town shall expend or encumber the Impact Fees for a permissible use within six (6) years of their receipt; except the Town may hold the fees for longer than six (6) years if it identifies, in writing: (a) an extraordinary and compelling reason why the fees should be held longer than six (6) years; and (b) an absolute date by which the fees shall be expended.

4.10. Refund of Impact Fee. In accordance with UCA 11-36a-603 and as amended, the Town Council shall refund any Impact Fee paid by a Developer, plus interest earned, as calculated by the post-judgment interest rate for the state of Utah pursuant to UCA 15-1-4, when the following circumstances exist: (1) the Developer does not proceed with the Development Activity and has filed a written request for a refund to the Town Council; (2) the Impact Fee has not been spent or encumbered; and (3) no impact has resulted.

4.10.1. Developer Defined. For purposes of Section 4.10 of this Ordinance only, "Developer" shall mean the person or entity to whom the Town has record of issuing a building permit, street cut permit, conditional use permit, business license, or issuance for the Development Activity or New Development in which the Impact Fee was imposed and levied.

4.11 Interpretation of Ordinance. The Town Council hereby designates the Town Council as the public body to interpret this Ordinance as necessary for the administration of Impact Fees.

SECTION 5 - PROCEDURES FOR CHALLENGING OR APPEALING IMPACT FEES OR THE ADMINISTRATION THEREOF

5.1. Challenges Regarding the Legality of Impact Fee.

5.1.1. Legality Appeal. Any person or entity required to pay an Impact Fee who believes the Impact Fee does not meet the requirements of law, may file a written request for information with the Town Council. The written request for information shall set forth, in detail and specificity, all grounds and asserted facts to support the claim of an illegal Impact Fee.

5.1.2. Written Analysis and Relevant Information. Within two (2) weeks of the receipt of the request for information, the Town shall provide the person or entity with the written analysis required by the Utah Impact Fee Act and with any other relevant information relating to the legality of the Town's Impact Fees. The Town may charge for all copies provided for in response to such a request in an amount set out in the Town's Consolidated Fee Schedule.

5.1.3. Impact Fee Appeal. Within thirty (30) days after receiving the written analysis and relevant information from the Town, any person or entity required to pay an Impact Fee may file an appeal challenging the legal validity of the Town's Impact Fee. The appeal shall be filed with the Town Council in written form, providing detail and specificity as to why the Impact Fee is being challenged.

5.1.4. Declaratory Judgment. Any person or entity residing in or owning property within a Service Area and any organization, association, or corporation representing the interests of persons or entities owning property within a Service Area, after filing an appeal with the Town and receiving the advisory opinion from the Property Rights Ombudsman for the State of Utah pursuant to UCA 13-43-205, may file a declaratory judgment action challenging the validity of the Impact Fees.

5.2. Administrative Appeal. Within thirty (30) days after paying an Impact Fee, any person or entity who has paid the Impact Fee and wishes to challenge the administration of the Town's Impact Fee

shall file a written administrative appeal with the Town Council. The written appeal shall set forth, in detail and specificity, all grounds for the appeal and all facts relied upon by the appealing party with respect to the administration of the Impact Fee that is being appealed.5.2.1. Town Council's Review. Upon receipt of an administrative appeal, they shall thereafter schedule a public hearing, pursuant to the notice requirements of UCA 10-9a-205, on the appeal at which time all interested persons shall be given an opportunity to be heard. Town Council shall then consider the evidence received using clearly erroneous standard and render its decision on the administrative appeal no later than thirty (30) days after the challenge to the administration to the Impact Fee is filed.

5.2.2. Exclusivity. Any person or entity who has failed to comply with the administrative appeal remedies established by this Section may not file or join an action challenging the administration of any Impact Fee.

5.2.3. Property Rights Ombudsman's Review. Within ninety (90) days of the Town Council's administrative appeal decision any party to the appeal who is adversely affected by the Town Council's decision may file an appeal via a request for an advisory opinion with the Utah Property Rights Ombudsman Office in accordance with U.C.A. 13-43-205 et al.

5.2.4. Town Council's Re-review. If the Utah Property Rights Ombudsman Office's written advisory opinion contradicts the Town Council's original decision, Town Council shall reconsider the matter. Town Council shall hold a public hearing, pursuant to the notice requirements of UCA 10-9a-205, and all interested persons shall be given an opportunity to be heard. Town Council shall then reconsider the evidence received using a clearly erroneous standard and render its final decision no later than thirty (30) days after receiving the advisory opinion.5.2.5. District Court Review. Within thirty (30) days of the Town Council's final decision, an adversely affected party may petition the District Court for review of the decision. In the event of a petition to the District Court, the Town shall transmit to the reviewing court the record of its proceedings including its minutes, findings, orders and, if available, a true and correct transcript of its proceedings.

- a. If the proceeding was audio recorded, a transcript of that audio recording is a true and correct transcript for purposes of this Subsection.
- b. If there is a record:
If the court's review is limited to the record provided by the Town; and
 - ii. **The advisory opinion issued by the Property Rights Ombudsman for the State of Utah.**
- c. If there is an inadequate record, the court may call witnesses and take evidence
- d. The court shall affirm the decision of the Town Council's if the decision is supported by substantial evidence in the record.
- e. The judge may award reasonable attorneys' fees and costs to the prevailing party in any action brought under this Section.

SECTION 6- MISCELLANEOUS PROVISIONS

6.1 Conflicts between this Ordinance and "Utah Impact Fees Act" as Amended. If any conflict should occur or arise between this Ordinance and the Utah Impact Fees Act, as amended, the Utah Impact Fees Act shall prevail.

6.2 Severability. If any section, subsection, sentence, clause, or portion of this Ordinance is, for any reason, held invalid or unconstitutional by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby and shall remain in effect and be enforced to the extent permitted by law.

6.3 Effective Date. In accordance with 11-36a-401 (2) this Impact Fee Ordinance shall not take effect until ninety (90) days after the day on which the Impact Fee Ordinance is approved.

6.4 Incorporations of Recitals and Appendices. The Recitals and all Appendices of this Ordinance are integral to the enactment and administration of Impact Fees and the Town Council hereby approve and adopt the Recitals and Appendices as part(s) of the enactment of this Impact Fee Ordinance.

ADOPTED AND PASSED by the Marysvale Town Council this 12th day of February, 2019.

MARYSVALE TOWN, a Utah Municipal Corporation

By Janet Flautau, Mayor

ATTEST:

Weney Steed

Town Clerk

SECTION 9 CONNECTION AND IMPACT FEE ANALYSIS S

A. Connection Fees

Marysvale Town currently charges \$2,000 per connection fee for residential meters, and \$2,500 for larger connections. Being a rural community, it is likely that asphalt replacement costs would be higher in the area. The table below shows an itemized list of what is included during the water line connection process. If the Town of Marysvale see's justification, it is likely that the Town could raise the connection fees to something similar to those shown below.

Table 9.1

3/4" SERVICE CONNECTION	
Task	Cost
Pavement cutting.	\$100.00
Furnish and install service saddle, corporation stop, and main line tap.	\$200.00
Furnish and install 50 feet of 3/4" PE service lateral tubing @ \$8.00 per foot.	\$400.00
Repair road surface - furnish and install 1.2 cu yd road base.	\$300.00
Repair road surface - furnish and install asphalt tack coat and primer.	\$200.00
Repair road surface - furnish and install 0.5 cu-yd hot mix asphalt.	\$400.00
Furnish and install meter box with lid.	\$400.00
Furnish and install 3/4" meter setter assembly and 3 / 4" meter.	\$350.00
Flush service lateral tubing.	\$200.00
As built drawing, office account set-up, paperwork and data entry.	\$200.00
CONNECTION FEE TOTAL:	\$2,750.0

B. Impact Fees

It is recommended that an impact fee be charged for all new connections to the Marysvale Town culinary water system. This section will analyze the system to determine the maximum impact fee that can be charged based on a reasonable plan. Money from the impact fees should be used to retire the system debt or to construct system improvements that are required to support growth.

Marysvale Town currently charges no impact fee for new connections. Connection fees are charged to pay for actual costs incurred by a Town to connect a water user to the system.

Connection fees must not be confused with impact fees, which can be used to offset the costs required to construct additional infrastructure needed to support growth on the system.

Impact fee amounts have been analyzed and prepared pursuant to Title 11, Chapter 36a, Impact Fees Act, of the Utah Code Annotated 1953, as enacted by Senate Bill 4 of the 1995 First Special Session, as amended in 2011.

B.1 Impact Fee Calculation

The goal of this fee is to allow new growth to pay for system improvements that are a direct result of new growth, but not to increase the quality or level of service to the existing users. Recent modifications to the rule have changed the methods for calculating impact fees.

Impact fee facility plan requirements should identify demands placed on existing public facilities by new development, and the excess capacity of its existing infrastructure.

The table below shows all of the costs associated with the proposed alternative. The Town has a surplus source capacity of 92 gpm. The 20-year deficit is shown to be 79 gpm. It is proposed that the source improvement costs can be associated with new growth. Additional costs are the costs for the booster pump stations. In order to keep enough water supply in all of the zones in Marysvale, these pumps will need to be added. Where the Town has had source issues in the past years, it is justifiable that these improvements are needed to keep the upper zones in water supply. As a result, these costs will be split between existing and future connections. The majority of the distribution improvements identified in this study are needs that are existing in order to bring the Town's water system into compliance with fire flow and pressure requirements.

Therefore the costs included in the impact fee analysis will be 100% of the source improvement costs and 50% of the booster pump costs.

Total Source Costs		\$879,900
Booster Station Costs	\$175,000 / 2	\$87,500

The applicable overall project costs that are applicable for impact fees can be calculated as follows:

$$\text{Impact Fee portion of Project Cost} \quad \$879,900 + \$87,500 = \$967,400$$

The total construction project costs are \$3,606,000. The impact fees portion of the construction costs represents approximately 27% of the total construction costs. If this same ratio is applied to the total project costs, including non-construction costs, the total applicable impact fee project cost would be approximately \$1,104,757.

$$\$4,118,000 \times 27.74\% = \$1,104,756.85$$

Those future connections will also be paying a higher water rate, which has been calculated to help pay for the culinary water project. Based on a 35% loan authorization on the \$3,665,000, and a 2.5% interest rate of 30-years, the Town's APPROXIMATE payment could be \$62,808 annually. This number divided by the number of ERCs at the end of the planning period and 12 months per year equates to an average increase of

$$\frac{\$62,862}{\text{ERC 504 ERCs} \times 12 \text{ Months}} = \$10.39 \text{ per month per}$$

It is estimated that the average New User will pay approximately 9 years' worth of water fees over the planning period. The ERC value is estimated to increase from 340 to 504 over the planning period. Therefore the total amount of revenue generated by future water rate fees is calculated as follows:

$$164 \text{ New ERCs} \times \$10.39 \text{ per Month} \times 12 \text{ Months/ year} \times 9 \text{ years} = \$184,096$$

Subtracting this amount of revenue from the applicable Costs attributed to growth equates to the total applicable impact fee cost of:

$$\$1,104,757 - \$183,851 = \$920,661$$

It is also estimated that a 35% loan is likely for the project funding. Impact fees should be derived from only the loan portion of the project. Based on the 2% growth rate used for this study, the Town's ERCs will increase by 164 in the next 20 years, from 340 to 504. The impact fee will be calculated based on the growth projection used in the study.

$$\frac{(\$920.661 \times 35\%)}{164 \text{ connections}} = \$1,965$$

This calculation shows that each new connection would need to pay \$1,840 in impact fees if a 35% loan was received for the project. The Town needs to refigure this calculation once the funding for the project has been acquired to properly account for applicable impact fees for new residents.

In addition to impact fees, when a new building permit application is filed, the owner should be required to bring appropriate water rights to the Town in order to provide water for the new connection. For typical ERC's the following amount of water should be brought to the table:

1 -ERC - Permanent Residence = 0.45 ac-ft for Indoor Only (\$3,600)
= 3 ac-ft per acre for every out door acre of irrigation

1-ERC - Part ti.me Residence= 0.25 ac-ft for Indoor Only (\$2,000)
= 3 ac-ft per acre for every out door acre of irrigation

If the water rights are surface rights, an additional 25% of water right will be required in order to account for losses when the Town of Marysvale moves it to the Underground well source.

If the owner does not have water right available to deed to the Town of Marysvale, the Town could accept monetary value for the water right. This money must be placed into an account utilized for the purchase of water right in the future.

Water Rates in the area may vary in range between \$6,000 to \$10,000 per ac-ft for "App roved Underground Water Rights." \$8,000 per ac-ft was utilized to calculate the values listed above for permanent and part time residences.

14-110. WATER.

14-110. WATER DEPARTMENT AND SYSTEM. The water department of the city is hereby created. It shall administer the operation and maintenance of the water system of the city.

14-111. SUPERINTENDENT. There is hereby created the position of superintendent of the water department.

14-112. DUTIES OF THE SUPERINTENDENT. The superintendent of the water system shall manage and supervise the city water system pursuant to the provisions of this part and pursuant to resolutions, rules and regulations adopted by the city council 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.

14-113. APPLICATION FOR WATER CONNECTION. Any person, other than a sub divider or developer seeking multiple connections, who desires or is required to secure a new connection to the city water system, shall file with the water department for each such connection, a written and signed connection application in substantially the form shown in Appendix A.

14-114. APPLICATION FOR WATER CONNECTION BY SUBDIVIDER. Whenever a subdivider or developer desires or is required to install water connections and extensions for 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.

14-115. APPLICATION FOR WATER SERVICE. Any person who desires or is required to secure water service when such service is available from the city water system, shall file with the water department a written application and agreement for the service which shall be in substantially the form shown in Appendix A.

14-116. NON-OWNER APPLICANTS – AGREEMENT OF OWNER. Applications for water service made by the tenant of an owner must, in addition to the above requirements, be guaranteed by an agreement signed by the owner of the premises or his duly authorized agent in substantially the form shown in Appendix A.

14-117. 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 city water system shall be fixed from time to time by resolution enacted by the city council. The city council 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.

14-118. SPECIAL RATES. The city council 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.

14-119. BOARD OF EQUALIZATION, RATES, AND REBATES. The city council 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.

14-120. USE WITHOUT PAYMENT PROHIBITED. It shall be unlawful for any person by himself, family, servants, or agents to utilize the city 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.

14-121. DELINQUENCY – DISCONTINUANCE OF SERVICE.

- A. The recorder 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 city council shall direct.
- B. 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 recorder 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.

C. 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 city. 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 city council may have established by resolution. Until such a resolution has been adopted, there shall be added an extra charge of \$150.00 for turning on the water. Furthermore, in addition to such payments and penalties, a delinquent customer may be required to make and file a new application and deposit if the previous deposit has theretofore been applied to the payment of delinquent bills. The recorder is hereby authorized and empowered to enforce the payment of all delinquent water charges by an action at law in the name of the city.

14-122. TURNING ON WATER AFTER BEING TURNED OFF PROHIBITED. It shall be unlawful for any person, after the water has been turned off from the premises for nonpayment of water charges or other violation of the ordinances, rules, regulations, or resolutions pertaining to the water supply, to turn on or allow the water to be turned on or used without authority from the superintendent or recorder.

14-123. 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 city council and the premises served are owned by the same owner. In all such cases, a failure on the part of any one of the users to comply with this section shall warrant a withholding of a supply of water through the service connections until compliance or payment has been made, and in any event, the property owner shall be primarily liable to the city for all water services utilized on all such premises. Nothing herein shall be deemed to preclude the power of the city to require separate pipes, connections, or meters at a subsequent time.

14-124. 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.

14-125. PERIOD FOR VISITORS. Individuals visiting the premises of an authorized user in a recreational vehicle and continuing to live therein during the period of visitation may receive water service from the service pipes or facilities of the host during the visitation period which shall not exceed one month. Continued use thereafter shall be deemed unauthorized and violative of the provisions of this part relating to separate connections and unauthorized use.

14-126. 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.

14-127. QUALITY OF SERVICE PIPE.

- A. All service and other pipe used in conjunction with the water services of the city shall be of such material, quality, and specifications as the city council may from time to time by resolution provide, and shall be installed at such distances below ground 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 recorder.
- B. No consumer shall be permitted to conduct water pipes across lots or buildings to adjoining premises without permission from the water superintendent and subject to such requirements relating to controls as may be imposed by him.

14-128. FAULTY EQUIPMENT. It shall be unlawful for any water user to:

- A. Waste water.
- B. Allow it to be wasted by stops, taps, valves, leaky joints or pipes, or to allow tanks or watering troughs to leak or overflow.
- C. Wastefully run water from hydrants, faucets, or stops or through basins, water closets, urinals, sinks or other apparatus.
- D. Use the water for purposes other than for those which he has applied, or to use water in violation of the rules and regulations for controlling the water supply.

14-129. SPRINKLING VEHICLES. Vehicles for sprinkling shall be regulated and controlled by the water department through the superintendent of the water department.

14-130. 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 city system for the purpose of examining the apparatus and ascertaining the amount of water service being used and the manner of its use.

14-131. NONLIABILITY FOR DAMAGES. The city shall not be liable for any damage to a water service user by reason of stoppage or interruption of his or her water supply service caused by fires, scarcity of water, accidents to the water system or its mains, or which occurs as the result of maintenance and extension operations, or from any other unavoidable cause. This section shall not be construed to extend the liability of the city beyond that provided in the Governmental Immunity Act.

14-132. WATER NOT SUPPLIED FOR MOTORS, SIPHONS, ETC. No water shall be supplied from the pipes of the city 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, no shall any license be granted or issued for any such purpose, except by special permission of the city council.

14-133. SPRINKLERS.

- A. It shall be unlawful for any person to use such number of outlets simultaneously or to use such sprinkler or combinations of sprinkler or outlets as will in the opinion of the city council materially affect the pressure or supply of water in the city water system or any part thereof, and the city council may from time to time, by resolution, specify combinations or numbers of outlets which may have such effect.
- B. The city council 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.

14.134. SCARCITY OF WATER. In time of scarcity of water, whenever it shall in the judgment of the mayor and the city council be necessary, the mayor shall be 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.

14-135. WASTE OF WATER.

- A. Users of water from the city water system shall not permit water to continue to run wastefully and without due efforts to conserve water. If, in the judgment of the water superintendent or of any of the officers of the city, a use of city 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 city council.
- B. The city council 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 city council, at which termination of water service is to be considered. The notice shall inform him of the time and place of the meeting and of the charges which lead to the consideration of the termination.
- C. A water user whose right to utilize city water is being reviewed shall have opportunity to appear with or without counsel and present his reasons why his water service should not be discontinued.
- D. After due hearing, the city council 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.

14-136. WATER METERS.

- A. Except as otherwise expressly permitted by this part, all structures, dwelling units, establishments and persons using water from the city 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.
- B. Meters will be furnished by the city upon application for a connection, and upon payment of such connection fees and other costs as may be established by the city council from time to time by resolution.
- C. Meters shall be deemed to be and remain the property of the city. Whenever a dispute between superintendent and the property owner arises as to the appropriate number of meters to be installed on any premises, the matter shall be heard and determined by the city council after due notice in writing to the parties involved.
- D. The superintendent shall cause meter readings to be taken regularly and shall advise the recorder thereof for the purpose of recording the necessary billings for water service.
- E. Meters may be checked, inspected or adjusted at the discretion of the city, and they shall not be adjusted or tampered with by the customer. Meter boxes shall not be opened for the purpose of turning on or off the water, except by an authorized representative of the city, unless special permission is given by the city through its representatives to the customer to do so.
- F. If a customer submits a written request to the superintendent to test his water meter, the city may, if under the circumstances it deems it advisable and in its

discretion, order a test of the meter measuring the water delivered to such customer. If such request is made within twelve months after the date of the last previous test, the customer may be required to pay the cost of such test. If the meter is found in such test to record from 97% to 103% of accuracy under methods of testing satisfactory to the city council, the meter shall be deemed to accurately measure the use of water.

G. If the city's meters fail to register at any time, the water delivered during period of failure shall be estimated on the basis of previous consumption during a period which is not questioned. In the event a meter is found to be recording less than 97% or more than 103% of accuracy, the city shall make such adjustments in the customer's previous bills as are just and fair under the circumstances.

H. All damages or injury to the lines, meters or other materials of the city on or near the customer's premises caused by any act or neglect of the customer shall, in the discretion of the city, be repaired by and at the expense of the customer, and the customer shall pay all costs and expenses, including a reasonable attorney fee, which may arise or accrue to the city through its efforts to repair the damage to the lines, meters or to other equipment of the department or collect such costs from the customer.

14-137. PERMITS FOR INSTALLATION. It shall be unlawful for any person to lay, repair, alter or connect any water line to the city culinary water system without first having received a construction permit from the office of the recorder or from the water superintendent.

14-138. APPLICATIONS FOR INSTALLATION PERMIT.

A. Applications for permits to make water connections or other alteration or for laying or repairing lines connected directly or indirectly to the city 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:

1. The connection, repair, alteration or installation will cause no damage to the street in which the water main is laid, or that it will not be prejudicial to the interests of persons whose property has been or may thereafter be connected to the water main.
2. The connection conforms to the ordinances, regulations, specifications and standards of materials required by the city. All connections, alterations or installations shall be to the line and grade designated by the water superintendent.

B. Fees for permits or for inspection services shall be of such amounts as the city council shall from time to time determine by resolution.

14-139. MOVING OR REPLACEMENT OF WATER LINES. In the event that the city in its sole discretion determines that any water line of the city must be moved or replaced, the city shall bear that portion of the cost of such move or replacement which applies to main lines up to the property line of the customer. The cost of reconnecting such new line or lines from the house of the customer to his property line shall be borne by the customer.

14-140. WHEN PERMITS SHALL NOT BE ISSUED. Permission to connect with the city water system shall not be given, unless the plumbing in the house or building to be connected meets the provisions of the building and plumbing codes of the city.

14-141. DESCONTINUANCE OF SERVICE. Any customer desiring to discontinue service shall notify the city in writing of such fact at least ten days before the date when such service shall be discontinued. On given such written notice, the customer shall not be responsible for water bills incurred after the date specified in the notice. Any credit balance in favor of the customer as a result of an advance payment of bills or a deposit will be refunded upon discontinuance of service.

14-142. FIRE HYDRANTS. Water for fire hydrants will be furnished free of charge by the city. Installation and repairs on such hydrants shall be made under the direction of the city. All customers shall grant the city, upon demand, a right-of-way or easement to install and maintain such hydrants on their premises, if the city concludes that hydrants shall be so installed for the protection of the residents of the city.

14-143. EXTENSION OR WATER MAINS WITHIN THE CITY. Any person or persons, including any sub divider, who desires to have the watermains extended within the city, and is willing to advance the whole expense of such extension, as hereinafter provided, may make application to the city council 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 city council may grant or deny the petition as in its discretion seems best for the welfare of existing water users in the city.

14-144. COST OF EXTENSIONS DETERMINED. Upon the receipt of such petition and map and before the petition is granted, the city council shall obtain from the water superintendent a certified statement showing the whole cost of expense of making such extension.

14-145. AMOUNT OF COST TO BE DEPOSITED WITH RECORDER. If the city council grants the petition, the amount of the cost of making the extension, as certified by the superintendent, shall be deposited with the recorder before any work shall be done on such extension. The deposit shall be made within 30 days, or such other time as the city council shall indicate, after the granting thereof.

14-147. OWNERSHIP OF EXTENSION. Any such extension shall be deemed the property of the city.

14-150. SERVICE OUTSIDE CITY.

14-151. SUPPLY OF WATER SERVICES TO PERSON OUTSIDE THE CITY LIMITS. The city may not provide water to persons outside the city limits.

14.200. SEWERS. Reserved.

ORDINANCE NO.14-200

AN ORDINANCE ESTABLISHING MARYSVALE TOWN WATER RATES AS REQUIRED PURSUANT TO UTAH CODE ANN. §10-8-22.

WHEREAS, Marysvale Town, Piute County, State of Utah, a body politic, is a municipal corporation organized and established for the purpose of providing municipal services to its residents; and

WHEREAS, Marysvale Town provides various services to its residents, including culinary/domestic water services, which municipal water system is operated, maintained, and improved at a cost to the Town, and which rates are established and fixed based upon the costs necessary for providing water services to the Town's retail commercial and residential customers; and

WHEREAS, Marysvale Town reserves the right to charge different water rates based upon the nature and type of water services provided, differences in the cost of providing services to a particular area or type of use, requirements to maintain a system differently for certain customers, water conservation policies, and the nature of the water use to its various retail customers; and

WHEREAS, Marysvale Town has historically adopted by resolution various rate schedules according to each service or utility provided, and it is the desire of Marysvale Town, by adoption of this Ordinance, to give notice to all retail customers of the proposed rate schedule by establishing the various water uses, connection sizes, and base fees including each rate associated therewith; and

WHEREAS, Marysvale Town desires to enter into a contract with any water user(s) outside its designated service area prior to supplying water to the retail customer; and

WHEREAS, Marysvale Town is required to adopt and it is the desire of the Town to provide a more concise and uniform method of establishing water rates which are uniform, clear and readily accessible.

NOW, THEREFORE, IT IS HEREBY ORDAINED by the Town Council of Marysvale Town, Piute County, Utah, that until further ordinance is adopted, the following water rates are hereby established:

WATER RATE FEES FOR RESIDENTIAL AND COMMERCIAL CONNECTIONS

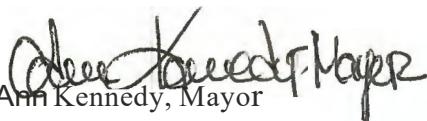
Proposed Rate Structure Option -1				
Connection	Schedule	Gallons/Month	Rate	Charge
Residential/Other	Tier1	0-10,000	\$1.00 / 1,000 gal	\$ 10.00
	Tier2	10,001-20,000	\$1.25 / 1,000 gal	\$ 12.50
	Tier3	20,001- 40,000	\$1.5 / 1,000 gal	\$ 30.00
	Tier4	40,001- Above	\$3.00 / 1,000 gal	
Infrastructure Fee				\$ 20.00
Average <u>monthly</u> Bill				\$ 47.27
Added Annual Revenue				\$111,461.03
Maximum Affordable Water Bill				\$ 47.90

Winter water December through March will be billed at the base rate Infrastructure Fee of \$20.00 plus Tier I charge of \$10.00.

BE IT FURTHER ORDAINED that until a designated service area is the Town's boundaries. Any current water rates for users outside Town limits shall remain as currently established for users inside Town's water service area. No additional water connections will be granted for users located outside the Town's designated service area.

BE IT FURTHER ORDAINED that all prior resolutions, and parts of resolutions, in conflict herewith be hereby repealed.

This ordinance is hereby passed and adopted by the Marysvale Town Council on the 12th day of **December 2022**, and will take effect on 1st day of January 2023, billings.



Ann Kennedy, Mayor

Marysvale Town, Utah

Voting Aye Nay Abstain

Kennedy Sylvester X

Jeania Kennedy X

William T Davis X

Keith Anderton Not in attendance

ATTEST:



Town Recorder

ORDINANCE NO. 14-300

AN ORDINANCE ESTABLISHING MARYSVALE TOWN DESIGNATED WATER SERVICE AREA AS REQUIRED PURSUANT TO UTAH CODE ANN. § 10-7-14

WHEREAS, Marysvale Town, Piute County, State of Utah, a body politic, is a municipal corporation organized and established for the purpose of providing municipal services to its residents; and

WHEREAS, Marysvale Town provides various services to its residents, including culinary/domestic water services, which municipal water system is operated, maintained, and improved at a cost to the Town

WHEREAS, pursuant to Utah Code 10-7-14 Rules and Regulations for Use of Water, Marysvale Town adopts the attached map as the Marysvale Town Designated Service Area.

NOW, THEREFORE, IT IS HEREBY ORDAINED by the Town Council of Marysvale Town, Piute County, Utah, that until further ordinance is adopted, Marysvale Town adopts the attached map as the Marysvale Town Designated Service Area.

BE IT FURTHER ORDAINED that no additional water connections will be granted for users located outside the Town's designated service area.

BE IT FURTHER ORDAINED that all prior resolutions, and parts of resolutions, in conflict herewith be hereby repealed.

This ordinance is hereby passed and adopted by the Marysvale Town Council on the 12th day of December 2022, and will take effect on 1st day of January 2023

Ann Kennedy, Mayor
Marysvale Town, Utah

Voting	AYE	NAY	ABSTAIN
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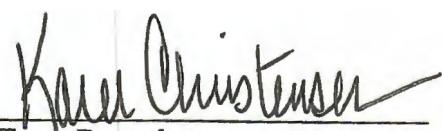
Kennedy Sylvester	X
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Jeania Kennedy	X
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William T Davis	X
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Keith Anderton	not in attendance
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ATTEST:



Karen Christensen
Town Recorder

MARYSVALE TOWN DESIGNATED WATER SERVICE AREA

See the attached map of the Marysvale Town Designated Water Service Area. In addition to the area shown on this map, only one water connection is outside the town boundaries. It is at 1150 W Marshall Road, Marysvale, UT 84750 outside Marysvale Town Boundaries in Piute County. The meter for this address is within the town boundaries. There is a 2 inch line from the meter on town property to the 1150 W Marshall Road property.



MARYSVALE TOWN, UTAH

ORDINANCE NO. 2023-14-400

AN ORDINANCE AMENDING TITLE 14, SECTION 9, B.1

WHEREAS, Marysvale Town, Piute County, State of Utah, a body politic, is a municipal corporation organized and established for the purpose of providing municipal services to its residents; and

WHEREAS, Marysvale Town provides various services to its residents, including culinary/domestic water services, which municipal water system is operated, maintained, and improved at a cost to the Town; and

WHEREAS, to service any new subdivisions requiring water services, Marysvale Town requires the transfer of sufficient water to service each requested service as a water acquisition fee; and

WHEREAS, Marysvale Town, Piute County, State of Utah desires to provide clear and concise water acquisition requirements for any subdivision which requires water services or desires to secure new privileges to use the Marysvale water system; and

WHEREAS, all water transferred to Marysvale Town for new subdivision construction, shall be transferred to the Town's wells as an approved underground water source by the Utah State Engineer prior to commencement of any development or construction; and

WHEREAS, all water must be approved by the Utah State Engineer through a change application to move the point of diversion of said water to an underground municipal water source before it can be contributed to the Town to assure the Town has permanent access and usage of said water through its culinary water system; and

WHEREAS said water acquisition fee is in addition to and does not obviate the need to otherwise pay water connection fees; and

WHEREAS, Marysvale Town employed preparation of the 2022 Water Master Plan procured from Ensign Engineering for Marysvale which recommends as follows: "One acre foot of water is insufficient to satisfy the state's requirements for lots larger than $\frac{1}{2}$ acre. The Utah state requirements are 1.11 acre feet for .5 acres; 1.78 acre feet for 1 acre; 3.11 acre feet for 2 acres; 7.09 acre feet for 5 acres."

WHEREAS, Ensign Engineering further stated that "The required volume for outdoor irrigation increases as the availability of land to be irrigated increases. A user on a large lot will likely use more water than one acre-foot of water. Water right dedications should be correlated to the possible amount of water used, based on the size of the lot. Otherwise, users in the water service boundary may use more water than the town has available."

WHEREAS, Marysvale Town Recorder has properly posted and notified the general public of the proposed changes to the Marysvale Town Title 14, Section 9, B.1 Ordinance.

NOW, THEREFORE, IT IS HEREBY ORDAINED by the Town Council of Marysvale Town, Piute County, Utah, that until further ordinance is adopted, Marysvale Town requires all water contributed to Marysvale Town for new subdivisions shall already have completed and received an approved change application for permanent change of water and properly filed with the Utah Division of Water Rights, designating the Town's well as the approved new point of diversion. The change application must be approved by the State Engineer and all statutory periods for reconsideration or court appeal passed prior to conveyance by a duly recorded Deed and Deed Addendum to assure sufficient documentation enabling the State Engineer to amend the Division of Water Rights records to reflect acquisition by the Town. If the Change Application is denied by the State Engineer, or approved with limiting conditions that are not acceptable to the Town, the permit for development or construction shall be denied.

BE IT FURTHER ORDAINED This water must be transferred and established as an underground municipal use within the Marysvale Designated Service Area before it can be accepted by and contributed to the town's water system. All water shall be transferred and dedicated to the Town prior to final approval of any construction permit or approval of any future development of any subdivided parcel or parcels.

BE IT FURTHER ORDAINED that the amount of water to be contributed for any single family residential property shall be a minimum of one **(1)** acre foot of underground water shall be deeded to Marysvale Town for each **(1)** acre single dwelling parcel or lot created in the subdivision. Three **(3)** acre feet of water shall be deeded to Marysvale Town for each two **(2)** acre parcel or lot in the subdivision. Seven **(7)** acre feet of water shall be deeded to Marysvale town for any five **(5)** acre parcel or lot in the subdivision.

BE IT FURTHER ORDAINED that Water rights requirements for all multi-residential, commercial and industrial/manufacturing properties will be required in accordance with the requirements set forth by the State of Utah's Division of Water Rights.

BE IT FURTHER ORDAINED that such water rights must be transferred to the Marysvale Town and accepted by the Marysvale Town Council before construction is commenced or the subdivision's preliminary plat will be approved.

BE IT FURTHER ORDAINED that Marysvale Town will not accept any surface water shares or water rights towards any culinary connection.

BE IT FURTHER ORDAINED that the subdivider/developer/contractor shall pay all costs incurred for deeding and transferring the water.

BE IT FURTHER ORDAINED that all prior resolutions and parts of resolutions, in conflict herewith are hereby repealed.

This ordinance is hereby passed and adopted by the Marysvale Town Council on the 17th day of January 2023, and will take effect on 17th day of January. 2023.

Ann Kennedy, Mayor
Marysvale Town, Utah

Voting:	Aye	Nay	Abstain
Ann Kennedy	X		
Kennedy Sylvester	X		
Jeania Kennedy	X		
William T Davis	X		
Keith Anderton	X		

ATTEST;

Karen Christensen
Marysvale Town Recorder

15.000

Annexation of Thompsonville

This issue was put on the ballot November 2005. It passed by the majority of the citizens. It was finalized January 13, 2009.

A certificate of annexation was awarded from the state of Utah on the 5th day of November, 2009.