TOOELE COUNTY CODE

A Codification of the General Ordinances
of the County of Tooele, Utah

Adopted August 25, 1992

Effective September 1, 1992

REVISED, CODIFIED, AND PUBLISHED BY
THE TOOELE COUNTY ATTORNEY'S OFFICE

PREFACE

The Tooele County Code is a general revision and codification in book form of the general and permanent ordinances of the County of Tooele. The code is organized by subject matter under a numbering system similar to that used in the Utah Code. Each section number designates, in sequence, the numbers of the title, chapter, and section.

In parentheses following some sections of the Tooele County Code is a legislative history identifying the specific sources for the provisions of that section.

TOOELE COUNTY CODE
TABLE OF CONTENTS

TITLE 1	GENERAL PROVISIONS
TITLE 2	TAXATION
TITLE 3	ECONOMIC DEVELOPMENT AREAS
TITLE 4	BOARDS AND COMMITTEES
TITLE 5	ADMINISTRATIVE CODE ENFORCEMENT HEARING PROGRAM
TITLE 6	PUBLIC SAFETY
TITLE 7	SOLID WASTE MANAGEMENT
TITLE 8	ANIMAL CONTROL
TITLE 9	BUSINESS LICENSE AND REGULATIONS
TITLE 10	FRANCHISES
TITLE 11	SPECIAL DISTRICT
TITLE 12	RESERVED
TITLE 13	SUBDIVISIONS
TITLE 14	BUILDING REGULATIONS
TITLE 15	ROADS

Page

TITLE 1
GENERAL PROVISIONS

CHAPTER 1 ORDINANCES 1-1
- 1-1-1 Repeal of existing ordinances 1-1
- 1-1-2 Effect of repealing ordinances 1-1
- 1-1-3 Citation 1-1
- 1-1-4 Effective date 1-1
- 1-1-5 Penalty for violation of an ordinance 1-1
- 1-1-6 Definitions and rules for construction of ordinances 1-1
- 1-1-7 Liability of employers and agents for violation of ordinances 1-2
- 1-1-8 Penalty 1-2
- 1-1-9 Severability 1-3

CHAPTER 2 THE BOARD OF COUNTY COMMISSIONERS 1-3
- 1-2-1 County commission - Number - Eligibility 1-3
- 1-2-2 Term of office 1-3
- 1-2-3 Vacancies - How filled 1-3
- 1-2-4 Powers and duties - Omnibus provision 1-3
- 1-2-5 Departments 1-4
- 1-2-6 Meetings - Procedure 1-4
- 1-2-7 Special meetings 1-4
- 1-2-8 Chairman - Quorum - May administer oaths 1-4

CHAPTER 3 COUNTY OFFICIALS - BOND 1-4
- 1-3-1 Bonds for certain elected offices - Chief deputies 1-4
- 1-3-2 Treasurer bond 1-4
- 1-3-3 Commissioners bond 1-5
- 1-3-4 Employee bond 1-5
- 1-3-5 Bond premiums 1-5
- 1-3-6 Approval of bond filing 1-5
- 1-3-7 Repealed 1-5

Page

CHAPTER 4 COUNTY ELECTION DISTRICTS 1-5
1-4-1 Tooele County voting district boundaries - Legal description 1-5
1-4-2 Justice court precinct boundary - Legal description 1-5
1-4-3 School district precincts boundaries - Legal description 1-5

CHAPTER 5 GENERAL PLAN 1-6
1-5-1 General plan 1-6

CHAPTER 6 FEES 1-6
1-6-1 County surveyor - Filing fees 1-6
1-6-2 Fees for municipal services 1-6
1-6-3 Officials' fees 1-7
1-6-4 Local option highway construction and transportation corridor preservation fee . 1-16
1-6-5 Inmate processing fee 1-16

CHAPTER 7 COUNTY PERSONNEL POLICIES AND PROCEDURES 1-16
1-7-1 Adoption of personnel policies and procedures 1-16

CHAPTER 8 COUNTY PURCHASING POLICY AND PROCEDURES 1-16
1-8-1 Purchasing policy 1-16
1-8-2 Approval of purchases 1-16
1-8-3 Competitive bid requirements 1-17
1-8-4 Emergency purchases 1-17
1-8-5 Repealed 1-17

CHAPTER 9 MANAGEMENT OF COUNTY PROPERTY 1-18
1-9-1 Property management and inventory policy 1-18
1-9-2 County-owned vehicles 1-18

CHAPTER 10 PROPERTY DISPOSAL 1-18
1-10-1 Purpose 1-18
1-10-2 Definitions 1-18
1-10-3 Means of property disposal 1-18
1-10-4 Adequate consideration 1-19
1-10-5 Disposal of a significant parcel of real property 1-19
1-10-6 Payment and conveyance 1-19
1-10-7 Title 1-19

CHAPTER 11 COUNTY RECORDS ACCESS AND MANAGEMENT 1-20
1-11-1 Findings 1-20
1-11-2 Compliance with state law 1-20
1-11-3 Definitions 1-20
1-11-4 Public right to records 1-21
1-11-5 Public, private, controlled and protected records 1-21
1-11-6 Privacy rights 1-22
1-11-7 Designation, classification and retention 1-22
1-11-8 Procedures for records request 1-22
1-11-9 Fees 1-23
1-11-10 Appeal process 1-23
1-11-11 Reasonable accommodation 1-24
1-11-12 Records amendments 1-24
1-11-13 Penalties 1-24
1-11-14 Records officer 1-24
1-11-15 Records maintenance 1-24
1-11-16 Responsibility for county records 1-25

1-11-17 Computerized records 1-25
1-11-18 Justice court records 1-25
1-11-19 Effective date 1-25

CHAPTER 12 EMERGENCY INTERIM SUCCESSION PROCEDURES 1-26
1-12-1 Purpose 1-26
1-12-2 Definitions 1-26
1-12-3 Local emergency proclamation - Emergency interim successor 1-26
1-12-4 Emergency interim succession for Tooele County Commission 1-27
1-12-5 Emergency interim successor for county officers 1-27
1-12-6 Effective date 1-27

CHAPTER 13 REPEALED 1-27

TITLE 2
TAXATION

CHAPTER 1 UNIFORM LOCAL SALES AND USE TAX OF TOOELE COUNTY 2-1
2-1-1 Title 2-1
2-1-2 Purpose 2-1
2-1-3 Effective date 2-1
2-1-4 Sales tax 2-1
2-1-5 Use tax 2-2
2-1-6 Distribution 2-2
2-1-7 Contract with State Tax Commission 2-2
2-1-8 Penalties 2-2
2-1-9 Statute incorporated 2-2

CHAPTER 2 TRANSIENT ROOM TAX 2-3
2-2-1 Title 2-3
2-2-2 Purpose 2-3
2-2-3 Statutes adopted by reference 2-3
2-2-4 Transient defined 2-3
2-2-5 Tax imposed B Amount 2-3
2-2-6 Exclusions 2-4
2-2-7 Convention bureau special reserve fund 2-4
2-2-8 Contributions and donations permitted 2-4
2-2-9 Audits 2-4
2-2-10 Remittance of tax 2-4
2-2-11 Request for hearing 2-4
2-2-12 Penalties and interest 2-4

CHAPTER 3 PUBLIC TRANSIT TAX 2-4
2-3-1 Title 2-4
2-3-2 Purpose 2-4
2-3-3 Effective date 2-5
2-3-4 Transit tax 2-5
2-3-5 Statutes incorporated 2-5

CHAPTER 4 TOURISM, RECREATION, CULTURAL AND CONVENTION TAX 2-5
2-4-1 Title 2-5
2-4-2 Statutory authority 2-5
2-4-3 Purpose 2-5
2-4-4 Definitions 2-6

2-4-5 Imposition of tax 2-6
2-4-6 Use of revenues 2-6
2-4-7 Collection 2-6
2-4-8 Licensure 2-6
2-4-9 Incorporation of state law 2-6
2-4-10 Repealed 2-6

CHAPTER 5 PROPERTY TAX ADMINISTRATION 2-7
2-5-1 Title 2-7
2-5-2 Purpose 2-7
2-5-3 Waiver or reduction of penalties for failure to file affidavit 2-7
2-5-4 Method of Sale 2-7
2-5-5 Real property tax sale rules 2-7

CHAPTER 6 COUNTY OPTION SALES AND USE TAX 2-8
2-6-1 Title 2-8
2-6-2 Statutory authority 2-8
2-6-3 Purpose of provisions 2-8
2-6-4 Imposition - Amount 2-8
2-6-5 Incorporation of State law 2-8
2-6-6 Administration, collection and distribution by state 2-8
2-6-7 Exemptions 2-9
2-6-8 Effective date 2-9

CHAPTER 7 COUNTY OPTION SALES AND USE TAX FOR HIGHWAYS AND PUBLIC TRANSIT 2-9
2-7-1 Title 2-9
2-7-2 Statutory authority 2-9
2-7-3 Purpose of provisions 2-9
2-7-4 Imposition - Amount 2-9
2-7-5 Statutes adopted by reference 2-9
2-7-6 Administration, collection, and distribution by state 2-9
2-7-7 Use of revenues 2-10
2-7-8 Collection and review of records 2-10
2-7-9 Effective date 2-10

TITLE 3
ECONOMIC DEVELOPMENT AREAS

CHAPTER 1 NORTH ROWLEY ECONOMIC DEVELOPMENT PROJECT AREA PLAN 3-1
3-1-1 Adoption of project area plan 3-1
3-1-2 Project boundaries 3-1
3-1-3 Purposes of project area plan 3-1
3-1-4 Project area plan incorporated by reference 3-2
3-1-5 Findings 3-2
3-1-6 Acquisition of property 3-2
3-1-7 Tax increment financing 3-2

TITLE 4
BOARDS AND COMMITTEES

CHAPTER 1 **HISTORICAL PRESERVATION COMMISSION** 4-1
4-1-1 Purpose 4-1
4-1-2 Creation of historical preservation commission 4-1
4-1-3 Duties of the Tooele County Historical Preservation Commission 4-1

CHAPTER 2 **COUNCIL ON AGING** 4-2
4-2-1 Purpose 4-2
4-2-2 Creation of council on aging 4-2
4-2-3 Appointment 4-2
4-2-4 Terms 4-2
4-2-5 Organization of council 4-3
4-2-6 Center boards 4-3

CHAPTER 3 **TERM LIMITATIONS** 4-3
4-3-1 Purpose 4-3
4-3-2 Term limitations 4-3

CHAPTER 4 **MENTAL HEALTH - SUBSTANCE ABUSE ADVISORY COUNCIL** 4-3
4-4-1 Purpose 4-3
4-4-2 Establishment of Mental Health-Substance Abuse Advisory Council 4-3
4-4-3 Appointment of council members - Terms 4-3
4-4-4 Organization and procedures 4-4
4-4-5 Powers and duties 4-4

CHAPTER 5 **PLANNING COMMISSION** 4-4
4-5-1 Planning commission established - Terms 4-4
4-5-2 Vacancy - Removal 4-4
4-5-3 Organization and procedures 4-5
4-5-4 Use of state data 4-5
4-5-5 Powers and duties 4-5
4-5-6 Entrance upon land 4-5
4-5-7 Compensation 4-5
4-5-8 Ex parte contact 4-5
4-5-9 Land use authority 4-6

CHAPTER 6 **AGRICULTURE PROTECTION AREA ADVISORY BOARD** 4-6
4-6-1 Agriculture Protection Area Advisory Board 4-6
4-6-2 Appointment of board members 4-6
4-6-3 Term in office - Removal of members 4-6
4-6-4 Officers 4-6
4-6-5 Quorum - Rules of operation 4-6
4-6-6 Minimum size for agriculture protection areas 4-6
4-6-7 Fees for accepting and processing agriculture protection area proposals 4-7
4-6-8 Filing procedure 4-7

CHAPTER 7 **COUNTY WEED CONTROL BOARD** 4-7
4-7-1 Establishment of board 4-7
4-7-2 Appointment 4-7
4-7-3 Term in office - Compensation - Removal 4-7
4-7-4 Duties 4-7

4-7-5 Notice of noxious weeds to be published annually - Notice to particular property owners to control noxious weeds - Methods of prevention or control specified - Failure to control noxious weeds considered public nuisance 4-7
4-7-6 Noxious weeds - Failure to control after notice a nuisance - Notice and hearing - Control at county expense - Owner liable for county costs - Charges lien against property 4-7
4-7-7 Hearing before county weed control board - Appeal of decision to the county legislative body - Judicial review 4-8

CHAPTER 8 ADMINISTRATIVE HEARING OFFICER 4-8
4-8-1 Administrative hearing officer 4-8
4-8-2 Powers and duties 4-8
4-8-3 Appeals 4-8
4-8-4 Variances 4-9
4-8-5 District court review of administrative hearing officer decision 4-9
4-8-6 Ex parte contact 4-10

CHAPTER 9 CHILDREN'S JUSTICE CENTER ADVISORY BOARD 4-10
4-9-1 Establishment of Board 4-10
4-9-2 Membership 4-10
4-9-3 Duties 4-10

CHAPTER 10 TOWNSHIP PLANNING DISTRICTS 4-11
4-10-1 Powers and duties 4-11
4-10-2 Repealed 4-11
4-10-3 Repealed 4-11
4-10-4 Repealed 4-11
4-10-5 Repealed 4-11
4-10-6 Repealed 4-11
4-10-7 Repealed 4-11
4-10-8 Repealed 4-11
4-10-9 Repealed 4-11

CHAPTER 11 CAREER SERVICE COUNCIL 4-11
4-11-1 Establishment of council 4-11
4-11-2 Citizenship and residency 4-11
4-11-3 Term 4-11
4-11-4 Removal from office 4-11
4-11-5 Chair and quorum 4-12
4-11-6 Duties 4-12
4-11-7 Subpoena powers 4-12
4-11-8 Compensation 4-12

CHAPTER 12 TOOELE COUNTY AIRPORT BOARD 4-12
4-12-1 Establishment board 4-12
4-12-2 Membership 4-12
4-12-3 Duties 4-12

CHAPTER 13 TOURISM TAX ADVISORY BOARD 4-13
4-13-1 Establishment of the board 4-13
4-13-2 Membership 4-13
4-13-3 Term in office - Compensation - Removal 4-13
4-13-4 Duties 4-13

CHAPTER 14 LIBRARY BOARD 4-13
4-14-1 Library board of directors 4-13
4-14-2 Board terms - Removal - Vacancies 4-13
4-14-3 Treasurer 4-14
4-14-4 Chairs' duties 4-14
4-14-5 Meetings 4-14
4-14-6 Committees 4-14
4-14-7 Delegated power and duties 4-14
4-14-8 Rules - Use of bookmobile 4-15
4-14-9 Librarian 4-15
4-14-10 Donations of money or property 4-15
4-14-11 Cooperation for providing bookmobile services 4-15

CHAPTER 15 WORKERS' COMPENSATION ACCIDENT BOARD 4-15
4-15-1 Board established 4-15
4-15-2 Membership and terms 4-15
4-15-3 Duties 4-15

CHAPTER 16 BOARD OF APPEALS 4-15
4-16-1 Appeals board established 4-15
4-16-2 Membership 4-16
4-16-3 Term in office - Compensation - Removal 4-16
4-16-4 Duties 4-16

CHAPTER 17 EMERGENCY RELIEF SERVICES COORDINATION BOARD 4-16
4-17-1 Establishment of relief board 4-16
4-17-2 Members - Term in office - Compensation - Removal 4-16
4-17-3 Duties 4-16

CHAPTER 18 TRAILS COMMITTEE 4-17
4-18-1 Establishment of committee 4-17
4-18-2 Members - Term in office - Compensation - Removal 4-17
4-18-3 Duties 4-17

CHAPTER 19 ECONOMIC DEVELOPMENT ADVISORY COMMITTEE 4-17
4-19-1 Economic development advisory committee created 4-17
4-19-2 Appointment - Term - Vacancy 4-17
4-19-3 Officers - Meetings 4-17
4-19-4 Role of the advisory committee 4-18
4-19-5 Compensation 4-18
4-19-6 Economic Development Advisory Committee serves as the Industrial Protection Area Advisory Board 4-18

CHAPTER 20 ACCIDENT REVIEW BOARD 4-18
4-20-1 Board established 4-18
4-20-2 Membership and terms 4-18
4-20-3 Duties 4-18

CHAPTER 21 AUDIT COMMITTEE 4-18
4-21-1 Establishment of committee 4-18
4-21-2 Appointment – Term – Compensation 4-19
4-21-3 Chairman – Meetings 4-19
4-21-4 Duties 4-19
4-21-5 Reporting – Dismissal 4-19
4-21-6 Role of the Audit Committee 4-19

TITLE 5
ADMINISTRATIVE CODE ENFORCEMENT HEARING PROGRAM

CHAPTER 1 **GENERAL** 5-1
5-1-1 Short Title 5-1
5-1-2 Purpose 5-1
5-1-3 Scope 5-1
5-1-4 Existing law continued 5-1
5-1-5 Criminal prosecution right 5-1
5-1-6 No mandatory duty -- Civil liability 5-1
5-1-7 General rules of interpretation 5-1
5-1-8 Definitions 5-2
5-1-9 Acts include causing, aiding, and abetting 5-3
5-1-10 General enforcement authority 5-3
5-1-11 Adoption of policy and procedures 5-3
5-1-12 Authority to inspect 5-3
5-1-13 Citations 5-3
5-1-14 False information or refusal prohibited 5-3
5-1-15 Failure to obey a subpoena 5-3

CHAPTER 2 **NOTICE AND SERVICE OF PROCESS** 5-3
5-2-1 Service of process 5-3
5-2-2 Constructive notice of recorded documents 5-4
5-2-3 Notice of violation 5-4
5-2-4 Failure to bring property into compliance 5-4
5-2-5 Inspections 5-4

CHAPTER 3 **ABATEMENT** 5-5
5-3-1 Purpose 5-5
5-3-2 Procedures on emergency abatement 5-5
5-3-3 Notice of emergency abatement 5-5
5-3-4 Authority 5-5
5-3-5 Procedures 5-5
5-3-6 Authority to abate 5-5
5-3-7 Procedures for abatement 5-5

CHAPTER 4 **ADMINISTRATIVE CITATION PROGRAM** 5-6
5-4-1 Authority 5-6
5-4-2 Procedures 5-6
5-4-3 Contents of administrative citation 5-6
5-4-4 Civil penalties assessed 5-6

CHAPTER 5 **ADMINISTRATIVE CODE ENFORCEMENT HEARINGS** 5-7
5-5-1 Declaration of purpose 5-7
5-5-2 Authority and scope of hearings 5-7
5-5-3 Request for administrative code enforcement hearing 5-7
5-5-4 Default hearings and orders 5-7
5-5-5 Notification of administrative code enforcement hearing 5-8
5-5-6 Disqualification of code enforcement hearing officer 5-8
5-5-7 Powers of the administrative code enforcement hearing officer 5-8
5-5-8 Procedures at administrative code enforcement hearing 5-8
5-5-9 Failure to attend administrative code enforcement hearing 5-9
5-5-10 Administrative code enforcement order 5-9
5-5-11 Failure to comply with order 5-9

CHAPTER 6 APPEAL OF ADMINISTRATIVE CODE ENFORCEMENT HEARING DECISION 5-9
5-6-1 Appeal of administrative code enforcement hearing decision 5-9

CHAPTER 7 RECORDATION OF NOTICES 5-10
5-7-1 Authority 5-10
5-7-2 Procedures for recordation 5-10
5-7-3 Service of notice of recordation 5-10
5-7-4 Notice of compliance -- Procedures 5-10
5-7-5 Prohibition against issuance of permits and licenses 5-10
5-7-6 Cancellation of recorded notice of violation 5-10

CHAPTER 8 CIVIL PENALTIES 5-11
5-8-1 Authority 5-11
5-8-2 Procedures for assessing civil penalties 5-11
5-8-3 Determination of civil penalties 5-11
5-8-4 Modification of civil penalties 5-11
5-8-5 Failure to pay penalties 5-11

CHAPTER 9 ADMINISTRATIVE FEES AND COSTS 5-11
5-9-1 Purpose 5-11
5-9-2 Authority 5-11
5-9-3 Notification of assessment of reinspection fees 5-12
5-9-4 Failure to timely pay costs 5-12
5-9-5 Administrative fees 5-12

CHAPTER 10 CIVIL VIOLATIONS 5-12
5-10-1 Civil violations -- Injunctions 5-12
5-10-2 Performance bond 5-12

CHAPTER 11 TAX LIENS AND RECOVERY COST METHODS 5-12
5-11-1 Purpose 5-12
5-11-2 Procedures for tax liens without a judgment 5-12
5-11-3 Procedures for tax liens with a judgment 5-13
5-11-4 Cancellation of code enforcement tax lien 5-13
5-11-5 Recovery of costs by writ of execution 5-13
5-11-6 Recovery of costs by writ of garnishment 5-13

CHAPTER 12 ABATEMENT FUNDING AND COLLECTION OF FUNDS 5-13
5-12-1 Abatement superfund 5-13
5-12-2 Repayment to abatement superfund 5-13
5-12-3 Code enforcement administrative fees and cost fund 5-13
5-12-4 Allocation of civil penalties 5-13

TITLE 6
PUBLIC SAFETY

CHAPTER 1 CRIMINAL PROVISIONS 6-1
6-1-1 Utah Criminal Code adopted 6-1
6-1-2 Utah Code of Criminal Procedure adopted 6-1

CHAPTER 2 JUSTICE COURT 6-1
6-2-1 Justice Court provisions 6-1

CHAPTER 3 GRAFFITI . . . 6-1
6-3-1 Legislative determination . . . 6-1
6-3-2 Definitions . . . 6-2
6-3-3 Graffiti prohibited . . . 6-2
6-3-4 Spray paint and markers - Sale to minors prohibited . . . 6-2
6-3-5 Spray paint and markers - Prohibited possession . . . 6-2
6-3-6 Penalty . . . 6-2
6-3-7 Reward for information leading to conviction of perpetrator . . . 6-2

CHAPTER 4 MOTOR VEHICLE PROVISIONS . . . 6-3
6-4-1 Utah motor vehicle provisions adopted . . . 6-3
6-4-2 Definitions . . . 6-3
6-4-3 Improper lookout . . . 6-3

CHAPTER 5 TRAFFIC-CONTROL DEVICES . . . 6-3
6-5-1 Duty to erect . . . 6-3
6-5-2 Authority to install . . . 6-3
6-5-3 Conformance to manual and specifications . . . 6-3
6-5-4 Obedience to devices . . . 6-4
6-5-5 When devices required for enforcement purposes . . . 6-4
6-5-6 Presumption of legality . . . 6-4
6-5-7 Display of unauthorized signs . . . 6-4
6-5-8 Damaging traffic signs . . . 6-4

CHAPTER 6 PARKING . . . 6-4
6-6-1 Erection of traffic-control devices . . . 6-4
6-6-2 Regulation of parking . . . 6-4
6-6-3 Parking for certain purposes prohibited . . . 6-5
6-6-4 Sheriff's department to move illegally parked vehicle . . . 6-5
6-6-5 Presumption of liability . . . 6-5
6-6-6 Enforcement - By county sheriff . . . 6-5
6-6-7 Enforcement - Options . . . 6-5
6-6-8 Impoundment . . . 6-5
6-6-9 All night parking . . . 6-6

CHAPTER 7 OFF-HIGHWAY VEHICLES . . . 6-6
6-7-1 Utah off-highway vehicle provisions adopted . . . 6-6

CHAPTER 8 OFF-HIGHWAY VEHICLE RESTRICTIONS . . . 6-6
6-8-1 Purpose . . . 6-6
6-8-2 Definitions . . . 6-6
6-8-3 Oquirrh mountain range - Travel restrictions . . . 6-7
6-8-4 Grantsville irrigation dam - Travel restrictions . . . 6-7

CHAPTER 9 UNLICENSED MOTOR VEHICLE REGULATIONS . . . 6-7
6-9-1 Findings and purpose . . . 6-7
6-9-2 Definitions . . . 6-7
6-9-3 Regulation of unlicensed motor vehicles . . . 6-8
6-9-4 Notice of violation . . . 6-8
6-9-5 Conflict . . . 6-8
6-9-6 Penalty . . . 6-8

CHAPTER 10 NIGHT HUNTING . . . 6-8
6-10-1 Purpose . . . 6-8
6-10-2 Night hunting prohibited . . . 6-8

6-10-3 Exceptions - Permit required 6-8
6-10-4 Definitions 6-8

CHAPTER 11 DISCHARGE OF FIREARMS PROHIBITED (REPEALED) 6-9

CHAPTER 12 CURFEW 6-9
6-12-1 Curfew 6-9

CHAPTER 13 REGULATION OF LARGE PUBLIC ASSEMBLIES 6-9
6-13-1 Purpose 6-9
6-13-2 Definitions 6-9
6-13-3 License required 6-10
6-13-4 Admission by ticket only 6-10
6-13-5 Water supply 6-10
6-13-6 Security personnel 6-10
6-13-7 Food service 6-11
6-13-8 Fire protection 6-11
6-13-9 Fencing 6-11
6-13-10 Noise control 6-11
6-13-11 Reimbursement for county services 6-11
6-13-12 License application 6-11
6-13-13 Conditions for issuing license 6-12
6-13-14 Notification of adjoining property owners 6-13
6-13-15 Notification of other departments and application review meeting 6-13
6-13-16 Issuance 6-13
6-13-17 Denial of license 6-13
6-13-18 Revocation 6-13
6-13-19 Appeals 6-13
6-13-20 Enforcement 6-13

CHAPTER 14 REGULATION OF PARADES AND PROCESSIONS 6-14
6-14-1 Purpose 6-14
6-14-2 Permit required 6-14
6-14-3 Exemptions 6-14
6-14-4 Permit application 6-14
6-14-5 Issuance of application for a license 6-14
6-14-6 Revocation 6-14
6-14-7 Enforcement 6-14

CHAPTER 15 COST RECOVERY - HAZARDOUS MATERIALS EMERGENCIES 6-15
6-15-1 Purpose 6-15
6-15-2 Definitions 6-15
6-15-3 Recovery authorization and procedure 6-15
6-15-4 No admission of liability 6-16
6-15-5 Action to recover expenses 6-16

CHAPTER 16 MINE REGULATIONS 6-16
6-16-1 Mine regulations 6-16

CHAPTER 17 OVERNIGHT CAMPING 6-16
6-17-1 Overnight camping 6-16

CHAPTER 18 MISCELLANEOUS PROVISIONS 6-16
6-18-1 Skateboards, roller blades and roller skates 6-16
6-18-2 Visitor activities on federal public land 6-16
6-18-3 Adoption of International Fire Code 6-17

6-18-4 Burning permits 6-17
6-18-5 Use of Jacobs brakes or dynamic braking on State Road 36 prohibited 6-17
6-18-6 Possession or use of glass containers on lands open to public access prohibited . 6-17
6-18-7 Indigent dead 6-17
6-18-8 Prohibited targets 6-18
6-18-9 Use of firearms in the Horseshoe Knoll/Round Knoll camping area prohibited . 6-18
6-18-10 Use of motorized vehicles on "Big Pole Fire" property prohibited 6-18

CHAPTER 19 HAZARDOUS MATERIALS LOCAL EMERGENCY PLANNING COMMITTEE 6-19
6-19-1 Definitions 6-19
6-19-2 Committee created 6-19
6-19-3 Haz-mat coordinator 6-19
6-19-4 Emergency Planning and Community Right-to-Know Act 6-19
6-19-5 Notice of violation 6-19
6-19-6 Hearing examiner 6-19
6-19-7 Service of notice of violations 6-20
6-19-8 Failure to pay 6-20
6-19-9 Enforcement 6-20

CHAPTER 20 WILDFIRE PROTECTION STANDARDS 6-20
6-20-1 Purpose 6-20
6-20-2 Retroactivity 6-21
6-20-3 Definitions 6-21
6-20-4 Authority of county fire warden 6-22
6-20-5 Appeals 6-22
6-20-6 Additions or alteration and maintenance 6-22
6-20-7 Maintenance 6-22
6-20-8 Practical difficulties 6-23
6-20-9 Technical assistance 6-23
6-20-10 Alternative materials or methods 6-23
6-20-11 Permits 6-23
6-20-12 Plans and specifications 6-24
6-20-13 Inspection and enforcement 6-24
6-20-14 Wildland/urban interface and intermix analysis 6-26
6-20-15 Wildland/urban interface and intermix areas 6-26
6-20-16 Interface area requirements 6-26
6-20-17 Special building construction regulations 6-28
6-20-18 Defensible space 6-28

CHAPTER 21 NOISE CONTROL 6-28
6-21-1 Purpose 6-28
6-21-2 Definitions 6-29
6-21-3 Powers and duties 6-30
6-21-4 Noise emergency orders 6-30
6-21-5 Specific noise prohibitions 6-30
6-21-6 Use district noise levels 6-31
6-21-7 Sound level measurement 6-32
6-21-8 Exemptions 6-32
6-21-9 Permits 6-32
6-21-10 Motor vehicle noise 6-33
6-21-11 Notice 6-33
6-21-12 Inspection 6-34
6-21-13 Enforcement 6-34
6-21-14 Right to appeal 6-34
6-21-15 Penalty 6-34

CHAPTER 22 SMOKING IN PUBLIC PLACES . . . 6-35
6-22-1 Smoking prohibited . . . 6-35
6-22-2 Definitions . . . 6-35
6-22-3 Violation . . . 6-35

CHAPTER 23 DISPLAY OF FIREWORKS . . . 6-35
6-23-1 Purpose . . . 6-35
6-23-2 Definitions . . . 6-35
6-23-3 Powers and duties . . . 6-36
6-23-4 Permit required . . . 6-36
6-23-5 Permit application . . . 6-36
6-23-6 Issuance . . . 6-37
6-23-7 Reimbursement for County services . . . 6-37
6-23-8 Denial . . . 6-37
6-23-9 Revocation . . . 6-37
6-23-10 Appeals . . . 6-37

CHAPTER 24 FIREWORKS SALES . . . 6-37
6-24-1 Purpose . . . 6-37
6-24-2 Definitions . . . 6-37
6-24-3 Sales license required . . . 6-38
6-24-4 Temporary structure requirements . . . 6-38
6-24-5 Exemptions . . . 6-38
6-24-6 License application . . . 6-38
6-24-7 Fees . . . 6-38
6-24-8 Fireworks ban . . . 6-38
6-24-9 Appeals . . . 6-38

TITLE 7
SOLID WASTE MANAGEMENT

CHAPTER 1 SOLID WASTE REGULATIONS . . . 7-1
7-1-1 Purpose - Declaration of public nuisance . . . 7-1
7-1-2 Definitions . . . 7-1
7-1-3 Solid waste management department created . . . 7-2
7-1-4 Residential solid waste collection . . . 7-2
7-1-5 Commercial solid waste collection . . . 7-2
7-1-6 Residential solid waste collection contract . . . 7-2
7-1-7 Residential solid waste collection fees . . . 7-2
7-1-8 Approved garbage containers - Rental fees . . . 7-3
7-1-9 Additional containers . . . 7-3
7-1-10 Time and place of pickup . . . 7-4
7-1-11 Closing of approved garbage container required . . . 7-4
7-1-12 Accumulation or unauthorized disposal of solid waste prohibited . . . 7-4
7-1-13 Covering waste during transport . . . 7-4
7-1-14 Penalty . . . 7-4

CHAPTER 2 FEES . . . 7-4
7-2-1 Fees . . . 7-4
7-2-2 Payments . . . 7-5
7-2-3 Failure to timely pay . . . 7-5
7-2-4 Community cleanup . . . 7-5

CHAPTER 3 MUNICIPAL SOLID WASTE FACILITIES 7-5
7-3-1 Staff's findings and recommendations for conditional use permit 7-5
7-3-2 Inspections 7-5

CHAPTER 4 WASTE CORRIDORS 7-6
7-4-1 Purpose 7-6
7-4-2 Municipal solid waste east corridor 7-6
7-4-3 Municipal solid waste west corridor 7-6
7-4-4 Hazardous waste corridor 7-6

TITLE 8
ANIMAL CONTROL

CHAPTER 1 GENERAL PROVISIONS 8-1
8-1-1 Purpose 8-1
8-1-2 Definitions 8-1

CHAPTER 2 ANIMAL CONTROL 8-1
8-2-1 Powers of animal control officer 8-1
8-2-2 Duties of animal control officer 8-2
8-2-3 Interference with officer prohibited 8-2

CHAPTER 3 DOG LICENSING 8-2
8-3-1 Dog licensing 8-2
8-3-2 License tag 8-2
8-3-3 Licensing - Exemptions 8-2
8-3-4 Revocation of license 8-3
8-3-5 Kennel licenses 8-3

CHAPTER 4 CARE AND MAINTENANCE OF ANIMALS 8-4
8-4-1 Unlawful to harbor stray dogs 8-4
8-4-2 Dogs running at large 8-4
8-4-3 Dogs on unenclosed premises 8-4
8-4-4 Female dogs in season 8-4
8-4-5 Places prohibited to dogs 8-4

CHAPTER 5 PROBLEM ANIMALS 8-4
8-5-1 Dogs attacking persons and animals 8-4
8-5-2 Fierce, dangerous or vicious animals 8-5
8-5-3 Nuisance animals 8-5
8-5-4 Bites - Duty to report 8-5
8-5-5 Court orders 8-5

CHAPTER 6 RABIES CONTROL 8-6
8-6-1 Rabies vaccination required for dogs and cats 8-6
8-6-2 Tag requirements - Duties of veterinarian 8-6
8-6-3 Control of rabies and rabid animals 8-6

CHAPTER 7 IMPOUNDING OF ANIMALS 8-7
8-7-1 Animals to be impounded 8-7
8-7-2 Records to be kept 8-7
8-7-3 Disposition of animals 8-7
8-7-4 Redemption 8-8

TITLE 9
BUSINESS LICENSE AND REGULATIONS

CHAPTER 1 **GENERAL LICENSING** 9-1
9-1-1 Application of chapter 9-1
9-1-2 Definitions 9-1
9-1-3 Doing business without a license prohibited 9-1
9-1-4 Failure to obtain a license - Penalties 9-2
9-1-5 License issuance - Fee collection - Audits 9-2
9-1-6 Index of licenses 9-2
9-1-7 Procedure to obtain license 9-2
9-1-8 Application for license 9-2
9-1-9 Inspections 9-2
9-1-10 Separate license required for each location 9-2
9-1-11 Term of license - Certificate form - Transfer prohibited 9-2
9-1-12 License fees 9-3
9-1-12.1 Zoning administrator authorized to examine and inspect businesses - Powers and duties 9-3
9-1-13 Additional fees 9-3
9-1-14 Multiple businesses at one location 9-3
9-1-15 Reciprocal licenses - No fee required 9-3
9-1-16 Code compliance 9-3
9-1-17 Exemptions 9-4
9-1-18 Suspension or revocation - Grounds 9-4
9-1-19 Suspension or revocation - Hearing 9-4
9-1-20 Appeal procedures 9-4
9-1-21 Displaying license 9-5
9-1-22 New license - Six months wait 9-5
9-1-23 Repealed 9-5
9-1-24 Repealed 9-5
9-1-25 Repealed 9-5

CHAPTER 2 **BUSINESS LICENSES (REPEALED)** 9-5

CHAPTER 3 **ALCOHOLIC BEVERAGES** 9-5
9-3-1 Definitions 9-5
9-3-2 License required to sell alcoholic beverages 9-6
9-3-3 Beer licenses classified 9-7
9-3-4 License applications - Fee refund and forfeiture 9-7
9-3-5 Beer retailing and wholesaling fees 9-7
9-3-6 Suspension or revocation of beer license 9-7
9-3-7 Appeal procedures 9-7
9-3-8 Repealed 9-8
9-3-9 Sale or possession of beer at certain times unlawful 9-8
9-3-10 Distance restrictions 9-8
9-3-11 Applicability 9-8
9-3-12 Age restrictions 9-8
9-3-13 Unlawful sale or supply to minors 9-8
9-3-14 Unlawful sale or supply to intoxicated persons 9-8
9-3-15 Container size restrictions 9-8
9-3-16 Unlawful purchase or consumption by minors 9-9
9-3-17 Unlawful purchase by intoxicated persons 9-9
9-3-18 Lighting 9-9

CHAPTER 4 **SEXUALLY ORIENTED BUSINESSES** 9-9
9-4-1 Title for citation 9-9
9-4-2 Purpose of provisions 9-9
9-4-3 Application of provisions 9-10
9-4-4 Definitions 9-10
9-4-5 Obscenity - Statutory provisions 9-11
9-4-6 Location and zoning restrictions 9-11
9-4-7 Business license required 9-12
9-4-8 Exemptions from license requirements 9-12
9-4-9 Legitimate artistic modeling 9-12
9-4-10 Business categories - Number of licenses 9-12
9-4-11 Employee licenses 9-12
9-4-12 License - Application - Disclosures required 9-12
9-4-13 License - Fees 9-14
9-4-14 License - Bond 9-14
9-4-15 License - Premises location and name 9-14
9-4-16 License - Issuance conditions 9-14
9-4-17 License - Term 9-15
9-4-18 License - Notice of change of information 9-15
9-4-19 License - Transfer limitations 9-15
9-4-20 License - Display 9-15
9-4-21 License - Statement in advertisements 9-15
9-4-22 Regulations and unlawful activities 9-15
9-4-23 Out call services - Operation requirements 9-16
9-4-24 Adult business - Design of premises 9-16
9-4-25 Nude entertainment business - Design of premises 9-17
9-4-26 Repealed 9-17
9-4-27 Alcohol prohibited 9-17
9-4-28 Seminude dancing bar - Performer restrictions 9-17
9-4-29 Nude and seminude dancing agencies 9-17
9-4-30 Performers - Prohibited activities 9-17
9-4-31 Performers - Costume requirements 9-17
9-4-32 Stage requirements 9-18
9-4-33 Patrons - Prohibited activities 9-18
9-4-34 Nudity - Defenses to prosecution 9-18
9-4-35 Existing businesses - Compliance time limits 9-18
9-4-36 Violation - Injunction 9-18
9-4-37 Violation - License suspension or revocation 9-18
9-4-38 Effect of license revocation 9-19
9-4-39 Appeal procedures 9-19
9-4-40 Violation - Penalty 9-19
9-4-41 Severability 9-19
9-4-42 Window displays 9-20
9-4-43 Hours of operation 9-20
9-4-44 Parking area lighting 9-20
9-4-45 Inspections 9-20

CHAPTER 5 **MITIGATION FEES (REPEALED)** 9-20

CHAPTER 6 RESIDENTIAL SOLICITATION 9-20
9-6-1 Purpose 9-20
9-6-2 No other County license or approval required 9-21
9-6-3 Definitions 9-21
9-6-4 Exemptions from chapter 9-24
9-6-5 Solicitation prohibited 9-24
9-6-6 Registration of solicitors 9-24
9-6-7 Application form 9-24
9-6-8 Written disclosures 9-25
9-6-9 When registration begins 9-26
9-6-10 Issuance of certificates 9-26
9-6-11 Form of certificate and identification badge 9-26
9-6-12 Maintenance of registry 9-26
9-6-13 Non-transferability of certificates 9-27
9-6-14 Denial, suspension, or revocation of a certificate of registration 9-27
9-6-15 Appeal 9-28
9-6-16 Deceptive soliciting practices prohibited 9-28
9-6-17 "No Soliciting" notice 9-29
9-6-18 Duties of solicitors 9-29
9-6-19 Time of day restrictions 9-29
9-6-20 Buyer's right to cancel 9-29
9-6-21 Penalties 9-29

TITLE 10
FRANCHISES

CHAPTER 1 TOOELE COUNTY FRANCHISES 10-1
10-1-1 Franchises, granting, terms and conditions 10-1
10-1-2 Franchises for toll roads 10-1
10-1-3 Franchises for ferries and bridges 10-1
10-1-4 Franchises granted 10-1

TITLE 11
SPECIAL DISTRICTS

CHAPTER 1 SPECIAL DISTRICTS AUTHORIZED 11-1
11-1-1 Special districts authorized 11-1

CHAPTER 2 SERVICE DISTRICTS 11-1
11-2-1 Special service districts 11-1

CHAPTER 3 SERVICE AREAS 11-2
11-3-1 Stansbury Recreation Service Area 11-2
11-3-2 Stansbury Greenbelt Service Area of Tooele County 11-3
11-3-3 Lakepoint Cemetery and Park Service Area 11-4

CHAPTER 4 MOSQUITO ABATEMENT DISTRICT 11-5
11-4-1 Tooele Valley Mosquito Abatement District 11-5

CHAPTER 5 IMPROVEMENT DISTRICTS 11-5
11-5-1 Improvement districts 11-5

CHAPTER 6 CONSERVANCY DISTRICT 11-5
11-6-1 Rush Valley Water Conservancy District 11-5

CHAPTER 7 COUNTY HEALTH DEPARTMENT 11-5
11-7-1 Tooele County Health Department 11-5

CHAPTER 8 MUNICIPAL BUILDING AUTHORITY 11-11
11-8-1 Municipal Building Authority of Tooele County, Utah 11-11

CHAPTER 9 TOWNSHIP PLANNING DISTRICTS 11-11
11-9-1 Creation of township planning districts 11-11

CHAPTER 10 REDEVELOPMENT AGENCY 11-11
11-10-1 Agency established 11-11
11-10-2 Governing body 11-11
11-10-3 Powers 11-11

TITLE 12
RESERVED

TITLE 13
SUBDIVISIONS

CHAPTER 1 GENERAL 13-1
13-1-1 Short Title 13-1
13-1-2 Purpose 13-1
13-1-3 Definitions 13-1
13-1-4 Notice 13-1
13-1-5 Penalties 13-1
13-1-6 Creation of substandard lots prohibited 13-2
13-1-7 Protection of land in an agriculture protection area 13-2
13-1-8 Notice of shooting range area 13-2
13-1-9 Plats required 13-2
13-1-10 Agricultural partitions 13-3
13-1-11 Condominium projects 13-3

CHAPTER 2 SUBDIVISION APPLICATION PROCEDURE 13-3
13-2-1 Diligence 13-3
13-2-2 Application procedure 13-3
13-2-3 Concept plan requirements 13-4
13-2-4 Preliminary plat requirements 13-4
13-2-5 Infrastructure design and engineering drawings requirements 13-5
13-2-6 Final plat requirements 13-5

CHAPTER 3 MINOR SUBDIVISIONS 13-7
13-3-1 Definition 13-7
13-3-2 Approval process (if not a minor subdivision created under Subsection 13-3-1(2) or Utah Code 17-27a-605). 13-7
13-3-3 Approval process for minor subdivision created under Subsection 13-3-1(2) or Utah Code 17-27a-605 13-8

CHAPTER 4 STANDARD SUBDIVISIONS 13-9
13-4-1 Application 13-9
13-4-2 Approval process 13-9
13-4-3 Design stage application 13-9
13-4-4 Utility and public agency response 13-10
13-4-5 Final plat stage application 13-10

CHAPTER 5 MAJOR SUBDIVISIONS 13-11
13-5-1 Application 13-11
13-5-2 Approval Process 13-11
13-5-3 Phase development 13-11
13-5-4 Concept plan application 13-11
13-5-5 Design stage application 13-12
13-5-6 Utility and agency response 13-13
13-5-7 Final plat stage application 13-13

CHAPTER 6 PLANNED UNIT DEVELOPMENT SUBDIVISIONS (REPEALED) 13-14

CHAPTER 7 DESIGN STANDARDS 13-14
13-7-1 Application 13-14
13-7-2 Lots 13-14
13-7-3 Roads 13-14
13-7-4 Frontage on arterial and collector roads 13-15
13-7-5 Sidewalks, curbs, and gutters 13-15
13-7-6 Blocks 13-15
13-7-7 Monuments 13-15
13-7-8 Easements 13-15
13-7-9 Utilities to be underground 13-15
13-7-10 Sewer systems 13-15
13-7-11 Sanitary sewer mains, laterals, and house connections - Future 13-16
13-7-12 Water supply 13-16
13-7-13 Storm drainage and flood plains 13-17
13-7-14 Fire mitigation standards 13-17
13-7-15 Homeowner's association organization 13-17

CHAPTER 8 CONSERVATION SUBDIVISIONS 13-17
13-8-1 Purpose 13-17
13-8-2 Applicability of regulations 13-18
13-8-3 Application requirements 13-18
13-8-4 Definition of open space 13-18
13-8-5 Open space requirements 13-19
13-8-6 Open space networks configuration 13-19
13-8-7 Open space and conservation areas 13-19
13-8-8 Primary conservation areas 13-19
13-8-9 Value of primary conservation areas 13-20
13-8-10 Secondary conservation areas 13-20
13-8-11 Ownership and management of open space 13-20
13-8-12 Prohibited uses of open space 13-20
13-8-13 Requirements for conservation easements 13-21
13-8-14 Notice of disclosure 13-21

CHAPTER 9 FINANCIAL ASSURANCE 13-21
13-9-1 Improvement installation guarantee 13-21
13-9-2 Default 13-22
13-9-3 Maintenance guarantee 13-22
13-9-4 Acceptance and release of surety 13-22
13-9-5 Engineering review and inspection fee 13-22

CHAPTER 10 VACATION, ALTERATION, AND AMENDMENT OF SUBDIVISION PLATS 13-22
13-10-1 Vacating or changing a subdivision plat 13-22
13-10-2 Filing of a petition to vacate, alter, or amend a plat – Notice 13-23
13-10-3 Planning commission consideration of petition to vacate or change a plat – Criteria for vacating or changing a plat – Recording the vacation or change . . . 13-23
13-10-4 Exchange of title for portions of parcels by adjacent property owners of record 13-24

TITLE 14
BUILDING REGULATIONS

CHAPTER 1 BUILDING OFFICIAL 14-1
14-1-1 Responsibility 14-1
14-1-2 Permits 14-1
14-1-3 Powers and duties 14-1
14-1-4 Approval of off-site improvements by county engineer 14-1
14-1-5 Definition of off-site improvements 14-1
14-1-6 Reserved 14-2
14-1-7 Surveying and engineering performed by county engineer 14-2
14-1-8 Building permits required for off-site improvements 14-2

CHAPTER 2 BUILDING REGULATIONS 14-2
14-2-1 Utah uniform building standards 14-2
14-2-2 Energy conservation construction standards 14-2
14-2-3 Uniform code for the abatement of dangerous buildings 14-2
14-2-4 Permit fees 14-2
14-2-5 Appeals 14-3
14-2-6 Repealed 14-3

CHAPTER 3 CONSTITUTIONAL TAKING ISSUES 14-3
14-3-1 Purpose 14-3
14-3-2 Definitions 14-3
14-3-3 Exclusion from chapter 14-4
14-3-4 Guidelines advisory 14-4
14-3-5 Review of decision 14-4
14-3-6 Hearing examiners 14-5

TITLE 15
ROADS

CHAPTER 1 DEFINITIONS 15-1
15-1-1 Definitions 15-1

CHAPTER 2 POWERS AND DUTIES - COUNTY COMMISSION AND ROADS DIVISION 15-1
15-2-1 Commission - Jurisdiction and control 15-1
15-2-2 Commission to file plats and descriptions 15-1
15-2-3 Road design 15-2
15-2-4 Restricting use of highway 15-2
15-2-5 Authority to provide and maintain county roads 15-2
15-2-6 Private roads 15-2

CHAPTER 3 **EXCAVATIONS** 15-2
15-3-1 Purpose 15-2
15-3-2 Permit required - Application - Revocation 15-2
15-3-3 Permit fees 15-2
15-3-4 Bonds 15-2
15-3-5 Specifications 15-3
15-3-6 Use of pavement pads by equipment 15-3
15-3-7 Restoration of surface 15-3
15-3-8 Bituminous, concrete, gravel or asphalt street surfaces 15-3
15-3-9 Protection of public 15-3
15-3-10 Relocation and protection of utilities 15-3
15-3-11 Approval of method of jetting pipe 15-4
15-3-12 Notice to inspect; failure to comply with specification 15-4

CHAPTER 4 **NAMING AND NUMBERING OF STREETS AND BUILDINGS** 15-4
15-4-1 Definitions 15-4
15-4-2 Names of streets designated on official map 15-4
15-4-3 Numbering 15-4
15-4-4 Exceptions 15-7
15-4-5 Stansbury Park 15-7
15-4-6 Failure to number 15-7
15-4-7 Display of house number 15-8

CHAPTER 5 **REGULATIONS** 15-8
15-5-1 Discharge of water upon roads and sidewalks prohibited 15-8
15-5-2 Removal of snow from sidewalks 15-8
15-5-3 Public parkstrip and right-of-way with curb and gutter 15-8
15-5-4 Street trees 15-8
15-5-5 Obstructions on public roads, streets, paths, trails, sidewalks, and rights-of-way 15-9

TITLE 1

GENERAL PROVISIONS

Chapter
1. **Ordinances.**
2. **The Board of County Commissioners.**
3. **County Officials - Bond.**
4. **County Election Districts.**
5. **General Plan.**
6. **Fees.**
7. **County Personnel Policies and Procedures.**
8. **County Purchasing Policy and Procedures.**
9. **Management of County Property.**
10. **Property Disposal.**
11. **County Records Access and Management.**
12. **Emergency Interim Succession Procedures.**
13. **Repealed.**

CHAPTER 1

ORDINANCES

Section
1-1-1. Repeal of existing ordinances.
1-1-2. Effect of repealing ordinances.
1-1-3. Citation.
1-1-4. Effective date.
1-1-5. Penalty for violation of an ordinance.
1-1-6. Definitions and rules for construction of ordinances.
1-1-7. Liability of employers and agents for violation of ordinances.
1-1-8. Penalty.
1-1-9. Severability.

1-1-1. Repeal of existing ordinances.

The ordinances contained in this title and in the titles which follow, whether previously adopted as a provision consistent herewith or to be adopted, shall be known as the **"Tooele County Code"** and so far as their provisions are the same in effect as those of previously existing ordinances they shall be construed as continuations thereof; but, subject to the preceding limitations and the provisions of Section 1-1-2, all ordinances of this County heretofore in force, except as such are of a private, local, or temporary nature, including franchises, grants, dedications, bond issues and special levies for local assessments, are hereby repealed. Such ordinances as are adopted are hereafter a part of this revision and shall repeal existing ordinances on the same subject but not until such ordinances as are adopted shall become effective. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

1-1-2. Effect of repealing ordinances.

The repeal of the ordinances as provided in Section 1-1-1, shall not affect any act done, or any right accrued, any penalty incurred, any suit, prosecution or proceeding pending or the tenure of office of any person holding office at the time when they take effect; nor shall the repeal of any ordinance hereby have the effect of reviving any ordinance hereto repealed or superseded. This recodification, however, shall in no wise affect the Zoning and Subdivision Ordinances of Tooele County, as amended, each of which shall remain in full force and effect as separate Tooele County Ordinances. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

1-1-3. Citation.

This recodification shall be known as the **"Tooele County Code."** Any provision of State law or uniform code adopted by reference in this code shall be cited by adding the number of the title of this code in front of the section number assigned in the State or uniform code. For example, Section 76-6-404 of the Utah Code adopted by reference in Title 6 of this code would be cited as "Section 6/76-6-404," of the Tooele County Code. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

1-1-4. Effective date.

The "Tooele County Code" shall take effect on September 1, 1992. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

1-1-5. Penalty for violation of an ordinance.

Whenever no other penalty is prescribed, any person found guilty of violating any provision of any Tooele County Code provision presently in effect shall be deemed guilty of a class B misdemeanor. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

1-1-6. Definitions and rules for construction of ordinances.

In the construction of these revised ordinances, and all ordinances amendatory thereof, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the Board of County Commissioners, or repugnant to the context of the ordinance.

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

(2) The singular number includes the plural.

(3) Words used in the present tense include the future.

(4) Words used in the masculine gender comprehend, as well, the feminine and neuter.

(5) The term **"Board of Health"** is the Tooele County Board of Health.

(6) The term **"business"** is any activity, operation, enterprise or calling referred to in this ordinance for which a license is required.

(7) The term **"Commission"** is the Board of County Commissioners of Tooele County, Utah.

(8) The word **"County"** or the term **"Tooele County"** may be construed to mean the portions of Tooele County, Utah, outside the limits of incorporated cities or towns therein, and shall include the entire County when the context requires such an interpretation.

(9) The term **"County Assessor"** is the County Assessor of Tooele County, Utah.

(10) The term **"County Attorney"** is the County Attorney of Tooele County, Utah.

(11) The term **"County Auditor"** is the County Auditor of Tooele County, Utah.

(12) The term **"County Clerk"** is the County Clerk of Tooele County, Utah.

(13) The term **"County Recorder"** is the County Recorder of Tooele County, Utah.

(14) The term **"County Sheriff"** is the County Sheriff of Tooele County, Utah.

(15) The term **"County Surveyor"** is the County Surveyor or Tooele County, Utah.

(16) The term **"County Treasurer"** is the County Treasurer of Tooele County, Utah.

(17) The words **"highway"** and **"road"** include public bridges, and may be held equivalent to the words **"County way," "County road," "common road," "state road."** They may also include sidewalks or crosswalks.

(18) The term **"knowingly"** imports only a knowledge that facts exist which bring the act or omission within the provisions of these ordinances. It does not require any knowledge of the unlawfulness of such act or omission.

(19) The term **"maliciously"** or **"malice"** imports a wish to vex, annoy or injure another person, or an intent to do a wrongful act, established either by proof or by presumption of law.

(20) The word **"owner"** applied to a building or land shall include any part owner, joint owner, tenant in common, joint tenant or lessee of the whole or of any part of such building or land.

(20) The term **"person"** includes bodies politic and any individual, partnership, association, corporation or group of individuals, however styled or designated.

(21) The word **"street"** includes alleys, lanes, courts, boulevards, public squares, public places and sidewalks or crosswalks.

(22) The word **"tenant"** or **"occupant"** applied to a building or land shall include any person who occupies the whole or any part of such building either alone or with others.

(23) The term **"willfully"** when applied to the intent with which an act is done or omitted, implies simply a purpose or willingness to commit the act or make the omission referred to. It does not require any intent to violate law, or to injure another, or to acquire any advantage. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

1-1-7. Liability of employers and agents for violation of ordinances.

When the provisions of this code prohibit the commission or omission of any act, not only the person doing the prohibited thing, or omitting the directed act, but also the employer, if the act or omission is done within the course and scope of employment, and all other persons aiding or abetting therein, shall be guilty of the offense described and subject to the penalty prescribed for the offense. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

1-1-8. Penalty.

(1) Except as provided hereafter, if the performance of an act is declared in this code, which includes technical codes adopted by reference and state statutes adopted as part of this code, to be unlawful, or is described as a misdemeanor or a class B misdemeanor, or is otherwise prohibited, the act shall be punishable by a fine in an amount not exceeding $1,000 or by imprisonment in the County jail for a period of time not exceeding six months, or by any combination of the fine and imprisonment.

(2) If the performance of an act is declared in this code, which includes technical codes adopted by reference and state statutes adopted as part of this code, to be a class C misdemeanor, the act shall be punishable by a fine in an amount not exceeding $500 or by imprisonment in the County jail for a period of time not exceeding 90 days, or by any combination of the fine and imprisonment.

(3) If the performance of any act is declared in this code, which includes technical codes adopted by reference and state statutes adopted as part of this code, to be an infraction, the act shall be punishable by a fine in an amount not exceeding $500. No imprisonment shall be imposed for an infraction.

(4) When no penalty is prescribed, any person convicted of violating any provision or provisions of this code, or ordinances hereafter enacted as a part of this code, shall be deemed guilty of a class B misdemeanor. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

1-1-9. Severability.

The Board of County Commissioners of Tooele County, Utah, hereby declares that said Board would have passed these recodified ordinances and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional, void or unlawful. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

CHAPTER 2

THE BOARD OF COUNTY COMMISSIONERS

Section

1-2-1. County commission - Number -Eligibility.
1-2-2. Term of office.
1-2-3. Vacancies - How filled.
1-2-4. Powers and duties - Omnibus provision.
1-2-5. Departments.
1-2-6. Meetings - Procedure.
1-2-7. Special meetings.
1-2-8. Chairman - Quorum - May administer oaths.

1-2-1. County commission - Number - Eligibility.

The Tooele County Commission shall consist of three members, each of whom shall have been an elector of the County for at least one year immediately preceding the election and elected by the qualified electors of the County at large. (§17-5-2, U.C.A.) (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

1-2-2. Term of office.

(1) County Commissioners shall:

(a) be elected for a four-year term at the general election before the expiration of the term of office of incumbents; and

(b) hold office for the term for which elected and until a successor is elected and has qualified.

(2) (a) Whenever two County Commission positions are vacant for a general election, they are designated "County Commissioner A" and "County Commissioner B."

(b) At the time a candidate for the County Commission files a declaration of candidacy for a County Commission position when there are two positions vacant, he shall designate on the declaration of candidacy form whether he is a candidate for County Commissioner A or County Commissioner B.

(c) No person may file a declaration of candidacy for, be a candidate for, or be elected to two County Commission positions in one general election.

(3) County Commissioners-elect shall take office on the first Monday in January following their election. (§17-5-3, U.C.A.) (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

1-2-3. Vacancies - How filled.

When a vacancy occurs in the Board of County Commissioners through ineligibility, resignation or death of an incumbent or of an officer-elect before qualifying, or refusal to act, or for any other reason, the vacancy shall be filled as follows:

(1) If two years remain on the unexpired terms as of the first Monday in January next and 30 days or more remain before the general election, or if such office shall be vacant by the first Monday of January next due to a certified written resignation submitted when 30 days or more remain before the general election, then the vacancy for the unexpired term shall be filled under the provisions of Sections 20-4-9 and 20-4-11.5, U.C.A., except that the vacancy shall be filled in the interim period by appointment according to the provisions of Subsection (2) below.

(2) If such vacancy occurs when fewer than 30 days remain before the general election, then the vacancy shall be filled by the board by appointment from a list of at least six persons who have been endorsed in writing by the County Central Committee of the party to which the person belonged who occasioned the vacancy. Should the board fail to make the appointment within 30 days after the vacancy occurs, the Clerk shall notify the Governor of the fact, and the Governor shall, within 30 days after receipt of a notice, fill the vacancy by appointment from the aforementioned list. If at any time there shall not be a majority of the Board remaining in office, the Governor shall appoint one or two Commissioners, as the case may be, from the list or lists, until there shall be a majority, and the majority shall select the third Commissioner as herein provided. Appointees shall hold office for the unexpired term for which appointed or until a successor is elected and has qualified. (§17-5-4, U.C.A.) (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

1-2-4. Powers and duties - Omnibus provision.

The County Commission may supervise the official conduct of all County officers and officers of all precincts, districts and other subdivisions of the County (except municipal corporation); see that they faithfully perform their duties, direct prosecutions for delinquencies and, when necessary, require them to renew their official bonds, make reports and present

their books and accounts for inspection. The Commission shall have such other powers and duties as are prescribed by law. (§17-5-19, U.C.A.) (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

1-2-5. Departments.

Each Commissioner shall have the supervision of such departments and boards of County government as lend themselves to joint classification and each department or board shall bear such title and designation as the Board of County Commissioners shall from time to time devise, provided, that said title shall, as nearly as possible, represent the true nature of those functions performed by the officers and employees of such department or board. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

1-2-6. Meetings - Procedure.

The Board of County Commissioners of Tooele County, State of Utah, shall hold its regular public meetings at seven o'clock p.m. on the first and third Tuesdays of each month during the year in the Commission Chambers in the Tooele County Courthouse, Tooele, Utah. The time of any meetings may be changed or altered to any other time by the vote of at least two members of the said Board, duly entered into the minutes of any preceding meeting thereof. Any regularly scheduled meeting may be canceled in advance by the Chairman of the board in the event there will be no business to transact, when it is known in advance a quorum cannot be obtained, or for other good cause. The Chairman shall preside at all meetings of the Board of County Commissioners and shall rule on all matters of procedure, with fundamental fairness and an opportunity to be heard as the controlling rationale. No action of the Board shall be taken without a motion and a second. The Chairman is authorized to make a motion or second any motion. An affirmative vote of two Commission members shall be required to pass any action. (Ord. 2013-07, 4/2/13; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

1-2-7. Special meetings.

If at any time the business of the County requires a special meeting of the Board, such meeting may be ordered by a majority of the Board or by the Chairman thereof. The order must be signed by the members or Chairman calling such meeting and must be entered in the minutes of the Special Board Meeting. Five days' notice of such meeting must be given by the Clerk to the members not joining in the order. The order must specify the business to be transacted at such meeting, and none other than that special meeting unless all the members are present and consent thereto. (§17-5-7, U.C.A.) (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

1-2-8. Chairman - Quorum - May administer oaths.

The County Commissioners shall elect one of their number to serve as Chairman. The Chairman shall preside at all meetings of the board and in case of his absence or inability to act, the members present must, by an order entered in their minutes, select one of their number to act as Chairman temporarily. Any member of the board may administer oaths to any person when necessary in the performance of his official duties. Not less than two members shall constitute a quorum for the transaction of business, and no act of the board shall be valid or binding unless two members concur therein. (§17-5-5, U.C.A.). (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

CHAPTER 3

COUNTY OFFICIALS - BOND

Section

1-3-1. Bonds for certain elected offices - Chief deputies.
1-3-2. Treasurer bond.
1-3-3. Commissioners bond.
1-3-4. Employee bond.
1-3-5. Bond premiums.
1-3-6. Approval of bond filing.
1-3-7. Repealed.

1-3-1. Bonds for certain elected offices - Chief deputies.

The following County and precinct officers and their chief deputies shall execute official bonds in the amount stated before entering upon the discharge of the duties of their respective offices:

County Clerk	$ 5,000
County Auditor	$ 5,000
Sheriff	$ 25,000
County Attorney	$ 5,000
County Assessor	$ 25,000
County Recorder	$ 5,000
County Surveyor	$ 5,000
Justice Court Judge	$ 25,000
Constable	$ 5,000

(Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

1-3-2. Treasurer bond.

The County Treasurer shall execute an official bond in an amount prescribed by the Utah State Money Management Council. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

1-3-3. Commissioners bond.

The Judge of the District Court in and for Tooele County shall prescribe the amount in which each member of the Board of County Commissioners shall execute an official bond before discharging the duties of his office. County Commissioners' bonds must be approved by the District Court Judge prior to being recorded and filed. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

1-3-4. Employee bond.

All County employees shall be covered by a surety bond of at least $5,000 and the following positions shall be covered by a surety bond in the amounts stated.

Deputy Assessors	$ 25,000
Deputy Auditors	$ 5,000
Deputy Treasurers	Same as treasurers bond as required by §1-3-2

(Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

1-3-5. Bond premiums.

If Surety Company Bonds are taken to comply with the foregoing provisions, the premium for each such bond shall be paid out of County funds. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

1-3-6. Approval of bond filing.

The bonds and sureties of all County and precinct offices shall be approved by the Board of County Commissioners before the bonds are filed and recorded. All official bonds required by Sec. 1-3-1, Sec. 1-3-2, and Sec. 1-3-3 above shall be recorded in the office of the County Recorder and then filed and kept in the office of the County Clerk. The official bond of the County Clerk, after being recorded, shall be filed and kept in the office of the County Treasurer. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

1-3-7. Repealed. (Ord. 2003-22, 12/16/03)

CHAPTER 4

COUNTY ELECTION DISTRICTS

Section

1-4-1. Tooele County voting district boundaries - Legal description.
1-4-2. Justice court precinct boundary - Legal description.
1-4-3. School district precincts boundaries - Legal description.

1-4-1. Tooele County voting district boundaries - Legal description.

(1) There are hereby established 27 Tooele County election districts. Such districts are described by the maps designated as Exhibits "A," "B," and "C," which are attached hereto and by this reference made a part hereof. The abbreviated designations for each district on the attached maps shall be interpreted according to the following legend, which establishes the full name of each Election District: T1 through T11 refers to Tooele Districts #1 through #11; G1 through G4 refers to Grantsville Districts #1 through #4; LP refers to Lake Point; SP1 and SP2 refers to Stansbury Park; ER refers to Erda; LI refers to Lincoln; ST refers to Stockton; OP refers to Ophir; RV refers to Rush Valley; VE refers to Vernon; TE refers to Terra; DU refers to Dugway; IB refers to Ibapah; and WE refers to Wendover.

(2) The official census population figures, maps of the Bureau of Census of the United States Department of Commerce developed in connection with the taking of the 1990 National decennial census and census tracts compiled by the Tooele County Clerk and used as the basis for the formulation of these new election district maps shall be retained by the county clerk and shall serve as the indication of legislative intent in drawing the county's election district boundaries. (98-13, 6/11/98)

1-4-2. Justice court precinct boundary - Legal description.

There is hereby established a single justice court precinct in Tooele County known as the Tooele County Justice Court. The boundaries of which include all of Tooele County. (Ord. 2008-13, 6/10/08; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

1-4-3. School district precincts boundaries - Legal description.

There are hereby established the following Tooele County School District Precincts which are described by and include the Tooele County Voting Districts as set forth in Section 1-4-1, as follows:

(1) School District Precinct Number 1 shall consist of and include the following Tooele County Election Districts: Tooele #2 (T2), Tooele #3 (T3), Tooele #4 (T4) and Tooele #5 (T5).

(2) School District Precinct Number 2 shall consist of and include the following Tooele County Election Districts: Tooele #1 (T1), Tooele #8 (T8), Tooele #9 (T9), and Tooele #10 (T10).

(3) School District Precinct Number 3 shall consist of and include the following Tooele County Election Districts: Tooele #6 (T6), Tooele #7 (T7), Lakepoint (LP), Stansbury Park (SP), Erda (ER), and Lincoln (LI).

(4) School District Precinct Number 4 shall consist of and include the following Tooele County Election Districts: Grantsville #1 (G1), Grantsville #2 (G2), Grantsville #3 (G3), and Grantsville #4 (G4).

(5) School District Precinct Number 5 shall consist of and include the following Tooele County Election Districts: Stockton (ST), Ophir (OP), Rush Valley (RV), Vernon (VE), Terra (TE), Dugway (DU), Ibapah (IB), Tooele #11 (T11) and Wendover (WE). (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

CHAPTER 5

GENERAL PLAN

Section

1-5-1. General plan.

1-5-1. General plan.

(1) In order to accomplish the purposes set forth in Utah Code 17-27-30 et seq., Tooele County has prepared and adopted a comprehensive general plan for:

(a) the present and future needs of the county; and

(b) the growth and development of the land within the county including uses of land for urbanization, trade, industry, residential, agricultural, wildlife habitat, and other purposes.

(2) All growth, development and land use shall comply with the general plan. (Ord. 95-27, 12/20/95)

CHAPTER 6

FEES

Section

1-6-1. County surveyor - Filing fees.
1-6-2. Fees for municipal services.
1-6-3. Officials' fees.
1-6-4. Local option highway construction and transportation corridor preservation fee.
1-6-5. Inmate processing fee.

1-6-1. County surveyor - Filing fees.

For each survey map filed and indexed pursuant to the provisions of Sections 17-23-17 or 18 of the Utah Code, the Tooele County Surveyor shall collect in advance the sum of $20.00 per page. Said survey maps will be filed only if they are on material of a permanent nature on stable base reproducible material in the sizes required by the County Surveyor. All moneys collected under this section shall be deposited with the County Treasurer to be credited to a Public Land Corner Preservation Fund, which shall be used only to pay expenses incurred and authorized by the County Surveyor in the establishment, re-establishment, and maintenance of corners of government surveys pursuant to the powers and duties provided under Chapter 23, Title 17 and Chapter 10, Title 57 of the Utah Code. (Ord. 2007-03, 2/6/07; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

1-6-2. Fees for municipal services.

(1) In addition to other fees or charges imposed for municipal-type services it provides, the county shall charge fees for the following services and functions:

(a) fire protection;

(b) special event security;

(c) hazardous materials or waste cleanup;

(d) hazardous materials transportation escort; and

(e) oversize or overweight transportation escort.

(2) The fees charged for the services in Subsection (1) shall be equal to $40 per man-hour expended, plus actual costs of materials, supplies and equipment used in providing such services. (Ord. 2001-39;12/11/01)

1-6-3. Officials' fees.

Pursuant to Utah Code Annotated 17-53-211, the following fees are hereby established for services provided by the corresponding county officer or department:

(1) **Assessor:**

Assessment Roll . . . . . $75.00 + 1¢/name
Labels . . . . . $75.00 + 3¢/name
Listing of Mobile Home Owners $100.00
Tax Roll . . . . . $75.00 + 1½¢/name

(2) **Auditor:**

May Tax Sale Administrative Fee on Advertised Property $125.00

(3) **Building and Development Services:**

Address Certificates $25.00/hour
Administrative Code Enforcement
1st Offense $25.00/day
2nd Offense $50.00/day
3rd and All Subsequent Offenses $100.00/day
Civil Citation $25.00
Clean Up of Junk and Vehicles . . . . . Actual Cost
Sign or Building Abatement of Property . . . . . Actual Cost
Sign Removal from Public Property $25.00
Department Copies and Maps
See Attached Exhibit "A" - Map Fees (Immediately Following Section 1-6-3)
Notary $5.00/signature
Planning/Zoning
Agriculture Protection $200.00
Amendment to General Plan $275.00
Amendment to Plat Map $250.00
Appeals to Appeal Authority $150.00
Conditional Use Permit (C.U.P.) $300.00
C.U.P. Temporary $300.00
C.U.P. Amendment
(Administrative) $125.00
(Planning Commission) $200.00
C.U.P. (Mining, Quarry, Sand and Gravel Excavation) $500.00
C.U.P. (Planned Unit Development Concept) $300.00
C.U.P. (Planned Unit Development Preliminary) $300.00
C.U.P. (Planned Unit Development Final) $300.00
C.U.P. Day Care/Pre-School $150.00
C.U.P. Home Occupation $40.00
C.U.P. Home Occupation Amend. $40.00
C.U.P. Temp. Construction Trailer. $40.00
Copies of Recorded Tapes $6.00/tape
Description of Exchange $120.00
Planning Commission Extension (Subdivision Applications or Conditional Use Permits) $75.00
Professional Filming $200.00
Public Assembly Permit $100.00/day
Re-Zone Application $275.00
Right-of-Way Vacation/Dedication $250.00
Sign Permit $25.00
Site Plan Review (not requiring other permit) $40.00
Subdivision - Major
Concept Stage $400.00
Design Stage $650.00
Final Stage $285.00

Subdivision - Minor $500.00
Subdivision - Standard
Design Stage $620.00
Final Stage $250.00
Variance/Special Exception $150.00

(4) **Clerk:**

Beer License (Consumption) $200.00
Beer License (Package) $100.00
Beer License (Special) $200.00
Business License - Residential $30.00
Each Additional Employee $5.00
Business License - Commercial $50.00
Each Additional Employee $5.00
Candidate Filing Fees:
Local School District Board $25.00
All Other Federal, State and County Offices: . . . . . ⅛ of 1% of the total salary for the full term of office
IRS Documents . . . . . 10¢
Late Fees
(Charged Each Month, for Three Months)
Beer License (Consumption) $200.00
Beer License (Package) $100.00
Beer License (Special) $200.00
Business License - Residential $30.00
Business License - Commercial $50.00
Marriage License
(Includes Two Certified Copies) $50.00
First Additional Certified Copy $7.00
Each Additional Certified Copy Thereafter $2.00
Uncertified Copy $1.00
Notary $5.00/signature
Passport Fee $25.00
Solicitor's Badge $10.00
Voter Certificates $5.00
Voter Registration List . . . . . $20.00 + ½¢/name

(5) **GIS**

Department Copies and Maps
See Attached Exhibit "A" - Map Fees (Immediately Following Section 1-6-3)
GIS Analyst Support . . . . . $50.00/hour, rounded to the nearest one-half hour

GIS Parcels Data	Shapefile, GDB, or Layer Package	$50.00 + 10¢ per Parcel	Private
KML Parcels	KMZ for Google Earth	$50.00 + 10¢ per Parcel	Private
GIS Parcel Layer	Full Layer Annual Subscription (Update Fees Apply) Each Update Within a 12-month Period	$500.00 $100.00	Private
GIS Parcel Layer	Full Layer Annual Subscription (Update Fees Apply) Each Update Within a 12-month Period	$1,000.00 $200.00	Commercial

GIS Address Layer	Full Layer Annual Subscription (Update Fees Apply) Each Update Within a 12-month Period	$500.00 $100.00	Private
GIS Address Layer	Full Layer Annual Subscription (Update Fees Apply) Each Update Within a 12-month Period	$1,000.00 $200.00	Commercial
Includes: Parcel ID, Ownership, Agency, Admin, Name, Situs Address, Mailing Address, Acres, Tax Area			
*** Additional (Available) Fields $100.00 per Field ***			
GIS Roads Layer	Shapefile, GDB or Layer Package	$300.00	
Delivery	Burn to CD/DVD Email or FTP Mail	$5.00 $5.00 $5.00 + Mailing Cost	

(6) **Library Fees**

Blank Computer Diskette . . . . . 75¢ each
Computer Printout . . . . . 10¢/page
Interlibrary Loan . . . . . $2.50 each book
Library Card . . . . . Free
Lost Card Replacement . . . . . $1.00 each card
Overdue Book . . . . . 20¢/day
Overdue Video, Tape, or CD . . . . . 25¢/day
Photocopies . . . . . 10¢/page

(7) **Parks & Recreation**

Benson Grist Mill

Reduction may be given for service project.

After Hours Requests (Photography) $20.00/hour
Daytime Use (25 or less) . . . . . $10.00/hr. + $50.00 deposit
Daytime Use (26-100 people) . . . . . $50.00 for 1-4 hrs, $10.00 each add. hr. +$100.00 deposit
Individual Overnight Camper $5.00/night
Overnight Groups (25 or less) . . . . . $25.00 + $50.00 deposit
Overnight Groups (26-100 people) . . . . . $50.00 + $100.00 deposit
Weddings, Large Events (100+ people) . . . . . $200.00 + $200.00 deposit

Deseret Peak Complex

Hours of Operation (may vary seasonally):
Monday-Saturday, 7:00 a.m. to 9:00 p.m., and Sunday, 7:00 a.m. to 6:00 p.m.

Any rental times after normal operation hours (through midnight only) $20.00/hour
10 Punch Pass
Motocross, Arena, Horse Track $90.00
Annual Fees
Horse Walker $150.00/year
Race Horse Track $250.00/year
Archery Range . . . . . $3.00/day (open shooting)
$200.00/day w/ stationary targets
$5.00 each 3-D targets

GENERAL PROVISIONS

Arenas	
Indoor Arena (Seating Capacity 2,000)	$50.00/hour
	$500.00/day
	$500.00 floor
	$10.00/day (open riding)
	$100.00 sound system
Outdoor Arena (Seating Capacity 4,000)	$40.00/hour
	$450.00/day
	$10.00/day (open riding)
	$100.00 sound system
BMX Track	$3.00/day (open riding)
	$200.00/day, $250.00 w/ lights
Camping	
RV - With Full Hookups	$20.00/night
With Electric Hookups	$10.00/night
With No Hookups	$5.00/night
Convention Center	
Deposit	$250.00, $500.00 (based on the event)
Exhibit Hall	$500.00
Flip Chart Stand	$5.00
Kitchen	$40.00
Overhead Projector	$20.00
Podium with Sound	$50.00
Screen	$25.00
Single Room	$100.00
Stage - Large	$110.00
Stage - Small	$55.00
Tables & Chairs	included in rental fee
Ticketed Event Charge	$1.00/person
TV/VCR	$20.00
Wedding Rate	$750.00
White Board	no charge
Heavy Equipment w/ Operator:	
Arena Tractor	$35.00/hour
Backhoe	$50.00/hour
Dump Truck	$65.00/hour
Grader	$90.00/hour
Loader	$90.00/hour
Water Truck	$75.00/hour
Horse Track	$40.00/hour, $400.00/day
	$10.00/day (open riding)
Motocross Track	$10.00/day (open riding)
	$1,800.00/day
	(price may vary depending on event requirements)
Motorized Arena (Seating Capacity 7,000)	$500.00/event
	(price may vary depending on event requirements)
Museum Admission	Donation
Parking Fee	$1.00 to $2.00/event
Pavilion (Livestock)	$100.00/day
	+ $100.00 cleaning deposit
Personnel	$20.00/hour
Pitch and Putt Golf Course	
10 Punch Pass	$30.00
Club Rental	$2.00

GENERAL PROVISIONS

Green Fees	$4.00
Season Pass	$200.00
Rental - Chair	20¢ each
Rental - Table	$1.00/day
Soccer Complex	$100.00-$200.00 per tournament per team + $1.00 per youth
Additional Tournament Fee	$20.00 per field per day +$10.00 each time worked
Youth League	$5.00 per youth per season +$20.00 light fee/hour
Softball Complex	$425.00 league play $200.00 tournament fee
Additional Tournament Fee	$20.00 per field per day +$10.00 each time worked
Youth League	$5.00 per youth per season +$20.00 light fee/hour
Stalls 12 x 12	$15.00/day (shavings available upon request)

Swimming Pool	**Resident**	**Non-Resident**
Daily Rate	$4.00	$4.00
Group Rates:		
25 people	$60.00 ($2.40 ea. add.)	$72.50 ($2.90 ea add.)
50 people	$115.00 ($2.30 ea. add.)	$140.00 ($2.80 ea add.)
75 people	$165.00 ($2.20 ea. add.)	$202.00 ($2.70 ea. add.)
100 people	$210.00 ($2.10 ea. add.)	$260.00 ($2.60 ea. add.)
Pavilion		
1 hour		$20.00
Each additional hour		$15.00
Private Reservations (Up to 200 People)		
Weekdays		$250.00
Weekends		$350.00

Punch Cards	**Resident**	**Non-Resident**
10 punch	$32.00	$35.00
20 punch	$60.00	$70.00
50 punch	$150.00	$160.00
Swimming Lessons (8)		
1 person	$27.50	$35.00
2 or more, each	$25.50	$30.00
Swimming Lessons - Private (5)		
1 person	$65.00	$70.00
2 or more, each	$55.00	$60.00

Water Aerobics	**Resident**	**Non-Resident**
1 lesson	$1.50	$1.75
5 lessons	$5.00	$7.50
10 lessons	$7.50	$12.50

Settlement Canyon Recreation Area

Day Use $3.00/vehicle

Group Campsite

County Resident $125.00/night

Non-County Resident $150.00/night

(plus $1.00 each additional person over 100)

+ $100.00 cleaning deposit

Overnight Camping $10.00/vehicle

(full refund to non-profit groups having prior approval for canyon conservation/cleanup)

Overnight R.V. Hookup $20.00/vehicle

Pavilion

County Resident $50.00/day

+ $100.00 cleaning deposit

Non-County Resident $100.00/day

+ $100.00 cleaning deposit

Season Pass $35.00

(8) **Recorder:**

Recording Fees

First Page $10.00

Each Additional Page (8½ x 11) $2.00

Non-Compliant Pages (over 8½ x 11) Additional Fee per Page $2.00

Back Page (if typed on) $2.00

Each Additional Description $1.00

Each Right-of-Way or Easement $1.00

Each Additional Name (over two) $1.00

Each Additional Section, Township & Range $1.00

Multiple Title Documents

Each Listed Title $10.00

Each Additional Page $2.00

Recording of Subdivisions

Each Sheet $30.00

Each Lot or Unit/More Than Two Names $1.00

Reproduction Fee $10.00

Certification of a Document

First Page $7.00

Each Additional Page $2.00

Copies

Any Recorded Document, per Page $2.00

Computer Printouts, per Page $2.00

Plats and Maps

See Attached Exhibit "A" - Map Fees (Immediately Following Section 1-6-3)

Blank Forms . . . . . 50¢ each

Bulk Data . . . . . 10¢ per field, per record

($75.00 minimum charge)

Note: Recorder reserves the right to define and/or limit fields and/or records. If file is too large to email, requestor may provide data storage device or, at the time of order, request data be transferred to a DVD or CD at the fee provided in Paragraph (11). Mailing costs may also apply.

Bulk Document Download . . . . . 75¢/image

($75.00 minimum charge)

Note: Price break given for digital images only. If file is too large to email, requestor may provide data storage device or, at the time of order, request data be transferred to a DVD or CD at the fee provided in Paragraph (11). Mailing costs may also apply.

(9) **Solid Waste:**

Landfill

Animals	$42.00/ton ($3.00 minimum)
Cardboard/Metal	No Charge
Construction/Demolition Debris (Sheet Rock, Wood, Dirt, Shingles, Concrete, Etc.)	$6.50/cubic yard
Household (Food, Clothes, Furniture, Books, and Toys)	$13.00/load
Industrial/Manufacturing Waste	$6.50/cubic yard
Municipal Solid Waste, Commercial	$42.00/ton, $15.00 minimum
Municipal Solid Waste, Residential	$42.00/ton, $15.00 minimum
Tires (Limit of 4 per Day)	$2.50/tire
Yard Waste (Green Waste Only – Grass, Weeds, Leaves, Twigs, Brush, Shrubs, Etc.)	$7.00/load
Yard Waste - Large (Green Waste Only, 4+ Yards)	$20.00/load

Note: Unsecured loads will be charged double the regular gate fee, per Tooele County Code 7-1-13.

Trash Collection (Billed Quarterly)

One Can	$41.25/quarter year
Each Additional Can	$30.00/quarter year
Set-Up Fee (New Accounts)	$60.00
Activation Fee for Additional Can	$30.00
Reconnect Fee	$25.00

Miscellaneous Fees

Bad Check Fee	$25.00
Late Payment Fee	$50.00 + 6% annual interest for delinquent accounts

The following items are generally available for purchase: railroad ties, plywood, firewood, mulch, wood boards, and wood chips. Please call the Solid Waste Department or check the County website for current pricing.

(10) **Surveyor:**

Department Copies and Maps

See Attached Exhibit "A" - Map Fees (Immediately Following Section 1-6-3)

Electronic Data

AutoCad File of a Subdivision	$15.00
Copy of Aerial Photography per ¼ Section	$100.00
Copy of Aerial Photography with Contours per ¼ Section	$170.00
Filing Record of Survey Maps	$20.00/page
Plat Submittal (Mathematical Verification & Review)	$100.00/plat + $20.00/lot

(11) **All other offices:**

Audio Tapes	$5.00
Certification	$5.00
County Code	$45.00
Digital Media:	
CD	$5.00
DVD	$5.00
Mailing Charge	Actual cost
Notary	$5.00/signature
Photocopies:	
First Page	$1.00
Each Additional Page	25¢
Print Parcel Abstract	$2.00/page
Department Copies and Maps	
See Attached Exhibit "A" - Map Fees (Immediately Following Section 1-6-3)	
Record in a Form Other Than That Normally Maintained	Compilation time x wage
Return Check Fee	$20.00
Screen Print	$2.00/page
Screen Print Abstract	$2.00/page

(12) Fees for the county recorder, sheriff, and county constable as established by state statute or by resolution, are set forth in such documents. (Ord. 2013-09, 4/16/13; Ord. 2013-05, 3/19/13; Ord. 2012-24, 12/20/12; Ord. 2012-19, 9/18/12; Ord. 2011-15, 11/1/11; Ord. 2011-10, 5/17/11; Ord. 2010-06, 3/2/10; Ord. 2009-26, 10/6/09; Ord. 2007-03, 2/6/07; Ord. 2006-29, 10/10/06; Ord. 2006-28, 10/3/06; Ord. 2006-17, 6/20/06; Ord. 2006-14, 4/11/06; Ord. 2005-27, 10/18/05; Ord. 2005-26, 10/11/05; Ord. 2005-13, 4/19/05)

SECTION 1-6-3
EXHIBIT "A"
MAP FEES
(Page 1 of 2)

BASIC LINE MAP
(Basic Plat with Parcel Lines/Streets/Labels

	Map Size	Height	Width	Regular Paper	Photo Paper
	8.5 x 11	8.5"	11"	$2.00	N/A
	8.5 x 14	8.5"	14"	$2.00	N/A
	11 x 17	11"	17"	$2.00	N/A
	12 x 18	12"	18"	$3.00	$6.00
	18 x 18	18"	18"	$4.00	$9.00
	18 x 24	18"	24"	$5.00	$10.00
	24 x 36	24"	36"	$10.00	$25.00
	36 x 36	36"	36"	$15.00	$35.00
	36 x 48	36"	48"	$20.00	$45.00
	42 x 60	42"	60"	$25.00	$65.00

COLOR FILL
(Basic Line Map with Other Layers; i.e., Sub/PLSS/Ownership/Zoning)

	Map Size	Height	Width	Regular Paper	Photo Paper
	8.5 x 11	8.5"	11"	$2.00	N/A
	8.5 x 14	8.5"	14"	$3.00	N/A
	11 x 17	11"	17"	$3.00	N/A
	12 x 18	12"	18"	$4.00	$8.00
	18 x 18	18"	18"	$6.00	$12.00
	18 x 24	18"	24"	$6.00	$14.00
	24 x 36	24"	36"	$12.00	$30.00
	36 x 36	36"	36"	$17.00	$45.00
	36 x 48	36"	48"	$25.00	$60.00
	42 x 60	42"	60"	$35.00	$80.00

BLACK & WHITE AERIAL BACKGROUND
(Basic Line Map Parcel Lines/Streets/Labels/Subs/PLSS/Etc.)

	Map Size	Height	Width	Regular Paper	Photo Paper
	8.5 x 11	8.5"	11"	$2.00	N/A
	8.5 x 14	8.5"	14"	$3.00	N/A
	11 x 17	11"	17"	$3.00	N/A
	12 x 18	12"	18"	$4.00	$10.00
	18 x 18	18"	18"	$7.00	$13.00
	18 x 24	18"	24"	$8.00	$17.00
	24 x 36	24"	36"	$15.00	$35.00
	36 x 36	36"	36"	$20.00	$50.00
	36 x 48	36"	48"	$30.00	$70.00
	42 x 60	42"	60"	$45.00	$95.00

SECTION 1-6-3
EXHIBIT "A"
MAP FEES
(Page 2 of 2)

COLOR AERIAL OR TOPO BACKGROUND
(Basic Line Map Parcel Lines/Streets/Labels/Subs/PLSS/Ownership/Zones/Etc.)

	Map Size	Height	Width	Regular Paper	Photo Paper
	8.5 x 11	8.5"	11"	$3.00	N/A
	8.5 x 14	8.5"	14"	$4.00	N/A
	11 x 17	11"	17"	$5.00	N/A
	12 x 18	12"	18"	$6.00	$12.00
	18 x 18	18"	18"	$9.00	$17.00
	18 x 24	18"	24"	$10.00	$22.00
	24 x 36	24"	36"	$20.00	$45.00
	36 x 36	36"	36"	$30.00	$65.00
	36 x 48	36"	48"	$40.00	$90.00
	42 x 60	42"	60"	$55.00	$130.00

CUSTOM MAPS

	Map Size	Height	Width	Regular Paper	Photo Paper
	8.5 x 11	8.5"	11"	$5.00	N/A
	8.5 x 14	8.5"	14"	$6.00	N/A
	11 x 17	11"	17"	$7.00	N/A
	12 x 18	12"	18"	$8.00	$15.00
	18 x 18	18"	18"	$10.00	$22.00
	18 x 24	18"	24"	$12.00	$27.00
	24 x 36	24"	36"	$25.00	$55.00
	36 x 36	36"	36"	$35.00	$85.00
	36 x 48	36"	48"	$45.00	$110.00
	42 x 60	42"	60"	$65.00	$160.00

1-6-4. Local option highway construction and transportation corridor preservation fee.

(1) The county hereby imposes a local option highway construction and transportation corridor preservation fee of $10 on each motor vehicle registration within the county.

(2) At the time application is made for registration or renewal of registration of a motor vehicle under this chapter, the applicant shall pay the local option highway construction and transportation corridor preservation fee.

(3) The following are exempt from the fee required under Subsection (1):

(a) a motor vehicle that is exempt from the registration fee under Utah Code Section 41-1a-1209 or Subsection 41-1a-419(3);

(b) a commercial vehicle with an apportioned registration under Utah Code Section 41-1a-301; and

(c) a motor vehicle with a Purple Heart special group license plate issued in accordance with Utah Code Section 41-1a-421.

(4) The revenue generated under this section shall be distributed in accordance with Utah Code Section 41-1a-1222.

(5) The effective date for the fee shall be on July 1, 2009. (Ord. 2009-14, 4/7/09)

1-6-5. Inmate processing fee.

(1) Each time a person is booked (or booked and released) into the Tooele County Detention Center, they will be charged an inmate processing fee of Twenty Dollars ($20.00).

(2) The inmate processing fee shall not apply and/or may be waived by the Tooele County Sheriff in the following circumstances:

(a) The inmate is being held for another agency for a per diem payment; or

(b) The inmate is being held for safekeeping for another agency.

(3) The inmate processing fee shall be collected before the inmate is released from the Tooele County Detention Center, or the fee shall be deducted from the inmate's trust account before any other fees are deducted.

(4) Any person who is directed by any court to be booked and released from jail shall pay the fee prior to being admitted into the detention center for processing.

(5) Any person who is found not guilty by the court may receive a refund of their booking fee, with proof from the court of the not guilty verdict (a plea in abeyance does not count as a not guilty plea). (Ord. 2011-11, 6/7/11)

CHAPTER 7

COUNTY PERSONNEL POLICIES AND PROCEDURES

Section

1-7-1. Adoption of personnel policies and procedures.

1-7-1. Adoption of personnel policies and procedures.

The Tooele County Commission shall adopt personnel policies and procedures relating to all Tooele County employees. Such policies or amendments thereto shall be in writing and shall be approved by a minute entry at a County Commission meeting. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

CHAPTER 8

COUNTY PURCHASING POLICY AND PROCEDURES

Section

1-8-1. Purchasing policy.
1-8-2. Approval of purchases.
1-8-3. Competitive bid requirements.
1-8-4. Emergency purchases.
1-8-5. Repealed.

1-8-1. Purchasing policy.

The purpose of this chapter is to establish standards and guidelines for the acquisition of supplies, material, equipment, and services for Tooele County and its departments. This chapter is an effort to provide increased economy in procurement and to ensure equitable treatment for all persons who deal with or wish to deal with the County in the procurement process. (Ord. 2015-09, 3/17/15; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

1-8-2. Approval of purchases.

(1) Department Heads or Elected Officers may authorize the purchase of supplies, equipment, materials, or services for their department after obtaining prior approval from the Auditor or purchasing authority for amounts of less than $5,000, provided said procurement is within the budget of said department.

(2) For purchases of $5,000 to $19,999, prior authorization shall be required by the responsible Department Head or Elected Officer, one County Commissioner, and the Auditor.

(3) For purchases of $20,000 or more, prior authorization shall be required by the responsible

Department Head or Elected Officer, three County Commissioners, and the Auditor. If all three County Commissioners do not authorize the purchase, the proposed purchase may be placed on the County Commission agenda for authorization by a majority vote of the Commission.

(4) Any person who commits or expends County funds for purchases that do not comply with the provisions of this chapter may be held personally responsible for the payment of the unauthorized procurement, however, it shall not constitute a criminal offense to fail to comply with said procedures or the provisions of this chapter.

(5) The County Commission, with approval of the County Auditor, may designate a purchasing authority who, under the general direction of the Auditor, will act as a purchasing agent for the County. (Ord. 2015-09, 3/17/15; Ord. 2008-07, 2/12/08; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

1-8-3. Competitive bid requirements.

(1) When a purchase is made which is expected to be $5,000 or more, but less than $20,000, the Department Head or Elected Officer shall, under the direction of the Auditor or purchasing authority, obtain three (3) bids or proposals for the item or service to be purchased, from separate sources, which bids need not be in writing. Said bids or proposals shall be recorded by the Department Head or purchasing authority and kept as an official record of the County. Said official record shall include the name of the person or firm the bid or proposal was obtained from, the date of the bid, the name of the person who gave the bid, the item or service bid on, and the bid amount.

(2) When a purchase is made which is expected to be $20,000 or more, the Department Head or Elected Officer shall prepare written specifications for said procurement and have said specifications approved by the supervising County Commissioner for the respective office or department prior to obtaining bids or proposals. If the supervising County Commissioner is unavailable for more than five (5) days, another County Commissioner may approve the written specifications. The written specifications for said procurement should be publicly advertised for sealed bids, unless the County Commission waives this requirement.

(3) When the County Commission does not require public advertisement for sealed bids, the Department Head or Elected Officer shall obtain at least three written bids or proposals from separate sources.

(4) The person or firm who submits the lowest bid or proposal that meets the approved specifications shall be awarded the bid, unless the Tooele County Commission authorizes the acceptance of another bid or proposal that it determines to be in the best interest of the County. A summary of the bids or proposals received shall be submitted with each purchase order.

(5) The contract price from the State of Utah's Cooperative Contracts, also known as the "State bid," is considered a "bid" to satisfy the requirements of this section.

(6) This chapter does not specify the additional requirements of Utah State Law for County purchases or other bidding requirements as from time to time may be required by Utah Law. The County Attorney should be consulted prior to proceeding with large procurements over $100,000.

(7) The County Commission may waive the foregoing bid procedures if it determines that there is only one source that can meet the procurement requirements, or if the service to be acquired is considered to be professional or technical services. The County Commission will not generally permit a sole source procurement of a particular proprietary item if there is more than one potential bidder or offeror for that item or service.

(8) Purchases shall not be artificially divided so as to avoid the bid requirements of this Section. (Ord. 2015-09, 3/17/15; Ord. 2008-07, 2/12/08; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

1-8-4. Emergency purchases.

(1) An emergency condition is defined as a situation which creates a threat to public health, welfare, or safety such as may arise by reason of floods, epidemics, riots, equipment failures, or such other reasons as may be determined by a Department Head or Elected Officer and one County Commissioner. The existence of such a condition must create an immediate and serious need for supplies, services, or construction that cannot be met through normal procurement methods.

(2) A Department Head or Elected Officer and one County Commissioner may authorize emergency procurements for those supplies, services, or construction items necessary to meet an emergency without complying with the foregoing provisions provided that said expenditures are not beyond the budget for the department that the emergency procurements are to be paid from. After an emergency procurement is made, the Department Head and authorizing County Commissioner will submit a written statement to the Auditor and County Commission indicating the basis of the emergency procurement and such other details necessary to process the procurement. (Ord. 2015-09, 3/17/15; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

1-8-5. Repealed. (Ord. 2015-09, 3/17/15; Ord. 2008-10, 3/25/08; Ord. 98-7, 2/18/98)

CHAPTER 9

MANAGEMENT OF COUNTY PROPERTY

Section

1-9-1. Property management and inventory policy.
1-9-2. County-owned vehicles.

1-9-1. Property management and inventory policy.

(1) Each Department Head or Elected Official shall be responsible for all supplies, materials, equipment or other personal property possessed by or used in their County department.

(2) All non-consumable supplies, equipment, material or other personal property having an initial value of $200.00 or over, shall be specified on a department inventory roster, which roster shall be maintained and kept current by the department and County Auditor.

(3) Other items having a value of less than $200 shall also be accounted for and placed on a department roster when so required by the Auditor. An item may be removed from said roster if it has been declared surplus and disposed of, has been transferred to another department, or if authorized by the County Auditor or the County Commission when so requested by the Auditor or Department Head. The County Auditor shall identify each item on the roster with sufficient specificity that the item can be identified by a person not familiar with the County inventory system. During the first month of each County fiscal year, the Auditor shall prepare complete roster listings of each department's inventory items. The Auditor shall verify that the items are physically present or accounted for by the Department and shall obtain the signature of the responsible Department Head or Officer on the roster who shall verify that the contents of the listing are accurate and complete. A copy of said updated roster shall be supplied to each Department Head upon completion of the above-stated inventory process. The same process shall be complied with when a new Department Head or Elected Officer becomes responsible for any County department.

(4) The County Clerk shall be responsible, under the direction of the County Commissioners, to hold, manage, lease and insure all County real property and improvements. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

1-9-2. County-owned vehicles.

County-owned vehicles may be used by non-profit organizations or other political subdivisions of the state, provided such organizations first pay a refundable deposit to the department that has control over such vehicle. Such organization shall also sign a written lease for the use of the vehicle requiring that the vehicle be returned in clean condition, with a full tank of gas, and that any damage will be paid for by the lessee. Should the organization fail to comply with the terms of the lease, the deposit will be forfeited to the county. (Ord. 96-9, 5/7/96)

CHAPTER 10

PROPERTY DISPOSAL

Section

1-10-1. Purpose.
1-10-2. Definitions.
1-10-3. Means of property disposal.
1-10-4. Adequate consideration.
1-10-5. Disposal of a significant parcel of real property.
1-10-6. Payment and conveyance.
1-10-7. Title.

1-10-1. Purpose.

This chapter is to comply with Section 17-50-312, Utah Code Annotated 1953, as amended in establishing for the manner of disposal of real or personal property. (Ord 03-39, 12/9/03)

1-10-2. Definitions.

For purposes of this chapter:

(1) "Reasonable notice" means publication at least one time in a newspaper of general circulation in the county and shall include a description of the property including its location, the name of the proposed purchaser, and amount of the purchase;

(2) "Significant parcel of real property" means a property with no assessed value, an assessed value of more than $500,000, or a parcel of more than 10 acres in size; and

(3) "Assessed value" as used in this chapter means the most recent tax value determined by the Tooele County Assessor. (Ord. 2016-09, 7/19/16)

1-10-3. Means of property disposal.

The county commission may dispose of any county property not in public use, including real or personal and lost or abandoned property, or any interest in such property, that in its discretion it determines to be in the public interest. The method used to dispose of property or any interest therein shall be at the county commission's discretion and may be by public or private sale, exchange, exchange and sale, option to purchase, lease, lease with an option to purchase, rental,

trade-in, public auction, public advertisement for open or sealed bids, or any other lawful means. Such disposition shall be for adequate consideration unless otherwise permitted by law. Consideration may be other than monetary. (Ord. 2016-09, 7/19/16; Ord. 2016-02, 2/16/16; Ord. 2003-39, 12/9/03)

1-10-4. Adequate consideration.

(1) Adequate consideration is present fair market value, and shall be determined as follows:

(a) If the assessed value of real property to be disposed of is $100,000 or less, the Tooele County Assessor shall determine the present fair market value for the real property by conducting an informal market survey of comparable properties. The assessor shall provide documentation of the survey to the county commission prior to its approval of the sale.

(b) If the assessed value of real property to be disposed of is greater than $100,000 but it is not classified as a significant parcel of real property as defined in Section 1-10-2(2), its present fair market value shall be determined by an independent appraisal.

(c) If the property is a significant parcel of real property as defined in Section 1-10-2(2), its present fair market value shall be determined by the average of two independent appraisals.

(2) The county may in its discretion choose to keep the appraisals conducted under Subsections (1)(b) and (1)(c) protected from public disclosure until after a sale is completed.

(3) In any case, the county shall not dispose of any real property for less than its present fair market value as defined in Subsections (1)(a) through (1)(c). If the county chooses a method to dispose of real property that results in more than one offer or bid that meets or exceeds the property's present fair market value, the county commission may exercise its discretion to select the offer or bid that in its judgment is in the public's best interest. (Ord. 2016-09, 7/19/16)

1-10-5. Disposal of a significant parcel of real property.

Before the county may dispose of a significant parcel of real property, the county shall provide reasonable notice of the proposed disposition at least 14 days before the opportunity for public comment, and allow an opportunity for public comment on the proposed disposition during a public hearing before the county commission. (Ord. 2016-09, 7/19/16; Ord. 2016-02, 2/16/16; Ord. 2012-20, 10/16/12; Ord. 2003-39, 12/9/03)

1-10-6. Payment and conveyance.

(1) Unless agreed otherwise, a purchaser of property for cash must tender 10% of the purchase price upon the county commission's approval of the sale.

(2) Unless agreed otherwise, the purchase price shall be paid in full within 30 days of the sale. In no case shall the property be conveyed to the purchaser until paid in full.

(3) In the event the purchaser fails to pay in full within 30 days of the sale or as otherwise agreed, the sale will be canceled and the county will retain any or all money paid to it sufficient to pay for any or all damages caused by the purchaser's failure to pay in full, including, but not limited to, publication costs, costs of the sale, personnel costs, attorney fees and costs, and loss of the benefit of the bargain. Any remaining money shall be timely returned to the purchaser. (Ord. 2016-09, 7/19/16)

1-10-7. Title.

Title to real property shall be conveyed or transferred as it was received by the county, except as otherwise provided by law. (Ord. 2016-09, 7/19/16)

CHAPTER 11

COUNTY RECORDS ACCESS AND MANAGEMENT

Section

1-11-1. Findings.
1-11-2. Compliance with state law.
1-11-3. Definitions.
1-11-4. Public right to records.
1-11-5. Public, private, controlled and protected records.
1-11-6. Privacy rights.
1-11-7. Designation, classification and retention.
1-11-8. Procedures for records request.
1-11-9. Fees.
1-11-10. Appeal process.
1-11-11. Reasonable accommodation.
1-11-12. Records amendments.
1-11-13. Penalties.
1-11-14. Records officer.
1-11-15. Records maintenance.
1-11-16. Responsibility for county records.
1-11-17. Computerized records.
1-11-18. Justice court records.
1-11-19. Effective date.

1-11-1. Findings.

(1) It is in the best interests of Tooele County and the citizens thereof, and essential for the administration of County government, to maintain and preserve accurate governmental records; to provide ready access to records which are defined by law as open to the public; to maintain the security of records which are defined by law as non-public; and to ensure the preservation of vital and historically valuable records.

(2) As the records of Tooele County government agencies are a resource containing information which:

(a) allows government programs to function;

(b) provides officials with a basis for making decisions and ensuring continuity with past operations; and

(c) permits citizens to research and document matters of personal and community importance; this resource must be systematically and efficiently managed.

(3) It is the policy of the County that all governmental records, which are defined by applicable Utah statutory and case law as public records, shall be made available to citizens as set forth in this ordinance.

(4) The County recognizes a public policy interest in allowing the government to restrict access to certain records, as specified in the Act and this ordinance, for the public good. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

1-11-2. Compliance with state law.

In enacting this chapter, it is the purpose and intent of the Board of County Commissioners to provide, in accordance with the Government Records Access and Management Act (hereinafter referred to as "the Act"), Chapter 2 of Title 63 of the Utah Code Annotated 1953, an ordinance acknowledging and complying with the Act and providing for its application in the County. County agencies shall comply with the provisions of this chapter and with the Act and shall also comply with other federal and state statutory and regulatory record-keeping requirements. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

1-11-3. Definitions.

As used in this chapter, the following definitions shall be applicable:

(1) **"Act"** shall refer to the Governments Records Access and Management Act, §63-2-1, et seq., Utah Code Annotated 1953, as amended.

(2) **"Agency"** shall refer to any office, department, division, section, staff office, board, committee or other division of Tooele County Government, any public or private entity or person which contracts with the County to provide goods or services directly to the County, or any private non-profit entity that receives funds from the County.

(3) **"Computer software program"** means the series of instructions or statements that permit the functioning of a computer system in a manner designed to provide storage, retrieval, and manipulation of data from the computer system, and any associated documentation, manuals, or other source material explaining how to operate the software program. **"Software"** does not include the original data or record which is manipulated by the software.

(4) **"Controlled"** records shall be those defined as controlled under the provisions of this ordinance and in accordance with the provisions of the Act.

(5) **"Data"** shall refer to individual entries (for example, birth date, address, etc.) in records.

(6) **"Designate"** or **"designation"** means to give an initial or primary classification to a record or record series indicating the likely classification that a majority of such records or record series would be given if classified.

(7) **"Dispose"** means to destroy, or render irretrievable or illegible, a record or the information contained in it by any physical, electronic, or other means, including unauthorized deletion or erasure of electronically recorded audio, visual, non-written formats, data processing, or other records.

(8) **"Non-public"** records shall refer to those records defined as private, controlled, or protected under the provisions of this ordinance and of the Act.

(9) **"Private"** records shall refer to those records classified as private under the provisions of this ordinance and of the Act.

(10) **"Protected"** records shall refer to those records classified as protected under the provisions of this ordinance and the Act.

(11) **"Public"** records shall refer to those records which have not been classified as non-public in accordance with the provisions of this ordinance and the Act.

(12) (a) **"Record"** means all books, letters, documents, papers, maps, plans, photographs, films, cards, tapes, recordings, or other documentary materials, and electronic data regardless of physical form or characteristics, prepared, owned, used, received, or retained by the County where all the information in the original is reproducible by some mechanical, electronic, photographic or other means.

(b) **"Record"** does not mean:

(i) temporary drafts or similar materials prepared for the originator's personal use or prepared by the originator for the personal use of a person for whom he is working;

(ii) materials that are legally owned by an individual in his private capacity;

(iii) materials to which access is limited by the laws of copyright or patent, unless owned by the County;

(iv) junk mail or commercial publications received by the County or by an officer or employee of the County;

(v) books and other materials that are catalogued, indexed, or inventoried and contained in the collections of County libraries open to the public, regardless of physical form or characteristics of the material;

(vi) personal notes or daily calendars prepared by any County employee for personal use or the personal use of a supervisor or such notes, calendars or internal memoranda prepared for the use of an officer or agency acting in a quasi-judicial or deliberative process or pursuant to matters discussed in a meeting closed pursuant to Utah Open Meetings Act; or

(vii) proprietary computer software programs as defined in Subsection 3 above that are developed or purchased by or for the County for its own use. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

1-11-4. Public right to records.

(1) Members of the public shall have the right to see, review, examine and take copies, in any format maintained by the County and subject to Section 17 hereof, of all County governmental records designated as "public" under the provisions of this ordinance and of the Act and any policies and procedures developed hereunder.

(2) The County has no obligation to create a record or record series in response to a request from a member of the public, if the record requested is not otherwise regularly maintained or kept.

(3) When a record is temporarily held by a custodial County agency, pursuant to that custodial agency's statutory and ordinance functions, such as records storage, investigation, litigation or audit, the record shall not be considered a record of the custodial agency for the purposes of this ordinance. The record shall be considered a record of the agency or agencies which usually keeps or maintains that record and any requests for access to such records shall be directed to that agency or agencies, rather than the custodial agency, pursuant to procedures established by the County. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

1-11-5. Public, private, controlled and protected records.

(1) Public records shall be those County records as defined in the Act, §63-2-301 (U.C.A. 1953, as amended), as public. Public records shall be made available to any person. All County records are considered public unless they are expressly classified otherwise in accordance with policies and procedures established by this ordinance and the Act, or are made non-public by the Act or other applicable law.

(2) Private records shall be those County records classified as "private," as defined in the Act §63-2-302 (U.C.A. 1953, as amended) and as classified and defined in procedures established pursuant to this ordinance and in accordance with the Act. Private records shall be made available to the following persons: The subject of the records, the parent or legal guardian of an un-emancipated minor who is the subject of a record, the legal guardian of an incapacitated individual who is the subject of the record, any person who has a power of attorney or a notarized release dated not more than 90 days prior to the request from the subject of the record or his legal representative, or any person possessed of and serving a legislative subpoena or a court order issued by a court of competent jurisdiction.

(3) Controlled records shall be those County records classified as "controlled," as defined in the Act, §63-2-303 (U.C.A. 1953, as amended) and as classified

and defined in procedures established in this ordinance and in accordance with the Act. Controlled records shall be made available to a physician, psychologist, or licensed social worker who submits a notarized release dated not more than 90 days prior to the request from the subject of the record or any person presenting a legislative subpoena or a court order signed by a judge of competent jurisdiction.

(4) Protected records shall be those County records classified as "protected," as defined in the Act, §63-2-304 (U.C.A. 1953, as amended) and as classified and defined in procedures established in this ordinance and in accordance with the Act. Protected records shall be made available to the person who submitted the record, to a person who has power of attorney or notarized release dated not more than 90 days prior to the request from any persons or governmental entities whose interests are protected by the classification of the record, or to any person presenting a legislative subpoena or a court order regarding the release of the information and signed by a judge of competent jurisdiction.

(5) Under circumstances set out by the Act, it may be appropriate to disclose non-public County records to persons other than those set out in this section. The determination to so release records shall be at the discretion of the agency director or elected official or designee, consistent with the Act, and upon the advice of the County Attorney. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

1-11-6. Privacy rights.

(1) The County recognizes and upholds the personal right of privacy retained by persons who may be the subject of governmental records. The County also recognizes that the Act and Utah case law establish a presumption that governmental records will generally be considered open and public, with certain specific exceptions. In circumstances where a record's public or non-public status is not specifically established by the Act or another statute, by this ordinance, or by policies established or designations made under this ordinance, the public's right to access and the record subject's right of privacy must be compared. The County shall not release any records when to do so would constitute a clearly unwarranted invasion of personal privacy, in accordance with the Act and procedures established in this ordinance. Under circumstances and procedures established by this ordinance, certain items of data may be rendered non-public, although other items of data in the record, or the record itself, may be classified public.

(2) The County may, as determined appropriate by the agency director of the agency responding to a request for records, notify the subject of a record that a request for access to the subject's record has been made. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

1-11-7. Designation, classification and retention.

All County records and records series, of any format, shall be evaluated, designated, classified and scheduled for retention according to the provisions of the Act and this ordinance. The County may designate or redesignate or classify or reclassify records or data at any time and is not required to classify a particular record or item of data until access thereto is requested. Any records or record series generated in the future shall also be so designated, classified and scheduled for retention. Records designation, classification and scheduling for retention shall be conducted under the supervision of and proposed schedules submitted to the County Records Officer who shall be assisted by a Records Classification and Retention Review Committee consisting of the Records Officer or designee and the agency director of the agency in charge of the record in question, or designee. Assistance may be requested from the County Attorney as needed. Designation, classification and retention scheduling forms and guidelines shall be prepared and promulgated by the Records Officer. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

1-11-8. Procedures for records request.

(1) Under circumstances in which an agency is not able to immediately respond to a records request, the requester shall fill out and present to the agency a written request on forms provided by the County. The date and time of the request shall be noted on the written request form and all times provided under this ordinance shall commence from that time and date. Requesters of non-public information shall adequately identify themselves and, if applicable, their status when requesting access to non-public records.

(2) An agency may respond to a request for a record by approving the request and providing the records, denying the request, or such other appropriate response as may be established by policies and procedures. If a written request is denied in whole or in part, the agency shall provide a notice of denial to the requester. The denial notice shall include the reasons for denial and information regarding the appeals process and such other information as may be required by this ordinance and the Act.

(3) (a) An agency shall respond to a written request for a record as soon as reasonably possible, but no later than ten business days after receiving the request or five business days after receiving a request if the requester satisfactorily demonstrates that an expedited response time primarily benefits

the public at large, rather than the requester individually. A requester seeking records for publication or broadcast purposes is presumed to be acting primarily for the benefit of the public at large.

(b) The following extraordinary circumstances shall justify an agency's failure to timely respond to a written request for a record and shall extend the time for response thereto to that time reasonably necessary to respond to the request, as determined by the agency director. Extraordinary circumstances shall include:

(i) the agency, another agency, or some other governmental entity is currently and actively using the record requested;

(ii) the record requested is for either a voluminous quantity of records or requires the agency to review a large number of records or perform extensive research to locate the materials requested;

(iii) the agency is currently processing either a large number of records requests or is subject to extraordinary seasonal work loads in the processing of other work;

(iv) the release of a record involves legal issues that require an agency to seek legal counsel for analysis of applicable laws;

(v) the request involves extensive editing to separate public data in a record from that which is not public; or

(vi) providing the information request requires computer programming or other format manipulation.

(c) When a timely response cannot be made to a record request, the agency shall notify the requester that it cannot immediately approve or deny the request because of one of the extraordinary circumstances listed above, and provide an explanation of the circumstances and an estimate of the time required to respond to the request. If the agency fails to provide the requested record within the estimated time, that failure shall be considered a denial of the request.

(4) The failure or inability of an agency to respond to a request for a record within the time frames set out herein, or the agency's denial of such a request, shall give the requester the right to appeal as provided in Section 10.

(5) Any County record which is subject to litigation, criminal investigation or audit or has been requested in accordance with this ordinance and the Act, that is disposable by an approved retention schedule, may not be disposed of until the litigation or audit has been resolved or the request is granted and fulfilled, or 60 days after the request is denied if no appeals are filed, or sixty days after all appeals are completed, pursuant to Section 10.

(6) In response to a request for access, an agency may redesignate or reclassify the record or segregate data in the requested record in accordance with this ordinance and the Act. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

1-11-9. Fees.

(1) An agency may charge a reasonable fee to cover its actual cost of duplicating a record or compiling a record in a form other than that maintained by the agency.

(2) An agency may fulfill a record request without charge and is encouraged to do so when it determines that:

(a) releasing the record primarily benefits the public rather than a person;

(b) the individual requesting the record is the subject of the record; or

(c) the requester's rights are directly implicated by the information in the record, and the requester is impecunious.

(3) Fee policies adopted by the County shall be consistent with this section. All copy fee schedules previously adopted by the County shall remain in effect until amended by resolution of the Tooele County Commission. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

1-11-10. Appeal process.

(1) Any person aggrieved by the County's classification of a record or by an agency's response to a record may appeal the determination within 30 days after notice of the County's action to the County Records Officer by filing a written notice of appeal. The notice of appeal shall contain the petitioners name, address, phone number, relief sought and if petitioner desires, a short statement of the facts, reasons and legal authority for the appeal.

(2) If the appeal involves a record that is subject to business confidentiality or affects the privacy rights of an individual, the Records Officer shall send a notice of the requester's appeal to the affected person or entity.

(3) The Records Officer shall make a determination on the appeal within 10 days after receipt of the appeal. During this 10 day period the Records Officer may schedule an informal hearing or request any additional information deemed necessary to make a determination. The Records Officer shall send written notice to all participants providing the reasons for the Records Officer's determination. If the Records Officer fails to issue a written decision within 10 days after receipt of the appeal, the requester shall have the right to

immediately carry the appeal to the County Commission.

(4) In addition, if the Records Officer affirms the denial in whole or in part, the denial shall include a statement that the requester has a right to appeal the denial to the County Commission within 30 days at a scheduled County Commission meeting.

(5) An aggrieved person may file a written notice of appeal from the Records Officer's decision with the Chairman of the County Commission, which appeal shall be heard by the County Commission within 30 days of the filing of such an appeal. If there is no meeting scheduled within the next thirty days, the County Commission shall schedule a meeting for the purpose of hearing the appeal. The final decision of the County Commission shall be by majority vote of a quorum of the Board. The County Commission shall prepare a written decision outlining their final determination and reasons for the final determination. Failure of the Board of County Commissioners to issue a written decision within ten (10) days after conclusion of the hearing grants to the requester the right to carry the appeal to the District Court.

(6) The appeal of a decision of the County Commission may be made by any aggrieved party to the District Court, in accordance with the Act and the Utah Rules of Civil Procedure.

(7) The decisions of the County Commission regarding access to or classification of records shall be forwarded to the County Records Officer for corrective action including any reclassification or designation of data or records which may be necessitated by the appellate decision. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

1-11-11. Reasonable accommodation.

Reasonable accommodations regarding access to governmental records shall be provided to persons with disabilities in accordance with policies developed under this Ordinance. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

1-11-12. Records amendments.

Records held by the County may be amended or corrected as needed. Requests for amendments, corrections, or other changes shall be made in writing to the agency having custody of the records and setting forth, with specificity, the amendment or correction requested and the reason for the change. When an amendment or correction of a government record is made, generally both the original record and the amended or corrected record shall be retained, unless the nature of the record indicates otherwise or as may be provided by policies and procedures adopted under the provisions of this ordinance. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

1-11-13. Penalties.

(1) County employees or other persons having lawful custody of County records who knowingly refuse to permit access to records in accordance with the Act and this ordinance, or who permits access to non-public records knowing that such access is prohibited or who knowingly, without authorization or legal authority, disposes of, alters, or removes records or allows other persons to do so in violation of the provisions of the Act, this ordinance, or other law or regulation may be subject to criminal prosecution and disciplinary action, including termination.

(2) In accordance with the Act, neither the County nor any of its agencies, officers or employees shall be liable for damages resulting from the release of a record where the requester presented evidence of authority to obtain the record, even if it may be subsequently determined that the requester had no such authority. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

1-11-14. Records officer.

(1) There shall be appointed a County records officer to oversee and coordinate records access and management and County archives activities. The records officer shall make annual reports of records services activities to the Board of County Commissioners.

(2) Each agency of County Government shall appoint a records representative to assist with and be directly responsible for the implementation of this ordinance. Regular training shall be provided under the direction of the records officer to agency records representatives.

(3) The records officer shall develop and provide records management, maintenance and access standards policies and procedures as approved by the County Commission to govern and implement the provisions of the Act and this ordinance. Copies of any rule or policy promulgated under this ordinance shall be forwarded by the County records officer to the Utah State Division of Archives within 30 days after its effective date. Any agency's internal policies regarding records management and access shall be consistent with this ordinance and state law. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

1-11-15. Records maintenance.

(1) Records maintenance procedures shall be developed to ensure that due care is taken to maintain and preserve County records safely and accurately over the long term. The records offices shall be responsible for monitoring the application and use of technical processes in the creation, duplication, and disposal of County records and shall monitor compliance with required standards of quality, permanence, and

admissibility pertaining to the creation, use, and maintenance of records. Policies and regulations regarding types and formats of papers, inks, electronic media, and other records and information storage media, materials, equipment, procedures and techniques shall be developed and promulgated, subject to the approval of the County Commission.

(2) All County records which constitute an intellectual property right shall remain the property of the County unless federal or state legal authority provides otherwise. All other records shall be the property of the State of Utah. Property rights to County records may not be permanently transferred from the County to any private individual or entity, including those legally disposable obsolete County records of County archives or other agencies. This prohibition does not include the providing of record copies for release or distribution under this ordinance. All records disposals shall be conducted in accordance with policies and procedures.

(3) Custodians of any County records shall, at the expiration of their terms of office, appointment or employment, deliver custody and control of all records kept or received by them to their successors, supervisors, or to the County records officer.

(4) All records which are in the possession of any County agency shall, upon termination of activities of such agency, be transferred to any successor agency or to the County Archives, provided that such transfer is consistent with the formal provisions of such termination. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

1-11-16. Responsibility for county records.

(1) It is the responsibility of each County agency to receive, store, and preserve County agency records and other materials and to store and to provide reasonable access thereto as may be calculated to accurately and safely maintain County records over a long term in compliance with this ordinance and the Act. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

1-11-17. Computerized records.

(1) The County retains and reserves to itself the right to use any type of non-verbal or non-written formats for the storage, retention and retrieval of government records, including but not limited to, audio tapes, video tapes, micro-forms, and any type of computer, data processing, imaging, or electronic information storage or processing equipment or systems, which are not prohibited by state statute, and do not compromise legal requirements for record storage, retrieval, security and maintenance, to store and maintain County records. All computerized and non-written format records and data which are designated and classified in accordance with the Act and this ordinance, shall be made available to a requester in accordance with this ordinance and the Act.

(2) The methods of access to records in non-written formats or data processing systems shall be as determined appropriate by the agency director of the agency maintaining the records, considering all circumstances. Access may include, but not be limited to the following:

(a) by using a County computer terminal or other viewing or listening device to retrieve data directly from the terminal screen or device; provided, however, that due regard shall be exercised to ensure that any non-public records will not be accessed, retrieved or displayed on the device and that records are not erased or damaged;

(b) by providing paper or "hard" copies of record printouts or by providing magnetic tapes, disks, or other means of electronic storage containing the non-written format or data processing system records; or

(c) by the use, where appropriate, of remote terminals which have access to County computer, data processing or electronic information systems pursuant to a formal two-party contract permitting such remote terminal access and provided that due regard shall be exercised to ensure that non-public records will not be available by remote terminal access.

(3) Computer software programs are not considered a record. Software programs shall not be subject to disclosure under this ordinance or the Act, including copyrighted software and other copyrighted materials which have been purchased by or licensed to the County and software and other materials which have been copyrighted by the County. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

1-11-18. Justice court records.

Records activities of the County Justice Court system shall comply with and be governed by Section 63-2-702 of the Act. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

1-11-19. Effective date.

It is the opinion of the Board of County Commissioners of Tooele County that this ordinance is necessary for the immediate preservation of the peace, health or safety of the County and the inhabitants thereof and shall take effect immediately upon publication in one issue of a newspaper published in and having general circulation in the County. After approval and adoption, a copy and summary of this

ordinance shall be forwarded by the County records officer to Utah State Archives. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92; Ord. 92-4, 6/30/92)

CHAPTER 12

EMERGENCY INTERIM SUCCESSION PROCEDURES

Section

1-12-1. Purpose.
1-12-2. Definitions.
1-12-3. Local emergency proclamation - Emergency interim successor.
1-12-4. Emergency interim succession for Tooele County Commission.
1-12-5. Emergency interim successor for county officers.
1-12-6. Effective date.

1-12-1. Purpose.

This chapter is for the purpose of implementing the Emergency Interim Succession Act (Section 63-5b-101 et seq., Utah Code Annotated 1953) and providing for continuity in Tooele County Government operations and functions in times of a local emergency or disaster. (Ord. 95-19, 9/12/95; Ord. 92-6, 10/20/92)

1-12-2. Definitions.

(1) **"Absent"** means not being physically present at the place of governance during a disaster or not able to be communicated with via telephone, radio, or telecommunications within thirty minutes of an official attempt to communicate with the local government officer.

(2) **"Attack"** means a nuclear, conventional, biological, or chemical warfare action against the United States of America or this state.

(3) **"Available"** means being present at the place of governance during a disaster or able to be communicated with via telephone, radio, or telecommunications device.

(4) **"Disaster"** means a situation causing, or threatening to cause, widespread damage, social disruption, or injury or loss of life or property resulting from attack, internal disturbance, natural phenomena or technological hazard.

(5) **"Emergency interim successor"** means a person designated by this chapter to exercise the powers and discharge the duties of an office when the person legally exercising the powers and duties of a County office is unavailable.

(6) **"Internal disturbance"** means a riot, prison break, disruptive terrorism or strike.

(7) **"Local emergency"** means a condition in any political subdivision of the state which requires that emergency assistance be provided by the affected political subdivision to save lives and protect property within its jurisdiction in response to a disaster, or to avoid or reduce the threat of a disaster.

(8) **"Local government officer"** means all county elected officers that are required to designate three emergency interim successors.

(9) **"Natural phenomena"** means any earthquake, tornado, storm, flood, landslide, avalanche, forest or range fire, drought, or epidemic.

(10) **"Official attempt to communicate"** means any attempt by the sheriff's office, the county emergency management department or county elected officers to contact a local government officer during a disaster or local emergency.

(11) **"Place of governance"** means the physical location where the powers of an office are being exercised.

(12) **"Technological hazard"** means any hazardous materials accident, mine accident, train derailment, truck wreck, air crash, radiation incident, pollution, structural fire or explosion.

(13) **"Unavailable"** means not being physically present at the place of governance during a disaster or not able to be communicated with via telephone, radio, or telecommunications within thirty minutes of an official attempt to communicate with local government officer. (Ord. 95-19, 9/12/95; Ord. 92-6, 10/20/92)

1-12-3. Local emergency proclamation - Emergency interim successor.

(1) If the Chairman of the County Commission is not physically present at the place of governance during a disaster or potential disaster, or is not able to be communicated with via telephone, radio, or telecommunications immediately pursuant to an official attempt to communicate with him or her for the purpose of considering or making a local emergency proclamation, then the following County officers or employees shall be contacted pursuant to an official attempt to communicate with them in the order listed below and the first person so contacted shall have the power and duty to proclaim a "local emergency" when the circumstances warrant such a proclamation.

(a) County Commissioner A. Commissioner A is the non-chairman Commissioner whose first letter in his or her last name, alphabetically precedes the first letter in the other County Commissioner's last name. (The other Commissioner is hereby designated Commissioner B).

(b) Commissioner B

(c) Sheriff

(d) County Attorney

(e) Executive Director of the Health Department

(2) If the foregoing officers or employees are unavailable, then the emergency succession procedures specified in Section 1-12-4 shall apply for the purpose of designating a County Commissioner successor, which successor shall then have authority to issue an emergency proclamation. The successor designated by this section shall only have authority to issue an emergency proclamation. (Ord. 2012-21, 10/16/12; Ord. 95-19, 9/12/95; Ord. 92-6, 10/20/92)

1-12-4. Emergency interim succession for Tooele County Commission.

If a quorum of the Tooele County Commission is absent, any available County Commissioner may act as the County Commission until such time as two County Commissioners are available. If one County Commissioner is available and acting as the County Commission, the designated emergency interim successors for the other County Commissioners shall not be called upon and shall not be empowered to exercise any powers or duties of this office. If each County Commissioner is absent, a designated successor for each Commissioner shall be contacted and each Commissioners designated successor shall exercise the powers and duties of the office according to the order of succession specified by that Commissioner. An emergency interim successor appointed under this section shall exercise the powers and duties of County Commissioner only until the vacancy is filled in accordance with the constitution or state statutes, a County Commissioner becomes available or an emergency interim successor earlier in order of succession becomes available to exercise the powers and duties of the office. (Ord. 95-19, 9/12/95; Ord. 92-6, 10/20/92)

1-12-5. Emergency interim successor for county officers.

(1) By July 1 of each year each County elected officer shall:

(a) designate three emergency interim successors;

(b) specify their order of succession; and

(c) provide a list of those designated successors to the County Clerk, the County Emergency Management Department, the Sheriff's Office and the State Division of Comprehensive Emergency Management. Said list shall remain in effect until revoked or revised in writing by the elected officer or until said person no longer retains their County office.

(2) If any County elected officer or chief deputy is unavailable, a designated emergency interim successor shall exercise the powers and duties of the office according to the order of succession specified by said elected officer.

(3) An emergency interim successor shall exercise the powers and duties of the office only until the vacancy is filled in accordance with the constitution or state statutes; or the County elected officer, his chief deputy, or an emergency interim successor earlier in the order of succession becomes available to exercise the powers and duties of the office. (Ord. 95-19, 9/12/95; Ord. 92-6, 10/20/92)

1-12-6. Effective date.

This Chapter shall take effect upon October 20, 1992. (Ord. 95-19, 9/12/95; Ord. 92-6, 10/20/92)

CHAPTER 13

REPEALED

(Ord. 97-10, 05/24/97)

TITLE 2

TAXATION

Chapter

1. **Uniform Local Sales and Use Tax of Tooele County.**
2. **Transient Room Tax.**
3. **Public Transit Tax.**
4. **Tourism, Recreation, Cultural and Convention Tax.**
5. **Property Tax Administration.**
6. **County Option Sales and Use Tax.**
7. **County Option Sales and Use Tax for Highways and Public Transit.**

CHAPTER 1

UNIFORM LOCAL SALES AND USE TAX OF TOOELE COUNTY

Section

2-1-1. Title.
2-1-2. Purpose.
2-1-3. Effective date.
2-1-4. Sales tax.
2-1-5. Use tax.
2-1-6. Distribution.
2-1-7. Contract with State Tax Commission.
2-1-8. Penalties.
2-1-9. Statute incorporated.

2-1-1. Title.

This chapter shall be known as the **"Uniform Local Sales and Use Tax of Tooele County."** (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

2-1-2. Purpose.

(1) The Utah Legislature has authorized counties of the State of Utah to enact sales and use tax ordinances imposing a one percent tax.

(2) It is the purpose of this chapter to levy and impose local option sales and use tax, to authorize and designate the Utah State Tax Commission as agent for Tooele County to collect the tax and to conform with the requirements of the Uniform Local Sales and Use Tax Law of Utah, Chapter 12, Title 59, Utah Code Annotated 1953, as amended. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

2-1-3. Effective date.

Tooele County's Uniform Local Sales and Use Tax Ordinance became effective on January 1, 1990. The provisions of this chapter which are not in conflict with the former ordinance shall be deemed to be a continuation thereof and any rights, duties and obligations arising thereunder shall not in any way be deemed abrogated or terminated. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

2-1-4. Sales tax.

(1) (a) From and after the effective date of this chapter, there is levied and there shall be collected and paid a tax on every retail sale of tangible personal property, services and meals made within the unincorporated areas of Tooele County at the rate of one percent of the purchase price paid or charged on said retail sales.

(b) For the purpose 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. If a retailer has no permanent place of business in the state, or has more than one place of business, the place or places at which the retail sales are consummated shall be as determined under the rules and regulations prescribed and adopted by the State Tax Commission. Public utilities as defined by Title 54, Utah Code Annotated 1953, shall not be obligated to determine the place or places within any county or municipality where public utilities services are rendered, but the place of sale or the sales tax revenues arising from such service allocable to Tooele County 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 Section 59-12-118, Utah Code Annotated 1953, as amended.

(2) (a) Except as hereinafter provided, and except insofar as they are inconsistent with the provisions of the Uniform Local Sales and Use Tax Law of Utah, all of the provisions of Sections 59-12-101 through 59-12-118, Utah Code Annotated 1953, as amended, and except for the amount of the sales tax levied therein, are hereby adopted and made a part of this chapter as though fully set forth herein.

(b) Wherever, and to the extent that in Sections 59-12-101, Utah Code Annotated 1953, the State of Utah is named or referred to as the taxing agency, the name of this County shall be substituted therefor. Nothing in this subparagraph (b) shall be deemed to require substitution of the name of the County 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 County 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 County or any agency thereof, rather than by or against the State Tax Commission in performing the functions incident to the administration or operation of this ordinance.

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

(d) There shall be excluded from the purchase price paid or charged by which the tax is measured:

(i) the amount of any sales or use tax imposed by the State of Utah on a retailer or consumer; and

(ii) receipts from the sale of tangible personal property on which a sales or use tax has become due by reason of the same transaction to any other municipality and any county in the State of Utah, under a Sales or Use Tax Ordinance enacted by that county or municipality in accordance with the Uniform Local Sales and Use Tax Law of Utah. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

2-1-5. Use tax.

(1) An excise tax is hereby imposed on the storage, use, or other consumption in this County of tangible personal property from any retailer on or after the operative date of this ordinance for storage, use or other consumption in the County at the rate of one percent of the sales price of the property, the storage, use or consumption of which is subject to the tax.

(2) (a) Except as hereinafter provided, and except insofar as they are inconsistent with the provisions of the Uniform Local Sales and Use Tax law of Utah, all of the provisions of Sections 59-12-101 through 59-12-118, Utah Code Annotated 1953, as amended, except for the amount of the tax levied therein, are hereby adopted and made a part of this Section as though fully set forth herein.

(b) Wherever and to the extent that in Sections 59-12-101 through 59-12-118, Utah Code Annotated l953, as amended, the State of Utah is named or referred to as the taxing agency, the name of Tooele County shall be substituted therefor. Nothing in this subparagraph (b) shall be deemed to require the substitution of the name of this County 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 County be substituted for that of the State in any section when the results of that substitution would require action to be taken by or against the County or any agency thereof, rather than by or against the State Tax Commission in performing the functions incident to the administration or operation of this ordinance.

(c) There shall be exempt from the tax due under this section:

(i) the amount of any sales or use tax imposed by the State of Utah upon a retailer or consumer; and

(ii) the storage, use or other consumption of tangible personal property, the gross receipts from the sales of or the cost of which has been subject to sales or use tax under a sales or use tax ordinance enacted in accordance with the Uniform Local Sales and Use Tax Law of Utah by any other municipality and any county of the State. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

2-1-6. Distribution.

The Chairman of the Tooele County Commission is authorized to execute whatever documents are necessary to distribute sales and use tax revenues on the combination of point of sale and population factors set forth in Section 59-12-205, Utah Code Annotated 1953, as amended. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

2-1-7. Contract with State Tax Commission.

Heretofore, this County has entered into an agreement with the State Tax Commission to perform all functions incident to the administration or operation of the Sales and Use Tax Ordinance of the County. That contract is hereby confirmed and the Chairman of the Tooele County Commission is hereby authorized to enter into such supplementary agreements with the State Tax Commission as may be necessary to the continued administration and operation of the Local Sales and Use Tax Ordinance of the County as reenacted by this ordinance. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

2-1-8. Penalties.

Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punishable by a fine in an amount less than $1,000 or imprisonment for a period of not more than six months in the Tooele County Jail or by both such fine and imprisonment. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

2-1-9. Statute incorporated.

The provisions of Chapter 12, Title 59, Utah Code Annotated 1953, as amended, are hereby incorporated

and made a part of this chapter by reference thereto. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

CHAPTER 2

TRANSIENT ROOM TAX

Section

2-2-1. Title.
2-2-2. Purpose.
2-2-3. Statutes adopted by reference.
2-2-4. Transient defined.
2-2-5. Tax imposed B Amount.
2-2-6. Exclusions.
2-2-7. Convention bureau special reserve fund.
2-2-8. Contributions and donations permitted.
2-2-9. Audits.
2-2-10. Remittance of tax.
2-2-11. Request for hearing.
2-2-12. Penalties and interest.

2-2-1. Title.

This chapter shall be known as "The Transient Room Tax Ordinance of Tooele County." (Ord. 2006-27, 9/26/06)

2-2-2. Purpose.

The Board of Commissioners hereby declares that this chapter is adopted to achieve the following, among other purposes, and directs that the provisions hereof be interpreted in order to accomplish these purposes:

(1) to adopt a transient room tax ordinance which complies with the requirements and limitations contained in Title 17, Chapter 31 and Title 59, Chapter 12, Part 3, Utah Code Annotated 1953, as amended;

(2) to adopt a transient room tax ordinance which incorporates provisions identical to those of Title 17, Chapter 31 and Title 59, Chapter 12, Part 3, Utah Code Annotated 1953, as amended;

(3) to adopt a transient room tax ordinance that imposes a tax not to exceed three and one-half percent (3.5%), and provide a measure therefore that can be administered and collected in a manner that adapts itself as fully as practical to the existing statutory and administrative procedures followed by the State Tax Commission in administering and collecting the sales and use taxes of the state; and

(4) to adopt a transient room tax ordinance which can be administered in a manner that will provide funds for the purposes of establishing, financing, and promoting tourism, recreation and convention bureaus, and such other purposes as have been authorized by law for the expenditure of transient room taxes and for that purpose create, at the discretion of the Board of County Commissioners, a reserve fund comprised of any funds collected but not expended during any fiscal year. (Ord. 2006-27, 9/26/06)

2-2-3. Statutes adopted by reference.

All applicable provisions of Title 17, Chapter 31, Utah Code Annotated 1953, as amended, and Title 59, Chapter 12, Part 3, Utah Code Annotated 1953, as amended, are hereby incorporated herein and made a part of this chapter by this reference thereto. (Ord. 2006-27, 9/26/06)

2-2-4. Transient defined.

For the purpose of this chapter, the term "transient" means and is defined as any individual who occupies any suite, room, or rooms in a motel, hotel, motor court, inn, or similar public accommodation for fewer than 30 consecutive days. (Ord. 2006-27, 9/26/06)

2-2-5. Tax imposed B Amount.

(1) There is hereby levied on all persons, companies, corporations, or other like and similar persons, groups, or organizations doing business in the county as motor courts, motels, hotels, inns, or like and similar public accommodations a transient room tax at the rate of three and one-half percent (3.5%) of the rent for every occupancy of a suite, room, or rooms by a transient.

(2) Except as hereinafter provided, and except insofar as they are inconsistent with the provisions of Title 17, Chapter 31, and Title 59, Chapter 12, Part 3, Utah Code Annotated 1953, as amended, from time to time, all of the provisions of Title 59, Chapter 12, Part 1, Utah Code Annotated 1953, as amended, known as the Sales and Use Tax Act, and all of the provisions of Title 59, Chapter 12, Part 2 Utah Code Annotated 1953, as amended, known as the Local Sales and Use Tax Law of Utah, are hereby adopted and made a part of this chapter as though fully set forth herein to the extent the said provisions are relevant and pertinent to the administration and the collection of taxes by the county.

(3) Wherever and to the extent that in Chapter 12, Part 1 of Title 59, Utah Code Annotated 1953, as amended, the State of Utah is named or referred to as the taxing agency, the name of Tooele County shall be substituted therefor. Nothing in this subsection shall be deemed to require substitution of the name of the county for the word "state" when that word is used as part of the title of the State Tax Commission, or of the Constitution of the State of Utah.

(4) If an annual license has been issued to a retailer under §59-12-106, Utah Code Annotated 1953, as amended, an additional license shall not be required by reason of this section, but a copy of such license shall

be provided to the county within 30 days after the effective date of this ordinance. (Ord. 2006-27, 9/26/06)

2-2-6. Exclusions.

There shall be excluded from the rent paid or charged by which the tax is measured:

(1) the amount of any sales or use tax imposed by the state or by any other governmental agency upon a retailer or consumer; and

(2) receipts from the sale or service charge for any food or beverage or room service charges in conjunction with the occupancy of the suite, room, or rooms. (Ord. 2006-27, 9/26/06)

2-2-7. Convention bureau special reserve fund.

For the purposes authorized by this chapter, there is hereby created a reserve fund to be known as the "Convention Bureau Special Reserve Fund," which shall be maintained separate and apart from general and other special funds of Tooele County and in which shall be deposited any and all funds collected by virtue of the tax imposed hereby but not expended during the fiscal year. (Ord. 2006-27, 9/26/06)

2-2-8. Contributions and donations permitted.

The Board of County Commissioners is hereby authorized to accept, on behalf of the County, funds contributed, donated, or supplied by any person, corporation, other governmental agency, or from any other source whatever for the purposes outlined in Section 2-2-2 of this chapter. When such funds are received, they shall be deposited and used in the same manner as though they were derived from the tax imposed hereby. (Ord. 2006-27, 9/26/06)

2-2-9. Audits.

Any records or other information of any person, corporation, company, or other group or organization subject to the taxes imposed by this chapter which relate to occupancy and occupancy revenues or to the calculation, collection, or remittance to the county of said taxes shall be subject to review and inspection by the county. Audits of such records and information or the supporting records therefore shall be the responsibility of the State Tax Commission. The records of the State Tax Commission relating to the collection of sales and use taxes or tourism, recreation, and convention center taxes on the same transactions which are the subject of this tax shall be subject to review and audit as provided in the county's contract with the State Tax Commission for the collection of the local sales and use tax and as provided by law. The taxpayer shall also be subject to such audits and reviews by the Utah State Tax Commission as are provided for by law. (Ord. 2006-27, 9/26/06)

2-2-10. Remittance of tax.

The tax shall be remitted as directed by the county and a tax return filed on forms provided or approved by the county at such times and with such frequency as are provided for by state law. All returns filed pursuant hereto shall accurately identify the locations where the transactions occurred and the gross sales upon which the tax for each location is computed. (Ord. 2006-27, 9/26/06)

2-2-11. Request for hearing.

Any party aggrieved by any action of the county relating to the assessment, calculation, or collection of the tax, including any Notice of Deficiency issued, may request a hearing by filing a written Request for Hearing as provided by law. (Ord. 2006-27, 9/26/06)

2-2-12. Penalties and interest.

Any person who fails to file any tax return or information required by this chapter, who fails to pay any tax due hereunder, or who fails to timely pay such tax shall be subject to the imposition of penalties and interest in accordance with Utah Code Annotated §§ 59-1-401 and 59-1-402 or any successor provision thereto. (Ord. 2006-27, 9/26/06)

CHAPTER 3

PUBLIC TRANSIT TAX

Section

2-3-1. Title.
2-3-2. Purpose.
2-3-3. Effective date.
2-3-4. Transit tax.
2-3-5. Statutes incorporated.

2-3-1. Title.

This chapter shall be known as **"The Public Transit Tax Ordinance of Tooele County."** (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

2-3-2. Purpose.

(1) The Utah Legislature has authorized counties of the State of Utah, after voter approval, to enact a sales and use tax to fund a public transportation system.

(2) An election was held on November 5, 1991, within the unincorporated areas of Tooele County, Utah, comprised of the Erda, Lakepoint, Stansbury Park and Lincoln voting districts, at which election the electors approved the imposition of a transit tax to fund

the Utah Transit Authority, a public transportation system.

(3) This chapter is for the purpose of imposing the voter approved sales and use tax to fund the Utah Transit Authority's provision of services within a portion of Tooele County. (Ord. 2007-27, 10/16/07; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

2-3-3. Effective date.

(1) Tooele County's ¼ of 1% transit tax became effective on January 1, 1992, pursuant to Tooele County Resolution 91-15. The provisions of this chapter which are not in conflict with the former Resolution 91-15 shall be deemed to be a continuation thereof and any rights, duties and obligations arising thereunder shall not in any way be deemed abrogated or terminated.

(2) The 2007 Utah Legislature authorized counties of the State of Utah, through Senate Bill 223, to repeal the former sales and use tax rate and replace it with a new public transit tax rate of .30%, effective January 1, 2008. (Ord. 2007-27, 10/16/07; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

2-3-4. Transit tax.

(1) From and after the effective date of this chapter, there is hereby imposed and levied a sales and use tax of .30% within the unincorporated areas of Tooele County, Utah, comprised of the Erda, Lakepoint, Stansbury Park and Lincoln voting districts, to fund the Utah Transit Authority, a public transportation system, as specified under the laws of the State of Utah.

(2) The transit tax imposed by this chapter shall be collected in the same manner and fashion as other sales and use taxes as provided for in this title.

(3) The Chairman of the Tooele County Commission is authorized and directed to request that the Utah State Tax Commission collect the transit tax and the Chairman is authorized to negotiate and execute on behalf of Tooele County any reasonable and necessary contracts required by the Tax Commission to accomplish the same. (Ord. 2007-27, 10/16/07; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

2-3-5. Statutes incorporated.

The provisions of Part 5 of Chapter 12, Title 59, Utah Code Annotated 1953, as amended, and the Sales and Use Tax Act of the State of Utah are made a part of this chapter by this reference thereto. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

CHAPTER 4

TOURISM, RECREATION, CULTURAL AND CONVENTION TAX

Section

2-4-1. Title.
2-4-2. Statutory authority.
2-4-3. Purpose.
2-4-4. Definitions.
2-4-5. Imposition of tax.
2-4-6. Use of revenues.
2-4-7. Collection.
2-4-8. Licensure.
2-4-9. Incorporation of state law.
2-4-10. Repealed.

2-4-1. Title.

This chapter shall be known as the Tourism, Recreation, Cultural and Convention Tax Ordinance. (Ord. 95-19, 9/12/95; Ord. 95-13, 7/1/95)

2-4-2. Statutory authority.

The authority for imposing this tax is derived from Title 59, Chapter 12, Section 601 et seq. Utah Code Annotated 1953, as amended. (Ord. 95-19, 9/12/95; Ord. 95-13, 7/1/95)

2-4-3. Purpose.

(1) The legislative body of Tooele County finds and declares that:

(a) the development of tourism, recreation, cultural, and convention facilities throughout the county is necessary to insure continued growth in the tourism, recreation, and convention industry in the county;

(b) modern and state-of-the-art tourism, recreation, cultural, and convention facilities would attract tourists, recreation, and convention business in a substantially greater amount than facilities that are obsolete or do not otherwise fill the needs of such business;

(c) available sources of assistance and capital in the county are inadequate by themselves without county assistance to assure necessary development of tourism, recreation, cultural, and convention facilities;

(d) other counties have programs of aid to their political subdivisions to foster the development of tourism, recreation, cultural, and convention facilities; and

(e) fostering the development of tourism, recreation, cultural, and convention facilities is a

county purpose affecting the welfare of all county citizens and the growth of the economy county-wide.

(2) It is therefore the purpose of this chapter that the county provide a means to foster the development of tourism, recreation, cultural, and convention facilities in order to further the welfare of the citizens of the county and its economic growth. (Ord. 96-18, 7/2/96)

2-4-4. Definitions.

(1) **"Convention facility"** means any publicly owned or operated convention center, sports arena, or other facility at which conventions, conferences, and other gatherings are held and whose primary business or function is to host such conventions, conferences, and other gatherings.

(2) **"Cultural facility"** means any publicly-owned or operated museum, theater, art center, music hall, or other cultural or arts facility.

(3) **"Recreation facility"** or **"tourist facility"** means any publicly owned or operated park, campground, marina, dock, golf course, water park, historic park, monument, planetarium, zoo, bicycle trails, and other recreation or tourism related facility.

(4) (a) **"Restaurant"** includes any coffee shop, cafeteria, luncheonette, soda fountain, or fast-food service where food is prepared for immediate consumption.

(b) **"Restaurant"** does not include any retail establishment whose primary business or function is the sale of fuel or food items for off-premise, but not immediate, consumption. (Ord. 95-19, 9/12/95; Ord. 95-13, 7/1/95)

2-4-5. Imposition of tax.

There is hereby imposed a tourism, recreation, cultural and convention tax at the rate of 1% for all sales of alcoholic beverages, food and food ingredients, and prepared foods that are sold by restaurants. (Ord. 2011-01, 2/1/11; Ord. 2009-01, 1/20/09, Ord. 2008-01, 1/8/08; Ord. 2007-01, 1/16/07; Ord. 2006-01, 1/3/06; Ord. 2005-01, 1/4/05)

2-4-6. Use of revenues.

The revenue from the imposition of the tourism, recreation, cultural and convention tax shall be used solely for the purposes of financing, in whole or part, tourism promotion, and the development, operation, and maintenance of tourist, recreation, cultural, and convention facilities. (Ord. 95-19, 9/12/95; Ord. 95-13, 7/1/95)

2-4-7. Collection.

The tax imposed under this chapter shall be levied at the same time and collected in the same manner as provided for in Title 59, Chapter 12, Section 201 et seq., Utah Code Annotated 1953, as amended, except that the revenue derived from the tax is not subject to the collection and distribution procedures established pursuant to the provisions of Subsection 59-12-205(2), Utah Code Annotated 1953, as amended. All revenues so collected shall be revenues of Tooele County. Any records, tax returns, or other information of any person, corporation, company, or other group or organization subject to the taxes imposed by this chapter which relate to the calculation, collection or remittance to the State Tax Commission of such taxes shall be subject to review, inspection, and auditing by Tooele County. (Ord. 95-19, 9/12/95; Ord. 95-13, 7/1/95)

2-4-8. Licensure.

All persons, companies, corporations or other similar persons, groups or organizations doing business as restaurants shall obtain from the State Tax Commission, a tourism, recreation, cultural or convention tax license. No such additional license shall be required if the person, company, corporation, group or organization has obtained a license pursuant to Section 59-12-106 Utah Code Annotated 1953, as amended. (Ord. 95-19, 9/12/95; Ord. 95-13, 7/1/95

2-4-9. Incorporation of state law.

(1) Except as hereinafter provided, and except insofar as they are inconsistent with the provisions of the Tourism, Recreation, Cultural and Convention Facilities Tax Act, all of the provisions of Part 1, Chapter 12, Title 59, Utah Code Annotated 1953, as amended, in force and effect on the effective date of this ordinance, insofar as they relate to the tax imposed by this ordinance, excepting §59-12-101 and 59-12-119 thereof, are hereby adopted and made a part of this ordinance as though fully set forth herein.

(2) Wherever, and to the extent that in Part 1, Chapter 12, Title 59, Utah Code Annotated 1953, the state of Utah is named or referred to as the taxing agency, the name Tooele County shall be substituted therefor. Nothing in this subsection shall be deemed to require substitution of the county's name for "State" when that word is used as part of the title of the State Tax Commission or of the Constitution of the State of Utah, neither shall the name of the county 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 county or any agency thereof, rather than by or against the State Tax Commission in performing the functions incident to the administration or operation of the ordinance. (Ord. 96-18, 7/2/96)

2-4-10. Repealed. (Ord. 97-11, 6/10/97)

CHAPTER 5

PROPERTY TAX ADMINISTRATION

Section

2-5-1. Title.
2-5-2. Purpose.
2-5-3. Waiver of reduction of penalties for failure to file affidavit.
2-5-4. Method of sale.
2-5-5. Real property tax sale rules.

2-5-1. Title.

This chapter shall be known as the Property Tax Administration Ordinance of Tooele County, Utah. (Ord. 96-14, 5/23/96)

2-5-2. Purpose.

This chapter is for the purpose of establishing procedures for the administration of the county's responsibility for the assessment and collection of property taxes. (Ord. 96-14, 5/23/96)

2-5-3. Waiver or reduction of penalties for failure to file affidavit.

Persons who are required to pay a penalty pursuant to Section 59-2-307 of the Utah Code for failure to file a required affidavit or for failure to appear and testify when requested by the assessor, may petition the board of county commissioners to obtain a waiver or reduction of such a penalty. The board shall consider such petitions at any regular commission meeting and may for good cause shown, waive or reduce the penalty imposed by Section 59-2-307 of the Utah Code. (Ord. 96-14, 5/23/96)

2-5-4. Method of sale.

Pursuant to Utah Code Annotated 59-2-1351, the Tooele County Board of Commissioners has determined that the method of sale that best protects the financial interest of the delinquent property owner and meets the needs of the county to collect delinquent property taxes due is to accept the highest bid amount for the entire parcel of property. However, a bid may not be accepted for an amount which is insufficient to pay the taxes, penalties, interest and administrative costs. (Ord. 96-14, 5/23/96)

2-5-5. Real property tax sale rules.

(1) Each parcel being offered for sale may be redeemed in the name of the owner of record until the time the tax sale is commenced.

(2) Anyone involved in conducting the sale is prohibited from bidding, including the county commissioners, auditor, treasurer and attorney and their staffs.

(3) At the beginning of the sale, the county auditor will disclose those parcels withdrawn from the sale and upon request will disclose the reason for the withdrawal.

(4) The county auditor will state the amount of taxes, penalties, interest and administrative costs on the parcel being offered for sale, which is the amount at which bidding will begin and which is the lowest acceptable bid.

(5) Each bidder shall register prior to bidding and be given a bidder identification number. The bidder shall write legibly and provide correct information on the registration form.

(6) Upon receipt of an acceptable bid, higher bids in increments of $25.00 will be solicited. The highest bid received, when no higher bids are tendered upon request by the auditor, shall be the bid accepted, if such bid is otherwise acceptable under these rules.

(7) The bidder first recognized by the county auditor will be the first bid recorded. The bid recognized is the one in effect at the time.

(8) The final bid number announced by the auditor is the official sale. The registered name and address will be the name and address that will go on the deed.

(9) Collusive bidding is prohibited. "Collusive bidding" means any agreement or understanding reached by two or more parties that in any way alters the bids the parties would otherwise offer absent the agreement or understanding.

(10) Once the county auditor has closed the sale of a particular parcel of property as a result of accepting a bid on the parcel, the successful bidder or purchaser may not unilaterally rescind the bid. The county commission may enforce the terms of the bid by obtaining a legal judgment against the purchaser in the amount of the bid, plus interest and attorney's fees.

(11) Only cash or certified funds will be accepted in payment for property. Payment shall be made to the county treasurer on or before 5:00 p.m. the day of the sale.

(12) Only one deed will be issued to the successful bidder on each parcel sold.

(13) All bids shall be considered conditional, whether or not the bid is contested, until reviewed and accepted by the board of county commissioners acting at a regularly scheduled meeting. The county commission may decide that none of the bids are acceptable.

(14) Any person wishing to contest any action taken in connection with the tax sale must present such protest to the Tooele County Commission in writing within ten days of the sale. Such person shall concurrently file a

copy of the protest in the office of the county auditor. The commission will decide the protest prior to authorizing a tax deed for the affected parcel.

(15) All property sold by the county at the tax sale is purchased by the buyer "as is." The county makes no warranty whatsoever respecting the condition of the property and improvements. The county will convey title by tax deed. No title insurance will be provided.

(16) Tooele County is not responsible for verbal statements or representations made by county personnel regarding this bid, nor any assumptions or conclusions reached by a prospective bidder as a result of such verbal communication. No verbal communication will supersede this section.

(17) The auditor will record the tax deed in the office of the county recorder following approval by the board of county commission.

(18) Any property not sold at the tax sale shall be stricken to the county.

(19) The county auditor, in conjunction with the county attorney, the county recorder and the county treasurer, may prescribe other specific May Tax Sale procedures as deemed necessary. (Ord. 96-14, 5/23/96)

CHAPTER 6

COUNTY OPTION SALES AND USE TAX

Section

2-6-1. Title.
2-6-2. Statutory authority.
2-6-3. Purpose of provisions.
2-6-4. Imposition - Amount.
2-6-5. Incorporation of State law.
2-6-6. Administration, collection and distribution by state.
2-6-7. Exemptions.
2-6-8. Effective date.

2-6-1. Title.

This chapter shall be known as the "County Option Sales and Use Tax Ordinance." (Ord. 2000-15, 5/23/00)

2-6-2. Statutory authority.

The authority for imposing the tax in this chapter is derived from Title 59, Chapter 12, Part 11, Utah Code Annotated. (Ord. 2000-15, 5/23/00)

2-6-3. Purpose of provisions.

This chapter is enacted to enable the county to carry out more effectively its statutorily defined role as a political and legal subdivision of the state by improving the county's revenue raising capacities. The provisions of this chapter shall be interpreted and construed to accomplish this stated purpose. (Ord. 2000-15, 5/23/00)

2-6-4. Imposition - Amount.

In addition to all other taxes imposed, Tooele County hereby imposes and levies for collection a county option sales and use tax of ¼% upon the sales and uses described in Utah Code Annotated Section 59-12-103(1), subject to the exemptions provided for in Section 59-12-104. This tax is imposed upon all sales and uses made in the county, including sales and uses made within the municipalities for the county. Provisions of this chapter shall be subject to the provisions of the Sales and Use Tax laws of Utah to which reference is hereinafter made in this chapter and which are hereby enacted and made a part of this chapter as though fully set forth herein. (Ord. 2000-15, 5/23/00)

2-6-5. Incorporation of State law.

(1) Except as hereinafter provided and except insofar as they are inconsistent with provisions of the County Option Sales and Use Tax Act, all the provisions of Part 1, Chapter 12, Title 59, Utah Code Annotated, 1953, as amended, in force and effect on the effective date of this chapter insofar as they relate to the tax imposed by this chapter except Sections 59-12-101 and 59-12-119 thereof, are adopted and made a part of this chapter as though fully set forth herein.

(2) Wherever and to the extent that in Part I, Chapter 12, Title 59, Utah Code Annotated 1953, as amended, the State of Utah is named or referred to as the taxing agency, the name of Tooele County shall be substituted therefor. Nothing in this subparagraph shall be deemed to require substitution of the name of Tooele County for the word "state" when that word is used as part of the title of the State Tax Commission, or the Constitution of the State of Utah, nor shall the name of the county 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 county or any agency thereof, rather than by or against the State Tax Commission in performing the functions incident to the administration or operation of this chapter. (Ord. 2000-15, 5/23/00)

2-6-6. Administration, collection and distribution by state.

(1) Taxes imposed pursuant to this chapter shall be imposed and administered in the same manner as a tax imposed under Title 59, Chapter 12, Part 2. Utah Code Annotated, The Local Sales and Use Tax. Revenues collected pursuant to this chapter shall be distributed in accordance with Utah Code Annotated Section

59-12-1102(3) and the rules adopted by the State Tax Commission pursuant to Utah Code Annotated Section 59-12-1102(3)(d). All revenues so collected shall be revenues of either Tooele County or of any other county entitled to distribution of the same pursuant to the statute.

(2) Any records, tax returns or other information of any person, corporation, company, or other group or organization subject to the taxes imposed by this chapter which relate to the calculation, collection or remittance to the State Tax Commission of such taxes shall be subject to review, inspection, and auditing by Tooele County.

(3) The fee charged Tooele County by the State Tax Commission under Utah Code Annotated Section 59-12-206 shall be based on the distribution amounts resulting after all the applicable distribution calculations under Utah Code Annotated Section 59-12-1102(3) have been made. (Ord. 2000-15, 5/23/00)

2-6-7. Exemptions.

The sale, storage, use or other consumption of tangible personal property which is exempt from sales or use taxation pursuant to Utah Code Annotated Section 59-12-104 is exempt from the application of the county option sales and use tax. (Ord. 2000-15, 5/23/00)

2-6-8. Effective date.

The tax imposed by this chapter shall take effect January 1, 2001. (Ord. 2000-15, 5/23/00)

CHAPTER 7

COUNTY OPTION SALES AND USE TAX FOR HIGHWAYS AND PUBLIC TRANSIT

Section

2-7-1. Title.
2-7-2. Statutory authority.
2-7-3. Purpose of provisions.
2-7-4. Imposition - Amount.
2-7-5. Statutes adopted by reference.
2-7-6. Administration, collection, and distribution by state.
2-7-7. Use of revenues.
2-7-8. Collection and review of records.
2-7-9. Effective date.

2-7-1. Title.

This chapter shall be known as the "County Option Sales and Use Tax for Highways and Public Transit Ordinance." (Ord. 2015-23, 12/15/15)

2-7-2. Statutory authority.

The authority for imposing this tax is derived from Sections 59-12-2203, -2208, and -2219, Utah Code Ann. (1953), and the authorization by the majority of the registered voters of Tooele County who voted in the general election held November 3, 2015, favoring the imposition of the tax. (Ord. 2015-23, 12/15/15)

2-7-3. Purpose of provisions.

The ordinance codified in this chapter is enacted to provide the county, the cities and towns within the county, and the public transit district operating within the county with a source of revenue to allow these entities to maintain and improve transportation infrastructure and options. The board of county commissioners hereby directs that the provisions hereof be interpreted and construed to accomplish this stated purpose. (Ord. 2015-23, 12/15/15)

2-7-4. Imposition - Amount.

In addition to all other taxes imposed, the county does hereby impose and levy for collection a sales and use tax of one-quarter of one percent on the transactions described in Utah Code Ann. § 59-12-103(1), subject to the other provisions of the sales and use tax laws of the state. This tax is imposed upon all sales and uses made in the county, including sales and uses made within the corporate limits of the cities and towns of the county. Provisions of this chapter shall be subject to the provisions of the sales and use tax laws of the state to which reference is hereinafter made in this chapter and which are hereby enacted and made a part of this chapter as though fully set forth herein. (Ord. 2015-23, 12/15/15)

2-7-5. Statutes adopted by reference.

All applicable provisions of state law governing the sales and use tax defined in Utah Code Ann. § 59-12-2219 are hereby incorporated by reference and included in this chapter. This specifically includes, but is not limited to, all applicable provisions of Title 59, Chapter 12, Parts 1 and 22, Utah Code Annotated (1953). (Ord. 2015-23, 12/15/15)

2-7-6. Administration, collection, and distribution by state.

The taxes imposed under this chapter shall be administered, collected, and distributed by the Utah State Tax Commission in accordance with the provisions of Title 59, Chapter 12, Part 22, Utah Code Annotated (1953), and any other applicable state laws and regulations. (Ord. 2015-23, 12/15/15)

2-7-7. Use of revenues.

The funds received from the imposition of this tax shall be used and expended as provided for by state statute. (Ord. 2015-23, 12/15/15)

2-7-8. Collection and review of records.

Any records, tax returns, or other information of any person, corporation, company, or other group or organization subject to the taxes imposed by this chapter, which relate to the calculation, collection, and remittance to the state tax commission of such taxes, shall be subject to review, inspection, and auditing by the county. (Ord. 2015-23, 12/15/15)

2-7-9. Effective date.

The tax imposed by this chapter shall take effect April 1, 2016, in accordance with Utah Code Ann. § 59-12-2209. (Ord. 2015-23, 12/15/15)

TITLE 3

ECONOMIC DEVELOPMENT AREAS

Chapter

1. **North Rowley Economic Development Project Area Plan.**

CHAPTER 1

NORTH ROWLEY ECONOMIC DEVELOPMENT PROJECT AREA PLAN

Section

3-1-1. Adoption of project area plan.
3-1-2. Project boundaries.
3-1-3. Purposes of project area plan.
3-1-4. Project area plan incorporated by reference.
3-1-5. Findings.
3-1-6. Acquisition of property.
3-1-7. Tax increment financing.

3-1-1. Adoption of project area plan.

The Redevelopment Agency of Tooele County (the "Agency") has adopted the Project Area Plan entitled, "North Rowley Economic Development Project Area Plan," dated September 1, 2006 (the "Project Area Plan"). The Project Area Plan is hereby designated as the official economic development Project Area Plan of the North Rowley Economic Development Project Area. Tooele County, after review of the Agency's findings, as set forth herein, hereby adopts by Ordinance the Project Area Plan pursuant to Section 17C-3-106 of the Utah Community Development and Renewal Agencies Act. (Ord. 2006-31, 10/24/06)

3-1-2. Project boundaries.

The legal description of the boundaries of the North Rowley Economic Development Project Area (the "Project Area") covered by the Project Area Plan is as follows, to-wit:

A parcel of land located in Sections 9, 10, 15, and 16 of, Township 2 North, Range 8 West, Salt Lake Base and Meridian, Tooele County, Utah more fully described as follows:

BEGINNING at a point North 00 00'28" East 545.85 feet coincident with the East line of Section 9, Township 2 North, Range 8 West, Salt Lake Base and Meridian, from the Northeast Corner of Section 16 in said township and range; and thence South 89 55'42" East 454.60 feet; thence South 07 10'45" East 480.43 feet; thence South 56 36'02" East 802.79 feet to an existing fence and the west line of Lot 1 of the Desert Power P.U.D.; thence coincident with said lot line the following 2 courses: (1) South 00 03'14" West 64.70 feet (2) and South 89 53'52" East 98.45 feet; thence South 56 36'52" East 997.09 feet to the intersection of an existing chain link fence; thence coincident with said fence the following 2 courses: (1) South 40 32'27" East 224.36 feet (2) and North 71 15'01" East 78.69 feet; thence South 56 36'52" East 0.70 feet; thence South 00 12'02" West 1,319.77 feet to a point 2,450.00 feet south of the north line of Section 15 in said township and range; thence coincident with a line being parallel to said north section line North 89 56'47" West 2,330.76 feet to the section line common to Section 15 and 16; thence North 89 55'08" West 1,450.00 feet coincident with a line 2,450.00 feet south of the north line of Section 16 to a point 1,450.00 feet west of the east line of Section 16; thence coincident with a line parallel to the East line of Section 16 North 00 02'00" West 2,450.00 feet to a point 1,450.00 feet west of the east line of Section 9; thence coincident with a line parallel to the East line of Section 9 North 00 00'28" East 545.61 feet; thence South 89 55'42" East 1,450.00 feet to the POINT OF BEGINNING. Said parcel contains 214.70 acres, more or less.

(Ord. 2006-31, 10/24/06)

3-1-3. Purposes of project area plan.

The purposes and intent of the Tooele County Commission with respect to the Project Area are to accomplish the following purposes by adoption of the Project Area Plan:

(1) encourage and assist economic development in order for a public or private employer to create additional jobs within the state;

(2) provide for the strengthening of the tax base and economic health of the entire community and the State of Utah;

(3) implement the tax increment financing provisions of the Utah Community Development and Renewal Agencies Act and any successor law or act (the "Act") which are incorporated herein by reference and made a part of this Ordinance;

(4) encourage economic use of and new construction upon the real property located within the Project Area;

(5) promote and market the Project Area for economic development that would be complimentary to existing businesses and industries or would enhance the economic base of the County through diversification;

(6) provide for compatible relationships among land uses and quality standards for development, such that the area functions as a unified and viable center of economic activity for the County;

(7) removal of impediments to land disposition and development through assembly of land into reasonably sized and shaped parcels served by adequate public utilities and infrastructure improvements;

(8) achievement of an environment reflecting an appropriate level of concern for architectural, landscape and design principles, developed through encouragement, guidance, appropriate controls, and financial and professional assistance to owner participants and developers;

(9) provide for improvements to public streets, utilities, curbs and sidewalks, other public rights-of-way, street lights, landscaped areas, public parking, and other public improvements, give the area a new look and to attract business activity; and

(10) provide improved public streets and road access to the area to facilitate better traffic circulation and reduce traffic hazards by assisting in the street alignments and the implementation of County institutional controls and regulations to ensure management of any contaminated materials. (Ord. 2006-31, 10/24/06)

3-1-4. Project area plan incorporated by reference.

The Project Area Plan, together with supporting documents, is incorporated herein by reference and made a part of this Ordinance. Copies of the Project Area Plan shall be filed and maintained in the office of the Tooele County Clerk and the Redevelopment Agency for public inspection. (Ord. 2006-31, 10/24/06)

3-1-5. Findings.

The Redevelopment Agency of Tooele County has determined and found as follows:

(1) There is a need to effectuate a public purpose, and implementation of the Project Area Plan would accomplish the public purposes set forth in the Act.

(2) There is a public benefit under the benefit analysis referred to in Exhibit "C" to the Project Area Plan and described in Subsection 17C-3-103(2) of the Act.

(3) It is economically sound and feasible to adopt and carry out the Project Area Plan.

(4) The Project Area Plan conforms to Tooele County's general plan.

(5) The Project Area Plan would develop the Project Area in conformity with the Act, and carrying out the Project Area Plan will promote the public peace, health, safety and welfare of Tooele County. (Ord. 2006-31, 10/24/06)

3-1-6. Acquisition of property.

The Redevelopment Agency of Tooele County may acquire property in the Project Area by negotiation, gift, devise, exchange, purchase, or other lawful method, but not by eminent domain (condemnation) except from an Agency board member or officer with their consent. The Agency is authorized to acquire any other interest in real property in the Project Area less than fee title such as leasehold interests, easements, rights of way, etc. by negotiation, gift, devise, exchange, purchase or other lawful method, but not by eminent domain (condemnation) except from an Agency board member or officer with their consent. (Ord. 2006-31, 10/24/06)

3-1-7. Tax increment financing.

(1) Subject to any limitations required by currently existing law (unless a limitation is subsequently eliminated), this Ordinance hereby specifically incorporates all of the provisions of the Act that authorize or permit the Agency to receive tax increment from the Project Area and that authorize the various uses of such tax increment by the Agency, and to the extent greater authorization for receipt of tax increment by the Agency or use thereof by the Agency is provided by any amendment of the Act or by any successor provision, law or act, those are also specifically incorporated herein. It is the intent of this Ordinance that the Agency shall have the broadest authorization and permission for receipt of and use of tax increment as is authorized by law, whether by existing or amended provisions of law. This Ordinance also incorporates the specific provisions of tax increment financing permitted by Sections 17C-1-401 and 404 of the Act, which provide, in part, as follows:

> "(1) An agency may receive and use tax increment and sales tax, as provided in this part.
>
> (2) (a) The applicable length of time or number of years for which an agency is to be paid tax increment or sales tax under this part shall be measured:
>
> . . . .
>
> (ii) for a post-June 30, 1993 urban renewal or economic development project area plan, from the first tax year for which the agency receives tax increment under the project area budget; . . .
>
> . . . .
>
> (b) Tax increment may not be paid to an agency for a tax year prior to the tax year following: (i) for an urban renewal or economic development project area plan, the effective date of the project area plan; . . .
>
> . . . .

(4) With the written consent of a taxing entity, an agency may be paid tax increment, from that taxing entity's tax revenues only, in a higher percentage or for a longer period of time, or both, than otherwise authorized under this title.

(5) Each county that collects property tax on property within a project area shall pay and distribute to the agency the tax increment that the agency is entitled to collect under this title, in the manner and at the time provided in Section 59-2-1365."

(2) Subject to modifications of the Act by amendments or by any successor act or law, the Project Area Plan incorporates the provisions of Section 17C-1-408(2)(a) of the Act , which states:

"(a) The amount of the base taxable value to be used in determining tax increment shall be:

(i) increased or decreased by the amount of an increase or decrease that results from:

(A) a statute enacted by the Utah State Legislature or by the people through an initiative;

(B) a judicial decision;

(C) an order from the Utah State Tax Commission to a county to adjust or factor its assessment rate under Subsection 59-2-704(2);

(D) a change in exemption provided in Utah Constitution, Article XIII, Section 2, or Section 59-2-103; or

(E) an increase or decrease in the percentage of fair market value, as defined under Section 59-2-102; and

(ii) reduced for any year to the extent necessary, even if below zero, to provide an agency with approximately the same amount of money the agency would have received without a reduction in the county's certified tax rate if:

(A) in that year there is a decrease in the county's certified tax rate under Subsection 59-2-924(2)(c) or (d)(i);

(B) the amount of the decrease is more than 20% of the county's certified tax rate of the previous year; and

(C) the decrease would result in a reduction of the amount of tax increment to be paid to the agency.

(b) Notwithstanding an increase or decrease under Subsection (a), the amount of tax increment paid to an agency each year for payment of bonds or other indebtedness may not be less than would have been paid to the agency each year if there had been no increase or decrease under Subsection (a)."

(3) The Project Area Plan specifically incorporates the provisions of Section 17C-1-407(2)(a) of the Act as follows:

"(2) (a) An agency may not be paid any portion of a taxing entity's taxes resulting from an increase in the taxing entity's rate that occurs after the taxing entity committee approves the Project Area Budget unless, at the time the taxing entity committee approves the Project Area Budget, the taxing entity committee approves payment of those increased taxes to the agency."

(4) As shown in the Project Area Budget, the Agency has elected to receive 100% of the tax increment monies from the Project Area for a period not to exceed 13 years, up to a maximum of $28,322,726.

(5) The Redevelopment Agency has received a waiver from both the Olene Walker Housing Loan Fund Board and the Taxing Entity Committee regarding the Act's requirement to allocate 20% of tax increment for certain housing purposes. Therefore, pursuant to Section 17C-3-202(1)(b) of the Act, no allocation of tax increment for housing purposes is made in the subject Project Area Budget or in the Project Area Plan. (Ord. 2006-31, 10/24/06)

TITLE 4

BOARDS AND COMMITTEES

Chapter

1. **Historical Preservation Commission.**
2. **Council on Aging.**
3. **Term Limitations.**
4. **Mental Health - Substance Abuse Advisory Council.**
5. **Planning Commission.**
6. **Agriculture Protection Area Advisory Board.**
7. **County Weed Control Board.**
8. **Administrative Hearing Officer.**
9. **Children's Justice Center Advisory Board.**
10. **Township Planning Districts.**
11. **Career Service Council.**
12. **Tooele County Airport Board.**
13. **Tourism Tax Advisory Board.**
14. **Library Board.**
15. **Workers' Compensation Accident Board.**
16. **Board of Appeals.**
17. **Emergency Relief Services Coordination Board.**
18. **Trails Committee.**
19. **Economic Development Advisory Committee.**
20. **Accident Review Board.**
21. **Audit Committee.**

CHAPTER 1

HISTORICAL PRESERVATION COMMISSION

Section

4-1-1. Purpose.
4-1-2. Creation of historical preservation commission.
4-1-3. Duties of the Tooele County Historical Preservation Commission.

4-1-1. Purpose.

This chapter is for the purpose of establishing an Historical Preservation Commission pursuant to the provisions of the Historic District Act, Section 17A-3-1301 through 1306 of the Utah Code. The Tooele County Historical Preservation Commission is created to identify, preserve, protect and enhance historic and prehistoric areas and sites lying within Tooele County. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

4-1-2. Creation of historical preservation commission.

There is hereby created a Tooele County Historical Preservation Commission of five (5) members who have demonstrated interest, compliance or knowledge in historical preservation. At least two (2) of these members shall have expertise in the disciplines of history and architecture or architectural history. The members shall be appointed by the Tooele County Commission. Said members shall be residents of Tooele County. The Clerk shall notify such appointees and request a written acceptance from them on their appointment. All such designated appointees shall within thirty (30) days file with the Clerk his or her acceptance of appointment. Should the same not be filed within the said period, the person shall be considered to have declined the appointment, and the Commission shall designate another person for such appointment. The designated appointees upon filing acceptance of appointment, shall automatically be members of the Tooele County Historical Preservation Commission. Members of the Historical Preservation Commission shall serve until replaced or removed by the Tooele County Commission. The Historical Preservation Commission shall meet at least twice each year and shall appoint a Chairperson from among its members. Business shall be conducted in open public meetings with written minutes of each Commission meeting, prepared and available for public inspection. All vacancies on the Commission occasioned by removal, resignation or otherwise shall be reported to the County Commission, who shall fill such vacancy pursuant to the manner of appointment provided herein. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

4-1-3. Duties of the Tooele County Historical Preservation Commission.

It shall be the duty of the Commission to:

(1) Survey and Inventory Community Historic Resources. The Historic Preservation Commission shall conduct or cause to be conducted a survey of historic, architectural and archeological resources within Tooele County. The survey shall be compatible with the Utah inventory of historic and archeological sites. Survey and inventory documents shall be maintained and open to the public. The survey will be updated at least every 10 years.

(2) Review Proposed Nominations to the National Register of Historic Places. The Historic Preservation Commission shall review and comment to the State Historic Preservation Officer on all proposed National Register nominations for the properties within the

boundaries of Tooele County. When the Historic Preservation Commission considers a National Register nomination which is normally evaluated by professionals in a specific discipline and that discipline is not represented on the Commission, the Commission will seek expertise in this area before rendering its decision.

(3) Provide Advice and Information.

(a) The Historic Preservation Commission shall act in an advisory role to other officials and departments of Tooele County regarding the identification and protection of local historic and archeological resources.

(b) The Historic Preservation Commission shall work toward the continuing education of citizens regarding historic preservation and Tooele County's history.

(4) Enforcement of State Historic Preservation Laws. The Commission shall support the enforcement of all State laws relating to historic preservation. These include, but are not limited to the following Utah Code Sections: Utah Code Annotated §11-18-2, "The Historic District Act;"; Utah Code Annotated §63-18-25, 27 and 30 regarding the protection of Utah antiquities; and Utah Code Annotated §63-18-37 regarding notification of the State Historic Preservation Office of any known proposed action which would destroy or affect a site, building or object owned by the State of Utah and included on or eligible for the State or national registers. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

CHAPTER 2

COUNCIL ON AGING

Section

4-2-1. Purpose.
4-2-2. Creation of council on aging.
4-2-3. Appointment.
4-2-4. Terms.
4-2-5. Organization of council.
4-2-6. Center boards.

4-2-1. Purpose.

This chapter is for the purpose of establishing the Tooele County Council on Aging to comply with the provisions of the 1965 Older American's Act, as amended, and to ensure that Tooele County is eligible to receive state and federal funds for its senior citizens programs. This Chapter is also for improving, developing and strengthening programs for the elderly and more fully utilizing the skills, wisdom and experience of senior citizens. (Ord. 95-19, 9/12/95; Ord. 95-4, 2/9/95)

4-2-2. Creation of council on aging.

(1) There is hereby created and established a Tooele County Council on Aging, which shall act as the County's area agency on aging and as an advisory committee.

(2) The Council on Aging shall carry out those advisory functions that further Tooele County and its Division of Aging and Adult Services' mission of developing and coordinating a community-based system to plan and provide services for all older persons. The Council shall:

(a) develop and administer an area plan for the elderly;

(b) conduct public hearings concerning aging issues;

(c) represent the interests of older persons; and

(d) review and comment on all community policies, programs and actions which affect older person's, with the intent of assuring maximum coordination and responsiveness to older persons needs. (Ord. 95-19, 9/12/95; Ord. 95-4, 2/9/95)

4-2-3. Appointment.

The Council on Aging shall consist of eleven voting members. They shall be appointed by the Board of County Commissioners. At least six of the members shall be older persons, including minority and low income individuals, who are participants or eligible to participate in programs authorized by the Older American's Act. The representatives of each Senior Citizen's Board in the County shall be included on the Council. The other members of the Council may be:

(1) representatives of older persons;

(2) representatives of health care provider organizations, including providers of veterans' health care, if available;

(3) representatives of supportive service provider organizations;

(4) persons with leadership experience in the private and voluntary sectors;

(5) local elected officials;

(6) the general public; or

(7) representatives of low income individuals. (Ord. 95-19, 9/12/95; Ord. 95-4, 2/9/95)

4-2-4. Terms.

Council on Aging members shall be appointed to four-year terms. The terms shall commence January 1, 1995. Notwithstanding the foregoing, the initial terms

shall be staggered with five members' terms expiring after two years. Any vacancy shall be filled for the unexpired term by appointment by the Board of County Commissioners. Members shall serve no more than two consecutive terms on the Council. (Ord. 95-19, 9/12/95; Ord. 95-4, 2/9/95)

4-2-5. Organization of council.

The Council on Aging shall select from its members a chairperson and vice-chairperson. The Council may appoint such other officers as the Council deems necessary and desirable. The Council may adopt such procedural rules as it deems necessary to conduct its business and shall have authority to adopt, amend or repeal by-laws for the operation of the affairs of the Council. (Ord. 95-19, 9/12/95; Ord. 95-4, 2/9/95)

4-2-6. Center boards.

Each Senior Citizen's Center located within Tooele County may create an Advisory Board. Each Advisory Board shall advise the Center's staff on programs and activities of the center and promote and develop activities of interest to seniors. Each Advisory Board shall nominate a representative for appointment to the Council on Aging. (Ord. 95-19, 9/12/95; Ord. 95-4, 2/9/95)

CHAPTER 3

TERM LIMITATIONS

Section

4-3-1. Purpose.
4-3-2. Term limitations.

4-3-1. Purpose.

This chapter is for the purpose of establishing regulations concerning the service of persons on the County's boards and committees. (Ord. 95-19, 9/12/95; Ord. 95-2, 2/16/95)

4-3-2. Term limitations.

Persons appointed to a given County board or committee shall serve no more than two consecutive terms on that board or committee. Nothing herein shall be construed to prohibit a person from serving on a different County board or committee following two consecutive terms on another. (Ord. 95-19, 9/12/95; Ord. 95-2, 2/16/95)

CHAPTER 4

MENTAL HEALTH SUBSTANCE ABUSE ADVISORY COUNCIl

Section

4-4-1. Purpose.
4-4-2. Establishment of Mental Health-Substance Abuse Advisory Council.
4-4-3. Appointment of council members - Terms.
4-4-4. Organization and procedures.
4-4-5. Powers and duties.

4-4-1. Purpose.

This chapter is for the purpose of establishing a local council to assist in the formulation of policy regarding mental health and substance abuse services within Tooele County, Utah. (Ord. 95-19, 9/12/95; Ord. 95-7, 2/21/95)

4-4-2. Establishment of Mental Health-Substance Abuse Advisory Council.

There is hereby established a Mental Health-Substance Abuse Advisory Council. Such council shall have advisory authority for providing Tooele County's mental health and substance abuse programs. (Ord. 95-19, 9/12/95; Ord. 95-7, 2/21/95)

4-4-3. Appointment of council members - Terms.

(1) The Mental Health-Substance Abuse Advisory Council shall consist of eleven members appointed by the Board of County Commissioners. The council shall have the following representation:

(a) one member representing the adult day treatment program for the chronically mentally ill;

(b) one member with a background and interests relating to adolescents;

(c) one member with a background and interests relating to substance abuse treatment;

(d) one member with a background and interests relating to prevention programs;

(e) one member with a background and interests relating to senior citizen issues;

(f) two members who are consumers or have family members who are involved with services offered;

(g) one member representing youth from a high school in the district;

(h) one member from Grantsville or another community other than Tooele City;

(i) one member representing minority issues; and

(j) one at-large member appointed by the Board of County Commissioners.

(2) Members of the first council shall serve terms ending on December 31, 1995 and December 31, 1997. Initial terms shall be selected by lot and shall be apportioned so that five members will serve until December 31, 1995, and six members will serve until December 31, 1997. After the initial appointments, except for appointments made to fill unexpired terms, the term of each member shall be two years. No member shall serve more than two consecutive terms. (Ord. 95-19, 9/12/95; Ord. 95-7, 2/21/95)

4-4-4. Organization and procedures.

The Mental Health-Substance Abuse Advisory Council shall be presided over by a chairman, who shall be appointed annually by the council and who shall serve a one-year term, but in no event shall the term exceed or extend beyond the chairman's term as a council member. The council may appoint such other officers from its members as it deems necessary and may establish its own rules of procedure or bylaws in order to carry out its purposes and authority. The council's rules and bylaws shall be approved by the County Legislative Body before taking effect. (Ord. 95-19, 9/12/95; Ord. 95-7, 2/21/95)

4-4-5. Powers and duties.

(1) The Mental Health-Substance Abuse Advisory Council shall:

(a) evaluate, advise and recommend programs and methods of operation in the best interest, welfare and general well-being of a total mental health-substance abuse service delivery system in Tooele County;

(b) give direction to the director and staff;

(c) assist in social needs assessment, problem identification and determining priorities as they relate to substance abuse and mental health programs;

(d) advise and make recommendations as to how substance abuse prevention money should be allocated;

(e) evaluate the effectiveness of programs in order to advise and recommend continued funding;

(f) assist in the selection of community members to attend the annual summer school concerning alcohol and drugs at the University of Utah;

(g) determine the most efficient and effective means to provide needed services;

(h) provide community input and information to the County Commission, the director and staff;

(i) advise local elected officials concerning the effectiveness of the services offered; and

(j) provide public relations information to the community at large.

(2) All decisions made by the council concerning planning, treatment, needs assessments allocation of funds, selection of service providers and programs shall be made as recommendations to the director and the County Commission. The County Commission shall have final approval over all recommendations. (Ord. 95-19, 9/12/95; Ord. 95-7, 2/21/95)

CHAPTER 5

PLANNING COMMISSION

Section

4-5-1. Planning commission established - Terms.
4-5-2. Vacancy - Removal.
4-5-3. Organization and procedures.
4-5-4. Use of state data.
4-5-5. Powers and duties.
4-5-6. Entrance upon land.
4-5-7. Compensation.
4-5-8. Ex parte contact.
4-5-9. Land use authority.

4-5-1. Planning commission established - Terms.

There is hereby established a Tooele County Planning Commission. The planning commission shall consist of seven members and two alternate members appointed by the Board of County Commissioners. Members and alternate members shall serve four-year terms and until their successors are appointed and qualified. Terms shall commence on January 1 of each year. In the event a term of a member or alternate member shall expire without the member or alternate member having been reappointed or a successor having been appointed, the member or alternate member shall continue to serve until a successor is appointed, and the term of the successor shall terminate on the same day as though the successor was appointed in a timely manner. Terms of at least two members, and not more than three, shall expire each year. The term of an alternate member shall not be considered a term for purposes of Tooele County Code, 4-3-2, Term Limitations. (Ord. 2015-04, 2/3/15; Ord. 2005-20, 7/5/05; Ord. 2005-14, 5/17/05)

4-5-2. Vacancy - Removal.

(1) Any vacancy occurring on the planning commission by reason of death, resignation, removal or disqualification shall be filled by the Board of County Commissioners for the unexpired term of such member.

(2) The Board of County Commissioners may remove a member of the planning commission for cause after filing written charges against the member. The

member shall be provided with a hearing on the charges if requested. (Ord. 2005-20, 7/5/05; Ord. 2005-14, 5/17/05)

4-5-3. Organization and procedures.

(1) The planning commission shall elect a chairperson from its members who shall serve a one-year term. The planning commission may create and fill any other necessary offices.

(2) (a) The planning commission may adopt policies and procedures for the conduct of its meetings, the processing of applications, and for any other purposes considered necessary for the functioning of the planning commission.

(b) The planning commission's policies and procedures shall be approved by the county commission before taking effect. (Ord. 2005-20, 7/5/05; Ord. 2005-14, 5/17/05)

4-5-4. Use of state data.

The planning commission may obtain access to and use any data and information held by the State or any of its agencies unless the disclosure is prohibited by Title 63, Chapter 2, Government Records Access and Management Act. (Ref UCA §17-27a-402) (Ord. 2005-20, 7/5/05; Ord. 2005-14, 5/17/05)

4-5-5. Powers and duties.

The planning commission shall with respect to the unincorporated area of the county, make a recommendation to the county legislative body for:

(1) a general plan and amendments to the general plan;

(2) land use ordinances, zoning maps, official maps, and amendments;

(3) an appropriate delegation of power to at least one designated land use authority to hear and act on a land use application;

(4) an appropriate delegation of power to at least one appeal authority to hear and act on an appeal from a decision of the land use authority; and

(5) application processes that:

(a) may include a designation of routine land use matters that, upon application and proper notice, will receive informal streamlined review and action if the application is uncontested; and

(b) shall protect the right of each:

(i) applicant and third party to require formal consideration of any application by a land use authority;

(ii) applicant, adversely affected party, or county officer or employee to appeal a land use authority's decision to a separate appeal authority; and

(iii) participant to be heard in each public hearing on a contested application. (Ref UCA §17-27a-302) (Ord. 2005-20, 7/5/05; Ord. 2005-14, 5/17/05)

4-5-6. Entrance upon land.

The county planning commission, or its authorized agents, may enter upon any land at reasonable times to make examinations and surveys pertinent to the:

(1) preparation of its general plan; or

(2) preparation or enforcement of its land use ordinances. (Ref UCA §17-27a-303) (Ord. 2005-20, 7/5/05; Ord. 2005-14, 5/17/05)

4-5-7. Compensation.

Members of the planning commission may receive per diem compensation based on necessary and reasonable expenses and on meetings actually attended. (Ref UCA §17-27a-301(4)) (Ord. 2005-20, 7/5/05; Ord. 2005-14, 5/17/05)

4-5-8. Ex parte contact.

(1) Ex parte contact between planning commission members and opposing parties involved in litigation with Tooele County involving land use issues shall be prohibited. Planning commission members shall not participate in site or office visits, electronic communication, written communication, or verbal conversation either face-to-face or over the telephone, with any individual or any representative of a company or entity involved in legal proceedings with Tooele County involving land use issues. This prohibition shall include plaintiffs who have filed suit against Tooele County, claimants who have served a Notice of Claim on Tooele County, and defendants in actions filed by Tooele County, such as those in violation of provisions of the Tooele County Code or the Tooele County Land Use Ordinance.

(2) Planning commission members shall be restricted from ex parte contact, including site or office visits, electronic communication, written communication, and verbal conversation either face-to-face or over the telephone, with any individual or representative of a company or entity when such interaction involves a request for a conditional use permit, planned unit development, a request for approval of a subdivision, or for an exception to the Tooele County Land Use Ordinance. This restriction on ex parte contact applies to all conditional use permit approval requests, planned unit development or subdivision requests, after an application for such is filed with the Tooele County Engineering Department, while the application is under review by the planning commission, after a decision or recommendation on the application has been made by the planning commission, while the application is under review by the Tooele County Commission, or while the

application is under appeal, if an appeal is filed. Planning commissioners shall not participate in ex parte contact with individuals or representatives of a company or entity opposed to a request for a conditional use permit, planned unit development or a subdivision approval, or an exception to the Tooele County Land Use Ordinance.

(3) If ex parte contact as described in Subsections (1) or (2) occurs, it shall be disclosed at the next meeting of the planning commission and the planning commission member who had such contact shall neither participate in the discussion nor vote on the matter.

(4) Receipt of written information regarding an active request for a conditional use permit, planned unit development or a subdivision, or an exception to the Tooele County Land Use Ordinance shall be permitted, provided such written information is disclosed at the next meeting of the planning commission and submitted as a part of the record of that meeting. (Ord. 2005-20, 7/5/05; Ord. 2005-14, 5/17/05)

4-5-9. Land use authority.

The Tooele County Planning Commission is hereby designated as a land use authority for Tooele County, to act in its individual jurisdiction. (Reference UCA 17-27a-301) (Ord. 2005-20, 7/5/05; Ord. 2005-14, 5/17/05)

CHAPTER 6

AGRICULTURE PROTECTION AREA ADVISORY BOARD

Section

4-6-1. Agriculture Protection Area Advisory Board.
4-6-2. Appointment of board members.
4-6-3. Term in office - Removal of members.
4-6-4. Officers.
4-6-5. Quorum - Rules of operation.
4-6-6. Minimum size for agriculture protection areas.
4-6-7. Fees for accepting and processing agriculture protection area proposals.
4-6-8. Filing procedure.

4-6-1. Agriculture Protection Area Advisory Board.

An Agriculture Protection Area Advisory Board is hereby established for Tooele County pursuant to Utah Code Annotated Section 17-41-201 to perform the duties set out in Section 17-41-201 or any later amendment or enactment of that section. (Ord. 95-21, 10/11/95; Ord. 95-19, 9/12/95)

4-6-2. Appointment of board members.

The Board of County Commissioners of Tooele County, Utah shall appoint five members to the Agriculture Protection Area Advisory Board. The board members shall be appointed by resolution from among the members of the board of supervisors of the County's soil conservation districts. (Ord. 95-21, 10/11/95; Ord. 95-19, 9/12/95)

4-6-3. Term in office - Removal of members.

Each member appointed to the Agriculture Protection Area Advisory Board shall serve on the board until expiration of that member's respective term on the soil conservation district board of supervisors. The Board of County Commissioners of Tooele County may remove and replace any advisory board member for cause or for failure to perform the required duties. (Ord. 95-21, 10/11/95; Ord. 95-19, 9/12/95)

4-6-4. Officers.

The members of the Agriculture Protection Area Advisory Board shall select a chair, vice chair and secretary. The chair and vice chair shall be selected from among the members of the Agriculture Protection Area Advisory Board. The secretary may be either a member of the advisory board or a Tooele County employee. The selection of a Tooele County employee to serve as secretary must be approved by the Board of County Commissioners of Tooele County, Utah. (Ord. 95-21, 10/11/95; Ord. 95-19, 9/12/95)

4-6-5. Quorum - Rules of operation.

Any three members of the Agriculture Protection Area Advisory Board shall constitute a quorum of that board. All actions of the board, except to adjourn a meeting at which there is not a quorum is present, must be made in a meeting at which a quorum is present. Any actions of the Agriculture Protection Area Advisory Board must be approved by at least three members of that board. All meetings shall be conducted in accordance with the Utah Open and Public Meetings Act. The Agriculture Protection Area Advisory Board may adopt such additional rules of operation as it deems necessary to govern its affairs. (Ord. 95-21, 10/11/95; Ord. 95-19, 9/12/95)

4-6-6. Minimum size for agriculture protection areas.

To be included in an agriculture protection area established within Tooele County, land must be located in an Agricultural or Multiple-use zoning district and must consists of at least 100 contiguous acres. (Ord. 2003-17, 8/23/03; Ord. 95-21, 10/11/95; Ord. 95-19, 9/12/95)

4-6-7. Fees for accepting and processing agriculture protection area proposals.

Any person or persons filing a proposal to create an agriculture protection area shall pay a nonrefundable fee at the time of filing. The amount of the fee shall be established by resolution of the Board of County Commissioners of Tooele County. In addition, any person or persons filing a proposal for creation of an agriculture protection area shall reimburse Tooele County for all publication costs incurred by Tooele County in publishing the notices required under Utah Code Annotated Title 17, Chapter 41 or any subsequent amendment or enactment of that statute. (Ord. 95-21, 10/11/95; Ord. 95-19, 9/12/95)

4-6-8. Filing procedure.

All proposals to create agriculture protection areas within Tooele County, Utah shall be filed with the Department of Engineering. All proposals must be accompanied by the filing fee. (Ord. 2003-17, 8/23/03; Ord. 95-21, 10/11/95; Ord. 95-19, 9/12/95)

CHAPTER 7

COUNTY WEED CONTROL BOARD

Section

4-7-1. Establishment of board.
4-7-2. Appointment.
4-7-3. Term in office - Compensation - Removal.
4-7-4. Duties.
4-7-5. Notice of noxious weeds to be published annually - Notice to particular property owners to control noxious weeds - Methods of prevention or control specified - Failure to control noxious weeds considered public nuisance.
4-7-6. Noxious weeds - Failure to control after notice a nuisance - Notice and hearing - Control at county expense - Owner liable for county costs - Charges lien against property.
4-7-7. Hearing before county weed control board - Appeal of decision to the county legislative body - Judicial review.

4-7-1. Establishment of board.

The Tooele County Weed Control Board is hereby established pursuant to Utah Code Annotated Section 4-17-4. (Ord. 96-2, 2/14/96)

4-7-2. Appointment.

The county weed control board shall be comprised of three to five appointed members. Two members of the board shall be farmers or ranchers whose primary source of income is derived from production agriculture. One member of the county commission shall act as coordinator between the county and the weed board. (Ord. 96-2, 2/14/96)

4-7-3. Term in office - Compensation - Removal.

Each member appointed to the county weed control board shall serve four year terms of office. They shall serve without compensation. Members may be removed for cause. Any vacancy which occurs on the board shall be filled by appointment for the unexpired term of the vacated member. (Ord. 96-2, 2/14/96)

4-7-4. Duties.

The county weed control board is responsible under the general direction of the county commission for the formulation and implementation of a county-wide coordinated noxious weed control program designed to prevent and control noxious weeds within Tooele County. The board shall cooperate with other county weed control boards to prevent and control the spread of noxious weeds. (Ord. 96-2, 2/14/96)

4-7-5. Notice of noxious weeds to be published annually - Notice to particular property owners to control noxious weeds - Methods of prevention or control specified - Failure to control noxious weeds considered public nuisance.

(1) The county weed control board before May 1 of each year shall post a general notice of the noxious weeds within the county in at least three public places within the county and publish the same notice on at least three occasions in a newspaper or other publication of general circulation within the county.

(2) If the county weed control board determines that particular property within the county requires prompt and definite attention to prevent or control noxious weeds, it shall serve the owner or the person in possession of the property, personally or by certified mail, a notice specifying when and what action should be taken on the property. Methods of prevention or control may include definite systems of tillage, cropping, use of chemicals, and use of livestock.

(3) An owner or person in possession of property who fails to take action to control or prevent the spread of noxious weeds as specified in the notice is maintaining a public nuisance. (Ord. 96-2, 2/14/96)

4-7-6. Noxious weeds - Failure to control after notice a nuisance - Notice and hearing - Control at county expense - Owner liable for county costs - Charges lien against property.

(1) If the owner or person in possession of the property fails to take action to control or prevent the

spread of noxious weeds within five working days after the property is declared a public nuisance, the county may, after reasonable notification, enter the property, without the consent of the owner or the person in possession, and perform any work necessary, consistent with sound weed prevention and control practices, to control the weeds.

(2) Any expense incurred by the county in controlling the noxious weeds is paid by the property owner of record of the person in possession of the property, as the case may be, within 90 days after receipt of the charges incurred by the county. If not paid within 90 days after notice of the charges, the charges become a lien against the property and are collectible by the county treasurer at the time general property taxes are collected. (Ord. 96-2, 2/14/96)

4-7-7. Hearing before county weed control board - Appeal of decision to the county legislative body - Judicial review.

(1) Any person served with notice to control noxious weeds may request a hearing to appeal the terms of the notice before the weed board within ten days of receipt of such notice and may appeal the decision of the weed board to the county commission.

(2) Any person served with notice to control noxious weeds who has had a hearing before both the county weed control board and the county commission may further appeal the decision of the county commission by filing written notice of appeal with a court of competent jurisdiction. (Ord. 96-2, 2/14/96)

CHAPTER 8

ADMINISTRATIVE HEARING OFFICER

Section

4-8-1. Administrative hearing officer
4-8-2. Powers and duties.
4-8-3. Appeals.
4-8-4. Variances.
4-8-5. District court review of administrative hearing officer decision.
4-8-6. Ex parte contact.

4-8-1. Administrative hearing officer

(1) In order to provide for just and fair treatment in the administration of the Tooele County zoning ordinance, and to ensure that substantial justice is done, there is hereby appointed an administrative hearing officer to exercise the powers and duties provided in this chapter.

(2) The county commission may appoint as many administrative hearing officers as necessary.

(3) Administrative hearing officers are hereby designated as appeal authorities for Tooele County. (Reference UCA 17-27a-701) (Ord. 2005-20, 7/5/05)

4-8-2. Powers and duties.

(1) The administrative hearing officer shall hear and decide:

(a) appeals from zoning decisions applying the zoning ordinance;

(b) special exceptions to the terms of the zoning ordinance; and

(c) variances from the terms of the zoning ordinance.

(2) The administrative hearing officer shall not make determinations regarding the existence, expansion, or modification of nonconforming uses.

(3) The administrative hearing officer may interpret the zoning maps and pass upon disputed questions of lot lines, district boundary lines, or similar questions as they arise in the administration of the zoning regulations.

(4) An administrative hearing officer:

(a) shall:

(i) act in a quasi-judicial manner; and

(ii) serve as the final arbiter of issues involving the interpretation or application of land use ordinances; and

(b) may not entertain an appeal of a matter in which the administrative hearing officer, or any participating member, had first acted as the land use authority. (Ord. 2005-20, 7/5/05)

4-8-3. Appeals.

(1) (a) An applicant or any other person or entity adversely affected by a decision administering or interpreting a zoning ordinance may appeal that decision applying the zoning ordinance by alleging that there is error in any order, requirement, decision, or determination made by an official in the administration or interpretation of the zoning ordinance.

(b) Appeals to the administrative hearing officer shall be made in writing and shall be filed with the county department of engineering within 30 days of the decision administering or interpreting a zoning ordinance.

(2) The person or entity making the appeal has the burden of proving that an error has been made.

(3) Only decisions applying the zoning ordinance may be appealed to the administrative hearing officer. A person may not appeal , and the administrative

hearing officer may not consider, any zoning ordinance amendments.

(4) Appeals may not be used to waive or modify the terms or requirements of the zoning ordinance. (Ord. 2005-20, 7/5/05)

4-8-4. Variances.

(1) Any person or entity desiring a waiver or modification of the requirements of the zoning ordinance as applied to a parcel of property that he owns, leases, or in which he holds some other beneficial interest may apply to the administrative hearing officer for a variance from the terms of the zoning ordinance.

(2) (a) The administrative hearing officer may grant a variance only if:

(i) literal enforcement of the zoning ordinance would cause an unreasonable hardship for the applicant that is not necessary to carry out the general purpose of the zoning ordinance;

(ii) there are special circumstances attached to the property that do not generally apply to other properties in the same district;

(iii) granting the variance is essential to the enjoyment of a substantial property right possessed by other property in the same district;

(iv) the variance will not substantially affect the general plan and will not be contrary to the public interest; and

(v) the spirit of the zoning ordinance is observed and substantial justice done.

(b) (i) In determining whether or not enforcement of the zoning ordinance would cause unreasonable hardship under Subsection (2)(a), the administrative hearing officer may not find an unreasonable hardship unless the alleged hardship:

1) is located on or associated with the property for which the variance is sought; and

2) comes from circumstances peculiar to the property , not from conditions that are general to the neighborhood.

(ii) In determining whether or not enforcement of the zoning ordinance would cause unreasonable hardship under subsection (2)(a), the administrative hearing officer may not find an unreasonable hardship if the hardship is self-imposed or economic.

(c) In determining whether or not there are special circumstances attached to the property under Subsection (2)(a), the administrative hearing officer may find that special circumstances exist only if the special circumstances:

(i) relate to the hardship complained of; and

(ii) deprive the property of privileges granted to other properties in the same district.

(3) The applicant shall bear the burden of proving that all of the conditions justifying a variance have been met.

(4) Variances run with the land.

(5) The administrative hearing officer may not grant use variances.

(6) In granting a variance, the administrative hearing officer may impose additional requirements on the applicant that will:

(a) mitigate any harmful effects of the variance; or

(b) serve the purpose of the standard or requirement that is waived or modified. (Ord. 2005-20, 7/5/05)

4-8-5. District court review of administrative hearing officer decision.

(1) Any person adversely affected by any decision of an administrative hearing officer may petition the district court for a review of the decision.

(2) In the petition, the plaintiff may only allege that the administrative hearing officer's decision was arbitrary, capricious, or illegal.

(3) The petition is barred unless it is filed within 30 days after the administrative hearing officer's decision is final. As a condition precedent to judicial review, each adversely affected person shall timely and specifically challenge a land use authority's decision, in accordance with this title.

(4) The administrative hearing officer 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. If the proceeding was tape recorded, a transcript of that tape recording is a true and correct transcript for purposes of this subsection.

(5) If there is a record, the district court's review is limited to the record provided by the administrative hearing officer. The court may not accept or consider any evidence outside the administrative hearing officer's record unless that evidence was offered to the administrative hearing officer and the court determines that it was improperly excluded by the administrative hearing officer.

(6) If there is no record, the court may call witnesses and take evidence.

(7) The court shall affirm the decision of the administrative hearing officer if the decision is supported by substantial evidence in the record.

(8) The filing of a petition does not stay the decision of the administrative hearing officer. Before filing the petition, the aggrieved party may petition the administrative hearing officer to stay its decision. Upon receipt of a petition to stay, the administrative hearing officer may order its decision stayed pending district court review if the administrative hearing officer finds it to be in the best interest of the county. After the petition is filed, the petitioner may seek an injunction staying the administrative hearing officer's decision. (Ord. 2005-20, 7/5/05)

4-8-6. Ex parte contact.

(1) Ex parte contact between an administrative hearing officer and opposing parties involved in litigation with Tooele County involving land use issues shall be prohibited. Appeal authorities shall not participate in site or office visits, electronic communication, written communication, or verbal conversation either face-to-face or over the telephone, with any individual or any representative of a company or entity involved in legal proceedings with Tooele County involving land use issues. This prohibition shall include contact with plaintiffs who have filed suit against Tooele County, claimants who have served a Notice of Claim on Tooele County, and defendants in actions filed by Tooele County, such as those in violation of provisions of the Tooele County Code or the Tooele County Land Use Ordinance.

(2) Appeal authorities shall be restricted from ex parte contact, including site or office visits, electronic communication, written communication, and verbal conversation either face-to-face or over the telephone, with any individual or representative of a company or entity when such interaction involves a request for hearings, variances, appeals of administrative decisions, or special exceptions. This restriction on ex parte contact applies to all variances, appeals of administrative decisions, or special exceptions after an application for such is filed with the Tooele County Engineering Department, while the application is under review by the administrative hearing officer or while the application is under appeal, if an appeal is filed. Appeal authorities shall not participate in ex parte contact with individuals or representatives of a company or entity opposed to a request for a hearing, variance, appeal of administrative decision, or special exception.

(3) If ex parte contact as described in Subsections (1) or (2) occurs, it shall be disclosed by the administrative hearing officer who had such contact and who shall then neither participate in the discussion nor render a decision on the matter.

(4) Receipt of written information regarding an active request for a hearing, variance, appeal of administrative decision, or special exception shall be permitted, provided such written information is disclosed by the administrative hearing officer and submitted as a part of the record. (Ord. 2005-20, 7/5/05)

CHAPTER 9

CHILDREN'S JUSTICE CENTER ADVISORY BOARD

Section

4-9-1. Establishment of board.
4-9-2. Membership.
4-9-3 Duties.

4-9-1. Establishment of board.

There is hereby created a Tooele County Children's Justice Center Advisory Board. (Ord. 96-16, 7/9/96)

4-9-2. Membership.

(1) The Tooele County Children's Justice Center Advisory Board shall be composed of:

(a) the Tooele County Children's Justice Center director or the director's designee;

(b) the county attorney or county attorneys having criminal jurisdiction or any designee;

(c) an assistant attorney general as designated by the attorney general;

(d) a county sheriff or a chief of police or any designee;

(e) the county executive or any designee;

(f) a physician licensed to practice medicine and surgery under Sections 58-12-26 through 58-12-43, Utah Medical Practice Act;

(g) a licensed mental health professional;

(h) a criminal defense attorney; and

(i) at least four members of the community at large.

(2) The members of the advisory board who serve due to public office as provided in Subsection (1)(b) through (e) shall select the remaining members. The members shall select the board's chair. (Ord. 96-16, 7/9/96)

4-9-3. Duties.

(1) The advisory board shall not supersede the authority of the contracting public agencies as designated in Section 67-5b-104 of the Utah Code.

(2) The advisory board shall establish bylaws and advise and assist the Tooele County Children's Justice

Center in the implementation of a comprehensive, multi-disciplinary, nonprofit, intergovernmental response to sexual abuse of children and serious physical abuse of children.

(3) Appointees and designees shall serve at the request and upon written agreement of the creating public agencies and persons. (Ord. 96-16, 7/9/96)

CHAPTER 10

TOWNSHIP PLANNING DISTRICTS

Section

4-10-1. Powers and duties.
4-10-2. Repealed.
4-10-3. Repealed.
4-10-4. Repealed.
4-10-5. Repealed.
4-10-6. Repealed.
4-10-7. Repealed.
4-10-8. Repealed.
4-10-9. Repealed.

4-10-1. Powers and duties.

All planning duties under the County Land Use, Development and Management Act (UCA 17-27a-101, et seq.) are assigned to the Tooele County Planning Commission. (Ord. 2013-11, 7/2/13; Ord. 2011-16, 12/6/11; Ord. 2005-20, 7/5/05; Ord. 99-1, 1/5/99;)

4-10-2. Repealed. (Ord. 2013-11, 7/2/13; Ord. 2011-16, 12/6/11; Ord. 2005-20, 7/5/05; Ord. 2005-16, 6/7/05)

4-10-3. Repealed. (Ord. 2013-11, 7/2/13; Ord. 2005-20, 7/5/05; Ord. 97-10, 6/5/97)

4-10-4. Repealed. (Ord. 2013-11, 7/2/13; Ord. 2005-20, 7/5/05; Ord. 97-10, 6/5/97)

4-10-5. Repealed. (Ord. 2013-11, 7/2/13; Ord. 2005-20, 7/5/05)

4-10-6. Repealed. (Ord. 2013-11, 7/2/13; Ord. 2005-20, 7/5/05; Ord. 97-10, 6/5/97)

4-10-7. Repealed. (Ord. 2013-11, 7/2/13; Ord. 2011-16, 12/6/11; Ord. 2005-20, 7/5/05; Ord. 99-1, 1/5/99)

4-10-8. Repealed. (Ord. 2013-11, 7/2/13; Ord. 2005-20, 7/5/05; Ord. 2005-14, 5/17/05)

4-10-9. Repealed. (Ord. 2013-11, 7/2/13; Ord. 2005-20, 7/5/05; Ord. 2005-14, 5/17/05)

CHAPTER 11

CAREER SERVICE COUNCIL

Section

4-11-1. Establishment of council.
4-11-2. Citizenship and residency.
4-11-3. Term.
4-11-4. Removal from office.
4-11-5. Chair and quorum.
4-11-6. Duties.
4-11-7. Subpoena powers.
4-11-8. Compensation.

4-11-1. Establishment of council.

There is hereby created a career service council to serve the Tooele County merit system. The council shall be composed of three bipartisan members appointed by the Tooele County Commission. Members of the council shall be persons in sympathy with the application of merit principles to public employment. (Ord. 2013-16, 10/15/13; Ord. 97-5, 4/3/97)

4-11-2. Citizenship and residency.

(1) Members of the career service council shall be United States citizens and shall be actual and bona fide residents of the state of Utah and Tooele County for a period of not less than one year preceding the date of appointment.

(2) A member of the council may not hold another government office or be employed by the county. (Ord. 2013-16, 10/15/13; Ord. 97-5, 4/3/97)

4-11-3. Term.

Each career service council member shall serve a term of three years to expire on June 30, three years after the date of his or her appointment, except that original appointees shall have staggered terms of one, two and three years. Successors of original council members shall be chosen for three year terms. An appointment to fill a vacancy on the council shall be for only the unexpired term of the appointee's successor. Each member of the board shall hold office until his successor is appointed and confirmed. (Ord. 2013-16, 10/15/13; Ord. 97-5, 4/3/97)

4-11-4. Removal from office.

A member of the career service council may be removed by the county commission for cause, after having been given a copy of the charges against him or her and an opportunity to be heard publicly on the charges before the county commission. (Ord. 2013-16, 10/15/13; Ord. 97-5, 4/3/97)

4-11-5. Chair and quorum.

The career service council shall elect one of its members as chairperson. Two or more members of the council shall constitute a quorum necessary for carrying on the business and activity of the council. (Ord. 2013-16, 10/15/13; Ord. 97-5, 4/3/97; Ord. 97-5, 4/3/97)

4-11-6. Duties.

The career service council shall:

(1) hear appeals not resolved at lower levels in the cases of employees suspended, transferred, demoted or dismissed as well in the cases of other grievances not resolved by the grievance procedure at the division or departmental level;

(2) review written appeals in cases of applicants rejected for examination;

(3) report final binding appeals decisions in writing to the Tooele County Commission, however, a right of appeal to the district court under the provisions of the Utah Rules of Civil Procedure shall not be abridged; and

(4) advertise and recruit for the director of the office of personnel management in the same manner as for merit positions and:

(a) select three names from a register; and

(b) submit those names as recommendations to the county commission. (Ord. 2013-16, 10/15/13; Ord. 97-5, 4/3/97)

4-11-7. Subpoena powers.

The career service council shall have subpoena power to compel attendance of witnesses, and to authorize witness fees where it deems appropriate, to be paid at the same rate as in justice court. (Ord. 2013-16, 10/15/13; Ord. 97-5, 4/3/97)

4-11-8. Compensation.

Career service council members shall receive compensation at the rate of $100 per diem for each day or part thereof they are in session. (Ord. 2013-16, 10/15/13; Ord. 97-5, 4/3/97)

CHAPTER 12

TOOELE COUNTY AIRPORT BOARD

Section

4-12-1. Establishment board.
4-12-2. Membership.
4-12-3. Duties.

4-12-1. Establishment board.

There is hereby created a Tooele County Airport Board for the purpose of developing policies and providing management oversight for the Tooele County Airport in Wendover, Utah. The principal goals of the board are to ensure the safe and efficient operation of the airport, to meet the air transportation needs of the region and to expand economic development opportunity in western Tooele County and, in particular, the City of Wendover, Utah. (Ord. 98-14, 6/11/98)

4-12-2. Membership.

(1) The airport board shall consist of five voting and six ex-officio members. The five voting members shall be the three Tooele County Commissioners, the Mayor of Wendover, Utah and the Airport Director. The Tooele County Attorney, the Tooele County Auditor, the Wendover Airport Manager, a representative from West Wendover City, a representative from the Wendover City Council, and a representative from the Peppermill Casino Group shall serve as ex-officio members to provide expert advice to the board.

(2) Service on the board shall be concurrent with the term of office or position designated in Subsection 1, except that the Wendover City representative shall be appointed annually. (Ord. 2012-22, 12/4/12; Ord. 98-14, 6/11/98)

4-12-3. Duties.

The airport board shall serve in an advisory capacity for overseeing and managing business affairs, property and staff of the airport. Board members shall have all powers necessary, whether specified or unspecified in its bylaws, to carry out the duties and responsibilities of their office. The board shall not supercede the authority of Tooele County as the contracting agent for the airport or as the employer of the employees at the airport. (Ord. 98-14, 6/11/98)

CHAPTER 13

TOURISM TAX ADVISORY BOARD

Section

4-13-1. Establishment of the board.
4-13-2. Membership.
4-13-3. Term in office - Compensation - Removal.
4-13-4. Duties.

4-13-1. Establishment of the board.

There is hereby created the Tooele County Tourism Tax Advisory Board. (Ord. 2001-20, 4/24/01)

4-13-2. Membership.

(1) The tourism tax advisory board shall be composed of any of the following members that are residents of the county and who represent the local:

(a) hotel and lodging industry;
(b) restaurant industry;
(c) recreational facilities;
(d) convention facilities;
(e) museums;
(f) cultural attractions; or
(g) other tourism-related industries.

(2) The tourism tax advisory board shall consist of at least five members. (Ord. 2001-20, 4/24/01)

4-13-3. Term in office - Compensation - Removal.

Each member appointed to the tourism tax advisory board shall serve a four-year term of office. Three members shall be appointed to an initial term of two years. They shall serve without compensation and benefits. They may receive per diem and expenses incurred in the performance of the member's official duties. Members may be removed for cause. Any vacancy which occurs on the board shall be filled by appointment for the unexpired term of the vacated member. (Ord. 2001-20, 4/24/01)

4-13-4. Duties.

The tourism tax advisory board shall advise the county legislative body on the best use of revenues collected from:

(a) the transient room tax allowed under Utah Code Annotated Section 59-12-301; and

(b) the tourism, recreation, cultural, and convention facilities tax allowed under Section 59-12-603, Utah Code Annotated. (Ord. 2001-20, 4/24/01)

CHAPTER 14

LIBRARY BOARD

Section

4-14-1. Library board of directors.
4-14-2. Board terms - Removal - Vacancies.
4-14-3. Treasurer.
4-14-4. Chairs' duties.
4-14-5. Meetings.
4-14-6. Committees.
4-14-7. Delegated power and duties.
4-14-8. Rules - Use of bookmobile.
4-14-9. Librarian.
4-14-10. Donations of money or property.
4-14-11. Cooperation for providing bookmobile services.

4-14-1. Library board of directors.

(1) There is hereby created a county library board whose directors shall be appointed by the county commission.

(2) The board shall consist of not less than five and not more than nine directors chosen from the citizens of the county and based upon their fitness for office.

(3) The terms of library board members shall be staggered so that approximately 1/4 of the board is selected each year.

(4) Only one member of the county commission may be, at any one time, a member of the board.

(5) Each director shall serve without compensation, but the actual and necessary expenses incurred in the performance of the director's official duties may be paid from library funds. (Ord. 2003-33, 12/23/03)

4-14-2. Board terms - Removal - Vacancies.

(1) Each library board director shall be appointed for a four-year term, or until the director's successor is appointed. Initially, appointments shall be made for one-, two-, three-, and four-year terms, and one member of the county commission for the term of that commissioner's elected office. Annually thereafter, the county commission will appoint for a four-year term, one director to take the place of the retiring director.

(2) Directors shall serve not more than two consecutive full terms.

(3) The directors shall annually select a chair and other officers.

(4) The county commission may remove any director for misconduct or neglect of duty.

(5) Vacancies in the board of directors shall be filled for the unexpired terms in the same manner as original appointments.

(6) A position on the board becomes vacant when that director ceases to be a resident of the county. The position of a director is forfeited and becomes vacant for failure to attend three regular consecutive meetings of the board, unless such absence is excused by a majority of the board. (Ord. 2003-33, 12/23/03)

4-14-3. Treasurer.

The county treasurer shall have legal custody of all bookmobile funds and shall act as the treasurer of such funds. (Ord. 2003-33, 12/23/03)

4-14-4. Chairs' duties.

(1) The chair of the board shall preside at all board meetings, authorize calls for any special meetings and generally perform the duties of a presiding officer.

(2) The chair of the board shall sign or countersign all official board documents and where appropriate recommend approval by the county commission. The chair shall arrange staff to act as clerk of the board for the purpose of actual minute taking and maintaining official records of board actions. (Ord. 2003-33, 12/23/03)

4-14-5. Meetings.

(1) The board shall meet regularly with a quorum present, whether corporal or by means of electronic equipment, for the purpose of discussing or acting upon a matter or matters. For this purpose a quorum consists of that number of board directors that represents 51% or more of the total number of board directors appointed at the time.

(2) The board shall have at least one annual meeting held in the last quarter of each year.

(3) Special meetings may be called at any time by the chair, providing notice thereof is given to the public and all directors at least 24 hours in advance.

(4) If the board director who is a member of the county commission is unable to attend any board meeting, then that director may designate an alternate to act in that director's place.

(5) If the member of the county commission who is a director of the board has designated an alternate to act in that director's stead, at any or all board meetings, then that alternate's presence shall count as a board director for purposes of meeting a quorum or voting.

(6) Meetings shall comply with all requirements of State law including the Utah Open and Public Meetings Act.

(7) Records of all board meetings shall be kept, managed, classified, and disclosed as required by county ordinance and State law, including the Government Records Access and Management Act. (Ord. 2003-33, 12/23/03)

4-14-6. Committees.

Ad hoc committees for the study and/or investigation of issues or other library matters may be appointed by the chair to serve until the completion of the work for which they were established. (Ord. 2003-33, 12/23/03)

4-14-7. Delegated power and duties.

Subject to compliance with federal laws, state laws, and county ordinances and policies:

(1) The board is hereby granted responsibility to:

(a) cooperate with the Utah State Library Division pursuant to the provisions of Title 9, Chapter 7, Section 509 of the Utah Code Annotated, as amended, in providing bookmobile services;

(b) establish policies for the operation, maintenance, and care of the bookmobile;

(c) purchase, lease, exchange, or sell personal property for the benefit of the bookmobile;

(d) establish policies for collections and information resources; and

(e) establish rules to exclude from the use of the bookmobile any person who willfully violates bookmobile rules, state laws or county ordinances.

(2) The board shall:

(a) recommend to the county commission and the director of the Utah State Library Division a competent person to act as librarian;

(b) establish and revise bookmobile policies in cooperation with the library director, subject to consistency with state and federal law and county ordinance and policies, and review by the county attorney's office;

(c) work cooperatively with the county commission, library director, bookmobile staff, other county staff, and others in the community to provide excellent bookmobile services;

(d) encourage citizen involvement in the development of long-range plans for the improvement of library services and facilities;

(e) hear and resolve relevant library issues brought to the board;

(f) make an annual report to the county commission on the condition and operation of the bookmobile, including a financial statement;

(g) submit an annual report to the State Library Board;

(h) recommend to the county commission the removal of any director of the board for misconduct or neglect of duty; and

(i) furnish to the county commission, in writing, and prior to the time required by law to levy county taxes, an estimate of the amount of moneys necessary to establish, equip, and maintain the

bookmobile and to provide services during the next ensuing fiscal year. (Ord. 2003-33, 12/23/03)

4-14-8. Rules - Use of bookmobile.

(1) The board shall make rules in a manner consistent with county ordinances, policies and procedures for the governing of the bookmobile.

(2) The bookmobile shall be free to the use of the inhabitants of Tooele County, subject to the rules made as prescribed by this section. (Ord. 2003-33, 12/23/03)

4-14-9. Librarian.

The librarian shall:

(1) serve as executive officer for the library board;

(2) be responsible for the administration of the bookmobile under the policies adopted by the board and the county;

(3) recommend such policies and procedures to the board that will promote the efficiency of the bookmobile and improve services to its patrons;

(4) be accountable to the county commission in complying with bookmobile policy, county-wide policy, county ordinances, and state and federal laws;

(5) be responsible for the maintenance and operation of properties belonging to the county for its bookmobile;

(6) submit regularly and timely reports to the board on the progress, activities and finances of the bookmobile;

(7) ensure the appropriate receipt of non-tax income collection and expenditure of all county bookmobile funds; and

(8) perform other duties as established in the director's official job description. (Ord. 2003-33, 12/23/03)

4-14-10. Donations of money or property.

(1) A person desiring to make a donation of money, personal property, or real estate for the benefit of the bookmobile has the right to vest the title to the money, personal property, or real estate in the county, designated for the benefit and purposes of the bookmobile.

(2) The county shall hold donated personal property and control of the donation according to the terms of the deed, gift, devise, or bequest of the property, and shall be the trustee of the property. (Ord. 2003-33, 12/23/03)

4-14-11. Cooperation for providing bookmobile services.

The library board of directors may cooperate in providing bookmobile services under an interlocal agreement approved and implemented in accordance with Title 11, Chapter 13, Interlocal Cooperation Act, with the boards of directors of city libraries, boards of education, governing boards of other educational institutions, library agencies, and local political subdivisions. (Ord. 2003-33, 12/23/03)

CHAPTER 15

WORKERS' COMPENSATION ACCIDENT BOARD

Section

4-15-1. Board established.
4-15-2. Membership and terms.
4-15-3. Duties.

4-15-1. Board established.

There is hereby created the Tooele County Workers' Compensation Accident Board. (Ord. 2005-17, 6/14/05)

4-15-2. Membership and terms.

Workers' Compensation Accident Board members shall be appointed by the Tooele County Commission. Their terms will run indefinitely. (Ord. 2005-17, 6/14/05)

4-15-3. Duties.

The Workers' Compensation Accident Board shall meet on a regular basis, but not less than quarterly, unless there are no accidents to review; keep written minutes of each meeting and forward a copy of the minutes to the Workers' Compensation Loss Control Manager; review all accidents that involve personal injury to county employees or volunteers, or that involve claims that have been reported to the county's Workers' Compensation loss carrier; and send copies of the accident reviews or reports to such carrier. (Ord. 2005-17, 6/14/05)

CHAPTER 16

BOARD OF APPEALS

Section

4-16-1. Appeals board established.
4-16-2. Membership.
4-16-3. Term in office - Compensation - Removal.
4-16-4. Duties.

4-16-1. Appeals board established.

There is hereby created the Board of Appeals pursuant to Section 112 of the International Building Code. (Ord. 2006-02, 1/3/06)

4-16-2. Membership.

The Board of Appeals shall be appointed by the Tooele County Commission. (Ord. 2006-02, 1/3/06)

4-16-3. Term in office - Compensation - Removal.

Each member appointed to the Board of Appeals shall serve a four-year term of office. They shall serve without compensation and benefits. They may receive per diem and expenses incurred in the performance of their official duties. Members may be removed by the county commission for cause. Any vacancy which occurs on the board shall be filled by appointment for the unexpired term of the vacated member. (Ord. 2006-02, 1/3/06)

4-16-4. Duties.

The Board of Appeals shall hear and decide appeals of orders, decisions, or determinations made by the building official relative to the application and interpretation of the International Building Code. The board shall have no authority to waive requirements of the International Building Code. (Ord. 2006-02, 1/3/06)

CHAPTER 17

EMERGENCY RELIEF SERVICES COORDINATION BOARD

Section

4-17-1. Establishment of relief board.
4-17-2. Members - Term in office - Compensation - Removal.
4-17-3. Duties.

4-17-1. Establishment of relief board.

There is hereby created the Emergency Relief Services Coordination Board for Tooele County. (Ord. 2006-04, 1/17/06)

4-17-2. Members - Term in office - Compensation - Removal.

The Emergency Relief Services Coordination Board shall consist of at least five members, but not more than seven. Each member appointed to the board shall serve a four-year term of office. Three members shall be appointed to an initial term of two years. Board members shall be representative of law enforcement, religious entities, social services agencies, business, county citizens, and the county. All members shall serve without compensation and benefits. They may receive per diem and expenses incurred in the performance of their official duties. Members may be removed for cause. Any vacancy which occurs on the board shall be filled by appointment for the unexpired term of the vacated member. (Ord. 2006-04, 1/17/06)

4-17-3. Duties.

The Emergency Relief Services Coordination Board shall:

(1) develop and implement a strategic plan for emergency relief services coordination in Tooele County for those in need of immediate emotional, physical, and employment assistance;

(2) develop and adopt administrative policies and procedures and provide oversight and administrative direction over all emergency relief services coordination activities;

(3) become experts in the different welfare and social programs the State, County, and Federal governments and religious groups offer to assist those with immediate needs;

(4) review and approve an annual budget for each calendar year with the concurrence of the participating public entities, provide ongoing financial oversight of project operations, and submit monthly financial reports to the participating entities;

(5) direct the work of the qualified professional Emergency Relief Services Coordinator and volunteers to implement emergency relief services coordination plans, goals, and objectives, and assure no duplication of services and avoid abuse of services;

(6) appoint and direct the work of special advisory committees as needed to perform special assignments or assist with special projects;

(7) approve all program expenditures over $500.00, and assure that all expenditures are authorized by the adopted budget;

(8) request independent financial audits as deemed necessary, but ensure that at least one audit per year is performed, which may be combined as part of a single audit performed for any of the participating public entities; and

(9) issue annual reports of each preceding year's activities to Tooele County and other participating municipalities and charitable organizations. (Ord. 2006-04, 1/17/06)

CHAPTER 18

TRAILS COMMITTEE

Section
4-18-1. Establishment of committee.
4-18-2. Members - Term in office - Compensation - Removal.
4-18-3. Duties.

4-18-1. Establishment of committee.

There is hereby created the Trails Committee for Tooele County. (Ord. 2006-10, 3/21/06)

4-18-2. Members - Term in office - Compensation - Removal.

The Trails Committee shall consist of at least five members. Each member appointed to the board shall serve a four-year term of office. At least three members shall be appointed to an initial term of two years. Board members shall be representative of the community at large. All members shall serve without compensation and benefits. They may receive per diem and expenses incurred in the performance of their official duties. Members may be removed for cause. Any vacancy which occurs on the board shall be filled by appointment for the unexpired term of the vacated member. (Ord. 2006-10, 3/21/06)

4-18-3. Duties.

The Trails Committee shall:

(1) develop environmentally, ecologically, and biologically sensitive plans for the trail system based on the General Plan, stakeholder/landowner plans/vision, user needs, standards, and public input;

(2) establish recommended plans and goals;

(3) make policy recommendations to government agencies;

(4) educate the public and promote implementation of trail plans;

(5) acquire property and easements for trail systems;

(6) design and develop trails; and

(7) promote economic development and tourism in the county. (Ord. 2006-10, 3/21/06)

CHAPTER 19

ECONOMIC DEVELOPMENT ADVISORY COMMITTEE

Section
4-19-1. Economic development advisory committee created.
4-19-2. Appointment - Term - Vacancy.
4-19-3. Officers - Meetings.
4-19-4. Role of the advisory committee.
4-19-5. Compensation.
4-19-6. Economic Development Advisory Committee serves as the Industrial Protection Area Advisory Board.

4-19-1. Economic development advisory committee created.

There is hereby created the Economic Development Advisory Committee of Tooele County. (Ord. 2006-11, 3/21/06)

4-19-2. Appointment - Term - Vacancy.

(1) The advisory committee shall be comprised of five to seven appointed members. One member of the economic development advisory board shall be appointed from the Tooele County School District. The remaining members of the committee shall be appointed from members of the public to include, to the extent reasonably possible, the broadest representation from people involved with or interested in the various and diverse aspects of economic development activities and having backgrounds, experience, talents, and expertise in areas of economic development that would be beneficial to the county and the community.

(2) Economic Development Advisory Committee members shall be appointed to four-year terms. Members shall serve four-year terms and until their successors are appointed and qualified. Terms shall commence on January 1 of each year. In the event a term of a member expires without the member having been reappointed or a successor having been appointed, the member shall continue to serve until a successor is appointed, and the term of the successor shall terminate on the same day as though the successor was appointed in a timely manner. Terms of at least two members, and not more than three, shall expire each year. (Ord. 2006-11, 3/21/06)

4-19-3. Officers - Meetings.

(1) At its first meeting of each year, the advisory committee members shall elect a chair and vice chairperson from among its members. The committee shall determine its own schedule for meetings, keeping of minutes, and other details of the committee's functions.

(2) It shall be the duty of the chairperson to preside over all meetings of the advisory committee. The vice chairperson shall preside at all meetings where the chairperson is absent. A majority of the members of the board shall constitute a quorum for the transaction of business, and a majority vote of those present shall be necessary to carry any recommended action.

(3) The committee shall not have any authority over employees of the county, the county budget, or property of the county, but shall act solely as an advisory committee. The publication and advertisement of the time and place of meetings of the committee will not be necessary, but shall be done at the committee's discretion. The planning and economic development advisor and their staff will provide the necessary staff support for the work of the committee and shall act as the liaison to the county commission on behalf of the committee. (Ord. 2006-11, 3/21/06)

4-19-4. Role of the advisory committee.

The Economic Development Advisory Committee is created to assist and advise the county commission in connection with issues and programs involving economic development which may include:

(1) facilitating cooperation and coordination with various community groups and neighborhoods on economic development issues;

(2) making recommendations to the planning commissions, county commission, and to planning and economic development division staff for programs in which the county could or should participate to enhance economic development opportunities, which may be in cooperation with any appropriate private, public, civic or community agency, group, or association, or any of the cities, county, state or federal government;

(3) making recommendations to the county commission regarding requests for financial incentives from prospective businesses;

(4) recommending ways and means of obtaining private, local, county, state, or federal funds and other participation for the promotion of economic development projects within the county; and

(5) working with county planning and economic development staff, committees, and other community based groups, as directed by the county commission, on economic issues and projects. (Ord. 2006-11, 3/21/06)

4-19-5. Compensation.

The members of the Economic Development Advisory Committee shall serve without compensation, but may be reimbursed for reasonable and necessary expenses incurred in the performance of their duties. (Ord. 2006-11, 3/21/06)

4-19-6. Economic Development Advisory Committee serves as the Industrial Protection Area Advisory Board.

The Economic Development Advisory Committee shall serve as the Industrial Protection Area Advisory Board established for Tooele County pursuant to Utah Code Annotated Section 17-41-201 to perform the duties set forth therein. (Ord. 2006-11, 3/21/06)

CHAPTER 20

ACCIDENT REVIEW BOARD

Section

4-20-1. Board established.
4-20-2. Membership and terms.
4-20-3. Duties.

4-20-1. Board established.

There is hereby created the Tooele County Accident Review Board. (Ord. 2004-23, 9/7/04)

4-20-2. Membership and terms.

Accident Review Board members shall be appointed by the Tooele County Commission. Their terms will run indefinitely. (Ord. 2004-23, 9/7/04)

4-20-3. Duties.

The Accident Review Board shall review and monitor all accidents, damage, loss, and claims regarding Tooele County property and also those accidents caused by or involving on-duty county employees. The board shall make recommendations to the county commission for safety initiatives for the protection of county employees and equipment and for the protection of the general public. (Ord. 2004-23, 9/7/04)

CHAPTER 21

AUDIT COMMITTEE

Section

4-21-1. Establishment of committee.
4-21-2. Appointment – Term – Compensation.
4-21-3. Chairman – Meetings.
4-21-4. Duties.
4-21-5. Reporting – Dismissal.
4-21-6. Role of the Audit Committee.

4-21-1. Establishment of committee.

There is hereby created the Audit Committee for Tooele County. (Ord. 2013-15, 10/1/13)

4-21-2. Appointment – Term – Compensation.

(1) The Audit Committee shall be comprised of three to five members appointed by the Tooele County Commission. The committee members must have a basic understanding of financial reports and independent auditing standards with one member who is designated as the financial expert.

(2) Each committee member shall be free of any relationship that, in the opinion of the Commission, would interfere with his or her individual exercise of independent judgment. County elected officials, employees, and their immediate family members may not serve on the committee.

(3) Committee members may serve up to two four-year terms.

(4) Each member shall be paid a $1,000 annual stipend, half of which will be paid by check at the two required meetings. (Ord. 2013-15, 10/1/13)

4-21-3. Chairman – Meetings.

(1) The committee members shall elect a chairman at the end of each audit cycle to serve as chairman for the following cycle.

(2) The Audit Committee shall meet as needed to fulfill its responsibilities, but will meet at least twice annually; once to review the audit plan and once to review the audited financial statements. The committee may also meet to discuss the approval of the audit engagement, special investigations related to fraud, financial irregularities, and internal control failures. (Ord. 2013-15, 10/1/13)

4-21-4. Duties.

The Audit Committee shall:

(1) develop and annually review audit-related policies and have a regular process of determining whether the County is receiving quality audit services for a fair price based on established policies and regulations;

(2) meet with the audit firm to review the audited financial statements;

(3) address any issues identified in the required communications and management letter;

(4) solicit from the audit form observations on staff skills, qualifications, and performance related to those audited functions;

(5) review the performance of the auditors, ensuring continued independence;

(6) review the audit plans for the coming year and discuss with the external audit firm and internal auditor(s);

(7) review with management and the external auditor, the internal control process, financial risk management, and mitigation process;

(8) report and recommend the results of audit findings to the Commission for approval;

(9) act as external point of contact for any whistle-blowing issues on financial matters, and, if necessary, initiate special investigations of policies, procedures, and practices;

(10) review the presentation of the financial information in the annual report before printed;

(11) conduct private executive sessions at least annually with the external auditors and management;

(12) assure that management understands the audit report and makes recommendations for changes in policy or practice as supported by the audit report; and

(13) conduct an annual review of the Audit Committee Charter and recommend appropriate changes to the Commission. (Ord. 2013-15, 10/1/13)

4-21-5. Reporting – Dismissal.

(1) The Audit Committee shall report directly to the County Commission.

(2) Committee members may be dismissed from the committee should any objectionable acts be committed or independence be compromised. Dismissal requires a unanimous vote by the Commissioners. (Ord. 2013-15, 10/1/13)

4-21-6. Role of the Audit Committee.

(1) The Audit Committee is created to oversee proper external review of the audited financial statements, as well as the County's financial risk management, to include monitoring the internal control environment. The committee also helps the County Commissioners understand and interpret the financial statements and audit reports.

(2) The Audit Committee assists the Commission with oversight of the following:

(a) integrity of the County's financial statements;

(b) internal control over the financial reporting process;

(c) external auditor's qualifications, independence, and performance;

(d) performance of the internal audit function; and

(e) compliance with legal and regulatory requirements. (Ord. 2013-15, 10/1/13)

TITLE 5

ADMINISTRATIVE CODE ENFORCEMENT HEARING PROGRAM

Chapter

1. **General.**
2. **Notice and Service of Process.**
3. **Abatement.**
4. **Administrative Citation Program.**
5. **Administrative Code Enforcement Hearings.**
6. **Appeal of Administrative Code Enforcement Hearing Decision.**
7. **Recordation of Notices.**
8. **Civil Penalties.**
9. **Administrative Fees and Costs.**
10. **Civil Violations.**
11. **Tax Liens and Recovery Cost Methods.**
12. **Abatement Funding and Collection of Funds.**

CHAPTER 1

GENERAL

Section

5-1-1. Short title.
5-1-2. Purpose.
5-1-3. Scope.
5-1-4. Existing law continued.
5-1-5. Criminal prosecution right.
5-1-6. No mandatory duty -- Civil liability.
5-1-7. General rules of interpretation.
5-1-8. Definitions.
5-1-9. Acts include causing, aiding, and abetting.
5-1-10. General enforcement authority.
5-1-11. Adoption of policy and procedures.
5-1-12. Authority to inspect.
5-1-13. Citations.
5-1-14. False information or refusal prohibited.
5-1-15. Failure to obey a subpoena.

5-1-1. Short title.

This title shall be known as the "Administrative Code Enforcement Hearing Program" or "A.C.E. Hearing Program." This title shall also be known as Title 5, Tooele County Code. It may be cited and pleaded under either designation. (Ord. 2005-05, 2/15/05)

5-1-2. Purpose.

The county commission finds that the enforcement of the Tooele County Code, the Uniform Zoning Ordinance of Tooele County, and applicable state statutes throughout the County is an important public service. Code enforcement is vital to the protection of the public's health, safety, and quality of life. The county commission recognizes that enforcement starts with the drafting of precise regulations that can be effectively applied in administrative code enforcement hearings and judicial proceedings. The county commission further finds that a comprehensive code enforcement system that uses a combination of judicial and administrative remedies is critical to gain compliance with these regulations. Failure to comply with an administrative code enforcement action may require the county attorney to file a judicial action to gain compliance. (Ord. 2005-05, 2/15/05)

5-1-3. Scope.

The provisions of this title may be applied to all violations of the Tooele County Code and zoning ordinance. It has been designed as an additional remedy for the County to use in achieving compliance of its ordinances. (Ord. 2005-05, 2/15/05)

5-1-4. Existing law continued.

The provisions of this title do not invalidate any other title or ordinance but shall be read in conjunction with those titles and ordinances as an additional remedy available for enforcement of those ordinances. (Ord. 2005-05, 2/15/05)

5-1-5. Criminal prosecution right.

The County has sole discretion in deciding whether to file a civil or criminal case for the violation of any of its codes, ordinances, or state statutes. The County may choose to file both or one or the other. The enactment of this administrative remedy shall in no way interfere with the County's right to prosecute violations as criminal offenses. The County may use any of the remedies available under the law in both civil and criminal prosecution. If the County chooses to file both civil and criminal charges for the same day of violation, no civil penalties may be assessed, but all other remedies are available. (Ord. 2005-05, 2/15/05)

5-1-6. No mandatory duty -- Civil liability.

It is the intent of the county commission that in establishing performance standards or establishing an obligation to act by a County officer or employee, these standards shall not be construed as creating a mandatory duty for purposes of tort liability if the officer or employee fails to perform his or her directed duty or duties. (Ord. 2005-05, 2/15/05)

5-1-7. General rules of interpretation.

For purposes of this title:

(1) Any gender includes the other gender.

(2) "Shall" is mandatory; "may" is permissive.

(3) The singular number includes the plural and the plural the singular.

(4) Words used in the present tense include the past and future tense and vice versa.

(5) Words and phrases used in this title and not specifically defined shall be construed according to the context and approved usage of the language. (Ord. 2005-05, 2/15/05)

5-1-8. Definitions.

As used in this title:

(1) "Abatement" means any action the County may take on public or private property and any adjacent property as may be necessary to remove or alleviate a violation; including, but not limited to, demolition, removal, repair, boarding, and securing or replacement of property.

(2) "Administrative code enforcement order" means an order issued by a hearing officer. The order may include an order to abate the violation, pay civil penalties and administrative costs, or take any other action as authorized or required by this title and applicable state statutes.

(3) "Administrative code enforcement hearing officer" means the administrative code enforcement hearing officer presiding established pursuant to this title.

(4) "County" means the area within the unincorporated areas of Tooele County.

(5) "County commission" means the Board of County Commissioners of Tooele County.

(6) "Code enforcement lien" means a lien recorded to collect outstanding civil penalties, administrative fees, and costs.

(7) "Code enforcement performance bond" means a bond posted by a responsible person to ensure compliance with the Tooele County Code and zoning ordinance, applicable state titles, a judicial action, or an administrative code enforcement order.

(8) "Enforcement official" means any person authorized to enforce violations of the Tooele County Code, the zoning ordinance, or applicable state statutes.

(9) "Financial institution" means any person that holds a recorded mortgage or deed of trust on a property.

(10) "Good cause" means an incapacitating illness; death; lack of proper notice; unavailability due to unavoidable, unpreventable, or extenuating emergency or circumstance; a required act that causes an imminent and irreparable injury; or acts of nature adverse to performing required acts.

(11) "Hearing officer" means the administrative code enforcement hearing officer.

(12) "Imminent life safety hazard" means any condition that creates a present, extreme, and immediate danger to life, property, health, or public safety.

(13) "Legal interest" means any interest that is represented by a document; such as a deed of trust, quitclaim deed, mortgage, judgment lien, tax or assessment lien, mechanic's lien, or other similar instrument that is recorded with the county recorder.

(14) "Notice of compliance" means a document issued by the enforcement official representing that a property complies with the requirements outlined in the notice of violation.

(15) "Notice of satisfaction" means a document or form approved by the administrative code enforcement hearing officer or designee, which indicates that all outstanding civil penalties and costs have been either paid in full or that an agreed amount has been negotiated or that a subsequent administrative or judicial decision has resolved the outstanding debt. In addition to the satisfaction of the financial debt, the property must also be in compliance with the requirements outlined in the notice of violation.

(16) "Notice of violation" means a written notice prepared by the enforcement official that informs a responsible person of code violations and orders them to take certain steps to correct the violations.

(17) "Oath" includes affirmations and oaths.

(18) "Ordinance enforcement administrator" means the zoning administrator.

(19) "Person" means any natural person; firm; joint venture; joint stock company; partnership; association; club; company; corporation; business trust; organization; or the manager, lessee, agent, sergeant, officer, or employee of any of them; or any other entity that is recognized by law as the subject of rights or duties.

(20) "Property owner" means the record owner of real property based on the county recorder's records.

(21) "Public nuisance" means any condition caused, maintained, or permitted to exist that constitutes a threat to the public's health, safety, and welfare; or that significantly obstructs, injures, or interferes with the reasonable or free use of property in a neighborhood or community or by any considerable number of persons. A public nuisance also has the same meaning as set forth in the Utah Code Annotated.

(22) "Responsible person" means a person who is responsible for causing or maintaining a violation of the Tooele County Code, zoning ordinance, or applicable state statutes. The property owner, tenant, person with a legal interest in the real property, or person in possession of the real property shall be liable for any violation maintained on the property. In all cases, the

property owner shall be considered a responsible person.

(23) "Written" includes handwritten, typewritten, photocopied, computer printed, or facsimile.

(24) "Zoning ordinance" means the Uniform Zoning Ordinance of Tooele County. (Ord. 2005-05, 2/15/05)

5-1-9. Acts include causing, aiding, and abetting.

Whenever any act or omission is made unlawful in this title, it shall include causing, permitting, aiding, or abetting such act or omission. (Ord. 2005-05, 2/15/05)

5-1-10. General enforcement authority.

Whenever the ordinance enforcement administrator or enforcement official finds that a violation of the Tooele County Code, zoning ordinance, or applicable state statutes has occurred or continues to exist, the appropriate administrative enforcement procedure may be used as outlined in this title. The ordinance enforcement administrator or designated enforcement official has the authority and power necessary to gain compliance with the provisions of the Tooele County Code, zoning ordinance, and applicable state statutes. These powers include the power to issue notices of violation and administrative citations, inspect public and private property, abate public and private property, and use whatever judicial and administrative remedies are available under the Tooele County Code, zoning ordinance, or applicable state statutes. (Ord. 2005-05, 2/15/05)

5-1-11. Adoption of policy and procedures.

The hearing officer is authorized to develop policies and procedures relating to the hearing procedures, scope of hearings, subpoena powers, and other matters relating to the Administrative Code Enforcement Hearing Program. (Ord. 2005-05, 2/15/05)

5-1-12. Authority to inspect.

The ordinance enforcement administrator or designated enforcement official is authorized to enter upon any property or premises to ascertain whether the provisions of the Tooele County Code, zoning ordinance, or applicable state statutes are being obeyed and to make any examinations and surveys as may be necessary in the performance of the enforcement duties. This may include the taking of photographs, samples, or other physical evidence. All inspections, entries, examinations, and surveys shall be done in a reasonable manner based upon cause. If the responsible person refuses to allow the enforcement official to enter the property, the enforcement official shall obtain a search warrant. (Ord. 2005-05, 2/15/05)

5-1-13. Citations.

The ordinance enforcement administrator or designated enforcement official is authorized to issue a misdemeanor citation or administrative citation to any person whenever there is reasonable cause to believe that the person has committed a violation of the Tooele County Code, zoning ordinance, or applicable state statutes in the enforcement official's presence. (Ord. 2005-05, 2/15/05)

5-1-14. False information or refusal prohibited.

It shall be unlawful for any person to willfully make a false statement or refuse to give his or her name or address with intent to deceive or interfere with the ordinance enforcement administrator or an enforcement official when in the performance of official duties under the provisions of this title. A violation of this is a class C misdemeanor. (Ord. 2005-05, 2/15/05)

5-1-15. Failure to obey a subpoena.

It is unlawful for any person to refuse or fail to obey a subpoena issued for an administrative code enforcement hearing. Failure to obey a subpoena constitutes contempt and may be prosecuted as a class B misdemeanor. (Ord. 2005-05, 2/15/05)

CHAPTER 2

NOTICE AND SERVICE OF PROCESS

Section

5-2-1. Service of process.
5-2-2. Constructive notice of recorded documents.
5-2-3. Notice of violation.
5-2-4. Failure to bring property into compliance.
5-2-5. Inspections.

5-2-1. Service of process.

(1) Whenever service is required to be given under this title for enforcement purposes, the document shall be served by:

(a) regular mail, postage prepaid, to the last known address of the owner or other responsible person;

(b) posting the notice conspicuously on or in front of the property. If not inhabited, the notice must also be mailed as in Subsection (1)(a). The form of the posted notice shall be approved by the ordinance enforcement administrator or designee;

(c) personal service pursuant to Utah Rules of Civil Procedure Rule 4(e)(1) or Rule 4(e)(5); or

(d) publishing in a newspaper of general circulation where the identity or whereabouts of the

person to be served are unknown and cannot be ascertained through reasonable diligence, where service is impracticable under the circumstances, or where there exists good cause to believe that the person to be served is avoiding service of process.

(2) Service by regular mail shall be deemed served on the third day after the date of mailing.

(3) If service complies with the requirements of this section, it shall be deemed a valid service even if a party claims not to have received the service and it shall not affect the validity of any proceedings taken under this title.

(4) The failure to serve all responsible persons shall not affect the validity of any proceedings. (Ord. 2005-05, 2/15/05)

5-2-2. Constructive notice of recorded documents.

Whenever a document is recorded with the county recorder as authorized or required by this title or applicable state statutes, recordation shall provide constructive notice of the information contained in the recorded documents. (Ord. 2005-05, 2/15/05)

5-2-3. Notice of violation.

(1) Whenever the ordinance enforcement administrator or designated enforcement official determines that a violation of the Tooele County Code, zoning ordinance, or applicable state statutes has occurred or continues to exist, the Administrator or enforcement official may choose to proceed under the administrative abatement procedure. If this procedure is used, a notice of violation shall be issued to a responsible person. The notice of violation shall include the following information:

(a) name of property owner;

(b) street address of violation;

(c) the date when the violation was observed;

(d) all codes violated and a description of condition of the property that violates the applicable codes;

(e) a statement explaining the type of remedial action required to permanently correct outstanding violations, which may include corrections, repairs, demolition, removal, or other appropriate action;

(f) a specific date to correct the violations listed in the notice of violation, which date shall be at least ten days from the date of service;

(g) an explanation of the consequences should the responsible person fail to comply with the terms and deadlines as prescribed in the notice of violation, which may include, but is not limited to, criminal prosecution, civil penalties, revocation of permits, recordation of the notice of violation, withholding of future county permits, abatement of the violation, costs, administrative fees, and any other legal remedies;

(h) a statement that civil penalties will begin to accrue immediately on expiration of the date to correct violations;

(i) the amount of the civil penalty on each violation and a statement that the penalty will accrue daily until the property is brought into compliance;

(j) a statement that only one notice of violation is required for any 12-month period and that civil penalties begin immediately upon any subsequent violations of the notice. The responsible person may request a hearing on the renewed violations by following the same procedure as provided for the original notice; and

(k) procedures to request a hearing as provided in Section 5-5-3 and consequences for failure to request a hearing.

(2) The notice of violation shall be served by one of the methods of service listed in Section 5-2-1.

(3) More than one notice of violation may be issued against the same responsible person if it encompasses different dates or different violations. (Ord. 2005-05, 2/15/05)

5-2-4. Failure to bring property into compliance.

(1) If a responsible person fails to bring a violation into compliance within ten days of service of the notice of violation, civil penalties shall be owed to the County for each and every subsequent day of violation.

(2) Failure to comply with the notice of violation is a class B misdemeanor. (Ord. 2005-05, 2/15/05)

5-2-5. Inspections.

It shall be the duty of the responsible person served with a notice of violation to request an inspection when the property has been brought into compliance. It is prima facie evidence that the violation remains on the property if no inspection is requested. Civil penalties accumulate daily until the property has been inspected and a notice of compliance is issued. Reinspection fees shall be assessed if more than one inspection is necessary. (Ord. 2005-05, 2/15/05)

CHAPTER 3

ABATEMENT

Section

5-3-1. Purpose.
5-3-2. Procedures on emergency abatement.
5-3-3. Notice of emergency abatement.
5-3-4. Authority.
5-3-5. Procedures.
5-3-6. Authority to abate.
5-3-7. Procedures for abatement.

5-3-1. Purpose.

(1) Whenever the ordinance enforcement administrator determines that an imminent life safety hazard exists that requires immediate correction or elimination, the administrator may exercise the following powers without prior notice to the responsible person:

(a) order the immediate evacuation of any tenants and prohibit occupancy until all repairs are completed;

(b) post the premises as unsafe, substandard, or dangerous;

(c) board, fence, or secure the building or site;

(d) raze and grade that portion of the building or site to prevent further collapse and remove any hazard to the general public;

(e) make any minimal emergency repairs as necessary to eliminate any imminent life safety hazard; or

(f) take any other action appropriate to eliminate the emergency.

(2) The ordinance enforcement administrator has the authority, based on cause, to enter the property without a search warrant or court order to accomplish the above listed acts to abate the imminent life safety hazard.

(3) The responsible person shall be liable for all costs associated with the abatement of the life safety hazard. Costs may be recovered pursuant to this title. (Ord. 2005-05, 2/15/05)

5-3-2. Procedures on emergency abatement.

(1) The ordinance enforcement administrator shall pursue only the minimum level of correction or abatement as necessary to eliminate the immediacy of an imminent life safety hazard. Costs incurred by the County during the emergency abatement process shall be assessed and recovered against the responsible person through invoicing and the procedures in Chapter 11.

(2) The ordinance enforcement administrator may also pursue any other administrative or judicial remedy to abate any remaining violations. (Ord. 2005-05, 2/15/05)

5-3-3. Notice of emergency abatement.

After an emergency abatement, the enforcement official shall notify the owner or responsible person of the abatement action taken. This notice shall be served within ten days of completion of the abatement. (Ord. 2005-05, 2/15/05)

5-3-4. Authority.

Whenever the ordinance enforcement administrator, chief building officer, or fire marshal determines that a property or building requires demolition, any one of them may demolish or remove the offending structure or exercise any or all of the powers listed in Section 5-3-1 once appropriate notice has been given to a responsible person pursuant to the Uniform Abatement of Dangerous Buildings Code or Uniform Fire Code as required under state law. The ordinance enforcement administrator is authorized to assess all costs for the abatement to the responsible person and use any remedy available under the law to collect the costs. If additional abatements are necessary within two years, treble costs may be assessed against the responsible person for the actual abatement. (Ord. 2005-05, 2/15/05)

5-3-5. Procedures.

Once the ordinance enforcement administrator has determined that the chief building officer or the fire marshal has complied with all of the notice requirements of the applicable laws, the property will be abated pursuant to the abatement remedy. Other applicable remedies may also be pursued. (Ord. 2005-05, 2/15/05)

5-3-6. Authority to abate.

The ordinance enforcement administrator is authorized to enter upon any property or premises to abate the violation of the Tooele County Code, zoning ordinance, and applicable state statutes. The removal or abatement of signs on public property require no notice but do invoke the civil penalty associated with their placement and costs of removal. (Ord. 2005-05, 2/15/05)

5-3-7. Procedures for abatement.

(1) Once the procedures set forth in this title have been completed, the violation may be abated by County personnel or by a private contractor acting under the direction of the County.

(2) County personnel or a private contractor may enter upon private property in a reasonable manner to

abate the ordinance violation as specified in the notice of violation or administrative code enforcement order.

(3) If the responsible person abates the violation before the County performs the actual abatement pursuant to a notice of violation or administrative code enforcement order, the ordinance enforcement administrator may still assess all costs incurred by the County against the responsible person.

(4) When the abatement is completed, a report describing the work performed and an itemized account of the total abatement costs shall be prepared by the ordinance enforcement administrator. The report shall contain the names and addresses of the responsible persons of each parcel and the tax parcel number.

(5) The ordinance enforcement administrator shall serve the notice of costs and the itemized bill of costs by certified mail to the last known address of the responsible person. The notice shall demand full payment within 20 days to the county treasurer.

(6) The ordinance enforcement administrator shall schedule a hearing to review the itemized bill for costs if requested in writing by any or all responsible persons. (Ord. 2005-05, 2/15/05)

CHAPTER 4

ADMINISTRATIVE CITATION PROGRAM

Section

5-4-1. Authority.
5-4-2. Procedures.
5-4-3. Contents of administrative citation.
5-4-4. Civil penalties assessed.

5-4-1. Authority.

(1) Any person violating any provision of the Tooele County Code, zoning ordinance, or applicable state statutes may be issued an administrative citation by an enforcement official as provided in this chapter.

(2) A civil penalty shall be assessed by means of an administrative citation issued by the enforcement official and shall be payable directly to the county treasurer.

(3) Penalties assessed by means of an administrative citation shall be collected in accordance with Chapter 11. (Ord. 2005-05, 2/15/05)

5-4-2. Procedures.

(1) Upon discovering any violation of the Tooele County Code, zoning ordinance, or applicable state statutes, an enforcement official may issue an administrative citation to a responsible person in the manner prescribed in this chapter or as prescribed in Section 5-2-1.

(2) If the responsible person is a business, the enforcement official shall attempt to locate the business owner and issue an administrative citation to the business owner. If the enforcement official can only locate the manager of the business, the administrative citation may be given to the manager of the business. A copy of the administrative citation may also be served upon the business owner or any other responsible person.

(3) Once the responsible person has been located, the enforcement official shall attempt to obtain the signature of that person on the administrative citation. If the responsible person refuses or fails to sign the administrative citation, the failure or refusal to sign shall not affect the validity of the citation and subsequent proceedings.

(4) If the enforcement official is unable to locate the responsible person for the violation, then the administrative citation shall be served upon the responsible person.

(5) If no one can be located at the property, the administrative citation shall be posted in a conspicuous place on or near the property and a copy subsequently served upon the responsible person.

(6) The failure of any person with an interest in the property to receive notice shall not affect the validity of any proceedings taken under this title. (Ord. 2005-05, 2/15/05)

5-4-3. Contents of administrative citation.

Administrative citation shall:

(1) provide the date and location of the violations and the approximate time the violations were observed;

(2) refer to the codes violated and the titles of those sections;

(3) state the amount of penalty imposed for the violations;

(4) explain how the penalty shall be paid, the time period by which the penalty shall be paid, and the consequences of failure to pay the penalty;

(5) identify the right and the procedures to request a hearing; and

(6) contain the signature of the enforcement official and the signature of the responsible person, if he or she can be located. (Ord. 2005-05, 2/15/05)

5-4-4. Civil penalties assessed.

(1) Civil penalties shall be assessed immediately for each violation listed on the administrative citation. The penalties shall be those established by resolution of the county commission.

(2) Payment of the penalty shall not excuse the failure to correct the violations, nor shall it bar further enforcement action by the enforcement official. (Ord. 2005-05, 2/15/05)

CHAPTER 5

ADMINISTRATIVE CODE ENFORCEMENT HEARINGS

Section

5-5-1. Declaration of purpose.
5-5-2. Authority and scope of hearings.
5-5-3. Request for administrative code enforcement hearing.
5-5-4. Default hearings and orders.
5-5-5. Notification of administrative code enforcement hearing.
5-5-6. Disqualification of code enforcement hearing officer.
5-5-7. Powers of the administrative code enforcement hearing officer.
5-5-8. Procedures at administrative code enforcement hearing.
5-5-9. Failure to attend administrative code enforcement hearing.
5-5-10. Administrative code enforcement order.
5-5-11. Failure to comply with order.

5-5-1. Declaration of purpose.

The county commission finds that there is a need to establish uniform procedures for administrative code enforcement hearings conducted pursuant to the Tooele County Code. It is the purpose and intent of the county commission to afford due process of law to any person who is directly affected by an administrative action. Due process of law includes notice, an opportunity to participate in the administrative hearing, and an explanation of the reasons justifying the administrative action. These procedures are also intended to establish a forum to efficiently, expeditiously, and fairly resolve issues raised in any administrative code enforcement action. (Ord. 2005-05, 2/15/05)

5-5-2. Authority and scope of hearings.

Enforcement of Tooele County Code, zoning ordinance violations, and applicable state statutes may be presided over by an administrative code enforcement hearing officer. The hearing officer shall develop policies and procedures to regulate the hearing process for any violation of the Tooele County Code, zoning ordinance, and applicable state statutes that are handled pursuant to the administrative abatement procedures, the emergency abatement procedures, the demolition procedures, or the administrative citation procedures. (Ord. 2005-05, 2/15/05)

5-5-3. Request for administrative code enforcement hearing.

(1) A person served with one of the following documents or notices has the right to request an administrative code enforcement hearing if the request is filed within ten calendar days from the date of service of one of the following notices:

(a) notice of violation;
(b) notice of itemized bill for costs;
(c) administrative citation; or
(d) notice of emergency abatement.

(2) The request for hearing shall be made in writing and filed with the Department of Engineering, office of the hearing officer. The request shall contain the case number, the address of the violation, and the signature of the responsible party.

(3) As soon as practicable after receiving the written notice of the request for hearing, the hearing officer shall schedule a date, time, and place for the hearing.

(4) The failure of any person to file a request for an administrative code enforcement hearing when served with a notice of violation shall:

(a) constitute a waiver of the right to an administrative hearing;
(b) constitute a waiver of the right to challenge the action; and
(c) shall not affect the validity of the recorded notice of violation. (Ord. 2005-05, 2/15/05)

5-5-4. Default hearings and orders.

(1) If the responsible person fails to request a hearing before the expiration of the ten day deadline, the case shall be set for a default hearing. The hearing officer shall schedule a default hearing. The responsible person shall be notified of the date, time, and place of the hearing by one of the methods listed in Section 5-2-1.

(2) A default hearing shall be scheduled for all cases that have outstanding or unpaid civil penalties, fines, fees or costs due to the County before collection if a hearing on that case has not already been held.

(3) At the default hearing, the responsible person shall have the opportunity to present evidence to show that good cause exists to do one or more of the following:

(a) waive or reduce the fines which have accumulated;
(b) postpone an abatement action by the County; or
(c) excuse the responsible person's failure to request a hearing within the ten day period.

(4) (a) If the responsible person fails to establish good cause to take one or more of the actions set forth in Subsection (3), the hearing officer shall review the notice of violation and any other relevant information included in the case file. The hearing officer shall not accept any other evidence.

(b) If the evidence shows that the violations existed, the hearing officer shall enter an order requiring abatement of the violations and the payment of all fines and fees. Fines shall run until the enforcement officer issues a notice of compliance stating when the violations were actually abated. (Ord. 2005-05, 2/15/05)

5-5-5. Notification of administrative code enforcement hearing.

(1) Written notice of the day, time, and place of the hearing shall be served to a responsible person as soon as practicable prior to the date of the hearing.

(2) The format and contents of the hearing notice shall be in accordance with rules and policies promulgated by the hearing officer. (Ord. 2005-05, 2/15/05)

5-5-6. Disqualification of administrative code enforcement hearing officer.

The hearing officer is subject to disqualification for bias, prejudice, interest, or any other reason for which a judge may be disqualified in a court of law. Rules and procedures for disqualification and replacement shall be promulgated by the hearing officer. (Ord. 2005-05, 2/15/05)

5-5-7. Powers of the administrative code enforcement hearing officer.

(1) The hearing officer has the authority to hold hearings, determine if violations of the Tooele County Code, zoning ordinance, or applicable state statutes exist, order compliance with such laws, and enforce compliance as provided in this title on any matter subject to the provisions of the title.

(2) The hearing officer may continue a hearing based on good cause shown by one of the parties to the hearing. The hearing officer must enter on the record the good cause on which a continuance is granted.

(3) The hearing officer, at the request of any party to the hearing, may sign subpoenas for witnesses, documents, and other evidence where the attendance of the witness for the admission of evidence is deemed necessary to decide the issues at the hearing. All costs related to the subpoena, including witness and mileage fees, shall be borne by the party requesting the subpoena. The hearing officer shall develop policies and procedures relating to the issuance of subpoenas in administrative code enforcement hearings, including the form of the subpoena and related costs.

(4) The hearing officer has continuing jurisdiction over the subject matter of an administrative code enforcement hearing for the purposes of granting a continuance; ordering compliance by issuing an administrative code enforcement order using any remedies available under the law; ensuring compliance of that order, which includes the right to authorize County employees or contracted parties to enter and abate a violation; modifying an administrative code enforcement order; or, where extraordinary circumstances exist, granting a new hearing.

(5) The hearing officer has the authority to require a responsible person to post a code enforcement performance bond to ensure compliance with an administrative code enforcement order. (Ord. 2005-05, 2/15/05)

5-5-8. Procedures at administrative code enforcement hearing.

(1) Administrative code enforcement hearings are intended to be informal in nature. Formal rules of evidence and discovery do not apply; however, an informal exchange of discovery may be required. The request must be in writing. Failure to request discovery shall not be a basis for a continuance. The complainant's information is protected and shall not be released unless the complainant is a witness at the hearing. The procedure and format of the administrative hearing shall follow the procedures promulgated by the hearing officer.

(2) The enforcement officer bears the burden of proof at an administrative code enforcement hearing to establish the existence of a violation of the Tooele County Code, zoning ordinance, or applicable state statutes.

(3) The standard of proof to be used by the hearing officer in deciding the issues at an administrative hearing is whether the preponderance of the evidence shows that the violations exist.

(4) Each party shall have the opportunity to cross-examine witnesses and present evidence in support of his or her case. A written declaration signed under penalty of perjury may be accepted in lieu of a personal appearance. Testimony may be given by telephone or other electronic means.

(5) All hearings are open to the public. They shall be recorded by audio tape. Hearings may be held at the location of the violation.

(6) The responsible person has a right to be represented by an attorney. If an attorney will be representing the responsible person at the hearing, notice of the attorney's name, address, and telephone number must be given to the County at least one day prior to the hearing. If notice is not given, the hearing may be continued at the County's request and all costs of the continuance assessed to the responsible person.

(7) No new hearing shall be granted unless the hearing officer determines that extraordinary circumstances exist which justify a new hearing. (Ord. 2005-05, 2/15/05)

5-5-9. Failure to attend administrative code enforcement hearing.

Any party whose property or actions are the subject of any administrative code enforcement hearing and who fails to appear at the hearing is deemed to waive the right to a hearing and will result in a default judgment for the County provided that proper notice of the hearing has been provided. (Ord. 2005-05, 2/15/05)

5-5-10. Administrative code enforcement order.

(1) The parties may enter into a stipulated agreement which must be signed by both parties. This agreement shall be entered as the administrative code enforcement order. Entry of this agreement shall constitute a waiver of the right to a hearing and the right to appeal.

(2) Once all evidence and testimony are completed, the hearing officer shall issue an administrative code enforcement order that affirms, modifies, or rejects the notice or citation. The hearing officer may increase or decrease the total amount of civil penalties and costs that are due pursuant to the County's fee schedule and the procedures in this title.

(3) The hearing officer may order the County to enter the property and abate all violations which may include removing animals kept in violation of the Tooele County Code, zoning ordinance, or applicable state statutes.

(4) The hearing officer may revoke a kennel permit, an animal license, or the right to possess animals.

(5) As part of the administrative code enforcement order, the hearing officer may condition the total or partial assessment of civil penalties on the responsible person's ability to complete compliance by specified deadlines.

(6) The hearing officer may schedule subsequent review hearings as may be necessary or as requested by a party to the hearing to ensure compliance with the administrative code enforcement order.

(7) The hearing officer may order the responsible person to post a performance bond to ensure compliance with the order.

(8) The administrative code enforcement order shall become final on the date of the signing of the order.

(9) The administrative code enforcement order shall be served on all parties. (Ord. 2005-05, 2/15/05)

5-5-11. Failure to comply with order.

(1) Upon the failure of the responsible person to comply with the terms and deadlines set forth in the administrative code enforcement order, the County may use all appropriate legal means to recover the civil penalties and administrative costs to obtain compliance.

(2) After the hearing officer issues an administrative code enforcement order, the hearing officer shall monitor the violations and determine compliance. (Ord. 2005-05, 2/15/05)

CHAPTER 6

APPEAL OF ADMINISTRATIVE CODE ENFORCEMENT HEARING DECISION

Section

5-6-1. Appeal of administrative code enforcement hearing decision.

5-6-1. Appeal of administrative code enforcement hearing decision.

(1) Any person adversely affected by any decision made in the exercise of the provisions of this title may file a petition for review of the decision or order by the district court within 30 days after the decision is rendered.

(2) No person may challenge in district court a hearing officer's decision until that person has exhausted all administrative remedies.

(3) Within 120 days after submitting the petition, the party petitioning for appeal shall request a copy of the record of the proceedings, including transcripts of hearings when necessary. The office of the administrative hearing officer shall not submit copies of files or transcripts to the reviewing court until the party petitioning for appeal has paid all required costs. The petitioning party's failure to properly arrange for copies of the record or to pay the full costs for the record within 180 days after the petition for review was filed shall be grounds for dismissal of the petition.

(4) If a transcript of a hearing cannot be prepared because the tape recording is incomplete or unintelligible, the district court may, in its discretion, remand the matter to the hearing officer for a supplemental proceeding to complete the record. The district court may limit the scope of the supplemental proceeding to issues that, in the court's opinion, need to be clarified.

(5) The district court's review is limited to the record of the administrative decision that is being appealed. The court shall not accept nor consider any evidence that is not part of the record of that decision.

(6) The court shall:

(a) presume that the hearing officer's decision and orders are valid; and

(b) review the record to determine whether the decision was arbitrary, capricious, or illegal. (Ord. 2005-05, 2/15/05)

CHAPTER 7

RECORDATION OF NOTICES

Section

5-7-1. Authority.
5-7-2. Procedures for recordation.
5-7-3. Service of notice of recordation.
5-7-4. Notice of compliance -- Procedures.
5-7-5. Prohibition against issuance of permits and licenses.
5-7-6. Cancellation of recorded notice of violation.

5-7-1. Authority.

Whenever the ordinance enforcement administrator determines that a property or violation has not been brought into compliance as required in this title, the ordinance enforcement administrator has the authority to record the notice of violation or administrative code enforcement order with the recorder's office. (Ord. 2005-05, 2/15/05)

5-7-2. Procedures for recordation.

(1) Once the ordinance enforcement administrator has issued a notice of violation to a responsible person and the property remains in violation after the deadline established in the notice of violation and no request for an administrative hearing has been filed, the ordinance enforcement administrator shall record a notice of violation with the Recorder's Office of Tooele County.

(2) If an administrative hearing is held and an order is issued, the ordinance enforcement administrator shall record the administrative code enforcement order with the recorder's office.

(3) The recordation shall include the name of the property owner, the parcel number, the legal description of the parcel, and a copy of the notice of violation or order.

(4) The recordation does not encumber the property but merely places future interested parties on notice of any continuing violation found upon the property. (Ord. 2005-05, 2/15/05)

5-7-3. Service of notice of recordation.

A notice of any recordation of an administrative code enforcement order shall be served on the responsible person and the property owner. (Ord. 2005-05, 2/15/05)

5-7-4. Notice of compliance -- Procedures.

(1) When the violations have been corrected, the responsible person or property owner may request an inspection of the property from the ordinance enforcement administrator.

(2) Upon receipt of a request for inspection, the ordinance enforcement administrator shall reinspect the property as soon as practicable to determine whether the violations listed in the notice of violation or the order have been corrected and whether all necessary permits have been issued and final inspections have been performed.

(3) The ordinance enforcement administrator shall serve a notice of satisfaction to the responsible person or property owner if the ordinance enforcement administrator determines that:

(a) all violations listed in the recorded notice of violation or order have been corrected;

(b) all necessary processes, approvals, and permits have been issued and finalized;

(c) all civil penalties assessed against the property have been paid or satisfied; and

(d) the party requesting the notice of satisfaction has paid all administrative fees and costs.

(4) If the ordinance enforcement administrator denies a request to issue a notice of satisfaction, upon request the ordinance enforcement administrator shall serve the responsible person with a written explanation setting forth the reasons for the denial. (Ord. 2005 05, 2/15/05)

5-7-5. Prohibition against issuance of permits and licenses.

The County may withhold business licenses, permits for land uses, or permits for any alteration, repair, or construction pertaining to any existing or new structures or signs on the property, or any permits pertaining to the use and development of the real property or the structure. The County may withhold permits until a notice of satisfaction has been issued by the ordinance enforcement administrator. The County may not withhold permits that are necessary to obtain a notice of satisfaction or that are necessary to correct serious health and safety violations. (Ord. 2005-05, 2/15/05)

5-7-6. Cancellation of recorded notice of violation.

The ordinance enforcement administrator or responsible person shall record the notice of satisfaction with the county recorder. Recordation of the notice of satisfaction shall have the affect of canceling the recorded notice of violation. (Ord. 2005-05, 2/15/05)

CHAPTER 8

CIVIL PENALTIES

Section

5-8-1. Authority.
5-8-2. Procedures for assessing civil penalties.
5-8-3. Determination of civil penalties.
5-8-4. Modification of civil penalties.
5-8-5. Failure to pay penalties.

5-8-1. Authority.

(1) Any person violating any provision of the Tooele County Code, zoning ordinance, or applicable state statutes may be subject to the assessment of civil penalties for each violation.

(2) Each and every day a violation of any provision of the Tooele County Code, zoning ordinance, or applicable state statutes exists is a separate violation subject to the assessment of civil penalties.

(3) Six percent interest shall be assessed on all outstanding civil penalties balances until the penalty, fine, and interest have been paid in full.

(4) Civil penalties for violations of any provision of the Tooele County Code, zoning ordinance, or applicable state statutes shall be assessed pursuant to the fee schedule adopted by resolution of the county commission. (Ord. 2005-05, 2/15/05)

5-8-2. Procedures for assessing civil penalties.

(1) If a responsible person fails to bring a violation into compliance within ten days of service of the notice of violation, civil penalties shall be owed to the County for each and every subsequent day of violation.

(2) Civil penalties are assessed and owing immediately for any violation of the Tooele County Code, zoning ordinance, or applicable state statutes for an administrative citation. (Ord. 2005-05, 2/15/05)

5-8-3. Determination of civil penalties.

(1) Civil penalties shall be assessed per violation per day pursuant to the County fee schedule for a notice of violation.

(2) Civil penalties shall continue to accrue until the violations have been brought into compliance with the Tooele County Code, zoning ordinance, or applicable state statutes. (Ord. 2005-05, 2/15/05)

5-8-4. Modification of civil penalties.

(1) Upon completion of the notice of violation or administrative enforcement order, the hearing officer may modify the civil penalties on a finding of good cause.

(2) Civil penalties may be waived or modified by the hearing officer if there is a finding of good cause based on the responsible person's claim of nonconforming use or conditional use and:

(a) the County's need to verify the claim; or

(b) the responsible person's filing of an application for either use before expiration of the date to correct. (Ord. 2005-05, 2/15/05)

5-8-5. Failure to pay penalties.

The failure of any person to pay civil penalties assessed within the specified time may result in the ordinance enforcement administrator's pursuing any legal remedy to collect the civil penalties as provided in the law. (Ord. 2005-05, 2/15/05)

CHAPTER 9

ADMINISTRATIVE FEES AND COSTS

Section

5-9-1. Purpose.
5-9-2. Authority.
5-9-3. Notification of assessment of reinspection fees.
5-9-4. Failure to timely pay costs.
5-9-5. Administrative fees.

5-9-1. Purpose.

(1) The county commission finds that there is a need to recover costs incurred by enforcement officials and other County personnel who spend time inspecting and reinspecting properties throughout the County in an effort to ensure compliance with the Tooele County Code, zoning ordinance, or applicable state statutes.

(2) The county commission further finds that the assessment of costs is an appropriate method to recover expenses incurred for actual costs of abating violations, reinspection fees, filing fees, attorney fees, hearing officer fees, title searches, and any additional actual costs incurred by the County for each individual case. The assessment and collection of costs shall not preclude the imposition of any administrative or judicial civil penalties or fines for violations of the Tooele County Code, zoning ordinance, or applicable state statutes. (Ord. 2005-05, 2/15/05)

5-9-2. Authority.

(1) Whenever actual costs are incurred by the County on a property to obtain compliance with provisions of the Tooele County Code, zoning ordinance, and applicable state statutes, the ordinance

enforcement administrator may assess costs against the responsible person.

(2) Once a notice of violation has been issued, the property will be inspected one time. Any additional inspections shall be subject to reinspection fees pursuant to the County fee schedule. (Ord. 2005-05, 2/15/05)

5-9-3. Notification of assessment of reinspection fees.

(1) Notification of reinspection fees shall be provided on the notice of violation served to the responsible person.

(2) Reinspection fees assessed or collected shall not be included in any other costs assessed.

(3) The failure of any responsible person to receive notice of the reinspection fees shall not affect the validity of any other fees imposed under this part. (Ord. 2005-05, 2/15/05)

5-9-4. Failure to timely pay costs.

The failure of any person to pay assessed costs by the deadline specified in the invoice shall result in a late fee pursuant to County policy. (Ord. 2005-05, 2/15/05)

5-9-5. Administrative fees.

The ordinance enforcement administrator or code enforcement hearing officer is authorized to assess administrative fees for costs incurred in the administration of this program, such as investigation of violations, preparation for hearings, hearings, and the collection process. The fee assessed shall be the amount set in the County fee schedule. (Ord. 2005-05, 2/15/05)

CHAPTER 10

CIVIL VIOLATIONS

Section

5-10-1. Civil violations -- Injunctions.
5-10-2. Performance bond.

5-10-1. Civil violations -- Injunctions.

In addition to any other remedy provided under the Tooele County Code, zoning ordinance, or state statutes, including criminal prosecution or administrative remedies, any provision of the Tooele County Code, zoning ordinance, or state statutes may be enforced by injunction issued in the district court upon a suit brought by the County. (Ord. 2005-05, 2/15/05)

5-10-2. Performance bond.

(1) As part of any notice, order, or action, the hearing officer has the authority to require responsible persons to post a performance bond to ensure compliance with the Tooele County Code, zoning ordinance, applicable state statutes, or any judicial action.

(2) If the responsible person fails to comply with the notice, order, or action, the bond will be forfeited to the County. The bond will not be used to offset the other outstanding costs and fees associated with the case. (Ord. 2005-05, 2/15/05)

CHAPTER 11

TAX LIENS AND RECOVERY COST METHODS

Section

5-11-1. Purpose.
5-11-2. Procedures for tax liens without a judgment.
5-11-3. Procedures for tax liens with a judgment.
5-11-4. Cancellation of code enforcement tax lien.
5-11-5. Recovery of costs by writ of execution.
5-11-6. Recovery of costs by writ of garnishment.

5-11-1. Purpose.

The county commission finds that recordation of code enforcement tax liens will assist in the collection of civil penalties, administrative costs, and administrative fees assessed by the administrative code enforcement hearing program or judicial orders. The county commission further finds that collection of civil penalties, costs, and fees assessed for code enforcement violations is important in deterring future violations and maintaining the integrity of the County's code enforcement system. The procedures established in this chapter shall be used to complement existing administrative or judicial remedies that may be pursued to address violations of the Tooele County Code, zoning ordinance, or applicable state statutes. (Ord. 2005-05, 2/15/05)

5-11-2. Procedures for tax liens without a judgment.

(1) Once the County has taken an enforcement action with penalties or abated a property for garbage, unlicensed/inoperative vehicles, refuse, or unsightly or deleterious objects or structures, the ordinance enforcement administrator shall prepare three copies of the itemized statement of costs incurred in the removal and destruction of the violations and deliver them to the county treasurer within ten days after completion of the work of removing the violations.

(2) The ordinance enforcement administrator shall send, by certified mail to the property owner's last known address, a copy of the itemized statement of costs informing him or her that a code enforcement tax lien is being recorded for the amount of actual costs of abatement. Payment shall be due within 20 calendar days from the date of mailing.

(3) Upon receipt of the itemized statement of costs, the county treasurer shall record a code enforcement tax lien against the property.

(4) The failure of any person with a financial interest in the property to actually receive the notice of the lien shall not affect the validity of the lien or any proceedings taken to collect the outstanding costs of abatement. (Ord. 2005-05, 2/15/05)

5-11-3. Procedures for tax liens with a judgment.

Once a judgment has been obtained from the appropriate court assessing costs against the responsible person, the ordinance enforcement administrator may record a code enforcement tax lien against any real property owned by the responsible person. (Ord. 2005-05, 2/15/05)

5-11-4. Cancellation of code enforcement tax lien.

Once payment in full is received for the outstanding civil penalties and costs, or the amount is deemed satisfied pursuant to a subsequent administrative or judicial order, the ordinance enforcement administrator shall either record a notice of satisfaction of judgment or provide the property owner or financial institution with the notice of satisfaction of judgment so that it can record this notice with the county recorder. The notice of satisfaction of judgment shall include the same information as provided for in the original code enforcement tax lien. Such notice of satisfaction of judgment shall cancel the code enforcement tax lien. (Ord. 2005-05, 2/15/05)

5-11-5. Recovery of costs by writ of execution.

After obtaining a judgment, the ordinance enforcement administrator may collect the obligation by use of all appropriate legal means. This may include execution on personal property owned by the responsible person by filing a writ with the applicable court. (Ord. 2005-05, 2/15/05)

5-11-6. Recovery of costs by writ of garnishment.

After obtaining a judgment, the ordinance enforcement administrator may collect the obligation by use of all appropriate legal means. This may include garnishment of paychecks, financial accounts, and other income or financial assets by filing a writ with the applicable court. (Ord. 2005-05, 2/15/05)

CHAPTER 12

ABATEMENT FUNDING AND COLLECTION OF FUNDS

Section

5-12-1. Abatement superfund.
5-12-2. Repayment to abatement superfund.
5-12-3. Code enforcement administrative fees and cost fund.
5-12-4. Allocation of civil penalties.

5-12-1. Abatement superfund.

There is hereby established a revolving fund to be known as the "Abatement Superfund" to defray costs of administrative and judicial abatements. The fund shall be reimbursed by collection from the property or property owner as specified in this title and by the courts. The county auditor shall establish accounting procedures to ensure proper account identification, credit, and collection. This fund may be operated and used in conjunction with procedures ordered or authorized under the abatement provision of this title. (Ord. 2005-05, 2/15/05)

5-12-2. Repayment to abatement superfund.

All monies recovered from the sale or transfer of property or by payment for the actual abatement costs shall be paid to the county treasurer, who shall credit the appropriate amount to the Abatement Superfund. (Ord. 2005-05, 2/15/05)

5-12-3. Code enforcement administrative fees and cost fund.

Administrative fees and administrative costs, except for actual abatement costs, shall be deposited in a Code Enforcement Administrative Fees and Costs Fund for the enhancement of the County's code enforcement efforts and to reimburse County departments for investigative costs and costs associated with the hearing process. Fees and costs deposited in this fund shall be appropriated and allocated in a manner determined by the ordinance enforcement administrator. The county auditor shall establish accounting procedures to ensure proper account identification, credit, and collection. (Ord. 2005-05, 2/15/05)

5-12-4. Allocation of civil penalties.

Civil penalties shall be deposited in the General Fund of the County. Civil penalties deposited in this fund shall be appropriated and allocated in a manner determined by the county commission. The county auditor shall establish accounting procedures to ensure proper account identification, credit, and collection. (Ord. 2005-05, 2/15/05)

TITLE 6

PUBLIC SAFETY

Chapter
1. **Criminal Provisions.**
2. **Justice Court.**
3. **Graffiti.**
4. **Motor Vehicle Provisions.**
5. **Traffic-Control Devices.**
6. **Parking.**
7. **Off-Highway Vehicles.**
8. **Off-Highway Vehicle Restrictions.**
9. **Unlicensed Motor Vehicle Regulations.**
10. **Night Hunting.**
11. **Discharge of Firearms Prohibited. (Repealed)**
12. **Curfew.**
13. **Regulation of Large Public Assemblies.**
14. **Regulation of Parades and Processions.**
15. **Cost Recovery - Hazardous Materials Emergencies.**
16. **Mine Regulations.**
17. **Overnight Camping.**
18. **Miscellaneous Provisions.**
19. **Hazardous Materials Local Emergency Planning Committee.**
20. **Wildfire Protection Standards.**
21. **Noise Control.**
22. **Smoking in Public Places.**
23. **Display of Fireworks.**
24. **Fireworks Sales.**

CHAPTER 1

CRIMINAL PROVISIONS

Section
6-1-1. Utah Criminal Code adopted.
6-1-2. Utah Code of Criminal Procedure adopted.

6-1-1. Utah Criminal Code adopted.
The "Utah Criminal Code," Section 76-1-101 et seq., Utah Code Annotated 1953, as amended, is hereby adopted as provisions of this code. The commission of any act prohibited by the provisions of the "Utah Criminal Code" shall be a violation of the laws of Tooele County and shall be punishable as such, except that any provision of the foregoing having a penalty which cannot be imposed under County ordinances is not adopted. All future amendments to the "Utah Criminal Code," enacted by the Utah Legislature are to be immediately included within the provisions of this Section without further action of the County Legislative Body. All references to the Utah Criminal Code provisions as adopted by this ordinance shall specify the number of the title of this code, followed by the number assigned by the Utah Code. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

6-1-2. Utah Code of Criminal Procedure adopted.
The "Utah Code of Criminal Procedure," Section 77-1-1 et seq., Utah Code Annotated 1953, as amended, is hereby adopted as provisions of this code. All future amendments to the "Utah Code of Criminal Procedure," enacted by the Utah Legislature are to be immediately included within the provisions of this section without further action of the County Legislative Body. (Ord. 2008-14, 6/10/08; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

CHAPTER 2

JUSTICE COURT

Section
6-2-1. Justice Court provisions.

6-2-1. Justice Court provisions.
Chapter 7, "Justice Court," Section 78A-7-101 et seq., Utah Code Annotated 1953, as amended, is hereby adopted as provisions of this code. All future amendments to Title 78A, Chapter 7 "Justice Court," enacted by the Utah Legislature are to be immediately included within the provisions of this section without further action of the County Legislative Body. (Ord. 2008-14, 6/10/08)

CHAPTER 3

GRAFFITI

Section
6-3-1. Legislative determination.
6-3-2. Definitions.
6-3-3. Graffiti prohibited.
6-3-4. Spray paint and markers - Sale to minors prohibited.
6-3-5. Spray paint and markers - Prohibited possession.
6-3-6. Penalty.
6-3-7. Reward for information leading to conviction of perpetrator.

6-3-1. Legislative determination.
The County Commission hereby declares as a matter of legislative determination that:

(1) The increasing incidents of the defacement of public and private property through the application of graffiti upon walls, rocks, bridges, buildings, fences, gates, other structures, trees and other real and personal property within the boundaries of the County constitutes a blight on this community, and, in the interests of the health, safety and general welfare of the residents and taxpayers of the County, immediate steps must be taken to remove this blight.

(2) Based upon reports which the County Commission has received, such defacement of property is most often committed by persons under the age of 18 years using aerosol containers of spray paint, broad tipped indelible markers.

(3) When any such person has a legitimate need for such aerosol containers and markers, the same may be furnished by a parent or guardian.

(4) Such aerosol containers and markers are frequently stolen from retail stores by such persons.

(5) The sale of such aerosol containers and markers to such persons should therefore be prohibited, and persons who are engaged in the retail sale of such aerosol containers and markers should be required to take reasonable steps to prevent the theft of such aerosol containers and markers.

(6) When appropriate, the courts should require those who commit acts of defacement of public or private property through the application of graffiti to restore the property so defaced, damaged or destroyed.

(7) Obtaining convictions for the application of graffiti is difficult due to the fact that the offense can be committed so very quickly and secretively that witnesses to the act are frequently nonexistent.

(8) The public should be encouraged, through the promise of a reward, to cooperate in the elimination of graffiti by reporting to the proper authorities the incidents of the application of graffiti which the members thereof observe. (Ord. 95-19, 9/12/95; Ord. 95-17, 9/20/95)

6-3-2. Definitions.

As used in this chapter and except as otherwise required by the context:

(1) **"Application of graffiti"** means the act of defacing, damaging or destroying any real or personal property of another through the use of an aerosol container of spray paint or a broad tipped indelible marker.

(2) **"Broad tipped indelible marker"** means any felt tipped marker or similar implement which contains a fluid which is not soluble in water and has a flat or angled writing surface of a width of one-half inch or greater. (Ord. 95-19, 9/12/95; Ord. 95-17, 9/20/95)

6-3-3. Graffiti prohibited.

It shall be unlawful for any person to write, paint or draw upon any wall, rock, bridge, building, fence, gate, other structure, tree or other real or personal property, either publicly or privately owned, any drawing, inscription, figure or mark of the type which is commonly known and referred to as graffiti without the permission of the owner or operator of such property. (Ord. 95-19, 9/12/95; Ord. 95-17, 9/20/95)

6-3-4. Spray paint and markers - Sale to minors prohibited.

It shall be unlawful for any person to sell, offer to sell or to cause to be sold any aerosol container of spray paint or broad tipped indelible marker to any person under the age of 18 years. (Ord. 95-19, 9/12/95; Ord. 95-17, 9/20/95)

6-3-5. Spray paint and markers - Prohibited possession.

(1) It shall be unlawful for any person under the age of 18 years to purchase or possess any aerosol container of spray paint or broad tipped indelible marker unless accompanied by a parent or guardian, or while involved in an activity sponsored by a school, church or community.

(2) It is unlawful for any person under the age of 18 years to misrepresent his age, or for any other person to misrepresent the age of a person under 18 years of age, for the purpose of purchasing or otherwise obtaining aerosol spray paint or broad tipped indelible markers. (Ord. 95-19, 9/12/95; Ord. 95-17, 9/20/95)

6-3-6. Penalty.

Any person who is convicted of violating any provision of this chapter shall be punished by a fine or not less than five hundred dollars nor more than one thousand dollars or by imprisonment for a term of not less than six months, or by any combination of such fine and imprisonment. In addition to such punishment, the court may, in imposing sentence, order the defendant to restore the property so defaced, damaged or destroyed. (Ord. 95-19, 9/12/95; Ord. 95-17, 9/20/95)

6-3-7. Reward for information leading to conviction of perpetrator.

(1) The County will pay to any person who provides information which leads to the arrest and conviction of any person who applies any drawing, inscription, figure or mark of the type which is commonly known and referred to as "graffiti" to any wall, rock, bridge, building, fence, gate, other structure, tree or other real or personal property, a reward in the amount of $250.00.

(2) The reward shall be paid to the person who provides such information immediately upon the conviction of the person so arrested. (Ord. 95-19, 9/12/95; Ord. 95-17, 9/20/95)

CHAPTER 4

MOTOR VEHICLE PROVISIONS

Section

6-4-1. Utah motor vehicle provisions adopted.
6-4-2. Definitions.
6-4-3. Improper lookout

6-4-1. Utah motor vehicle provisions adopted.

The provisions of the Utah Motor Vehicle Act, Chapter 1; the "Uniform Operator License Act," Chapter 2; the "Traffic Rules and Regulations," Chapter 6; "Driving by Minors," Chapter 8; and "Motor Vehicle Financial Responsibility," Chapter 12a, of the Utah Code Annotated 1953, as amended; are hereby adopted as provisions of this code. The commission of any act prohibited by the foregoing shall be a violation of the laws of the County and shall be punishable as such, except that any provision of the foregoing having a penalty which cannot be imposed under County ordinances is not adopted. All future amendments to the foregoing Utah Code provisions, enacted by the Utah Legislature are to be immediately included within the provisions of this section, without further action of the County legislative body. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

6-4-2. Definitions.

Unless the context otherwise requires, all references in the Utah Code provisions adopted in Section 6-4-1 shall mean as follows:

(1) **"Department of Public Safety of the State of Utah"** means the Sheriff or his agents, unless the context otherwise requires.

(2) **"Local authorities"** means the Board of County Commissioners or their designees.

(3) **"Magistrate"** means the appropriate judicial officer of the county, unless the context otherwise requires.

(4) **"Recorder"** means the County Recorder.

(5) **"State Road Commission"** or **"State Department of Transportation"** means Tooele County and its officers, departments, agencies and agents, unless the context otherwise requires. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

6-4-3. Improper lookout.

(1) No person shall drive a vehicle on a roadway without keeping a reasonable and proper lookout for other traffic, pedestrians, or impediments to safe travel.

(2) Any person who violates this section shall be guilty of a class C misdemeanor. (Ord. 2010-21, 11/16/10; Ord. 2008-12, 6/10/08)

CHAPTER 5

TRAFFIC-CONTROL DEVICES

Section

6-5-1. Duty to erect.
6-5-2. Authority to install.
6-5-3. Conformance to manual and specifications.
6-5-4. Obedience to devices.
6-5-5. When devices required for enforcement purposes.
6-5-6. Presumption of legality.
6-5-7. Display of unauthorized signs.
6-5-8. Damaging traffic signs.

6-5-1. Duty to erect.

It shall be the duty of the Tooele County Engineering Department to cause to erect, in conformity with the manual and specifications of the State Road Commission, traffic-control devices and traffic signs to regulate, warn and guide traffic on the streets and highways of the County. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

6-5-2. Authority to install.

The County Engineering Department shall place and maintain official traffic-control devices when and as required under the traffic ordinances of the County to make effective the provisions of said ordinances, and may place and maintain such additional official traffic-control devices as deemed necessary to regulate, warn or guide traffic under the traffic ordinances of the County or the State Vehicle Code. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

6-5-3. Conformance to manual and specifications.

All traffic-control signs, signals and devices shall conform to the manual and specifications approved by the State Highway Commission. All signs and signals required under this title for a particular purpose shall so far as practicable be uniform as to type and location throughout the County. All traffic-control devices so erected and not inconsistent with the provisions of State law or this chapter shall be official traffic-control devices. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

6-5-4. Obedience to devices.

The driver of any vehicle shall obey the instructions of any official traffic-control device applicable thereto placed in accordance with the provisions of this title, unless otherwise directed by a traffic or police officer, subject to the exceptions granted the driver of any authorized emergency vehicle. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

6-5-5. When devices required for enforcement purposes.

No provision of this title for which official traffic-control devices are required shall be enforced against an alleged violator if at the time and place of the alleged violation an official device is not in proper position and sufficiently legible to be seen by an ordinarily observant person. Whenever a particular section does not state that official traffic control devices are required, such section shall be effective even though no devices are erected or in place. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

6-5-6. Presumption of legality.

(1) Whenever official traffic-control devices are placed in position approximately conforming to the requirements of this chapter, such devices shall be presumed to have been so placed by the official act or direction of lawful authority, unless the contrary shall be established by competent evidence.

(2) Any official traffic-control devices placed pursuant to the provisions of this title and purporting to conform to lawful requirements pertaining to such devices, shall be presumed to comply with the requirements of this chapter, unless the contrary shall be established by competent evidence. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

6-5-7. Display of unauthorized signs.

(1) No person shall place, maintain or display upon or in view of any highway any unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic-control device or railroad sign or signal, or which attempts to direct the movement of traffic or which hides from view or interferes with the effectiveness of any official traffic-control device or any railroad sign or signal.

(2) No person shall place or maintain, nor shall any public authority permit upon any highway, any traffic signs or signal bearing thereon any commercial advertising, without approval of the County Commission.

(3) This section shall not be deemed to prohibit the erection upon private property adjacent to a highway of signs giving useful directional information and of a type that cannot be mistaken for official signs.

(4) Every such prohibited sign, signs or marking is declared to be unlawful and a public nuisance; and the County Engineering Department is empowered to remove the same without notice. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

6-5-8. Damaging traffic signs.

It shall be unlawful for any person to drive into, deface, injure, move or demolish or interfere with any traffic control device, traffic sign, standard, post, chain, rope or other device installed or placed to indicate safety zones or for the purpose of directing or regulating traffic in the County. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

CHAPTER 6

PARKING

Section

6-6-1. Erection of traffic-control devices.
6-6-2. Regulation of parking.
6-6-3. Parking for certain purposes prohibited.
6-6-4. Sheriff's department to move illegally parked vehicle.
6-6-5. Presumption of liability.
6-6-6. Enforcement - By county sheriff.
6-6-7. Enforcement - Options.
6-6-8. Impoundment.
6-6-9. All night parking.

6-6-1. Erection of traffic-control devices.

It shall be the duty of the County Engineering Department to cause traffic signs and other traffic-control devices to be erected, to regulate, warn and guide traffic and parking on the streets, highways and property of the County. No traffic-control device shall be placed or maintained upon any highway under the jurisdiction of the State Road Commission without first obtaining the latter's permission. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

6-6-2. Regulation of parking.

(1) The County Engineering Department may place signs on all County roads and highways prohibiting or restricting the parking of vehicles where, in its option, such parking is dangerous to those using the roads or where the parking of vehicles would unduly interfere with the free movement of traffic thereon.

(2) The County Engineering Department may prohibit, restrict or regulate the parking, stopping or standing of vehicles on any off-street parking facility or property which the County owns or operates.

(3) No such regulations shall apply until signs or markings giving notice thereof have been erected or established. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

6-6-3. Parking for certain purposes prohibited.

No person shall park or operate a vehicle upon any roadway for the principal purpose of:

(1) displaying such vehicle for sale;

(2) greasing or repairing such vehicle, except repairs necessitated by an emergency;

(3) displaying advertising; or for

(4) the sale of foodstuffs or other merchandise in any business district. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

6-6-4. Sheriff's department to move illegally parked vehicle.

Whenever any officer of the sheriff's department finds a vehicle parked or standing upon a street in violation of any of the provisions of this title, such officer is authorized to impound or move such vehicle, or require the driver or other person in charge of the vehicle to move the same, to a position off the main traveled part of such street. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

6-6-5. Presumption of liability.

The fact that an automobile which is illegally parked is registered in the name of a person shall be sufficient to constitute a rebuttable presumption that such person was in control of the automobile at the time of such parking. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

6-6-6. Enforcement - By county sheriff.

It shall be the duty and responsibility of the County Sheriff, his duly appointed deputies, or a special officer appointed by the County Sheriff to enforce the provisions of this title. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

6-6-7. Enforcement - Options.

(1) Any vehicle found in violation of this title shall be deemed a nuisance and may at the order of the County Sheriff be:

(a) cited;

(b) placed under restrictive device; or

(c) impounded, if deemed necessary.

(2) The impounding or restraining of a vehicle shall not prevent or preclude the institution and prosecution of criminal proceedings in the justice court or elsewhere against the owner or operator of such restrained or impounded vehicle. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

6-6-8. Impoundment.

(1) Notice. As soon as it is reasonable under the circumstances, a written notice that a vehicle has been impounded shall be mailed to the owner and recorded lien holder, if there is one, of the vehicle at their last known addresses as shown by the records of Motor Vehicle Division of the Utah State Tax Commission. If the license plates on the vehicle are from another state, written notice shall be mailed to the Department of Motor Vehicles in such state, requesting such department to notify the registered owner of such vehicle that the same has been impounded by the County Sheriff and that the same will be sold at a public auction as is provided by the ordinances of the County if not claimed by the owner or his proper representative, as provided by the County ordinances.

(2) Release of Impounded Vehicle. Before the owner or his agents shall be permitted to remove the vehicle which has been impounded, he shall:

(a) furnish satisfactory evidence to the County Sheriff of his identity and his ownership of the vehicle;

(b) request and obtain from the Sheriff a written order directed to the place of storage in which the vehicle is impounded, authorizing the release of the vehicle to the owner or his agent upon the payment to the place of storage of towing and storage charges reasonably incurred in the towing and storage of the vehicle from the date of the impounding to the time of presenting the order of release to the County Sheriff therefor;

(c) sign a written receipt for the vehicle and deliver the same to the place of storage upon receiving the impounded vehicle.

(3) Unclaimed Vehicles-Auction-Disposition of Proceeds. If at the expiration of 30 days after mailing the notice provided for in Subsection (1), such vehicle is not redeemed by the owner or his proper representative, the County Sheriff or his authorized agent shall proceed to sell the same at public auction to the highest bidder after first giving at least 10 days' notice of the sale by publishing the notice at least once in a newspaper of general circulation published in the County, stating the time and place of the sale. Such notice shall also describe the vehicle to be sold with reasonable certainty and shall state to whom, if anyone, the records of the office of the Motor Vehicle Division of the Utah State Tax Commission show the same to belong, and if the name of the owner is unknown, that fact shall be stated. If the name of the owner or recorded lien holder, if any, is known, the County Sheriff shall send such owner or recorded lien holder a copy of such notice as published immediately after the publication of the same, which notice shall be mailed to their last known address or their address as shown on the records of the Motor Vehicle Division of the Utah State Tax Commission. A copy of this notice as

published shall immediately, after publication, be mailed to the owner of the place of storage. The money received by the County Sheriff, or his authorized agent, from the sale of any such vehicle shall be applied first to the actual cost of towing and storage of such impounded vehicle, then to pay the cost of advertising the notice of sale for each vehicle so impounded and the balance, if any, shall then be placed into the County general fund to be used as hereinafter provided.

(4) Claim by Owner Subsequent to Auction. If at any time within 1 year from and after a sale as provided in Subsection (3), the former owner of the vehicle sold, upon application to the County Commission and upon presentation of a satisfactory proof that he was the owner of the vehicle sold, shall be paid the proceeds of such sale less the necessary expenses of the sale and less the towing, impounding and storage charges provided for in Subsection (3).

(5) Records to be Kept. The County Sheriff shall keep a record of all vehicles impounded by manufacturer's trade name or make, body type, motor and license number, the names and addresses of all persons claiming the same, and the nature and circumstances of the impounding thereof, and the violation on account of which such vehicles were impounded, the date of such impounding and the name and address of any person to whom any such vehicle is released. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

6-6-9. All night parking.

No person shall park a vehicle on any street between the hours of 2:00 a.m. and 6:00 a.m. of any day from November 1 through March 31. This provision does not apply to authorized emergency vehicles. (Ord. 96-29, 10/10/96)

CHAPTER 7

OFF-HIGHWAY VEHICLES

Section

6-7-1. Utah off-highway vehicle provisions adopted.

6-7-1. Utah off-highway vehicle provisions adopted.

Sections 41-22-1 et seq. of the Utah Code Annotated 1953 as amended, entitled "Off-Highway Vehicles," are hereby adopted as provisions of this Code. The commission of any act prohibited by the foregoing shall be a violation of the laws of this County and shall be punishable as such, except that any provision of the foregoing having a penalty which cannot be imposed under County ordinances is not adopted. All future amendments to the "Off Highway Vehicles," enacted by the Utah Legislature are to be immediately included within the provisions of this Section without further action of the County Legislative Body. All references to the Off Highway Vehicles provisions as adopted by this Ordinance shall specify the number of the title of this code, followed by the number assigned by the Utah Code. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

CHAPTER 8

OFF-HIGHWAY VEHICLE RESTRICTIONS

Section

6-8-1. Purpose.
6-8-2. Definitions.
6-8-3. Oquirrh mountain range - Travel restrictions.
6-8-4. Grantsville irrigation dam - Travel restrictions.

6-8-1. Purpose.

This chapter has been adopted for the purpose of protecting sensitive areas located in Tooele County by regulating or restricting the usage of motor vehicles thereon. The Tooele County Commission has determined that the indiscriminate use of motorized vehicles in the specified sensitive areas will damage the water shed, destroy plant and animal life or will endanger the integrity of sensitive structures such as dams or flood control devices. (Ord. 95-19, 9/12/95; Ord. 93-13, 11/11/93)

6-8-2. Definitions.

As used in this chapter:

(1) "Grantsville Irrigation Dam" means the exterior face, interior face, and top of the earthen structure constructed in Section 27, Township 3 South, Range 6 West, Salt Lake Base and Meridian, designed to hold the waters of North and South Willow Canyons and shall include the spillway.

(2) "Motor vehicle" means any vehicle which is self propelled.

(3) "Oquirrh Mountain Range" means that portion of Tooele County described as follows: Commencing at the intersection of Interstate 80 and the east boundary line of Tooele County near Black Rock and running thence in a southerly direction along the east boundary line of Tooele County to State Road 73 at Five Mile Pass; thence northwesterly along State Roads 73 and 36 to the point of beginning, excepting those areas within city or town limits.

(4) "Owner" means any person who alone, jointly, or severally with others:

(a) has legal title to any premises, dwelling, or dwelling unit, with or without accompanying actual possession thereof; or

(b) has charge, care, or control of any premises, dwelling or dwelling unit, as legal or equitable owner or agent of the owner, or an executor, administrator, trustee or guardian or the estate of the owner.

(5) "Person" means any individual, public or private corporation or its officers, a partnership, association, firm, trustee, executor of an estate, the State or its departments, institutions, bureau, agency, county, city, political subdivision, or any legal entity recognized by law. (Ord. 99-36, 12/14/99)

6-8-3. Oquirrh mountain range - Travel restrictions.

(1) It shall be unlawful for any person to operate any motor vehicle, including automobiles, jeeps, trucks, motorcycles, off-highway vehicles, all terrain vehicles, snowmobiles, upon any property within the Oquirrh Mountain Range as defined herein except:

(a) upon designated highways or trails;

(b) upon private property if the operator of such vehicle is the owner or person in lawful possession of the property, or if the operator obtains written permission from the owner or person in lawful possession of the property;

(c) upon public property, if the operator of such vehicle first obtains written permission from the public entity that owns the property;

(d) upon private residential property if the vehicles are there at the express or implied invitation of the owner or person in lawful possession of the property;

(e) when emergency vehicles are responding to an emergency; or

(f) when vehicles are operated by public officials who are on official business.

(2) Those highways and trails designated as open for public use are shown on the maps 1 through 8 included as exhibits to this chapter. (Ord. 99-36, 12/14/99)

6-8-4. Grantsville irrigation dam - Travel restrictions.

It shall be unlawful for any person to operate any type of motor vehicle, including but not limited to automobiles, motorcycles, all terrain vehicles, snowmobiles, jeeps, or trucks upon the Grantsville Irrigation Dam as defined herein except:

(1) when the operator of such vehicle is the owner or employee of the owner or is an agent of the owner and has written permission from the owner to conduct authorized activities upon the property.

(2) when emergency vehicles are responding to an emergency; or

(3) when vehicles are operated by public officials or servants who are on official business. (Ord. 95-19, 9/12/95; Ord. 93-13, 11/11/93)

CHAPTER 9

UNLICENSED MOTOR VEHICLE REGULATIONS

Section

6-9-1. Findings and purpose.
6-9-2. Definitions.
6-9-3. Regulation of unlicensed motor vehicles.
6-9-4. Notice of violation.
6-9-5. Conflict.
6-9-6. Penalty.

6-9-1. Findings and purpose.

The Tooele County Commission has found that the unabated accumulation of unlicensed motor vehicles within Tooele County has created a potential danger to health, in that said vehicles are a source of contamination or pollution to water resources and property and are a breeding place or habitation for insects, rodents, and other forms of life deleterious to human habitation and their surroundings. Therefore, this chapter is for the purpose of establishing a means whereby Tooele County may cause that said unlicensed vehicles be regulated and removed or abated, when necessary. It is hereby declared that the storage or keeping of more than 2 unlicensed motor vehicles as defined herein, is a nuisance and is declared unlawful within Tooele County under the circumstance specified herein. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

6-9-2. Definitions.

(1) **"Unlicensed motor vehicle"** means any vehicle which initially was designed or constructed to be self-propelled and which is not currently registered or licensed by the State of Utah, but does not include vehicles exempt from registration under Section 41-22-9, Utah Code Annotated, 1953, as amended, provided that such exempt vehicle is operable. Also, "unlicensed motor vehicle" does not include any motor vehicle kept or stored at an approved impound lot or commercial storage yard.

(2) **"Property"** means a contiguous unit of land held or intended to be held in separate lease or ownership.

(3) **"Keep"** or **"storage"** means the placement or location of unlicensed motor vehicles on property for more than 30 days, except that any unlicensed motor vehicles located totally within a building, garage, or other structure which complies with Tooele County's Zoning Ordinances or Building Code shall not be subject to the provisions of this ordinance. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

6-9-3. Regulation of unlicensed motor vehicles.

No person, firm or corporation shall keep or store more than 2 unlicensed motor vehicles upon any property within Tooele County, nor shall they allow any other person to keep or store more than 2 unlicensed motor vehicles upon their property located within Tooele County. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

6-9-4. Notice of violation.

Before any civil or criminal action is instituted to enforce the provisions of this chapter, Tooele County, or any affected individual, shall give 30 days written notice to the person, firm or corporation keeping or storing unlicensed motor vehicles or allowing others to keep or store unlicensed motor vehicles on their property, contrary to the provisions of this ordinance. Said written notice shall be served personally or delivered by registered mail, shall specify the nature of the violation, and that the violation be removed or brought into compliance with the provisions of this chapter within 30 days. If, after 30 days notice the violation continues, civil or criminal proceedings may be instituted. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

6-9-5. Conflict.

This ordinance shall not nullify the more restrictive provisions of other Tooele County Ordinances or other laws, but shall prevail notwithstanding any such provisions which are less restrictive. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

6-9-6. Penalty.

Any person, firm or corporation who violates the provisions of this chapter, after having been given 30 days written notice to remove the same or bring the violation into compliance, is guilty of a class C misdemeanor. Each additional day that a violation of this ordinance continues shall constitute a separate and additional offense. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

CHAPTER 10

NIGHT HUNTING

Section

6-10-1. Purpose.
6-10-2. Night hunting prohibited.
6-10-3. Exceptions - Permit required.
6-10-4. Definitions.

6-10-1. Purpose.

It is the intent and purpose of this chapter to prohibit night hunting, or shooting, within the limits of Tooele County in order to prevent vandalism and the illegal shooting of livestock. (Ord. 95-19, 9/12/95; Ord. 94-19, 10/24/94)

6-10-2. Night hunting prohibited.

It shall be unlawful for any person to hunt, take or attempt to take any form of terrestrial or avian wildlife during the nighttime within the limits of Tooele County, Utah, except as provided in Section 6-10-3. (Ord. 95-19, 9/12/95; Ord. 94-19, 10/24/94)

6-10-3. Exceptions - Permit required.

(1) Nothing in this chapter shall prevent:

(a) any land owner from using an artificial light or discharging a firearm at any time on lands under his control for the purpose of protecting livestock; and

(b) any peace officer or conservation officer in the performance of his lawful duties from the use of an artificial light or discharging a firearm at any time.

(2) The Tooele County Sheriff is authorized to issue night hunting permits to qualified individuals who will be hunting jackrabbits with air guns for legitimate research projects. A written request detailing the project and identifying the applicant shall be submitted to the Sheriff prior to the issuance of a night hunting permit. The Sheriff may terminate any previously issued permit if the provisions of this chapter, State wildlife regulations or any conditions of the permit are not strictly complied with. Persons issued a permit under this section shall not hunt jackrabbits at night while any Utah big game season is open in that area or any adjacent area. A person may appeal any decision of the Sheriff made under this chapter pursuant to the procedures specified in Section 9-1-22 of the Tooele County Code. (Ord. 95-19, 9/12/95; Ord. 94-19, 10/24/94)

6-10-4. Definitions.

(1) **"Nighttime"** or **"night,"** within the meaning of this Chapter, shall be that time from one-half hour after sunset to one-half hour before sunrise.

(2) **"Air gun"** means a device which could be used as a weapon and expels a projectile by the force of compressed air. (Ord. 95-19, 9/12/95; Ord. 94-19, 10/24/94)

CHAPTER 11

DISCHARGE OF FIREARMS PROHIBITED (REPEALED)

(Ord. 2015-13, 6/2/15; Ord. 95-19, 9/12/95; Ord. 92-8, 10/20/92)

CHAPTER 12

CURFEW

Section

6-12-1. Curfew.

6-12-1. Curfew.

(1) It is unlawful for anyone 13 years of age and younger to be in or on a sidewalk, street, alley or in any public place in Tooele County between 10:30 o'clock p.m. and 5:30 o'clock a.m. unless accompanied by a parent or guardian.

(2) It is unlawful for anyone 14 years of age through and including 17 years of age to be in or on a sidewalk, street, alley or in any public place in Tooele County between 12:00 o'clock midnight and 5:00 o'clock a.m. unless accompanied by a parent or guardian. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

CHAPTER 13

REGULATION OF LARGE PUBLIC ASSEMBLIES

Section

6-13-1. Purpose.
6-13-2. Definitions.
6-13-3. License required.
6-13-4. Admission by ticket only.
6-13-5. Water supply.
6-13-6. Security personnel.
6-13-7. Food service.
6-13-8. Fire protection.
6-13-9. Fencing.
6-13-10. Noise control.
6-13-11. Reimbursement for county services.
6-13-12. License application.
6-13-13. Conditions for issuing license.
6-13-14. Notification of adjoining property owners.
6-13-15. Notification of other departments and application review meeting.
6-13-16. Issuance.
6-13-17. Denial of license.
6-13-18. Revocation.
6-13-19. Appeals.
6-13-20. Enforcement.

6-13-1. Purpose.

It is the purpose of this chapter to regulate the assemblage of large numbers of people, in excess of those normally needing the health, sanitary, fire, police, transportation and utility services regularly provided in Tooele County, in order that the health, safety and welfare of all persons in Tooele County, residents and visitors alike, may be protected. (Ord. 2003-12, 6/10/03; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

6-13-2. Definitions.

(1) **"Assembly"** means a company of persons gathered together at any location at any single time for any purpose.

(2) **"Attendee"** means any person who obtains admission to an outdoor assembly by the payment of money or by the rendering of services in lieu of the payment of money for admission.

(3) **"Large assembly"** means any event attended by more than 100 attendees.

(4) **"Licensee"** means any person to whom a license is issued pursuant to this chapter.

(5) **"On-site parking"** means permitted parking which is located on the property where the large assembly is being held, and is accessible without pedestrian crossing. For the purposes of this chapter,

parking which is not located on the same property but has received development approval in conjunction with the permitted uses on the event site and is consistent with the conditions of said approval will constitute on-site parking.

(6) **"Outdoor assembly"** means a theatrical exhibition, public show, display, entertainment, amusement or other exhibition, but does not include any event held entirely within the confines of a permanently enclosed structure or a parade.

(7) **"License"** means a written license issued by the zoning administrator, or her/his designee, authorizing the holding of a public assembly under stated conditions.

(8) **"Person"** means any individual natural human being, partnership, corporation, firm, company, association, society or group.

(9) **"Public assembly"** means an outdoor gathering, or a gathering in temporary structures such as tents, or individuals which may be attended by members of the general public, with or without an admission charge, when the anticipated daily attendance or where the anticipated attendance at any time is expected to exceed 100 persons a day occupancy of the site.

(10) **"Sponsor"** means any person who organizes, promotes, conducts, or causes to be conducted an outdoor assembly. (Ord. 2003-12, 6/10/03; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

6-13-3. License required.

(1) It shall be unlawful for any person, corporation, organization, landowner, or lessor to allow, encourage, organize, permit, maintain, promote, conduct, or cause to be advertised, act as an entrepreneur, undertake, manage, sell or give tickets to an actual or reasonably anticipated assembly of 100 or more people unless a license to hold the assembly has first been issued by Tooele County. A license to hold an assembly shall permit the licensee to engage in any lawful activity in connection with the holding of the licensed assembly. A separate license shall be required for each location in which 100 or more people assemble or can reasonably be anticipated to assemble. The fee for each license shall be $100 for each 24-hour period or portion thereof. A license shall permit the assembly of only the maximum number of people stated in the license. The licensee shall not sell tickets for nor permit to assemble at the licensed location more than the maximum permissible number of people.

(2) This chapter shall not apply to:

(a) any regular established, permanent place of worship, stadium, athletic field, arena, auditorium, coliseum, or other similar permanently established place of assembly for assemblies which do not exceed by more than 250 people the maximum seating capacity of the structure where the assembly is held; and

(b) government sponsored assemblies. (Ord. 2003-12, 6/10/03; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

6-13-4. Admission by ticket only.

(1) A licensee under this chapter shall not admit, and shall prevent the entrance to the premises on which the public assembly is held, any person who does not possess a ticket, except a peace officer or other public officer in the performance of his duties. Admission shall be by ticket only. The licensee shall not sell, give or distribute a greater number of tickets than the number which the license allows to attend. The licensee shall not admit any persons to any outdoor gathering if such admission would result in a greater number of persons present that allowed by the license.

(2) If the zoning administrator finds that the number of persons who may seek to attend an outdoor gathering is larger than authorized by the license and that the congregation of such excessive numbers of persons at the site seeking admittance may cause traffic or crowd control problems, he may prohibit sales of tickets at the site and require that tickets be sold at some other specified location or locations or in such other manner as may be approved by the zoning administrator. (Ord. 2003-12, 6/10/03; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

6-13-5. Water supply.

(1) Every licensee under this chapter shall provide an ample supply of potable water for drinking and sanitation purposes on the premises of the outdoor gathering. The location of water facilities on the premises must be approved by the Tooele County Health Department prior to issuance of a license.

(2) All water shall meet specifications prescribed by the environmental health director and shall be delivered to the point of use by sanitary methods meeting the requirements of the environmental health director. Drainage from drinking fountains shall be disposed in a sanitary, nuisance-free manner. (Ord. 2003-12, 6/10/03; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

6-13-6. Security personnel.

The licensee shall employ at his own expense such security personnel as are necessary and sufficient to provide for the adequate security and protection of all attendees at the assembly and for the preservation of order and protection of property in and around the assembly site. No license shall be issued unless the Tooele County Sheriff is satisfied that such necessary and sufficient security personnel will be provided by the licensee for the duration of the assembly. Officers and

agents of the state and county shall have free right of access to the premises for the purpose of inspection. (Ord. 2003-12, 6/10/03; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

6-13-7. Food service.

If food is to be handled outside of sealed packaging and prepared for sale to attendees on the premises, it shall be delivered only through concessions licensed and operated in accordance with the provisions of the Tooele County Health Department, and in accordance with any other applicable state or local law. (Ord. 2003-12, 6/10/03; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

6-13-8. Fire protection.

Each assembly site shall be inspected by the Tooele County Fire Marshall and evaluated for fire potential with the type of activity proposed and fuel present on the site. The licensee shall, at his own expense, take adequate steps as determined by the Tooele County Fire Marshall, to insure fire protection for the site, attendees, staff and surrounding lands. (Ord. 2003-12, 6/10/03; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

6-13-9. Fencing.

The licensee shall erect a fence completely enclosing the site of sufficient height and strength as will preclude persons in excess of the maximum permissible attendants from gaining access and which will have sufficient gates properly located so as to provide ready and safe ingress and egress at controlled points. (Ord. 2003-12, 6/10/03; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

6-13-10. Noise control.

The licensee shall insure that the laws in Title 6, Chapter 21, Tooele County Code are complied with and all required signage as to noise levels are properly displayed. (Ord. 2003-12, 6/10/03; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

6-13-11. Reimbursement for county services.

Should the licensed event necessitate the deployment of additional county personnel and equipment, such added expense shall be recoverable from the principal and/or its surety. The deposit or its balance is to be returned when the Board of County Commissioners of Tooele County has determined that no such damage has been done and that the county did not incur such additional expense due to said event or that the costs of the above have been paid by the applicant. (Ord. 2003-12, 6/10/03; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

6-13-12. License application.

(1) Application for a license to hold an assembly shall be made at least 60 days in advance of such assembly in writing upon a form supplied by the department of engineering, which shall contain the following information:

(a) a signed statement made upon oath or affirmation that the statements contained therein are true and correct to the best knowledge of the applicant;

(b) the name, age, date of birth, business license number, residence and mailing address of the applicant, company or corporation sponsoring the assembly;

(c) the address and legal description of all property upon which the assembly is to be held, together with the name, residence and mailing address of the record owner(s) of all such property;

(d) proof of ownership of all property upon which the assembly is to be held or a statement made upon oath or affirmation by the record owner(s) of all such property that the applicant has permission to use such property for the assembly;

(e) the nature or purpose of the assembly;

(f) the dates and hours during which the assembly is to last;

(g) the maximum number of persons the applicant shall permit to assemble at any time, not to exceed the maximum number which can reasonably gather at the location, in consideration of the nature of the assembly, or the maximum number of persons allowed to sleep within the boundaries of the location of the assembly by the zoning ordinances of Tooele County if the assembly is to continue overnight;

(h) the maximum number of tickets to be sold and the ticket outlets where they will be sold and marketed;

(i) plans to limit the maximum number of people permitted to assemble;

(j) plans for fencing the assembly location and the gates contained in such fence;

(k) plans for providing toilet and lavatory facilities, including the source, number, location, type and the means of disposing of waste deposited;

(l) plans for holding, collecting and disposing of solid waste;

(m) plans, if any, to illuminate the location of the assembly, including the source and amount of power and the location of lamps;

(n) plans for emergency first aid care;

(o) plans for parking vehicles, including size and location of lots, points of highway access and interior roads, and routes between highway access and parking lots;

(p) plans for camping facilities, if any, including facilities available and their location;

(q) plans for security, including the number of guards, their deployment, and their names, addresses, credentials and hours of availability;

(r) plans for fire protection, including the number, type and location of all protective devices, alarms and extinguishers, and the number of emergency fire personnel available to operate the equipment; and

(s) plans for food concessions and concessionaires who will be allowed to operate on the grounds, including the names and addresses of all concessionaires and their license or permit number.

(t) a plat map from the recorder's office showing all adjoining property owners within one mile of the property where the assemble is being proposed along with a list of the names and addresses of all those landowners appearing on the tax rolls of Tooele County.

(2) The application shall be accompanied by the bond required and the license fee. (Ord. 2003-12, 6/10/03; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

6-13-13. Conditions for issuing license.

(1) Before a license may be issued under this chapter the applicant shall determine the maximum number of people which will be assembled or admitted. The maximum number shall not exceed that which can reasonably assemble at the location in consideration of the nature of the assembly. Where the assembly is to continue overnight, the maximum number shall not be more than is allowed to sleep within the boundaries of the location of the assembly by the zoning or health regulations of the county or the State of Utah.

(2) Before the issuance of a license, the applicant shall provide proof that he will furnish at his own expense before the assembly commences the following:

(a) separate enclosed toilets as required by the Tooele County Health Department;

(b) a sanitary method of disposing of solid waste, in compliance with State and local laws and regulations, sufficient to dispose of the solid waste production of the maximum number of people to be assembled;

(c) no large assembly shall take place between the hours of 12:00 midnight and 7:00 a.m., unless the zoning administrator determines that other hours of operation will not constitute a serious disturbance to the residents in the neighborhood of the site of the outdoor gathering;

(d) if the assembly is to continue during hours of darkness, illumination sufficient to light the entire area of the assembly, but not to shine unreasonably beyond the boundaries of the enclosed location of the assembly;

(e) the licensee shall provide for ingress to and egress from the premises so as to insure the orderly flow of traffic onto and off the premises. Access to the premises shall be from a highway or road which is part of the county system of highways or which is a highway maintained by the State of Utah. Traffic lanes and other space shall be provided upon the premises and kept open for access by the ambulances, fire equipment, and other emergency vehicles.

(f) a parking area inside the assembly grounds sufficient to provide parking space for the maximum number of people to be assembled at the rate of at least one parking space for every four persons;

(g) if the assembly is to continue overnight, camping facilities in compliance with all Federal, State and local requirements sufficient to provide camping accommodations for the maximum number of people to be assembled;

(h) security guards, either regular employees, duly sworn off-duty peace officers of the State of Utah or private guards, licensed in the State of Utah, sufficient to provide adequate security for the maximum number of people to be assembled at the rate of at least two security guards for every 300 people;

(i) a first aid station staffed with at lease one Emergency Medical Technician and others with current first aid and CPR certificates.

(j) before the issuance of a license, the licensee shall obtain public liability insurance with limits of not less then $1,000,000 and property damage insurance with a limit of not less than $125,000, which insurance shall insure the licensee against liability for death or injury to persons or damage to property which may result from the conduct of the assembly or conduct incident thereto and which insurance shall remain in full force and effect in the specified amounts for 60 days past the end of the event; and

(k) a bond, filed with the Clerk of Tooele County, either in cash or underwritten by a surety company licensed to do business in Utah, at the rate of $2.00 per person for the maximum number of people permitted to assemble, which shall indemnify and hold harmless Tooele County or any of its agents, officers, servants and employees from any liability or causes of action which may arise by reason of granting this license, and from any cost incurred in cleaning up any waste material produced or left by the assembly or for damages

caused thereby. (Ord. 2003-12, 6/10/03; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

6-13-14. Notification of adjoining property owners.

When the zoning administrator receives an application for a large assembly license notification shall be mailed to all landowners appearing on the tax rolls of Tooele County that adjoin the property within one mile. Such notice shall state a seven day time period where written comment can be made for or against the application. (Ord. 2003-12, 6/10/03; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

6-13-15. Notification of other departments and application review meeting.

(1) When the zoning administrator receives an application for a large assembly license notification shall be given to the fire marshal, sheriff, building official and the Tooele County Health Department.

(2) Any public or private service district providing fire protection, water or sewage disposal services shall also be notified.

(3) Within two weeks of the date of application, an application review meeting shall be held with each of the officers, entities and departments listed in subsection (1) and (2), as well as the applicant, where written reports and recommendations shall be submitted. The recommendations may contain proposed conditions, departmental approval or denial. (Ord. 2003-12, 6/10/03; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

6-13-16. Issuance.

The application for a license shall be processed within 30 days of receipt and shall be reviewed and approved by the zoning administrator if all conditions are complied with. The zoning administrator may impose additional conditions to protect health and safety. (Ord. 2003-12, 6/10/03; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

6-13-17. Denial of license.

The license shall not be granted if any of the items set forth in said application are determined by the zoning administrator to be insufficient to properly safeguard the safety, health, welfare and well-being of persons or property or do not comply with any of the requirements of this chapter. (Ord. 2003-12, 6/10/03; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

6-13-18. Revocation.

A large assembly license may be revoked by the zoning administrator at any time if any of the conditions necessary for the issuing of or contained in the license are not complied with, or if any condition previously met ceases to be complied with. If after a license is issued the zoning administrator determines that any of the items required as a condition of the license are not adhered to and accomplished within the required time limits or if any of the arrangements for provision of services and facilities or any insurance or surety bond shall become terminated prior to the completion of the event, then this license may immediately be terminated. Notice of termination of the license shall be in writing, addressed to the licensee at the address set forth in the application or on the site. (Ord. 2003-12, 6/10/03; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

6-13-19. Appeals.

(1) Any person aggrieved by a decision of the zoning administrator regarding the issuance, denial or revocation or amendment of a large assembly license may appeal such decision to the board of county commissioners whose decision shall be final. All appeals to the county commission must be in writing and filed with the county commission within 30 days of the date of the decision appealed from.

(2) The decision of the county commission may be appealed to the district court provided such appeal is filed within 30 days of the county commission decision. Ths appeal shall be filed with the county commission and with the clerk of the district court. (Ord. 2003-12, 6/10/03; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

6-13-20. Enforcement.

(1) The provisions of this chapter may be enforced by injunction in any court of competent jurisdiction.

(2) The holding of an assembly in violation of any provisions or condition contained in this ordinance shall be deemed a public nuisance and may be abated as such.

(3) It is unlawful for licensee, his employees, or agents to:

(a) conduct or operate an assembly without first obtaining a license as herein provided;

(b) conduct or operate an assembly in such a manner as to create a public or private nuisance;

(c) conduct or permit, within the assembly, any obscene display, exhibition, show, play, entertainment or amusement;

(d) permit any person on the premises to cause or create a disturbance by obscene or disorderly conduct;

(e) permit any person to unlawfully consume, sell, or possess, intoxicating liquor while on the premises;

(f) permit any person to unlawfully use, sell, or possess any narcotics, narcotic drugs or other illegal substances.

(4) Any violation of this chapter or conditions of the license is a sufficient basis for revocation of the

license and for immediately enjoining further conduct of the assembly. (Ord. 2003-12, 6/10/03; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

CHAPTER 14

REGULATION OF PARADES AND PROCESSIONS

Section

6-14-1. Purpose.
6-14-2. Permit required.
6-14-3. Exemptions.
6-14-4. Permit application.
6-14-5. Issuance of application for a license.
6-14-6. Revocation.
6-14-7. Enforcement.

6-14-1. Purpose.

It is the purpose of this chapter to regulate all organized parades or processions which will occupy, march or proceed along any public street or road located in the unincorporated areas of Tooele County. This chapter is designed for the purpose of notifying Tooele County, including the Sheriff and other necessary departments of the parade and allowing Tooele County to respond to the same in order that the health, safety and welfare of all persons in Tooele County, including residents and visitors alike, may be protected. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

6-14-2. Permit required.

No procession or parade, except a funeral procession, shall occupy, march or proceed along any public street or road located within Tooele County, except in accordance with a permit issued by the Tooele County Commission. Application for such a permit must be made at least 30 days in advance of the parade or procession. A permit to sponsor a parade or procession issued to one person shall permit any person to engage in any lawful activity in connection with the same parade or procession. The fee for a parade or procession permit shall be $25.00 for each day. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

6-14-3. Exemptions.

This chapter shall not apply to funeral processions or any other parade or procession being sponsored by the State of Utah or any political subdivision thereof. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

6-14-4. Permit application.

Application for a permit to conduct or sponsor a parade or procession shall be made in writing upon a form supplied by the Tooele County Clerk at least 30 days in advance of such parade or procession, which will contain the following information:

(1) The application shall contain a statement upon oath or affirmation that the statements contained therein are true and correct to the best knowledge of the applicant and be signed and sworn to by the individual making application.

(2) The application shall contain and disclose:

(a) the name, age, residence and mailing address of the applicant and the company or corporation that is sponsoring the parade or procession;

(b) a description or the route or routes upon which the parade or procession is intended to proceed;

(c) the nature or the purpose of the parade or procession;

(d) the total number of days or hours during which the parade or procession is intended to last;

(e) the maximum number of persons which the applicant expects will participate in the parade or procession;

(f) the plans for providing sanitary facilities and the control of littering;

(g) the plans for emergency services;

(h) the plans for parking vehicles; and

(i) the plans for security.

(3) The application shall include the permit fee. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

6-14-5. Issuance of application for a license.

Issuance of the application for a license shall be processed within 14 days of receipt, and shall be reviewed and approved by the Sheriff and County Commission. The County Commission or Sheriff may impose additional conditions to protect health and safety. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

6-14-6. Revocation.

A parade or procession permit issued under this chapter may be revoked by the Tooele County Commission at any time if any other conditions necessary for the issuing of or contained in the permit are not complied with, or if any conditions previously met ceases to be complied with. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

6-14-7. Enforcement.

(1) The provisions of this chapter may be enforced by injunction in any court of competent jurisdiction.

(2) The holding of a parade or procession in violation of any provisions or conditions contained in

this ordinance shall be deemed a public nuisance and may be abated as such.

(3) It shall be unlawful for any person to violate the provisions of this chapter. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

CHAPTER 15

COST RECOVERY
HAZARDOUS MATERIALS EMERGENCIES

Section

6-15-1. Purpose.
6-15-2. Definitions.
6-15-3. Recovery authorization and procedure.
6-15-4. No admission of liability.
6-15-5. Action to recover expenses.

6-15-1. Purpose.

This chapter shall provide procedures for recovering costs incurred by the County or other local governmental agencies for assistance rendered in responding to hazardous materials emergencies, aggravated fire emergencies and aggravated emergency medical responses. (Ord. 95-19, 9/12/95; Ord. 94-20, 11-3-94)

6-15-2. Definitions.

As used in this chapter:

(1) **"Hazardous materials emergency"** means a sudden or unexpected release of any substance that, because of its quantity, concentration or physical, chemical or infectious characteristics, presents a direct and immediate threat to public safety or the environment and requires immediate action to mitigate the threat.

(2) **"Aggravated fire emergency"** means:

(a) A fire proximately caused by the owner or occupier of property or a structure, which presents a direct and immediate threat to public safety and requires immediate action to mitigate the threat, and the fire:

1) is caused or contributed to by the failure to comply with an order from any State, County, or local agency, department or official; or

2) occurs as a direct result of a deliberate act in violation of State law or the ordinances or regulations of the County or other local agency.

(b) A fire that constitutes arson or reckless burning as defined by the Utah Code.

(c) An alarm that results in a County or local fire unit being dispatched, and the person transmitting, or causing the transmission of the alarm, knows at the time of said transmission that no fire or fire related emergency exists.

(3) **"Aggravated medical emergency"** means an alarm that results in a County or local fire unit or a county emergency medical unit being dispatched, and the person transmitting, or causing the transmission of the alarm, knows at the time of said transmission that there are no reasonable grounds for believing that a medical emergency exists.

(4) **"Expenses"** means the actual costs of County or other local government and volunteer personnel, including worker's compensation benefits, fringe benefits, administrative overhead, costs of equipment, cost of equipment operation, cost of materials, costs of disposal and the cost of any contract labor and materials. (Ord. 95-19, 9/12/95; Ord. 94-20, 11-3-94)

6-15-3. Recovery authorization and procedure.

(1) The County is hereby empowered to recover expenses incurred by virtue of the County's or other local governmental agencies' response to a hazardous materials emergency, aggravated fire emergency or an aggravated medical emergency from any person, corporation, partnership or other individual or entity who caused such an emergency, pursuant to the following procedure:

(a) The County Sheriff's department shall determine responsibility for the emergency or response as defined above and notify the responsible party by mail of the department's determination of responsibility and the expenses to be recovered.

(b) The notice shall specify that the determined responsible party may appeal the department's decision before a hearing officer designated by the County Commission and establish a date by which the notice of appeal shall be filed. The appeal date shall be no less than fifteen (15) days from the date of the notice.

(2) In the event the determined responsible party appeals the determination, the hearing officer shall hold a hearing to consider any issues raised by the appeal, at which hearing the appealing party and the Sheriff's Department or other local government shall be entitled to present evidence in support of their respective positions.

(3) After the hearing, the hearing officer shall make a recommendation to the County Commission which shall issue a decision determining responsibility and assessing expenses. The Commission may adopt, modify or remand the recommendation of the hearing examiner for further proceedings. The Commission may, in its sole discretion, hear additional evidence

prior to issuing its decision. (Ord. 95-19, 9/12/95; Ord. 94-20, 11-3-94)

6-15-4. No admission of liability.

The payment of expenses determined owing under this chapter does not constitute:

(1) an admission of liability or negligence in any legal action for damages; or

(2) a criminal fine. (Ord. 95-19, 9/12/95; Ord. 94-20, 11-3-94)

6-15-5. Action to recover expenses.

In the event the party or parties determined to be responsible for the repayment of expenses incurred due to the County's or other local agencies' response to such an emergency fail to make payment to the County within thirty (30) days after a final administrative determination of any appeal to the County, or thirty (30) days from the deadline for appeal in the event no appeal is filed, the County may initiate legal action to recover from the determined responsible party the expenses determined to be owing, including the County's reasonable attorney's fees. (Ord. 95-19, 9/12/95; Ord. 94-20, 11-3-94)

CHAPTER 16

MINE REGULATIONS

Section

6-16-1. Mine regulations.

6-16-1. Mine regulations.

Mine owners and operators shall file with the Tooele County Sheriff's office complete plans showing their mining tunnels and such other information as may be necessary to assist the sheriff's office when called upon to investigate an accident or effect a rescue at the mine. (Ord. 96-4, 5/17/96)

CHAPTER 17

OVERNIGHT CAMPING

Section

6-17-1. Overnight camping.

6-17-1. Overnight camping.

Camping at one site on public property is limited to seven consecutive days. (Ord. 96-30, 10/3/96)

CHAPTER 18

MISCELLANEOUS PROVISIONS

Section

6-18-1. Skateboards, roller blades and roller skates.
6-18-2. Visitor activities on federal public land.
6-18-3. Adoption of International Fire Code.
6-18-4. Burning permits.
6-18-5. Use of Jacobs brakes or dynamic braking on State Road 36 prohibited.
6-18-6. Possession or use of glass containers on lands open to public access prohibited.
6-18-7. Indigent dead.
6-18-8. Prohibited targets.
6-18-9. Use of firearms in the Horseshoe Knoll/Round Knoll camping area prohibited.
6-18-10. Use of motorized vehicles on "Big Pole Fire" property prohibited.

6-18-1. Skateboards, roller blades and roller skates.

Skateboards, roller blades, or roller skates shall not be used on properties owned by Tooele County, including the Tooele County Courthouse, the Children's Justice Center, the county health building and the Grantsville and Tooele Senior Citizen Centers. This restriction applies to both the inside and outside of the buildings, including the parking lots, ramps and walkways. Persons using any of these items on such property shall be considered trespassers. Department heads, elected officials and county employees are authorized to give trespassers notice of the violation and refer the matter for criminal prosecution. (Ord. 97-4, 4/3/97)

6-18-2. Visitor activities on federal public land.

(1) This section is for the purposes of regulating visitor activities on federal public lands administered by the Bureau of Land Management within Tooele County and providing appropriate law enforcement.

(2) The following parts and sections of Title 43 Code of Federal Regulations, as currently constituted and amended, are hereby adopted by reference as part of the Tooele County Code: 2801.3(a); 2920.1-2(e); 2932.57(a)(1) through 2932.57(a)(7); 2933.33(a)(1) through 2933.33(a)(6); 4140.1(b)(2) through 4140.1(b)(11); 4770.1(a) and 4770.1(b); 5462.2(b)(1) through 5462.2(b)(7); 6302.20(a) through 6302.20(j); 8341.1(b) and 8341.1(c); 8351.1-1(a); 8364.1(d); 8365.1-1(b)(1) through 8365.1-1(b)(6); 8365.1-2(a) and 8365.1-2(b); 8365.1-4(a)(1) through 8365.1-4(a)(6);

8365.1-5(a)(1) through 83565.1-5(a)(3); 8365.1-6; 8365.2-1(a) through 8365.2-1(c); 8365.2-2(a) through 8365.2-2(c); 8365.2-3(a) through 8365.2-3(h); 8365.2-4; 8365.2-5(a); 9212.1(a) through 9212.1(h).

(3) The sheriff and sheriff's deputies are authorized to enforce those provisions of Subsection (2) and Utah State and Tooele County laws and ordinances on federal public lands administered by the Bureau of Land Management. This includes, but is not limited to, laws and ordinances governing:

(a) operation and use of motor vehicles, aircraft and boats;

(b) hunting and fishing;

(c) use of firearms or other weapons;

(d) injury to persons, or destruction or damage to property;

(e) air and water pollution;

(f) littering;

(g) sanitation;

(h) pets;

(i) forest products; and

(j) caves.

(Ord. 2006-07, 2/14/06; Ord. 97-8, 7/10/97)

6-18-3. Adoption of International Fire Code.

(1) The 2006 edition of the International Fire Code, published by the International Code Council, is hereby adopted as part of the Tooele County Code to be used as the standard in Tooele County. All future amendments to the aforementioned code are to be immediately included within the provisions of this section without further action of the County Legislative Body.

(2) Persons who violate provisions of the International Fire Code shall be guilty of a class C misdemeanor. (Ord. 2008-15, 11/18/08; Ord. 99-27, 9/7/99)

6-18-4. Burning permits.

(1) Persons shall obtain a burning permit before starting a fire on any forest, brush, range, grass, grain, stubble, or hay land, except a burning permit is not required for the burning of fence lines on cultivated lands, canals, or irrigation ditches, provided that the individual notifies the nearest fire department of the approximate time that the burning will occur.

(2) Persons shall not start fires on public or private land outside of the burn days established by the local fire department.

(3) Persons who violate this section shall be guilty of a class C misdemeanor. (Ord. 99-27, 9/7/99)

6-18-5. Use of Jacobs brakes or dynamic braking on State Road 36 prohibited.

To insure the peace and health of the public and to reduce noise in residential communities, the use of Jacobs brakes or dynamic braking by diesel powered vehicles over 10,000 gross vehicle weight on State Road 36 from Interstate 80 to the Tooele City limits is prohibited except in an emergency. (Ord. 2001-6, 2/6/01)

6-18-6. Possession or use of glass containers on lands open to public access prohibited.

(1) (a) Except for containers for medicinal substances contained in a first-aid kit or prescribed by a licensed physician, and except as provided under subdivision (1)(b) of this section, no person shall possess or use glass containers on lands open to public access located within Tooele County.

(b) A person engaged in removing glass previously discarded by others and found on lands open to public access may not be charged with a violation of this section on the basis of possession of glass, if while upon said lands, he or she transports the removed glass securely in a trash container.

(2) (a) A violation of this section shall be an infraction and each violation may be prosecuted as a separate offense.

(b) Each violation shall be punishable by a fine of not less than $100 and not more than $500.

(3) For purposes of this section:

(a) "Lands open to public access" means land owned by Tooele County, the State of Utah, or the federal government located within Tooele County that is reserved for public use, including, but not limited to public parks, trails, recreation centers, and campgrounds. (Ord. 2008-16, 7/15/08)

6-18-7. Indigent dead.

(1) Tooele County may contract with one or more funeral homes for the disposition of the remains of deceased indigent persons.

(2) The remains of indigent persons who die within the county shall be cremated; provided, however, that the remains of indigent homicide victims may, at the county's discretion, be buried in a plot designated by the county. The county's obligation for the cremation of any deceased indigent person's remains shall not include the costs associated with any service or memorial; the costs of interment of the cremains in any burial plot, grave, tomb, or mausoleum; or the costs of transportation of such cremains for such final disposition.

(3) The friends and family of a deceased indigent person shall have the right to attend and witness

cremation services held under this section. If any surviving family member of a deceased indigent person so desires, cremated remains shall be deposited in an urn or other suitable container and custody thereof given to that family member. If a deceased indigent person has no known surviving family, or if family members decline custody of cremated remains, such remains shall be disposed of at the discretion of the mortuary responsible for cremation and such disposal shall be performed with all due respect for the dead.

(4) In the event that a deceased indigent person's surviving spouse, sibling, parent, or direct descendant objects to disposition by cremation, the county may provide a payment equal to the cost of cremation toward the burial or other disposition of that deceased indigent person; provided, however, that the county shall have no further responsibility for supplying any casket or crypt, providing a burial plot, paying for any funeral or burial services, or for transporting that deceased indigent person's remains, and the statutory requirements of Utah Code Ann. § 17-53-221 shall be deemed fully satisfied. (Ord. 2011-14, 10/4/11)

6-18-8. Prohibited targets.

(1) No person within the unincorporated area of Tooele County, including state and federal public lands, shall use or possess with intent to use as a target any object, either solid, liquid, vapor, or particulate that will shatter, break apart, fragment, ignite, or explode, that may create a hazard or nuisance to any persons, property, public lands, wildlife, or livestock.

(2) This section does not apply to:

(a) any objects used as targets commonly referred to as clay pigeons, sporting clays, or objects of a similar nature; or

(b) any private property owner on his property, or any person on the private property owner's property in possession of written permission from the property owner to engage in recreational shooting activities on the property.

(3) Persons who violate this section shall be guilty of a class B misdemeanor. (Ord. 2012-06, 3/20/12)

6-18-9. Use of firearms in the Horseshoe Knoll/Round Knoll camping area prohibited.

(1) No person shall use a firearm in the Horseshoe Knoll/Round Knoll camping area, which consists of approximately 170 acres and is described as follows: The southwest quarter (¼) of Section 25, and that portion of the southeast quarter (¼) of the southeast quarter (¼) of Section 26, east of State Route 196 (SR-196), Township 2 South, Range 8 West, Salt Lake Base and Meridian.

(2) (a) A violation of this section shall be an infraction.

(b) Each violation shall be punishable by:

1) a fine of not less than $250 and not more than $750; and

2) 10 hours of community service. (Ord. 2012-11, 4/3/12; Ord. 2012-06, 3/20/12; Ord. 2011-14, 10/4/11; Ord. 2010-07, 4/6/10)

6-18-10. Use of motorized vehicles on "Big Pole Fire" property prohibited.

(1) No motorized vehicles shall be permitted on the property that is described as follows: All lands, either public or private, that are located south of Interstate 80 (I-80), east of State Route 196 (SR-196), west of the crest of the Stansbury Mountain range, and north of the Skull Valley Goshute Indian Reservation in Tooele County, Utah; includes public lands within Townships 1 through 4 South, Ranges 7 and 8 West, Salt Lake Meridian.

(2) Federal, state, and local government agencies tasked with land management, wildlife management, law enforcement, emergency response, search & rescue, and fire protection are exempt from this restriction while operating within the scope of their official duties. Motor vehicle access by other parties may be allowed, but must be approved in advance in writing by the Tooele County Commission.

(3) (a) A violation of this section shall be an infraction.

(b) Each violation shall be punishable by:

1) a fine of not less than $250 and not more than $750; and

2) 10 hours of community service. (Ord. 2012-06, 3/20/12; Ord. 2011-14, 10/4/11; Ord. 2010-11, 6/1/10)

CHAPTER 19

HAZARDOUS MATERIALS LOCAL EMERGENCY PLANNING COMMITTEE

Section

6-19-1. Definitions.
6-19-2. Committee created.
6-19-3. Haz-mat coordinator.
6-19-4. Emergency Planning and Community Right-to-Know Act.
6-19-5. Notice of violation.
6-19-6. Hearing examiner.
6-19-7. Service of notice of violations.
6-19-8. Failure to pay.
6-19-9. Enforcement.

6-19-1. Definitions.

As used in this chapter:

(1) "LEPC" means the Tooele County Local Emergency Planning Committee, as authorized by 42 USCS 11001 and Utah Code Annotated Section 63-5-5(5).

(2) "EPCRA" means the Federal Emergency Planning and Community Right-to-Know Act of 1986, 42 USC 11001 through 11050. (Ord. 2012-21, 10/16/12; Ord. 2001-34, 11/20/01)

6-19-2. Committee created.

Tooele County hereby authorizes and establishes as set forth in this chapter a Tooele County Local Emergency Planning Committee. The LEPC, through the Tooele County Health Department, Division of Emergency Management, is hereby authorized to enforce the provisions of this chapter. (Ord. 2012-21, 10/16/12; Ord. 2001-34, 11/20/01)

6–19-3. Emergency Management Director.

The Emergency Management Director shall or designee may, upon resolution of the LEPC, act as the LEPC's agent for the enforcement, management, and administration of the LEPC's duties set forth under EPCRA. (Ord. 2012-21; 10/16/12; Ord. 2001-34, 11/20/01)

6-19-4. Emergency Planning and Community Right-to-Know Act.

(1) The requirements of EPCRA shall be the law of Tooele County and shall apply equally to federal, state, county, or local governmental agencies, departments, installations, and facilities located in this county, as well as to other facilities that are subject to the provisions of EPCRA.

(2) The provisions of EPCRA are hereby deemed rules and regulations of the Tooele County Health Department, Division of Emergency Management and the fire department governing the operation of the business holding a license or permit pursuant to Tooele County ordinances.

(3) An owner or operator of a covered facility under the provisions of EPCRA who violates such provisions, shall be subject to a civil administrative fine not to exceed $1,000 per violation. The LEPC shall establish the fine based on the severity of the violation, the duration of the violation, the alleged violator's history of non-compliance, the economic benefit of non-compliance, the LEPC's or the county's investigative costs, and the cooperation of the owner or operator in remedying the alleged violation. (Ord. 2012-21, 10/16/12; Ord. 2001-34, 11/20/01)

6-19-5. Notice of violation.

(1) Whenever the LEPC determines that any person or facility is in violation of any applicable emergency plan accepted by or created by the LEPC pursuant to EPCRA, the requirements of EPCRA, or any rules of the LEPC, the LEPC through the chairperson or co-chairperson or designee may cause a written Notice of Violation(s) to be served on the owner of operator (hereinafter the "alleged violator").

(2) The Notice of Violation shall specify the provisions of the emergency plan, the section of the law, or rule alleged to have been violated, the facts alleged to constitute the violation(s) and advise the alleged violator that an administrative hearing shall be held to determine if a civil administrative fine should be imposed for the alleged violation. The LEPC shall specify the time, date, and place where the hearing shall be conducted. (Ord. 2001-34, 11/20/01)

6-19-6. Hearing examiner.

The LEPC may, by resolution, appoint a hearing examiner in its place to conduct a hearing on the Notice of Violation. The hearing examiner shall make a written non-binding recommendation to the LEPC on whether the violation occurred, which shall be duly served on the alleged violator. The alleged violator may, within 15 days after the date the recommendations of the hearing examiner were duly served, submit written objections to the LEPC, in the event the hearing examiner makes an adverse recommendation. The LEPC shall review the hearing examiner's recommendations as well as any timely objections submitted by the alleged violator and may adopt or reject the examiner's recommendations. The LEPC, after review of the hearing examiner's recommendations, shall issue a written order which shall be served on the alleged violator in the same manner as the Notice of Violation. The alleged violator shall have 30 days from the date affixed on the order in

which to seek judicial review of the order in the appropriate court. The alleged violator shall serve a copy of the complain seeking judicial review with the LEPC and the appropriate court. The LEPC shall promptly file in such court a certified copy of the record upon which such violation was found or fine imposed. (Ord. 2001-34, 11/20/01)

6-19-7. Service of notice of violations.

The Notice of Violation, the hearing examiner's recommendations to the LEPC and any order issued by the LEPC shall be served to the alleged violator and/or record owner of the facility upon which the violation is alleged to have occurred either personally or by mailing a copy of such notice and order by certified mail, postage prepaid, return receipt requested, to each such person at the address of the facility where the violation is alleged to have occurred. (Ord. 2001-34, 11/20/01)

6-19-8. Failure to pay.

If any person fails to pay a civil penalty imposed by the LEPC after it has become a final and unappealable order or after the appropriate court has entered final judgment in favor of the LEPC, the LEPC may request the Tooele County Attorney to institute a civil action to collect the fine imposed. (Ord. 2001-34, 11/20/01)

6-19-9. Enforcement.

(1) Nothing contained in this chapter shall prohibit the county or LEPC or any other person from initiating suit pursuant to 42 USCS 11045 and 11046 of EPCRA at any time during the pendency of the administrative proceedings authorized herein.

(2) The LEPC shall have the authority to enter into informal settlement agreements with an alleged violator in lieu of seeking a civil administrative fine under this chapter. (Ord. 2001-34, 11/20/01)

CHAPTER 20

WILDFIRE PROTECTION STANDARDS

Section

6-20-1. Purpose.
6-20-2. Retroactivity.
6-20-3. Definitions.
6-20-4. Authority of county fire warden.
6-20-5. Appeals.
6-20-6. Additions or alteration and maintenance.
6-20-7. Maintenance.
6-20-8. Practical difficulties.
6-20-9. Technical assistance.
6-20-10. Alternative materials or methods.
6-20-11. Permits.
6-20-12. Plans and specifications.
6-20-13. Inspection and enforcement.
6-20-14. Wildland/urban interface and intermix analysis.
6-20-15. Wildland/urban interface and intermix areas.
6-20-16. Interface area requirements.
6-20-17. Special building construction regulations.
6-20-18. Defensible space.

6-20-1. Purpose.

(1) This chapter presents minimum planning criteria for the protection of life and property from a wildfire. It includes information on safe procedures and practices at the wildland/urban interface or intermix. The provisions of this chapter shall apply to the construction, alteration, moving, repair, maintenance and use of any building, structure or premises within the wildland/urban interface or intermix areas.

(2) Buildings or structures moved into or within the wildland/urban interface shall comply with the provisions of this chapter for new buildings or structures.

(3) The objective of this chapter is to establish minimum regulations consistent with nationally recognized good practice for the safeguarding of life and property. This regulation is intended to mitigate the risk to life and structures from intrusion of fire from wildland fires, fire exposures from adjacent structures and to mitigate structure fires from spreading to wild lands. The extent of this regulation is intended to be tiered commensurate with the relative level of hazard present.

(4) The unrestricted use of property in wildland/urban interface areas is a potential threat to life and property from fire and resulting erosion.

Safeguards to prevent the occurrence of fires and to provide adequate fire protection facilities to control the spread of fire in wildland/urban interface areas shall be in accordance with this chapter.

(5) This chapter shall supplement the building and fire codes. (Ord. 2002-12, 05/21/02)

6-20-2. Retroactivity.

The provisions of this chapter apply to structures constructed or placed after the adoption of this chapter. Prior-built structures are not subject to the standards imposed herein, although it is recommended that they conform to these standards. (Ord. 2002-12, 05/21/02)

6-20-3. Definitions.

As used in this chapter:

(1) "Access route" means principal vehicular ingress and egress to a structure or through a development crossing more than one parcel, including public and private roads that extend to and intersect with a publicly maintained road.

(2) "Accessory building or structure" means any building or structure used incidentally to another building or structure.

(3) "Aerial fuel" means standing and supported live and dead combustibles in direct contact with the ground, consisting mainly of foliage, twigs, branches, stems, cones, bark, and vines.

(4) "Approved" means acceptable to the "authority having jurisdiction."

(5) "Aspect" means the direction toward which the slope faces.

(6) "ASTM" means American Society for Testing and Materials.

(7) "Authority having jurisdiction" means the organization, office or individual responsible for approving equipment, an installation or a procedure.

(8) "Average daily traffic" means the average daily volume of vehicles traveling on a given road.

(9) "Brush" means shrubs and scrub vegetation or other growth heavier than grass but not full tree size.

(10) "Building" means any structure used or intended for supporting any use or occupancy.

(11) "Classified roof" means a roof constructed with a covering that is listed as meeting the requirements for Class A, B, or C roof materials (see NFPA 256, Standard Methods of Fire Tests of Roof Coverings).

(12) "Combustible" means any material that, in the form in which it is used and under the conditions anticipated, will ignite and burn.

(13) "County fire warden" means the county fire warden or in that person's absence, the sheriff's designee.

(14) "Development" means human-made improvement of property.

(15) "Driveway" means vehicular ingress and egress access from a public road or improved private road to adjacent property.

(16) "Dwelling unit" means any building or structure or portion thereof that contains living facilities with provisions for sleeping, eating, cooking, and sanitation for not more than one family.

(17) "Fire hydrant" means a valved connection on a piped water supply system having one or more outlets and that is used to supply hose and fire department pumpers with water.

(18) "Fuel break" means an area, usually a long strip strategically located, wherein vegetative fuels are reduced in volume and maintained to cause a reduction of fire intensity if ignited by a wildland fire.

(19) "Fuel loading" means the volume of fuel in a given area, generally expressed in tons per acre.

(20) "Fuel model" means a description of fuel characteristics that relate to fire spread.

(21) "Fuel modification" means the removal of fuels, conversion of vegetation to fire-resistant species, increased spacing of individual plants, reduction of fuel loading, or lowering of age class.

(22) "Fuels" means any combustible material such as grass, bushes, trees, including vegetation and structures.

(23) "Hammerhead-T" means a roadway that provides a shaped, three-point turnaround for emergency equipment, being no narrower than the road that it serves, with the top of the "T" being a minimum of 40 feet (12.2 m) long.

(24) "IFCI" means the International Fire Code Institute.

(25) "ISO" means the International Organization for Standardization.

(26) "Listed" means equipment or materials included in a list published by an organization acceptable to the authority having jurisdiction and concerned with product evaluation and maintains periodic inspection of production of listed equipment or materials and whose listing states either that the equipment or material meets appropriate standards or has been tested and found suitable for use in a specified manner.

(27) "NFPA" means National Fire Protection Association, which develops nationally recognized standards.

(28) "Noncombustible" means a material that, in the form in which is used and under the conditions anticipated, will not aid combustion or add appreciable heat to an ambient fire. Materials tested in accordance with the Standard Test method for behavior of materials in a vertical tube furnace at 750ºC (1382ºF), ASTM El36, and conforming to the criteria contained in

Section 7 of the referenced standard shall be considered as noncombustible.

(29) "Occupancy" means the purpose for which a building, or part thereof, is used or intended to be used.

(30) "Prescribed fire" means the knowledgeable application of fire a specific land area to accomplish predetermined land management objectives.

(31) "Roads, streets, or private lanes" means an open way for passage of vehicles giving access to more than one parcel, any industrial or commercial occupancy, or to a single parcel with four or more dwelling units.

(32) "Roadway" means any surface improved, designed, or ordinarily used for vehicular travel.

(33) "Shoulder" means the surface of a road adjacent to the traffic lane.

(34) "Slope" means upward or downward incline or slant, usually calculated as a percent of slope and measured in rise or fall per one hundred feet of horizontal distance.

(35) "Street or road signage" means any sign containing words, numbers, directions, or symbols that provides information emergency responders.

(36) "Structure" means that which is built or constructed, a building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

(37) "Surface fuels" means any native or landscape vegetation not considered a tree and generally in contact with the ground.

(38) "Traffic lane" means that portion of a roadway that provides a single lane of vehicle travel in one direction.

(39) "Traveled way" means the portion of a roadway that provides for vehicular travel in all permitted directions.

(40) "Turnaround" means a roadway, unobstructed by parking, that allows for a safe reversal of direction for emergency equipment.

(41) "Turnout" means a widening in a roadway of sufficient length and width to allow vehicles to pass one another.

(42) "Wildland/urban interface" means an area where development and wildland fuels meet at a well-defined boundary.

(43) "Wildland/urban intermix" means an area where development and wildland fuels meet with no clearly defined boundary.

(44) "Wildfire" means an unplanned and unwanted fire requiring suppression action; an uncontrolled fire, usually spreading rough vegetative fuels but often threatening structures. (Ord. 2002-12, 05/21/02)

6-20-4. Authority of county fire warden.

(1) The county fire warden is hereby authorized to administer and enforce this chapter and all ordinances of Tooele County pertaining to designated wildland/urban interface or intermix areas.

(2) The county fire warden shall have the power to render interpretations of this chapter and to adopt and enforce rules and supplemental regulations to clarify the application of its provisions. Such interpretations, rules and regulations shall be in conformance with the intent and purpose of this chapter.

(3) A copy of such rules and regulations shall be filed with the Tooele County Clerk and shall be in effect immediately thereafter. Additional copies shall be available for distribution to the public.

(4) When requested to do so by the county fire warden, other officials of this jurisdiction shall assist and cooperate with the county fire warden in the discharge of the duties required by this chapter. (Ord. 2002-12, 05/21/02)

6-20-5. Appeals.

To determine the suitability of alternative materials and methods and to provide for reasonable interpretations of the provisions of this chapter, the sheriff or his appointed designee shall hear appeals and shall render decisions and findings in writing to the county fire warden, building official and zoning administrator, with a duplicate copy to the appellant. (Ord. 2002-12, 05/21/02)

6-20-6. Additions or alteration and maintenance.

(1) Additions or alterations may be made to any building or structure without requiring the existing building or structure to comply with all the requirements of this chapter, provided the addition or alteration conforms to that required for a new building or structure.

(2) An unsafe condition shall be deemed to have been created if an addition or alteration will cause the existing building or structure to become structurally unsafe or overloaded will not provide adequate access in compliance with the provisions of this chapter or will obstruct existing exits or access will create a fuel hazard; will reduce required fire resistance or will otherwise create conditions dangerous to human life. (Ord. 2002-12, 05/21/02)

6-20-7. Maintenance.

All buildings, structures, landscape materials, vegetation, defensible space or other devices or safeguards regulated by this chapter shall be maintained in conformance with the code sections under which installed. The owner or the owner's designated agent shall be responsible for the maintenance of buildings,

structures, landscape materials and vegetation. (Ord. 2002-12, 05/21/02)

6-20-8. Practical difficulties.

(1) When there are practical difficulties involved in carrying out the provisions of this chapter, the county fire warden, in consultation with the building official, is authorized to grant modifications for individual cases on application in writing by the owner or a duly authorized representative. The county fire warden shall first find that a special circumstance makes enforcement of this chapter impractical, the modification is in conformance with the intent and purpose of this chapter, and the modification does not lessen any fire protection requirements or any degree of structural integrity. The details of any action granting modifications shall be recorded and entered into the files of the code enforcement officer.

(2) If the county fire warden determines that difficult terrain, danger of erosion or other unusual circumstances make compliance with the vegetation control provisions of the code detrimental to safety or impractical, enforcement thereof may be suspended provided reasonable alternative measures are taken. (Ord. 2002-12, 05/21/02)

6-20-9. Technical assistance.

To determine the acceptability of technologies, processes, products, facilities, materials and uses attending the design, operation or use of a building or premises subject to the inspection of the building official, the county fire warden is authorized to require the owner or the person in possession or control of the building or premises to provide, without charge to Tooele County, a technical opinion and report. The opinion and response shall be prepared by a qualified engineer, specialist, laboratory or fire-safety specialty organization acceptable to the county fire warden and the owner and shall analyze the fire safety of the design, operation or use of the building or premises, the facilities and appurtenances situated thereon and fuel management for purposes of establishing fire hazard severity to recommend necessary changes. (Ord. 2002-12, 05/21/02)

6-20-10. Alternative materials or methods.

(1) The county fire warden, in concurrence with the building official, is authorized to approve alternative materials or methods, provided the building official finds that the proposed design, use or operation satisfactorily complies with the intent of this chapter and that the alternative is, for the purpose intended, at least equivalent to the level of quality, strength, effectiveness, fire resistance, durability and safety prescribed by this chapter. Approvals shall be subject to the approval of the building official whenever the alternate material or method involves matters regulated by the International Building Code.

(2) The building official, zoning administrator, or county fire warden shall require that sufficient evidence or proof be submitted to substantiate any claims that may be made regarding its use. The details of any action granting approval of an alternate shall be recorded and entered in the files of the code enforcement officer. (Ord. 2002-12, 05/21/02)

6-20-11. Permits.

(1) Unless otherwise exempted, no building or structure regulated by this chapter shall be erected, constructed, altered, repaired, moved, removed, converted or demolished unless a separate permit for each building or structure has first been obtained from the building official.

(2) Unless otherwise required by the building code, fire code, or zoning ordinance, a permit shall not be required for:

(a) one-story detached accessory buildings used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet and the structure is located more than 50 feet from the nearest adjacent structure; or

(b) fences not over six feet high.

(3) Exemption from the permit requirements of this chapter shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this chapter or any other ordinance of Tooele County.

(4) The county fire warden is authorized to stipulate conditions for permits. Permits shall not be issued when public safety would be at risk as determined by the county fire warden.

(5) Before a permit is issued within an wildland/urban interface or intermix area, the county fire warden, building official and zoning administrator, or their authorized representatives, shall review and approve all permitted uses, occupancies or structures. Where laws or regulations are enforceable by other agencies or departments, a joint approval shall be obtained from all agencies or departments concerned.

(6) The application, plans, specifications and other data filed by an applicant for a building or land use permit shall be reviewed by the county fire warden. If the county fire warden finds that the work described in an application for a permit and the plan, specifications and other data filed therewith conform to the requirements of this chapter, the county fire warden is allowed to give approval for the issuance of a permit to the applicant.

(7) Before the building official, zoning administrator or planning commission issues any permit, the county fire warden shall be notified, and may respond in writing or stamp the plans and specifications "APPROVED, TOOELE COUNTY FIRE WARDEN" within five working days. Failure of the county fire warden to respond within the time allowed shall be deemed as an approval of the plans as presented. Approved plans and specifications shall not be changed, modified or altered without authorization from the county fire warden, and all work regulated by this chapter shall be done in accordance with the approved plans.

(8) The issuance or granting of a permit or approval of plans, specifications and computations shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this chapter or of any other ordinance of Tooele County. Permits presuming to give authority to violate or conceal the provisions of this chapter or other ordinances of Tooele County shall not be valid.

(9) Permits shall at all times be kept on the premises designated therein and subject to inspection by the county fire warden or other authorized representative.

(10) A permit issued under this chapter may be suspended or revoked when it is determined by the county fire warden, building official or zoning administrator that:

(a) it is used for a location other than that for which the permit was issued;

(b) any of the conditions or limitations set forth in the permit have been violated;

(c) the permittee fails, refuses or neglects to comply with any order or notice duly served on him under the provisions of this chapter within the time provided therein;

(d) there has been any false statement or misrepresentation as to material fact in the application or plans on which the permit or application was made; or

(e) when the permit is issued in error or in violation of any other ordinance, regulations or provisions of this chapter.

(11) The county fire warden shall submit in writing to the building official or zoning administrator, reasons to suspend or revoke a permit issued under the provisions of this chapter whenever the permit is issued in error or on the basis of incorrect information supplied or in violation of any ordinance or regulation or any of the provisions of this chapter. (Ord. 2002-12, 05/21/02)

6-20-12. Plans and specifications.

(1) Plans, engineering calculations, diagrams and other data shall be submitted in at least two sets with each application for a permit. The county fire warden may require plans, computation and specifications to be prepared and designed by an architect or engineer licensed by the state to practice as such. An exception to the foregoing is the submission of plans, calculations, construction inspection requirements and other data if it is found that the nature of the work applied for is such that reviewing of plans is not necessary to obtain compliance with this chapter.

(2) Plans and specifications shall be drawn to scale upon substantial paper or Mylar and shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this chapter and all relevant laws, ordinances, rules and regulations.

(3) Site plans shall include topography, width and percent of grade of access roads, landscape and vegetation details, locations of structures or building envelopes, existing or proposed overhead utilities, occupancy classification of buildings, types of ignition-resistant construction of buildings, structures and their appendages, roof classification of buildings, and site water supply systems.

(4) When utilized by the permit applicant, vegetation management plans shall be prepared and shall be submitted to the county fire warden for review and approval as part of the plans required for a permit.

(5) When required by the county fire warden, the plans and specifications shall include classification of fuel loading, fuel model, and substantiating data to verify classification of fire-resistive vegetation.

(6) In addition to the requirements for site plans, plans shall include details regarding the vicinity within 300 feet of property lines, including other structures, slope aspect and elevation, vegetation, fuel breaks, water supply systems, and access roads.

(7) One set of approved plans, specifications and computations shall be retained by the engineering department. One set of approved plans and specifications shall be returned to the applicant, which set shall be kept on the site of the building, use or work at all times during which the work authorized thereby is in progress. (Ord. 2002-12, 05/21/02)

6-20-13. Inspection and enforcement.

(1) All construction or work for which a permit is required shall be subject to inspection by the county fire warden.

(2) It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the county fire warden nor

Tooele County shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

(3) Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this chapter or of other Tooele County ordinances. Inspections presuming to give authority to violate or cancel the provisions of this chapter or of other ordinances of Tooele County shall not be valid.

(4) A survey of the lot may be required by the county fire warden to verify that the mitigation features are provided and the building or structure is located in accordance with the approved plans.

(5) The county fire warden shall inspect, as often as necessary, buildings and premises, including such other hazards or appliances designated by the county fire warden for the purpose of ascertaining and causing to be corrected any conditions which could reasonably be expected to cause fire or contribute to its spread, or any violation of the purpose of this chapter and of any other law or standard affecting fire safety.

(6) To determine compliance with this chapter, the county fire warden may cause a structure to be reinspected. A fee may be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete or when corrections called for are not made.

(7) Reinspection fees may be assessed when the approved plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested, or for deviating from plans requiring the approval of the county fire warden.

(8) To obtain a reinspection, the applicant shall pay the reinspection fee as set forth in the fee schedule adopted by Tooele County. When reinspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.

(9) When the county fire warden finds any building or premises in violation of this chapter, the warden is authorized to issue corrective orders and notices.

(10) Orders and notices authorized or required by this chapter shall be given or served on the owner, operator, occupant or other person responsible for the condition or violation either by verbal notification, personal service, or delivering the same to and leaving it with a person of suitable age and discretion on the premises; or, if no such person is found on the premises, by affixing a copy thereof in a conspicuous place on the door to the entrance of the premises and by mailing a copy thereof to such person by registered or certified mail to the person's last known address. Orders or notices that are given verbally shall be confirmed by service in writing as herein provided.

(11) Whenever necessary to make an inspection to enforce any of the provisions of this chapter, or whenever the county fire warden has reasonable cause to believe that there exists in any building or on any premises any condition which makes such building or premises unsafe, the county fire warden is authorized to enter such building or premises at all reasonable times to inspect the same or to perform any duty authorized by this chapter, provided that if such building or premises is occupied, the county fire warden shall first present proper credentials and request entry; and if such building or premises is unoccupied, the warden shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry.

(12) If entry is refused, the warden shall have recourse to every remedy provided by law to secure entry. Owners, occupants or any other persons having charge, care or control of any building or premises, shall, after proper request is made as herein provided, promptly permit entry therein by the warden for the purpose of inspection and examination pursuant to this chapter.

(13) Orders and notices issued or served as provided by this chapter shall be complied with by the owner, operator, occupant or other person responsible for the condition or violation to which the order or notice pertains.

(14) If the building or premises is not occupied, such corrective orders or notices shall be complied with by the owner.

(15) A building or premises shall not be used when in violation of this chapter as noticed in accordance with subparagraph (10).

(16) A sign posted or affixed by the county fire warden shall not be mutilated, destroyed or removed without authorization by the county fire warden.

(17) Persons operating or maintaining an occupancy on any property subject to this chapter who allow a hazard to exist or fail to take immediate action to abate a hazard on such occupancy, premises or vehicle when ordered or notified to do so by the county fire warden shall be guilty of a class C misdemeanor.

(18) Buildings, structures or premises which constitute a fire hazard or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster damage or abandonment as specified in this chapter or any other ordinance, are unsafe conditions. Unsafe buildings or structures shall not be used. Unsafe buildings are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal,

pursuant to applicable state and local laws and codes. (Ord. 2002-12, 05/21/02)

6-20-14. Wildland/urban interface and intermix analysis.

(1) The analysis of the wildland/urban interface or intermix will help identify and document local problem areas and guide the application of standards and establishment of priorities relative to fire danger.

(2) Tooele County shall perform a wildland fire protection analysis of all developments, existing or planned, to determine wildland fire protection ratings. The ratings developed under the authority of this section shall be the basis for the implementation of fire safe design and construction criteria. The higher the relative value, the higher the wildland/urban interface or wildland/urban intermix hazard rating.

(3) The analysis shall contain the following components:

(a) wildland/urban interface or wildland/urban intermix boundaries;

(b) fuel hazard rating;

(c) slope hazard rating;

(d) structure hazard rating;

(e) additional factors rating;

(f) wildland/urban interface or wildland/urban intermix hazard rating; and

(g) other ratings as they apply.

(Ord. 2002-12, 05/21/02)

6-20-15. Wildland/urban interface and intermix areas.

(1) Areas shall be delineated as wildland/urban interface and intermix by designation of an overlay zone placed in accordance with 17-27-403, UCA. The boundaries of the overlay zones shall be based upon an assessment of fuel types and physical characteristics affecting wildland fire behavior. Such areas shall be delineated on county zoning maps.

(2) The county fire warden shall reevaluate and recommend modification to the wildland/urban interface areas on a three-year basis or more frequently as necessary by prevailing weather and environmental conditions. (Ord. 2002-12, 05/21/02)

6-20-16. Interface area requirements.

(1) Wildland/urban interface areas shall be provided with emergency vehicle access and water supply in accordance with this chapter. The objective is to establish minimum requirements for emergency vehicle access and water supplies for buildings and structures located in the wildland/urban interface areas.

(2) Subdivisions.

(a) New subdivisions shall be provided with fire apparatus access roads in accordance with Titles 13 and 15 of the Tooele County Code and related fire codes.

(b) New subdivisions with buildings shall provide a fire suppression water supply system.

(3) Individual structures.

(a) Individual structures constructed or relocated into wildland/urban interface areas shall be provided with a driveway when any portion of an exterior wall of the first story of a building is located more than 150 feet from a fire apparatus access road.

(b) Driveways shall provide a minimum unobstructed width of 12 feet and a minimum unobstructed height of 13 feet 6 inches. Driveways in excess of 150 feet in length shall be provided with turnarounds. Driveways in excess of 200 feet in length and less than 20 feet in width shall be provided with turnouts in addition to turnarounds.

(c) Driveway turnarounds shall have inside turning radii of not less than 30 feet and outside turning radii of not less than 45 feet. Driveways that connect with a road or roads at more than one point may be considered as having a turnaround if all changes of direction meet the radii requirements for driveway turnarounds.

(d) Driveway turnouts shall be an all-weather road surface at least ten feet wide and 30 feet long. Driveway turnouts shall be located as required by the county fire warden.

(4) Access.

(a) If a key is not available to a locked gate or other restricted access by authorized fire personnel for the purpose of fire suppression, they are authorized to gain access by cutting locks, removing gates, breaching fences or by any other reasonable means.

(b) When required, fire apparatus access roads shall be all-weather roads with a minimum width of 20 feet and a clear height of 13 feet 6 inches which shall be designed to accommodate the loads and turning radii for fire apparatus and which has a gradient negotiable by the specific fire apparatus normally used at that location within the jurisdiction. Dead-end roads in excess of 150 feet in length shall be provided with turnarounds as approved by the county fire warden. All-weather road surface shall be any surface material acceptable to the county engineer which would normally allow the passage of emergency service vehicles typically used to respond to that location within the jurisdiction.

(c) Approved signs or other approved notices shall be provided and maintained for access roads and driveways to identify such roads and prohibit the obstruction thereof or both.

(d) All road identification signs and supports shall be of noncombustible materials. Signs shall have minimum four inch-high reflective letters with ½ inch stroke on a contrasting six inch-high sign. Road identification signage shall be mounted at a height of seven feet from the road surface to the bottom of the sign.

(e) Existing fire protection equipment and fire hydrants shall be clearly identified in a manner approved by the inspection official to prevent obstruction.

(f) Where multiple addresses are required at a single driveway, they shall be mounted on a single post, and additional signs shall be posted at locations where driveways divide.

(g) Where a roadway provides access solely to a single commercial or industrial business, the address sign shall be placed at the nearest road intersection providing access to that site.

(h) The gradient for fire apparatus access road driveways shall not exceed the maximum approved by the county engineer

(5) Water supply.

(a) Individual structures hereafter constructed or relocated into wildland/urban interface areas shall be provided with a water supply in accordance with subparagraph (6) or ignition-resistant construction requirements.

(b) Non-residential buildings containing only private garages, carports, sheds and agricultural uses with a floor area of not more than 600 square feet are exempt from having a water supply.

(c) All buildings shall have a permanently posted address, which shall be placed at each driveway entrance and visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter, and the address shall be visible and legible from the road on which the address is located.

(d) Existing fire protection equipment and fire hydrants shall be clearly identified in a manner approved by the inspection official to prevent obstruction.

(6) Water source.

(a) When an approved water source is provided in order to qualify as a conforming water supply, it must be capable of providing an adequate supply for the use of the fire protection service to protect buildings and structures from exterior fire sources or to suppress structure fires within the wildland/urban interface areas of the jurisdiction accordance with this section. Non-residential buildings containing only private garages, carports, sheds and agricultural uses with a floor area of not more than 600 square feet are exempt from this requirement.

(b) The point at which a water source is available for use shall be located not more than 1,000 feet from the building, and be approved by the county fire warden. The distance shall be measured along an unobstructed line of travel.

(c) Water sources shall comply with NFPA guidelines for the type of occupancy and level of development.

(d) Approved draft sites shall be provided at all natural water sources intended for use as fire protection for compliance with this chapter. The design, construction, location, access and access maintenance of draft sites shall be approved by the county fire warden.

(e) The draft site shall have emergency vehicle access from an access road. The pumper point shall be either an emergency vehicle access area alongside a conforming access road or an approved driveway no longer than 150 feet. Pumper access points and access driveways shall be designed and constructed in accordance with the Tooele County code. Pumper access points shall not require the pumper apparatus to obstruct a road or driveway.

(f) All hydrants shall be designed and constructed in accordance with nationally recognized standards. The location and access shall be approved by the county fire warden.

(g) Adequate water supply shall be determined for purposes of initial attack and flame front control as outlined in the NFPA regulations.

(h) The water supply required by this chapter shall only be approved when a fire department rated Class 9 or better in accordance with ISO Commercial Rating Service, 1995, is available.

(i) Access to all water sources required by this section shall be unobstructed at all times. The county fire warden shall not be deterred or hindered from gaining immediate access to water source equipment, fire protection equipment or hydrants.

(j) Water sources, draft sites, hydrants and other fire protection equipment required by this chapter will be subject to periodic tests as required by the county fire warden. All such equipment installed under the provisions of this chapter shall be maintained in an operative condition at all times and shall repaired or replaced where defective.

Additions, repairs, alterations and servicing of such fire protection equipment and resources shall be in accordance with approved standards.

(k) Defensible space shall be provided around water tank structures, water supply pumps and pump houses.

(l) Stationary water supply facilities within the wildland/urban interface areas dependent on electrical power to meet adequate water supply demands shall provide standby power systems in accordance with the National Electrical Code to ensure that an uninterrupted water supply is maintained. The standby power source shall be capable of providing power for a minimum of two hours unless the following exceptions exist:

(i) When approved by the county fire warden, a standby power supply is not required where the primary power service to the stationary water supply facility is underground.

(ii) A standby power supply is not required where the stationary water supply facility serves no more than one single-family dwelling. (Ord. 2002-12, 05/21/02)

6-20-17. Special building construction regulations.

Regulations for special building construction standards shall be those in the most current publication Chapter 5, Special Building Construction Regulations, Urban - Wildland Interface Code, IFCI. (Ord. 2002-12, 05/21/02)

6-20-18. Defensible space.

(1) Fuel modification shall be provided within a distance from buildings or structures as specified in Table 1. Distances specified in Table 1 shall be measured along the grade from the perimeter or projection of the building or structure.

(2) Persons owning, leasing, controlling, operating, or maintaining buildings or structures requiring defensible spaces are responsible for modifying or removing nonfire-resistive vegetation on the property owned, leased or controlled by such person.

(3) Ornamental vegetative fuels or cultivated ground cover, such as green grass, ivy, succulents or similar plants used as ground cover, are allowed within the designated defensible space provided they do not form a means of readily transmitting fire from the native growth to any structure.

(4) Trees are allowed within the defensible space provided the horizontal distance between crowns of adjacent trees, and crowns of trees and structures, overhead electrical facilities, or unmodified fuel is not less than ten feet. Deadwood and litter shall be regularly removed from trees.

(5) Nonfire-resistive vegetation or growth shall be kept clear of buildings or structures in such a manner as to provide a clear area for fire suppression operations.

(6) Notwithstanding Table 1, the net free area of the spark arrester shall not be less than four times the net free area of the outlet of the chimney. (Ord. 2002-12, 05/21/02)

TABLE 1, REQUIRED DEFENSIBLE SPACE

WILDLAND/URBAN INTERFACE AND INTERMIX AREAS	FUEL MODIFICATION DISTANCE IN FEET
Moderate hazard	30
High hazard	50
Extreme hazard	100

CHAPTER 21

NOISE CONTROL

Section

6-21-1. Purpose.
6-21-2. Definitions.
6-21-3. Powers and duties.
6-21-4. Noise emergency orders.
6-21-5. Specific noise prohibitions.
6-21-6. Use district noise levels.
6-21-7. Sound level measurement.
6-21-8. Exemptions.
6-21-9. Permits.
6-21-10. Motor vehicle noise.
6-21-11. Notice.
6-21-12. Inspection.
6-21-13. Enforcement.
6-21-14. Right to appeal.
6-21-15. Penalty.

6-21-1. Purpose.

These regulations establish the minimum standards:

(a) to reduce the making and creation of excessive, unnecessary, or unusually loud noises within the limits of Tooele County.

(b) to prevent the making, creation, or maintenance of such excessive, unnecessary or unusually loud noises that are prolonged, unusual, or unreasonable in their time, place, or use, and that affect and are a detriment to public health, comfort,

convenience, safety, or welfare of the residents of Tooele County; and

(c) to secure and promote the public health, comfort, convenience, safety, welfare and the peace and quiet of the inhabitants of Tooele County.

6-21-2. Definitions.

As used in this title:

(1) "A-weighted sound pressure level" mean the sound pressure level as measured with a sound-level meter using the A-weighted network. The standard notation is dB(A) or dBA.

(2) "Ambient sound pressure level" means the sound pressure level of the all-encompassing noise associated within a given environment, usually a composite of sounds from many sources. It is also the A-weighted sound pressure level exceeding 90 percent of the time based on a measurement period, which shall not be less than ten minutes.

(3) "Continuous sound" means any sound that exists, essentially without interruption, for a period of 10 minutes or more.

(4) "Cyclically varying noise" means any sound that varies in sound level so that the same level is obtained repetitively at reasonable uniform levels of time.

(5) "Decibel" means a logarithmic and dimensionless unit of measure often used in describing the amplitude of sound. Decibel is abbreviated dB.

(6) "Device" means any mechanism that is intended to produce, or that actually produces noise when operated or handled.

(7) "Dynamic braking device" means a device used primarily on trucks for the conversion of the engine from an internal combustion engine to an air compressor for the purpose of braking without the use of wheel brakes, commonly referred to as a Jacob's Brake©.

(8) "Emergency work" means any work required to restore property to a safe condition following a public calamity or to protect persons or property from an imminent exposure to danger.

(9) "Emergency vehicle" means a motor vehicle used in response to a public calamity or to protect persons or property from an imminent exposure to danger.

(10) "Health department" means the Tooele County Health Department.

(11) "Impulsive noise" means a noise containing excursions usually less than one second, or a sound-pressure level using the fast meter characteristics.

(12) "Motor vehicle" means any vehicle that is self-propelled by mechanical power, including, but not limited to, passenger cars, trucks, truck-trailers, semi-trailers, campers, motorcycles, mini-bikes, go-carts, snowmobiles, and racing vehicles.

(13) "Muffler" means an apparatus consisting of a series of chambers or baffle plates designed to transmit gases while reducing sound.

(14) "Ninetieth percentile noise level" means the A-weighted sound pressure level that is exceeded 90 percent of the time in any measurement period, such as the level that is exceeded for ninth minutes in a ten minute period. It is abbreviated L90.

(15) "Noise disturbance" means any sound that annoys or disturbs a reasonable person with normal sensitivities or that injures or endangers the comfort, repose, health, hearing, peace, or safety of another person.

(16) "Noise" means any sound that is unwanted and causes or tends to cause an adverse psychological or physiological effect on human beings.

(17) "Owner" means any person who alone or jointly or severally with others:

(a) has legal title to any premise, dwelling, building, or structure with or without accompanying actual possession thereof; or

(b) has charge, care, or control of any premise, dwelling, building, or structure as legal or equitable owner or agent of the owner, or is an executor, executrix, administrator, administratrix, trustee, or guardian of the estate of the owner.

(18) "Person" means any individual, public or private corporation, partnership, association, firm, trust, estate, the state or any of its departments or political subdivisions, institution, bureau or agency thereof, county, city, or any legal entity that is recognized by the law.

(19) "Plainly audible" noise means any noise for which the information content of that noise is unambiguously transferred to the listener, including, but not limited to the understanding of spoken speech, comprehension of whether a voice is raised or normal, or comprehension of musical rhythms.

(20) "Property boundary" means an imaginary line at the ground surface, and its vertical extension that separates the real property owned by one person from that owned by another person.

(21) "Public right-of-way" means any street, road or trail or similar place that is owned or controlled by a public or governmental entity.

(22) "Pure tone" means any sound that can be distinctly heard as a single pitch or a set of single pitches.

(23) "Repetitive impulsive noise" means any noise that is composed of impulsive noises that are repeated at sufficiently slow rates such that a sound level meter

set at Afast© meter characteristic will show changes in sound pressure level greater than 10 dB(A).

(24) "Sound" means a temporal and spatial oscillation in pressure, or other physical quantity with interval forces that cause compression or rarefaction of the medium, and that propagates a finite speed to distant points.

(25) "Sound level meter" means an instrument, including a microphone, amplifier, RMS detector and integrator, time averager, output meter or visual display or both, and weighted networks, that is sensitive to pressure fluctuations. The instrument reads sound pressure level if properly calibrated and is of type 2 or better as specified in American National Standards Institute Publication S1. 4-1971 or its successor publications.

(26) "Sound pressure" means the instantaneous difference between the actual pressure and the average or barometric pressure at a given point in space due to sound.

(27) "Sound pressure level" means twenty times the logarithm to the base 10 of the ratio of the RMS sound pressure to the reference pressure, which shall be 20 micropascals and abbreviated LP or SPL.

(28) "Stationary noise source" means any device, fixed or movable, that is located or used on property other than a public right-of-way.

(29) "Steady noise" means a sound pressure level that remains essentially constant during the period of observation and does not vary more than 6 dB(A) when measured with the Aslow© meter characteristic of a sound level meter.

(30) "Tenth percentile noise level" means the A-weighted sound pressure level that is exceeded ten percent of the time in any measurement period (such as the level that is exceeded to one minute in a ten minute period) and is denoted L10.

(31) "Use district" means a portion of the unincorporated territory of Tooele County, established as a zoning district by the zoning ordinance, within which certain uniform regulations and requirements or various combinations thereof apply.

6-21-3. Powers and duties.

The zoning administrator shall be responsible for the administration of this regulation and shall make inspections of any premises and issue orders as necessary to effect the purpose of these regulations.

6-21-4. Noise emergency orders.

Whenever the health department finds that an noise emergency exists requiring immediate action to protect the public health, safety, or well-being, the director of the health department may issue an order declaring the existence of an noise emergency and require that remedial action be taken. The order shall be effective immediately.

6-21-5. Specific noise prohibitions.

The following acts are declared to be in violation of this chapter:

(1) The sounding of any horn or signaling device on any truck, automobile, motorcycle, emergency vehicle, or other within the county, except as a emergency or danger warning signal as provided in the Vehicle Code of the State of Utah.

(2) Using, operating or permitting, the use or operation of any radio receiving set, television, phonograph, drum, tape player, compact disc player, musical instrument, or other machine or device for the production or reproduction of sound between the hours of 10 p.m. and 7 a.m. in a way that is plainly audible on public property or on a public right-of-way so as to be a nuisance.

(3) The use or operation of a loudspeaker or sound amplifying equipment in a fixed or movable position or mounted upon any vehicle in or upon any street, alley, sidewalk, park, place, or public property for the purpose of commercial advertising, giving instructions, directions, talks, addresses, lectures, or transmission of music to any persons or assemblages of persons in violation of Section 6-21-6 or cause a noise disturbance, unless a permit is first obtained as provided by Section 6-21-9.

(4) Selling anything by outcry within any area of the County zoned primarily for residential uses in such a manner as to violate Section 6-21-6. The provisions of this section shall not be construed to prohibit the selling by outcry of merchandise, food, and beverages at licensed or permitted sporting events, parades, fairs, circuses, and other similar public entertainment events.

(5) Owning, keeping, possessing, or harboring any animal or animals that, by frequent or habitual noise making, violates Sections 6-21-6. The provisions of this section shall apply to all private and public facilities, including any animal pounds that hold or treat animals.

(6) Loading, unloading, opening, or otherwise handling boxes, crates, containers, garbage containers, or other objects outside between the hours of 10 p.m. and 7 a.m.

(7) Operating or causing to be operated by equipment used in construction, repair, alteration or demolition work on buildings, structures, streets, alleys or appurtenances thereto:

(a) in residential or commercial land use districts between the hours of 10 p.m. and 7 a.m.

(b) in any land use district where such operation exceeds the sound level

(8) Operating or permitting the operation of any power equipment rated five horsepower or less in residential or commercial zones, including, but not limited to, power saws, sanders, lawn mowers, garden equipment, or snow removal equipment for home or building repair or ground maintenance:

(a) outdoors between the hours of 10 p.m. and 7 a.m.; or

(b) any such power equipment that emits a sound pressure level in excess of 74 dB(A) measured at a distance of 50 feet (15.25 meters) from the source.

(9) Operating or permitting the operation of any power equipment rated more than five horsepower, including but not limited to, chain saws, pavement breaker, log chippers, powered hand tools, except equipment used for construction activities:

(a) in residential or commercial land use districts between the hours of 10 pm. and 7 a.m.; or

(b) in any land use district if such equipment emits a sound pressure level in excess of 82 dB(A) measured at a distance of 50 feet (15.25 meters) from the source

(10) In any place of public entertainment, permitting the operation of any loudspeaker or other source of sound which produces, at a point that is normally occupied by a customer, maximum sound pressure levels of 100 dB(A) as read with the slow response on a sound level meter, unless a conspicuous and legible sign at least 225 square inches in area is posted near each public entrance stating in large letters "WARNING: SOUND LEVELS MAY CAUSE HEARING IMPAIRMENT." This provision shall not be construed to allow the operation of any loudspeaker or other source of sound in violation of Section 6-21-7 of this title.

(11) The use of explosives, fireworks, discharge guns, or other explosive devices outside of approved public recreational facilities that are audible across a property boundary, public space, or right-of-way, without first obtaining a permit as provided by Section 6-21-9. The provision shall not be constructed to permit conduct prohibited by other statutes, ordinances, or regulations governing such activity.

(12) Permitting any motor vehicle racing event at any place in violation of Section 6-21-6 without first obtaining a permit as provided by Section 6-21-9;

(13) Flying a model aircraft powered by internal combustion engines, whether tethered or not, or the firing or the operation of model rocket vehicles or other similar noise-producing devices, between the hours of 10 p.m. and 7 a.m. or in such a way as to violate Section 6-21-6.

(14) Operating any motor vehicle with a dynamic braking device engaged, except for the avoidance of imminent danger;

(15) Operating or permitting the operation or use of any truck, automobile, motorcycle, or other motor vehicle because of disrepair or mode of operation violates Section 6-21-10.

(16) Operating, causing, or permitting the operation or use of any refuse compacting vehicle that creates a sound-pressure level in excess of 74 dB(A) at 50 feet (15.25 meters).

(17) Collecting garbage, waste, or refuse between the hours of 10 p.m. and 7 a.m.:

(a) in any area zoned residential or within 300 feet of an area zoned residential; or

(b) in any land use district so as to cause a noise disturbance.

(18) Operating, causing, or permitting the operation of any motor vehicle or any auxiliary equipment attached thereto either in violation of Section 6-21-10 or in such a way as to cause a disturbance in a residential zone for a consecutive period of 15 minutes or longer.

(19) Creating noise in excess of the residential standard as defined in Section 6-21-6 within the vicinity of any school, hospital, institution of learning, court, or other designated area that requires exceptional quiet while in session. Conspicuous signs shall be displayed in the streets indicating that the same is a quiet zone.

(20) Sounding, operating, or permitting the sounding or operation of an electronically amplified signal from any burglar alarm, bell, chime or clock, including but not limited to, bells, chimes, or clocks in schools, houses of religious worship, or governmental buildings that fail to meet the standards in Section 6-21-6 for longer than five minutes in any hour.

(21) Sounding or causing the sounding of any whistle, horn, or siren as a signal for commencing or suspending work or for any other purpose in violation of Section 6-21-6 except as a sound signal of imminent danger.

(22) Operating any recreational vehicle or snowmobile that produces a sound level more than 82 dB(A) at 50 feet (15.25 meters) from the source.

6-21-6. Use district noise levels.

(1) It shall be a violation of this title for any person to create sustained noise that exceeds the limits set forth for the following receiving land use districts when measured at the property boundary or at any point within the property affected by the noise:

USE DISTRICT	10 p.m.-7 a.m.	7 a.m.-10 p.m.
Residential	55 dB(A)	65 dB(A)
Commercial / Agricultural	60 dB(A)	80 dB(A)
Industrial	75 dB(A)	90 dB(A)

(2) When a noise source can be identified and measured in more than one land use category, the limits of the most restrictive use shall apply at the boundaries between different land use categories.

(3) Notwithstanding compliance with sub-section (1) it shall be a violation of this title for any person to operate or permit the operation of any stationary source of sound that emits a pure tone, cyclically varying sound, or repetitive impulsive sound that creates a noise disturbance.

(4) It shall be unlawful for any person to create any unnecessary noise on any street, sidewalk, or public place adjacent to any school, library, or other public institution of learning while it is in use, provided conspicuous signs are displayed on the street, sidewalk, or public place indicating the presence of a school, library or other public institution of learning.

(5) It shall be unlawful for any person to create any unnecessary noise adjacent to any hospital in which the noise interferes with the workings or disturbs or unduly annoys patients in the hospital, provided conspicuous signs are displayed on the streets, sidewalk, or public place indicating the presence of a hospital.

6-21-7. Sound level measurement.

Sound level measurements shall be made with a sound level meter using the A weighted scale in accordance with standards promulgated by the American National Standards Institute or other reasonable standards adopted and tested by the Tooele County Health Department.

6-21-8. Exemptions.

The following uses and activities shall be exempt from noise level regulations, including decibel restrictions:

(1) noise of safety signals, warning devices and emergency pressure relief valves;

(2) noise resulting from any authorized emergency vehicle when responding to an emergency call or in time of an emergency;

(3) noise resulting from emergency work;

(4) noise resulting from lawful fireworks and noisemakers used for celebration of an official holiday;

(5) any noise resulting from activities of temporary duration permitted by law for which a license or permit has been approved by the health department in accordance with Section 6-21-9;

(6) emergency public announcement systems operated by a public entity; and

(7) music resulting from any official school band later than 7:00 a.m. and prior to 10:00 p.m. (Ord. 2012-05, 4/3/12)

6-21-9. Permits.

(1) Applications for a permit for relief from the noise restrictions in this chapter on the basis of undue hardship may be made to the health department. Any permit granted by the health department shall contain all conditions upon which the permit has been granted, including, but not limited to, the effective dates, time of day, location, sound pressure level or equipment limitation. The requested relief may be granted upon good and sufficient reason showing:

(a) that additional time is necessary for the applicant to alter or modify his activity or operation to comply with these rules and regulations;

(b) that the activity, operating, or noise source will be of temporary duration and cannot be performed in a way that would comply with these rules and regulations; and

(c) that no reasonable alternative is available to the applicant.

(2) The health department may prescribe any reasonable conditions or requirements deemed necessary to minimize adverse effects upon a community or the surrounding neighborhood.

(a) The sponsor of a special event, including professional fireworks displays, may seek relief from the noise restrictions in this chapter where the health department shall review requests for relief from noise restrictions associated with special events or public assemblies.

(b) The request shall include:

(i) the dates, time and duration of the event;

(ii) the location of the event;

(iii) the sponsor of the event;

(iv) contact information for the event operator;

(v) a description of the event and the types of noise-making activities expected;

(vi) a map of the event location and the probable location of any stage, speakers, or mixing boards if applicable;

(vii) identification of surrounding zoning districts and any anticipated sound sensitive neighbors;

(viii) a completed Health Department Temporary Mass Gathering Permit application form or equivalent information;

(ix) a request by Tooele County Department of Engineering or Tooele County Sheriff's Department for review by the health department and containing their recommendations; and

(x) any fees that may be required.

(c) The health department shall receive this request at least 30 days prior to the event.

(d) The health department shall review the request and make recommendations to minimize impacts on the surrounding incorporated or unincorporated areas.

(e) The health department shall return the request with its recommendations to the origination office.

(f) The final review and recommendation for approval or denial shall be filed with the health department at least ten business days prior to the scheduled event and shall include:

(i) any changes to the original application; and

(ii) any variations to the zoning administrator's recommendations that has been approved.

(g) The zoning administrator shall respond to any noise-related matters associated with the events approved by the county.

6-21-10. Motor vehicle noise.

(1) No person shall drive, move, or knowingly permit to be driven or moved a motor vehicle or combination of vehicles exceeding the following noise limits for the category of motor vehicle shown below at any time. Noise shall be measured at a distance of at least 25 feet (7.62 meters) from the near side of the nearest lane(s) being monitored and at a height of at least four feet (1.22 meters) above the immediate surrounding surface.

	SOUND PRESSURE LEVEL, dB(A)	
	Speed limit 40 mph or less	**Speed limit over 41 mph**
Any motorcycle	84	88
Motor vehicles with a manufacturers gross vehicle weight rating (GVWR) or gross combination weight rating (GCWR) of 10,000 pounds or more or any combination of vehicles towed by such motor vehicle.	90	94
Any other motor vehicle or any combination of vehicles towed by any motor vehicle	80	84

(2) Subsection (1) shall apply to the total noise from a vehicle or combination of vehicles and shall not be construed as limiting or precluding the enforcement of any other provisions of these rules and regulations concerning motor vehicle mufflers for noise control.

(3) No person shall operate or cause to be operated any motor vehicle unless the exhaust system of the vehicle is:

(a) free from defects that affect sound reduction;

(b) equipped with a muffler or other noise dissipative device; and

(c) not equipped with any cut-out, by-pass or similar device.

(4) No person shall operate a watercraft between the hours of 7:00 a.m. and 9:00 p.m. which exceeds 75 dBA as measured on shore. Between the hours of 9:00 p.m. and 7:00 a.m. this sound level shall be 65 dBA as measured on shore.

6-21-11. Notice.

(1) The zoning administrator or enforcing officer shall notify owner(s) or others of violations. If the zoning administrator or enforcing officer has inspected any real property, personal property, or person and has found and determined that the property or person is in violation of this chapter or has reasonable grounds to believe that there has been a violation of any part of this chapter, he shall give notice of the violation(s) to the owner(s) or other responsible person(s) thereof.

(2) Prior to initiating a court complaint for the violation of this chapter, the zoning administrator or enforcing officer shall issue a notice pursuant to Section (1) and shall:

(a) describe the property;

(b) give a statement of the cause for its issuance;

(c) set forth an outline of the remedial action that complies with the provisions of this chapter; and

(d) set a reasonable time for the performance of any required remedial act.

(3) The zoning administrator shall serve notice pursuant to subsections (1) and (2) upon the owner(s) of the property or other responsible person(s). Service shall be deemed complete if the notice is:

(a) served in person;

(b) sent by certified mail to the last known address of the owner or other responsible person(s); or

(c) published in a newspaper of general circulation.

6-21-12. Inspection.

(1) It shall be the duty of the zoning administrator or enforcing officer, upon the presentation of proper credentials, to make inspections of any property on or where noise disturbance is occurring or may occur as is necessary to ensure compliance with these regulations.

(2) Inspections may be made with the consent of the owner(s) or other responsible person(s). If consent is not granted, a search may be made pursuant to an administrative search warrant issued by a court of competent jurisdiction.

(3) Any violation of this chapter is declared to be a nuisance and may be subject to summary abatement by a restraining order or injunction issued by a court of competent jurisdiction.

(4) Owner(s) may request a factual report of inspections. Upon request, the owner(s) or other responsible person(s) of any property shall receive a report setting forth all facts found that relate to the compliance status.

6-21-13. Enforcement.

(1) The zoning administrator shall have primary, but not exclusive, enforcement responsibility for these rules and regulations as it concerns stationary sources. Enforcement responsibility for vehicular sources shall be the sheriff's office.

(2) The zoning administrator and other designated officers shall be special function peace officers of the county and shall have the authority to issue citations for the violations of this chapter.

(3) The zoning administrator or an authorized representative shall enforce this title and is empowered and directed to institute an appropriate action or proceeding in any case the noise level is illegal or is in violation of any county ordinance or code. To this end the zoning administrator or designee may:

(a) issue a written notice of violation to the person having charge or control of the source of noise in violation of this title;

(b) abate and remove sources of non-conforming noise.

(c) initiate action with the Tooele County Attorneys Office for:

(i) injunctive relief; or

(ii) the filing of criminal charges against violators.

(d) issue citations to violators for non-compliance

6-21-14. Right to appeal.

Within ten calendar days after the zoning administrator has given a notice of violation, any person aggrieved by the notice may request in writing a hearing before the health department. The hearing shall take place within ten calendar days after the request is received. A written notice of the health department's final determination shall be given ten calendar days after adjournment of the hearing. The health department may sustain, modify, or reverse the action or order.

6-21-15. Penalty.

(1) Any person found guilty of violating any of the provisions of this chapter, either by failing to do those acts required herein or by doing a prohibited act, is guilty of a class B misdemeanor, pursuant to Section 26A-24-22, Utah Code Annotated, 1953, as amended. If a person is found guilty of a subsequent similar violation within two years, he is guilty of a class A misdemeanor, pursuant to Section 26A-24-22, Utah Code Annotated, 1953 as amended.

(2) Each day such violation is committed or permitted to continue shall constitute a separate violation.

(3) The county attorney may initiate legal action, civil or criminal, to abate any condition that exists in violation of this chapter.

(4) In addition to other penalties imposed by a court of competent jurisdiction, any person found guilty of violating this chapter shall be liable for all expenses incurred by the zoning administrator in removing or abating any nuisance or other noise disturbance.

(Ord. 2003-05, 04/08/03)

CHAPTER 22

SMOKING IN PUBLIC PLACES

Section

6-22-1. Smoking prohibited.
6-22-2. Definitions.
6-22-3. Violation.

6-22-1. Smoking prohibited.

In the unincorporated areas of Tooele County, smoking is prohibited within 25 feet of public playgrounds, play pits, sporting areas, children and animal venues, gathering places, concession stands, and pathways. It shall be permissible to smoke in public parking areas and other designated areas at such venues.

6-22-2. Definitions.

As used in this chapter:

(1) "Playground" means any park or recreational area specifically designed to be used by children that may have play equipment installed, or any similar facility located on public grounds.

(2) "Play Pit" means any designated play area within a public park for use by children, where the area is not contained by a fence. The boundary of a play pit shall be defined by the edge of the resilient surface of safety material, such as concrete or wood, or any other material surrounding the play pit.

(3) "Sporting Area" means any public area used for sporting events, including, but not limited to, bleachers, backstops, sports fields, ball diamonds, basketball courts, tennis or volleyball courts, skateboard areas, swimming pools, and BMX areas.

(4) "Gathering Place" means any public area where people congregate or assemble, including, but not limited to, boweries, pavilions, amphitheaters, picnic tables, and booths.

(5) "Concession Stand" means any place intended for the distribution of goods and services in a public area.

(6) "Pathway" means any pathway located in a public area intended for walking, jogging, or biking.

(7) "Public Park" means any park operated by a public agency.

(8) "Smoke" or "Smoking" means the carrying of a lighted pipe, cigar, or cigarette of any kind, or the lighting of a pipe, cigar, or cigarette of any kind, including, but not limited to, tobacco, or any other weed or plant.

(9) "Tobacco" means cigarette and tobacco products as defined in Utah Code Section 59-14-102.

6-22-3. Violation.

Any person, association, corporation, or the officers of the association or corporation who violates any provision of this chapter shall be:

(1) on the first violation, guilty of an infraction; and

(2) on the subsequent similar violation within two years, guilty of a class C misdemeanor. (Ord. 2006-12, 3/28/06)

CHAPTER 23

DISPLAY OF FIREWORKS

Section

6-23-1. Purpose.
6-23-2. Definitions.
6-23-3. Powers and Duties.
6-23-4. Permit Required.
6-23-5. Permit Application.
6-23-6. Issuance.
6-23-7. Reimbursement for County Services.
6-23-8. Denial.
6-23-9. Revocation.
6-23-10. Appeals.

6-23-1. Purpose.

It is the intent and purpose of this chapter to provide requirements for the safe conduct of outdoor firework displays and to establish minimum standards for the prevention of fire and for the protection of life and property. This chapter shall apply to the construction, handling, storage, and use of fireworks and equipment intended for an outdoor fireworks display. The authority having jurisdiction (AHJ) is hereby authorized to administer and enforce this chapter and any other Tooele County ordinances pertaining to the display of fireworks. (Ord. 2010-08, 8/3/10)

6-23-2. Definitions.

As used in this chapter:

(1) "Agent" means any person who can show written proof that he/she is acting for another and with the such person's knowledge and permission.

(2) "AHJ" means the authority having jurisdiction, which describes the organization, office, or individual responsible for approving equipment, an installation, or a procedure.

(3) "Display Firework" means an aerial shell, salute, flash shell, comet, sky battle, mine, and any similar Class C explosive or Class B explosive.

(4) "Display Operator" means the person(s) who purchases and is responsible for setting up and discharging display fireworks.

(5) "Fire Warden" means the County Fire Warden or in that person's absence, the Sheriff's designee. This AHJ shall have power and authority within their authorized jurisdiction.

(6) "Battalion Chief" means the North Tooele County Battalion Chief or in that person's absence, the Battalion Chief's designee. This AHJ shall have power and authority within their authorized jurisdiction.

(7) "North Tooele County Fire Protection Service District" means a fire protection service district that was established on October 6, 1987 and provides services in northern Tooele County.

(8) "Owner" means the holder of fee title to land or buildings or to property, whether a person, partnership, corporation, or other entity recognized by law, including any lessee, permittee, assignee, or successor in interest.

(9) "Tooele County Fire Warden" means a fire protection service, under the supervision of the State of Utah, Department of Natural Resources, Division of Forestry, Fire, & State Lands, that provides services to all areas within unincorporated Tooele County and any such areas not overseen by a designated AHJ. (Ord. 2010-08, 8/3/10)

6-23-3. Powers and Duties.

(1) The North Tooele County Fire Department AHJ and/or Tooele County Fire Warden AHJ shall be responsible for the administration of this regulation and shall make inspections of any premises and issue orders as necessary to effect the purpose of these regulations.

(2) The North Tooele County Fire Department AHJ and/or Tooele County Fire Warden AHJ shall have the responsibility to render interpretations of this chapter and to adopt and enforce rules and supplemental regulations to clarify the application of its provisions. Such interpretations, rules, and regulations shall be in conformance with the intent and purpose of this chapter. (Ord. 2010-08, 8/3/10)

6-23-4. Permit Required.

(1) It shall be unlawful for any person, corporation, organization, landowner, or lessor to allow, encourage, organize, permit, maintain, promote, conduct, undertake, manage, sell or give tickets to an actual or reasonably anticipated display of fireworks unless a permit to hold such an event has first been issued by an AHJ. A permit for a display of fireworks issued to one person shall permit any person to engage in any lawful activity in connection with the same display of fireworks. (Ord. 2010-08, 8/3/10)

6-23-5. Permit Application.

(1) A permit for a display of fireworks shall be made upon an authorized application, to the North Tooele County Fire Department and/or Tooele County Fire Warden. The permit application shall contain the following information:

(a) the address and legal descriptions of all property upon which the event is to be held, together with the name, residence and mailing address of the recorded owner(s) of all such property;

(b) proof of ownership of all property upon which the event is to be held or a statement made upon oath or affirmation by the record of owner(s) of all such property that the applicant(s) has permission to use such property for such an event;

(c) the event name, event date(s), event time(s), and event location(s);

(d) the name, mailing address, and contact information of the agency requesting such a permit;

(e) the designated name and copy of a current Utah state "Display Operator's License." An invalid license shall immediately cease operation upon revocation, suspension, or failure to renew such license.

(f) the designated name and copy of a current "Verification of Insurance," including either the North Tooele County Fire Department and/or the Tooele County Fire Warden and Tooele County as "additionally insured," for a minimum amount of one million dollars USD ($1,000,000 USD);

(g) a site diagram, including but not limited to, the following:

(i) diagram of the location for the display;

(ii) site from which fireworks will be discharged;

(iii) location of all buildings and structures in the vicinity of the fallout area;

(iv) location of highways;

(v) location of above ground utilities;

(vi) specific crowd control measures to be used, i.e. barricades, fencing;

(vii) spectator viewing area;

(viii) parking areas, including size and location of lots, points of access, and any routes between highway access and parking lots;

(ix) fallout areas and associated separation distances to spectators and structures;

(x) a plan establishing procedures to follow and actions to be taken in the event that a shell fails to ignite in or discharge from

a mortar, or fails to function over the fallout area or other malfunctions;

(xi) plans for emergency first aid care;

(xii) dimensions of the discharge site shall be legible and reasonably to scale. (Ord. 2010-08, 8/3/10)

6-23-6. Issuance.

The application for a permit shall be processed, reviewed, and approved by the AHJ. The AHJ may impose additional conditions to protect health and safety. (Ord. 2010-08, 8/3/10)

6-23-7. Reimbursement for County Services.

Should the licensed event necessitate the deployment of additional county personnel and equipment, such added expense shall be paid by the applicant. In the event the party or parties determined to be responsible for the repayment of expenses incurred due to the county's or other agencies' response to such an emergency, fail to make payment to the AHJ within thirty (30) days after a final administrative determination of any appeal to the Appeal Authority or thirty (30) days from the deadline for appeal in the event no appeal is filed, the AHJ may initiate legal action to recover from the determined responsible party the expenses determined to be owing, including the county's reasonable attorney's fees. (Ord. 2010-08, 8/3/10)

6-23-8. Denial.

The permit shall not be granted if any of the items set forth in said application are determined by the AHJ to be insufficient to properly safeguard the safety, health, welfare, and well-being of person(s) or property or do not comply with any of the requirements of this chapter. (Ord. 2010-08, 8/3/10)

6-23-9. Revocation.

A Display of Fireworks License may be revoked by the AHJ at any time if any of the conditions necessary for the issuing of or contained in the license are not complied with, or, if any conditions previously met cease to be complied with. If after a license is issued the AHJ determines that any of the items required as a condition of the license are not adhered to and accomplished within the required time limits or if any of the arrangements for provision of services and facilities or any insurance shall become terminated prior to the completion of the event, then this license may immediately be terminated. Notice of termination of the license shall be in writing, addressed to the licensee at the address set forth in the application or on-site. (Ord. 2010-08, 8/3/10)

6-23-10. Appeals.

(1) Any person aggrieved by a decision of the AHJ regarding the issuance, denial, or revocation or amendment of a Display of Fireworks License may appeal such decision to the Appeal Authority whose decision shall be final. All appeals to the Appeal Authority must be in writing and filed with the AHJ within thirty (30) days of the date of the decision appealed from.

(2) The decision of the Appeal Authority may be appealed to the District Court provided such appeal is filed within thirty (30) days of the Appeal Authority's decision. This appeal shall be filed with the AHJ and with the Clerk of the District Court. (Ord. 2010-08, 8/3/10)

CHAPTER 24

FIREWORKS SALES

Section

6-24-1. Purpose.
6-24-2. Definitions.
6-24-3. Sales license required.
6-24-4. Temporary structure requirements.
6-24-5. Exemptions.
6-24-6. License application.
6-24-7. Fees.
6-24-8. Fireworks ban.
6-24-9. Appeals.

6-24-1. Purpose.

It is the purpose of this chapter to regulate the sale of Class C common state approved explosives within the unincorporated areas of Tooele County pursuant to the Utah Fireworks Act. This chapter is designed for the purpose of notifying the County, including the appropriate authority having jurisdiction (AHJ), of the sale of Class C common state approved explosives and allowing the County to respond to the same in order that the health, safety, and welfare of all persons in Tooele County, including residents and visitors alike, may be protected. (Ord. 2012-13, 5/1/12)

6-24-2. Definitions.

As used in this Chapter:

(1) "Fireworks" are those designated as "Class C common state approved explosives" defined in Section 53-7-202, Utah Code, as amended. Additionally, "Fireworks" includes all sparklers of any length or size.

(2) "Temporary structure" means a temporary and moveable structure erected for the primary purpose of selling fireworks. (Ord. 2012-13, 5/1/12)

6-24-3. Sales license required.

No person, firm, company or other entity may engage in the sale of any fireworks within the unincorporated areas of the County without first obtaining a current and valid license from the County. The same shall obtain a separate permit from the authority having jurisdiction (AHJ), if required. All sales of fireworks in Tooele County shall comply with the International Fire Code, R710-2 of the State Fire Marshals Rules and Regulations, local service district requirements, and all appropriate State regulations. (Ord. 2012-13, 5/1/12)

6-24-4. Temporary structure requirements.

(1) All fireworks structures shall be located on commercially zoned property.

(2) No fireworks structures shall be erected on any sales site more than fifteen days prior to each of the dates that sales are permitted under state law.

(3) Structures shall be removed within fifteen days after retail sales shall cease and the licensee shall clean the site upon which the temporary structure was formerly located.

(4) Every structure shall be located on a hard-surfaced area.

(5) No structure shall be located in such a way as to eliminate the minimum off-street parking required by the applicable zoning ordinance.

(6) Each structure shall provide for unrestricted access and egress of the site.

(7) Commercial advertising for the fireworks shall comply with Tooele County's sign ordinance.

(8) Each sales area shall be maintained in a neat and orderly fashion and provide for its own trash containment. All wastepaper, spilled powder, and broken fireworks are to be removed from the stand and properly disposed of.

(9) All electrical installations associated with any fireworks structure must conform with the applicable electrical code and be accompanied by an electrical permit obtained from the County Building Division. (Ord. 2012-13, 5/1/12)

6-24-5. Exemptions.

Indoor sales of fireworks within a permanent structure on commercially zoned property already approved for the retail sale of goods shall be exempt from obtaining a sales license as outlined in this chapter. Indoor sales of fireworks may require a separate permit from the authority having jurisdiction (AHJ). (Ord. 2012-13, 5/1/12)

6-24-6. License application.

All applications for a license to sell fireworks shall:

(1) Be in writing and submitted to the Department of Engineering.

(2) Provide a site plan detailing the proposed area and location where the fireworks will be sold and stored. Site plan shall show parking for the site and any proposed signage.

(3) Include written consent for the sale of fireworks and the construction of the fireworks stand from the owner of the property upon which fireworks are to be sold.

(4) Provide insurance certificates evidencing public liability and property damage coverage in favor of the applicant with both having a minimum amount of two hundred thousand dollars ($200,000.00) designating the County as an additional insured.

(5) Be accompanied by the fee.

(6) Be made at least ten (10) working days in advance of the intended set-up date. (Ord. 2012-13, 5/1/12)

6-24-7. Fees.

The fee for a license to sell fireworks shall be $40.00, which fee is in addition to the business license fee. (Ord. 2012-13, 5/1/12)

6-24-8. Fireworks ban.

The ignition of fireworks may be prohibited by the authority having jurisdiction (AHJ) in any specified areas of the unincorporated territory of the County at any time of the year due to hazardous fire conditions. (Ord. 2012-13, 5/1/12)

6-24-9. Appeals.

(1) Any person aggrieved by a decision of the zoning administrator regarding the issuance, denial, or revocation of a license to sale fireworks may appeal such decision to the Appeal Authority whose decision shall be final. All appeals to the Appeal Authority must be in writing and filed with the County Commission within 30 days of the date of the decision appealed from.

(2) The decision of the Appeal Authority may be appealed to the District Court provided such appeal is filed within 30 days of the Appeal Authority's decision. The appeal shall be filed with the Engineering Department and with the Clerk of the District Court. (Ord. 2012-13, 5/1/12)

TITLE 7

SOLID WASTE MANAGEMENT

Chapter

1. **Solid Waste Regulations.**
2. **Fees.**
3. **Municipal Solid Waste Facilities.**
4. **Waste Corridors.**

CHAPTER 1

SOLID WASTE REGULATIONS

Section

7-1-1. Purpose - Declaration of public nuisance.
7-1-2. Definitions.
7-1-3. Solid waste management department created.
7-1-4. Residential solid waste collection.
7-1-5. Commercial solid waste collection.
7-1-6. Residential solid waste collection contract.
7-1-7. Residential solid waste collection fees.
7-1-8. Approved garbage containers - Rental fees.
7-1-9. Additional containers.
7-1-10. Time and place of pickup.
7-1-11. Closing of approved garbage container required.
7-1-12. Accumulation or unauthorized disposal of solid waste prohibited.
7-1-13. Covering waste during transport.
7-1-14. Penalty.

7-1-1. Purpose - Declaration of public nuisance.

(1) This title is for the purpose of providing a systematic collection, transportation, storage, processing, recovery and disposal system for all solid waste disposed of or processed within of the county. It is also for the purpose of protecting and providing for the health, safety, comfort and convenience of Tooele County and its inhabitants.

(2) All activities relating to storage, treatment and disposal of wastes classified as "municipal solid wastes" under the Solid and Hazardous Waste Act, Utah Code Annotated 19-6-102, or otherwise regulated as a "commercial nonhazardous, household, infectious, construction, solid or demolition waste" under federal or state laws and regulations, are hereby declared a public nuisance.

(3) All activities relating to storage, treatment and disposal of wastes classified as "hazardous wastes" under the Utah Solid and Hazardous Waste Act, Utah Code Annotated 19-6-102, or otherwise regulated as a "waste" under the Toxic Substance Control Act (TSCA), the Comprehensive Environmental Response Compensation and Liability Act (CERCLA), or other federal or state laws and regulations, are hereby declared a public nuisance.

(4) All activities relating to storage, treatment and disposal of wastes regulated by the Radiation Control Act, Title 19, Chapter 3 of the Utah Code Annotated as low-level waste or mixed wastes, or those wastes defined as such in 10 CFR 61.55, or other federal or state laws and regulations, are hereby declared a public nuisance. (Ord. 2004-07; 2/24/04)

7-1-2. Definitions.

As used in this title:

(1) "Approved garbage containers" means those containers specifically provided by the county for residential waste collection, which containers are designated specifically for automated collection and have permanently attached, tight-fitting lids.

(2) "Commercial solid waste" means solid waste resulting from the activities of commercial users.

(3) "Commercial user" means an enterprise, not a residence, such as a business, association, corporation, manufacturer, hotel, motel, resort, church, ranger station, crew quarters, campground, picnic ground, day-use recreation area, and a governmental or public entity.

(4) "Low-level radioactive waste" means waste material which contains radioactive nuclides emitting primarily beta or gamma radiation, or both, in concentrations or quantities which exceed applicable federal or state standards for unrestricted release. "Low-level radioactive waste" does not include waste containing more than 100 nanocuries of transuranic contaminants per gram of material, nor spent reactor fuel, nor material classified as either high-level waste or waste which is unsuited for disposal by near-surface burial under any applicable federal regulations.

(5) "Municipal solid waste facility" means all contiguous land, structures, other appurtenances, and improvements on the land used for treating, storing, or disposing of residential and commercial solid waste.

(6) "Residence" means an occupied dwelling unit such as a home, mobile home, condominium or multi-family dwelling including apartments designed for separate housekeeping tenements, where no business is conducted except approved home occupations. "Residence" does not include hotels, motels, or mobile home parks.

(7) "Residential solid waste" means solid waste resulting from the activities of households and residential use.

(8) "Residential user" means an adult occupying or owning a residence.

(9) "Solid waste" means all putrescible and nonputrescible materials or substances discarded or rejected as being spent, useless, worthless, or in excess to the owner's needs at the time of disposal or rejection, including garbage, refuse, industrial and commercial waste, and waste which constitutes solid waste as defined in 40 C.F.R. Part 258, Criteria for Municipal Solid Waste Landfills, which includes household waste, commercial solid waste or industrial solid waste as such terms are defined in that part, or other types of waste governed by Subtitle D of the Resource Conservation and Recover Act, and solid waste within the meaning of the Solid Waste Management Act, Title 19, Chapter 6, Part 5, Utah Code Annotated 1953, as amended, including demolition and construction debris.

(10) "Solid waste disposal contractor" means a person or persons engaged in the business of collecting, hauling or transporting solid waste for disposal or for any other purpose. (Ord. 2004-07; 2/24/04)

7-1-3. Solid waste management department created.

There is hereby created a department of solid waste management, which shall be directed and controlled by the county commission. The department shall administer this title and may adopt such regulations necessary to implement it. (Ord. 2004-07; 2/24/04)

7-1-4. Residential solid waste collection.

(1) Except as provided herein, all residences shall be provided with mandatory solid waste collection, removal and disposal services and approved garbage containers by the county or its designated agent. All residential solid waste generated within the county shall be transported and delivered to a Tooele County designated and approved solid waste disposal facility.

(2) Except as permitted by this section, no residential solid waste shall be moved, hauled away or transported upon the streets except by the county, incorporated municipalities, or their designated agents.

(3) It is hereby declared to be unlawful for any person, except as permitted in this section, to haul or remove residential solid waste within or from the county. However, nothing contained in this section shall preclude persons from hauling their own residential solid waste over the streets or public ways to a county-designated solid waste disposal facility, provided that person is regularly paying the county or a municipality for collection services.

(4) If residential users located along the Deep Creek Mountain Range are not provided collection services by the county because of high costs in this remote area, such residential users shall be exempt from mandatory solid waste collection and the removal provisions of this chapter. However, each residential user in this remote area shall haul their own residential solid waste to a county-designated and approved landfill at least once each week and shall pay the same fees in the same manner as other residential users who are provided collection services and containers by the county. The higher costs to provide a separate landfill for these remote areas has been determined to provide sufficient justification to assess the same fee as other residential users without providing approved garbage containers and collection services. (Ord. 2004-07; 2/24/04)

7-1-5. Commercial solid waste collection.

(1) Except as provided in this section, commercial users shall collect and remove their commercial solid waste generated within the county, either directly or by employing the services of a county-licensed solid waste disposal contractor.

(2) All commercial solid waste generated within the county shall be transported and delivered to a county-designated and approved solid waste disposal facility.

(3) Owners or operators of small commercial enterprises, including mobile home parks, situated in remote locations of Tooele County that produce solid waste in amounts comparable to typical residences may, with county approval, participate in the county's solid waste collection system on the same basis as residential users, provided they are located in an area that receives residential solid waste collection services and provided they make satisfactory arrangements with the county to pay for such services, which may include periodic payment or inclusion of the fees with the ad valorem taxes on the real property upon which the commercial activity is located, in the same manner as residential collection fees are assessed and collected. (Ord. 2004-07; 2/24/04)

7-1-6. Residential solid waste collection contract.

The county may sign a contract with an independent solid waste disposal contractor to operate a residential solid waste collection and sanitary disposal service within the county upon such terms and conditions as the county commission shall require. All solid waste shall be collected, removed and disposed of with such frequency and in such manner as the county commission determines appropriate. (Ord. 2004-07; 2/24/04)

7-1-7. Residential solid waste collection fees.

(1) Each owner of real property that is encumbered by one or more residences shall be assessed the fees for collection, removal and disposal services for residential solid waste and fees for approved garbage containers. Such fees shall be billed regularly by the Department of

Solid Waste Management and collected by the treasurer's office. (Ord. 2004-07; 2/24/04)

(2) Each unit of a multi-family dwelling shall be considered a separate residence for purposes of billing.

(3) Solid waste collection fees shall be assessed through the date of termination, notice of which must be given to the Department of Solid Waste Management to receive a confirmation number.

(4) If a residence remains vacant for an entire month, the owner, lessee, or occupant of the residence or real property upon which the residence is situated shall make arrangements in advance with the county so that no solid waste collection fees are charged for that month.

(5) The county commission may excuse on a case-by-case basis needy persons who are not reasonably capable of paying the fee for collection of residential solid waste or the container fee for such period of time as deemed proper or necessary.

(6) Fees left delinquent over 90 days shall become a lien against the owner's real property. Such delinquent fees shall be billed and collected by the treasurer as a part of the regular ad valorem property tax notice, billing and collection system of Tooele County.

(7) It shall be unlawful for any owner or occupant to fail to pay any fee required by this title or to seek to avoid the payment of fees legally owed. (Ord. 2004-13, 3/23/04)

7-1-8. Approved garbage containers - Rental fees.

(1) Residential solid waste shall be collected from residential users only in approved garbage containers. The use of any other type of container or the use of approved garbage containers issued to another residence is unlawful and prohibited. All other solid waste not placed in approved garbage containers shall be placed in suitable and sufficient garbage receptacles, either with tight fitting lids or durable water resistant containers manufactured specifically for use in solid waste collection.

(2) Every residential user shall be issued one approved garbage container. Title to such containers shall be retained by the county. The payment made by residents shall be rental for the use of the containers. Rental fees for containers shall be established by resolution of the county commission. Rental fees for the first container shall be incurred for a minimum of one month for each month or part thereof that a residence is occupied. Rental fees shall be charged and collected in the same manner as the service charge for solid waste collection services.

(3) Residential users shall keep their approved garbage container free from destructive or decorative markings, shall maintain the original color thereof, and shall keep the inside of the containers clean and free from build-up of fungus, bacteria or any other type of contaminant that causes odors or facilitates deterioration of the container. Residential users shall be responsible for approved garbage containers and shall not be negligent in their use.

(4) Residential users shall report to the county, or its solid waste disposal contractor, any damage to their approved garbage container that limits its usefulness so that the same may be returned for repair or replacement.

(5) Approved garbage containers lost or missing through no fault of the residential user shall be replaced by the county without charge. Residential users shall exercise due care to protect such containers against loss through theft or misappropriation. Approved garbage containers shall not be removed from the premises to which they have been assigned.

(6) The owner or occupant of each residence shall be responsible for each approved garbage container issued to that residence.

(7) No hot ashes or flammable or explosive materials shall be deposited in an approved garbage container.

(8) A purchase fee based on the cost to the county at the current rate will be charged to anyone who damages or removes an approved garbage container from the property to which it has been assigned. The purchase fee may be added to the collection fee and collected in the same manner.

(9) Containers furnished by the county are issued to specific users by number and are non-transferrable.

(10) Upon discontinuance of use by a resident, approved garbage containers shall be returned to the county or its designated agent. (Ord. 2004-07; 2/24/04)

7-1-9. Additional containers.

(1) Residential users may request additional approved garbage containers for an additional charge per month. That charge shall be set by resolution of the county commission. Such charge shall be incurred for a minimum of four months.

(2) When a residential user determines the additional containers are no longer needed, the user shall return them to the county at which time the additional charge will be deleted from the billing, provided the four-month minimum has been met. If an additional container is not returned to the county, the charge for such container shall continue on a month-to-month basis until it is returned.

(3) Additional containers may be rented subject to availability of the containers to the county. Providing initial containers to new residents takes priority over

providing additional containers to residents who already have been issued one container. (Ord. 2004-07; 2/24/04)

7-1-10. Time and place of pickup.

(1) Approved garbage containers shall be placed on the edge of the street next to the driveway on the opposite side of the driveway approach from any mailbox, but in no event within ten feet of a mailbox, and with the container's wheels as close to the curb or edge of the road as reasonably possible, with the hinge thereof to curbside and the lid opening facing toward the street. When snow or street construction prevents placing of the container against the curb, the container shall be placed not over two feet from the edge of the snow or construction and in a manner that will not obstruct traffic or unduly impede snow plowing. Where there is no curb or gutter, approved garbage containers shall be placed off the traveled portion of the street but close enough to the street that the container can be picked up without undue difficulty.

(2) Containers shall not be placed or permitted to block driveways or through traffic.

(3) Unless otherwise provided by regulation, garbage and refuse must not be set out upon the street for collection prior to the evening of the day before collection and must be set out prior to 7:00 a.m. on the day of collection.

(4) Empty containers shall be removed from the street as soon as practicable after being emptied, and in every case shall be removed from the street the same day they are emptied.

(5) Those physically unable to wheel containers to curbside may make arrangements with the county for assistance.

(6) It shall be unlawful to park a vehicle upon a street during the hours of garbage pickup in a manner that interferes with access to approved garbage containers by the solid waste disposal contractor. (Ord. 2004-07; 2/24/04)

7-1-11. Closing of approved garbage container required.

No approved garbage container shall be filled to the extent that the lid does not remain firmly closed at all times or to such an extent that the contents may be spilled during the process of pickup and dumping into the solid waste collection vehicle. (Ord. 2004-07; 2/24/04)

7-1-12. Accumulation or unauthorized disposal of solid waste prohibited.

(1) It shall be unlawful for any person to accumulate solid waste or cause solid waste to be deposited upon any street or upon any premises in the county without express permission from the county or the county health department.

(2) No person shall for the purpose of final disposal dump, place or bury solid waste outside of an approved municipal solid waste facility.

(3) No person shall for the purpose of final disposal, burn solid waste except burning for agricultural purposes and then only when approved by the county health department.

(4) All solid waste generated within Tooele County shall be transported and delivered to a Tooele County designated and approved solid waste disposal facility.

(5) It shall be unlawful for commercial users to deposit commercial solid waste in residential containers.

(6) It shall be unlawful for a person to deposit residential solid waste in a commercial user's solid waste container. (Ord. 2004-07; 2/24/04)

7-1-13. Covering waste during transport.

It shall be unlawful for any person to haul, convey or transport upon any public street open solid waste in any truck, trailer or other conveyance unless covered or contained completely in such a manner that no solid waste is capable of leaving the container or conveyance. If a vehicle or other conveyance arrives at an approved solid waste disposal facility that is not covered or contained as required by this section, the regular gate fee shall be doubled. (Ord. 2004-07; 2/24/04)

7-1-14. Penalty.

Any person, firm or corporation who violates the terms of this title by any act of omission or commission shall be deemed guilty of a class B misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding $1,000 and to imprisonment in the Tooele County Detention Center not exceeding six months or by both such fine and imprisonment. (Ord. 2010-10; 6/1/10; Ord. 2004-07; 2/24/04)

CHAPTER 2

FEES

Section

7-2-1. Fees.
7-2-2. Payments.
7-2-3. Failure to timely pay.
7-2-4. Community cleanup.

7-2-1. Fees.

(1) The fees for approved garbage container rental and collection and disposal of permitted material at

county-designated and approved solid waste facilities shall be set by resolution of the county commission.

(2) All municipal solid waste facilities shall pay to the county an inspection fee and host fee which shall be set by resolution of the county commission. (Ord. 2004-07; 2/24/04)

7-2-2. Payments.

(1) Unless prior arrangements are made with the department of solid waste management to pay solid waste disposal fees on a monthly basis, all fees shall be paid at the time of the use of the solid waste facility. Users who request to pay fees on a monthly basis shall sign an agreement supplied by the department of solid waste management.

(2) All municipalities that use a Tooele County designated and approved solid waste facility and that have their solid waste collected under a municipal contract or that collect their own residential solid waste shall, in conjunction with their hauler, directly pay Tooele County the appropriate tipping fee. Payments shall be submitted to Tooele County within 30 days of receipt of monthly billings.

(3) Individuals or companies may contract with Tooele County to pay fees on a monthly basis. The terms of payment shall be as stated in the contract. (Ord. 2004-07; 2/24/04)

7-2-3. Failure to timely pay.

(1) If any municipality, person or company fails to pay the fees within the time periods allowed, a $50 late fee shall be charged in addition to the delinquent amount, plus interest at the rate of 1½% per month. If the county initiates legal action to collect delinquent fees, late fees or interest charges, the county shall be entitled to recover a reasonable attorney's fee, plus all costs of the action.

(2) Any municipality, person or company who has failed to pay fees within 45 days of the due date or who fails to comply with any other provision of this title may be denied access to the solid waste facility.

(3) Anyone aggrieved of a decision restricting access to the solid waste facility may within ten days request in writing to have the decision reviewed by the county commissioner responsible for the facility, whose decision shall be final. (Ord. 2004-07; 2/24/04)

7-2-4. Community cleanup.

(1) The county commissioner responsible for the solid waste facility may designate a specific time period during which county residents may use the facility without paying a tipping fee, provided all other applicable regulations are complied with.

(2) Persons or organizations providing community service cleanup projects in Tooele County may haul the solid waste they collect to the solid waste facility without paying a tipping fee, provided they receive prior written approval from the county commissioner responsible for the facility or a designee. (Ord. 2004-07; 2/24/04)

CHAPTER 3

MUNICIPAL SOLID WASTE FACILITIES

Section

7-3-1. Staff's findings and recommendations for conditional use permit.
7-3-2. Inspections.

7-3-1. Staff's findings and recommendations for conditional use permit.

(1) Upon receipt of a complete application for a conditional use permit along with the required fees for a municipal solid waste facility, the zoning administrator shall notify the county health department and the director of the solid waste management of the application.

(2) Within seven working days of the date application is made, the county health department and the director of the solid waste management shall submit written findings and recommended conditions to the zoning administrator.

(3) Upon receipt of the findings and recommended conditions, the zoning administrator shall submit them to the planning commission members for consideration on the conditional use permit application and the applicant. (Ord. 2004-07; 2/24/04)

7-3-2. Inspections.

(1) The zoning administrator, health department official and the director of the solid waste management may at any reasonable time enter any municipal solid waste facility and inspect the property, records, monitoring systems, activities and practices, or wastes being handled for the purpose of ascertaining compliance with this title and the approved plan of operation for the facility.

(2) The inspector may:

(a) conduct monitoring or testing, or collect samples for testing, to verify the accuracy of information submitted by the owner or operator or to ensure that the facility is in compliance, and the owner or operator may request split samples and analysis parameters on any samples collected by the inspector; and

(b) use photographic equipment, video cameras, electronic recording devices, or any other reasonable means to record information during any inspection;

(3) The inspector shall:

(a) cause notice of the results of any inspection to be sent promptly to the owner or operator of the facility if not left on site and place a copy in the file of the conditional use permit; and

(b) submit findings of the inspection where the conditions of the conditional use permit are in violation to the planning commission. (Ord. 2004-07; 2/24/04)

CHAPTER 4

WASTE CORRIDORS

Section

7-4-1. Purpose.
7-4-2. Municipal solid waste east corridor.
7-4-3. Municipal solid waste west corridor.
7-4-4. Hazardous waste corridor.

7-4-1. Purpose.

The purpose of this chapter is to establish corridors in which facilities disposing, storing or treating municipal solid waste, hazardous waste or low-level radioactive waste could possibly be located, should the appropriate permit be issued pursuant to the Uniform Zoning Ordinance of Tooele County. (Ord. 2004-07; 2/24/04)

7-4-2. Municipal solid waste east corridor.

The municipal solid waste east corridor is described as beginning at the south quarter corner of Section 10, T1N, R8W, SLB&M, thence running northerly along the quarter section lines to the north quarter corner of Section 34, T3N, R8W; thence, westerly along the section lines to the northwest corner of Section 32; thence southerly along the section lines to the southwest corner of Section 8, T1N, R8W; thence easterly along the section lines to the point of beginning. Contains about 14,400 acres. (Ord. 2004-07; 2/24/04)

7-4-3. Municipal solid waste west corridor.

The municipal solid waste west corridor is described as beginning at the southeast corner of Section 5, T1S, R11W, SLB&M, and running thence northerly along the section lines to the northeast corner of Section 5, T1N, R11W; thence, westerly along the section lines to the northwest corner of Section 6, T1N, R12W; thence southerly along the section lines to the southwest corner of Section 6, T1S, R12W; thence easterly along the section lines to the point of beginning. Contains about 35,840 acres. (Ord. 2004-07; 2/24/04)

7-4-4. Hazardous waste corridor.

The hazardous waste corridor is described as beginning at the southwest corner of T1S, R12W, SLB&M, and running thence east along the south township lines of Ranges 12, 11, and 10, to the 5,000 foot elevation line on the west side of the Cedar Mountains in T1S, R10W, SLB&M; thence northeasterly along said 5,000 foot elevation line to the north line of Section 2, T1S, R10W; thence west along the north line of T1S, R10W to its point of intersection with a line running parallel to the south right-of-way line of Interstate 80, said "parallel line" being located 3,960 feet south of the I-80 right-of-way; thence southwesterly along said parallel line to its point of intersection with the east line of Section 20, T1S, R11W, SLB&M; thence north to the northeast corner of Section 5, T1N, R11W; thence west to the northwest corner of T1N, R12W; thence south to the point of beginning. (Ord. 2004-07; 2/24/04)

TITLE 8

ANIMAL CONTROL

Chapter

1. **General Provisions.**
2. **Animal Control.**
3. **Dog Licensing.**
4. **Care and Maintenance of Animals.**
5. **Problem Animals.**
6. **Rabies Control.**
7. **Impounding of Animals.**

CHAPTER 1

GENERAL PROVISIONS

Section

8-1-1. Purpose.
8-1-2. Definitions.

8-1-1. Purpose.

This title is for the purpose of ensuring humane care and protection for animals and adopting regulations concerning animals that will promote the health and safety of the residents of Tooele County. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

8-1-2. Definitions.

(1) **"Animal"** means any live, vertebrate creature, domestic or wild.

(2) **"Animal Control Officer"** means the person or persons designated by the Tooele County Commission or Sheriff to enforce provisions of this title, including the collections of licensing and permit fees and the performance of other related duties.

(3) **"Animal shelter"** means a facility owned and/or operated by a governmental entity or any animal welfare organization that is incorporated within the State of Utah, and is used for the care and custody of seized, stray, homeless, quarantined, abandoned, or unwanted dogs, cats or other small domestic animals.

(4) **"Animal at large"** means any domesticated animal, whether or not licensed, not under restraint as defined below.

(5) **"Animal under restraint"** means any animal under the control of its owner or person having charge, care, custody or control, except a dog shall not be considered under control of the owner unless on a leash or lead, confined within a vehicle, or within the real property limits of the owner.

(6) **"Bite"** means an actual puncture, tear or abrasion of the skin or clothing inflicted by the teeth of an animal.

(7) **"Dog"** means any canis familiaris over 6 months of age. Any canis familiaris under 6 months of age is a puppy.

(8) **"Stray"** means any animal at large as defined herein.

(9) **"Guard dog"** means a working dog which must be kept in a fenced run or other suitable enclosure during business hours, or on a leash or under absolute control while working, so it cannot come into contact with the public.

(10) **"Kennel"** means an establishment having three or more dogs for the purpose of boarding, breeding, buying, grooming, letting for hire, training for fee or selling of dogs.

(11) **"Leash or lead"** means any chain, rope, or device used to restrain an animal.

(12) **"Quarantine"** means the isolation of an animal in a substantial enclosure so that the animal is not subject to contact with other animals or unauthorized persons.

(13) **"Vicious animal"** means any animal which is dangerously aggressive, including, but not limited to, any animal which has bitten or in any other manner attacked any person or animal. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

CHAPTER 2

ANIMAL CONTROL

Section

8-2-1. Powers of animal control officer.
8-2-2. Duties of animal control pfficer.
8-2-3. Interference with officer prohibited.

8-2-1. Powers of animal control officer.

(1) All Tooele County peace officers and any person employed by Tooele County as an animal control officer shall be vested with the power and authority to enforce this title.

(2) Animal control officers and all peace officers employed in the Sheriff's office are hereby authorized and empowered to apprehend and take with them and impound any animal found in violation of this title and including licensable dogs for which no license has been procured in accordance with this title, or any licensed or unlicensed dogs for any other violation of this title.

(3) In the enforcement of this title, any peace officer or the animal control officer or assistants are authorized to enter onto the open premises of any

person to take possession of any dog in violation of this title. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

8-2-2. Duties of animal control officer.

The animal control officer shall:

(1) Enforce this title and perform other responsibilities pursuant thereto.

(2) Supervise the animal shelter(s) under his jurisdiction.

(3) Keep adequate records of all animals impounded and all monies collected.

(4) See that all animals and animal holding facilities in his jurisdiction are licensed, controlled and permitted in accordance with any applicable ordinance and/or regulations.

(5) Establish, in cooperation with the Tooele County Health Officials and other interested government agencies, adequate measures for rabies immunization and control.

(6) Provide suitable premises and facilities to be used as an animal shelter where impounded small animals can be adequately kept. The animal control officer shall purchase and supply food when required and supply humane care for impounded animals.

(7) Provide for the painless and humane destruction of dogs and other animals required to be destroyed by this title or by the laws of the State of Utah.

(8) Furnish, when necessary, medical treatment for such animals as may be impounded pursuant to this title. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

8-2-3. Interference with officer prohibited.

It shall be unlawful for any person to knowingly and intentionally interfere with any animal control officer in the lawful discharge of his duties as herein prescribed. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

CHAPTER 3

DOG LICENSING

Section

8-3-1. Dog licensing.
8-3-2. License tag.
8-3-3. Licensing - Exemptions.
8-3-4. Revocation of license.
8-3-5. Kennel licenses.

8-3-1. Dog licensing.

(1) All dogs must be licensed each year, except as otherwise provided herein, to a person of the age of 18 years or older.

(2) Any person owning, possessing or harboring any dog shall obtain a license for such animal within 30 days after the dog reaches the age of 6 months; or in the case of a dog over 6 months, within 10 days of the acquisition of the dog.

(3) License applications must be submitted annually to Tooele County, utilizing a standard form which requests name, address and telephone number of the applicant; breed, sex, color and age of the animal; and rabies information. The application shall be accompanied by the prescribed license fee.

(4) License fees:

Female Dog	$ 20.00
Male Dog	$ 10.00
Spayed or Neutered Dog	$ 5.00

No dog shall be licensed as spayed or neutered without proof that surgery was performed.

(5) The license shall be effective from the date of purchase through the end of February of the following year. Licenses for the following year may be purchased within 90 days prior to the expiration date. License fees for newly acquired dogs shall be prorated on a quarter year basis if purchased after February 29. If a license is not acquired when due, a late fee shall be charged, which shall equal the original license fee. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

8-3-2. License tag.

(1) Upon payment of the license fee, Tooele County shall issue to the owner a certificate and tag for each dog licensed. The tag shall have stamped thereon the license number corresponding with the tag number of the certificate. The owner shall attach the tag to the collar and ensure that the tag is constantly worn. Failure to attach the tag as provided shall be in violation of this title, except for dogs which are kept for show purposes are exempt from wearing the collar and tag.

(2) Dog tags are not transferrable from one dog to another. No refunds shall be made on any dog license fee for any reason whatsoever. Replacements for lost or destroyed tags shall be issued upon payment of $1.00 to Tooele County.

(3) Any person removing or causing to be removed, the collar, harness or tag from any licensed dog without the consent of the owner or keeper thereof, except a licensed veterinarian or animal control officer who removes such for medical purposes, shall be in violation of this title. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

8-3-3. Licensing - Exemptions.

(1) The provisions of Sections 8-3-1 herein shall not apply to:

(a) licensed dogs whose owners are non-residents temporarily (up to 30 days) within the

jurisdiction; licensed dogs whose owners remain within the jurisdiction longer than 30 days may have their license transferred for a local license upon payment of a $1.00 fee, proof of current rabies vaccination and valid license from another jurisdiction; and

(b) individual dogs within a properly licensed dog kennel or other such establishment when such dogs are held for resale.

(2) The fee provisions of Section 8-3-1 shall not apply to:

(a) seeing eye dogs properly trained to assist blind persons if such dog is actually being used by blind persons to assist them in moving from place to place;

(b) hearing dogs properly trained to assist deaf persons if such dogs are actually being used by deaf persons to aid them in responding to sounds; and

(c) dogs especially trained to assist officials of government agencies in the performance of their duties and which are owned by such agencies.

(Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

8-3-4. Revocation of license.

(1) If the owner or custodian of any dog is convicted of violations of this chapter on three or more different occasions during any 12 month period, the animal control officer may seek a court order pursuant to Section 8-5-5, denying the right of the owner or custodian to maintain an animal in the County for a period of one year.

(2) If an order is entered pursuant to Subsection (1), the order shall require that the owner or custodian remove his animal from the County. If the owner or custodian fails, as ordered, to remove the animal from the County, the animal control officer may impound the animal, and the court, after notice and hearing, and for good cause shown, may order the subject animal destroyed.

(3) It shall be unlawful for a person to maintain an animal within the County in violation of a court order.

(4) The licensing authority may revoke any permit or license if the person holding the permit or license fails to comply with this title or other laws governing the protection and keeping of animals.

(5) If a person's dog permit or license is revoked for any reason other than by court order, the person may appeal the decision in writing to the animal control officer within 10 days thereafter. Upon notice of appeal, the animal control officer shall hold an administrative hearing to determine the disposition of the appeal and the animal. The animal control officer's decision may be appealed to the County Commission in writing within 10 days thereafter. If no appeal is made to the animal control officer within 10 days after a person's license has been revoked, the animal control officer shall, within 10 days thereafter, humanely destroy all animals owned, kept or harbored by such person, and no part of the permit or license shall be refunded.

(6) It shall be a condition of the issuance of any permit or license that the licensing authority, animal control officer, and humane officer shall be permitted to inspect all animals and the premises which animals are kept at any time and shall, if permission for such inspection is refused, revoke the permit or license of the refusing owner.

(7) If the applicant has withheld or falsified any information on the application, the licensing authority shall refuse to issue a permit or license.

(8) No person who has been convicted of cruelty to animals shall be issued a permit or license to operate a commercial animal establishment.

(9) Any person having been denied a license or permit may not reapply for a period of 30 days. Each reapplication shall be accompanied by a $10.00 fee.

(Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

8-3-5. Kennel licenses.

(1) No person shall operate or maintain a dog or cat kennel without first obtaining a license from Tooele County. The price of said licenses shall be $25.00 per year. Applications for such licenses shall be submitted in writing upon printed forms provided for such purposes by the County. The application shall be referred to the zoning administrator and, if approved, to the Board of Health which shall make an investigation of the premises where such kennel is to be maintained and operated. The Board of Health shall make recommendations to the County on the granting or denying of such license and shall promulgate rules and regulations covering the conduct and operation of all kennels within the County.

(2) All kennel licenses are subject to revocation for cause. Whenever the County finds or discovers any infractions of any rule or regulation promulgated by the Board of Health or violations of this title, it shall immediately notify the animal control officer of said infraction. Upon receipt of such notice, the owner or keeper of such kennel shall be given notice to appear before said Animal Control Officer at a day and time certain to show cause why the license should not be revoked for such infraction. Appeals from the revocation of a kennel license shall be pursuant to Section 8-3-4(5).

(3) A kennel shall be an enclosure where dogs can be locked at all times and from which they cannot

escape. Said kennel shall be constructed of mesh wire or other such material which will prevent the escape of dogs kept therein. It shall have a lock or latch and be kept locked at all times. Dogs placed in the kennel and continuously maintained there need not be licensed as provided for herein. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

CHAPTER 4

CARE AND MAINTENANCE OF ANIMALS

Section

8-4-1. Unlawful to harbor stray dogs.
8-4-2. Dogs running at large.
8-4-3. Dogs on unenclosed premises.
8-4-4. Female dogs in season.
8-4-5. Places prohibited to dogs.

8-4-1. Unlawful to harbor stray dogs.

It shall be unlawful for any person, except an animal welfare society incorporated within the State of Utah under Section 76-9-302, U.C.A. 1953, as amended, to harbor or keep any lost or stray 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 animal control officer within 24 hours, and he shall impound the dog as herein provided. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

8-4-2. Dogs running at large.

It shall be unlawful for the owner or person having charge, care, custody or control of any dog to allow such dog at any time to run at large. The owner or person charged with responsibility for a dog found running at large shall be strictly liable for a violation of this section, regardless of the precautions taken to prevent the escape of the dog and regardless of whether or not he knows that the dog is running at large. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

8-4-3. Dogs on unenclosed premises.

It shall be unlawful for any person to chain, stake out, or tether any dog on any unenclosed premises in such a manner that the animal may go beyond the property line unless such person has permission of the owner of the affected property. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

8-4-4. Female dogs in season.

Any owner or person having charge, care, custody or control of any female dog in season shall, in addition to restraining such dog from running at large, cause such dog to be constantly confined in a building or secure enclosure so as to prevent it from attracting by scent or coming into contact with other dogs and creating a nuisance, except for planned breeding. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

8-4-5. Places prohibited to dogs.

It shall be unlawful for any person to take or permit any dog, whether loose, or on a leash, or in arms, in or about any establishment or place of business where food or food products are sold or displayed, including, but not limited to, restaurants, grocery stores, meat markets and fruit or vegetable stores. This provision shall not apply to guide dogs. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

CHAPTER 5

PROBLEM ANIMALS

Section

8-5-1. Dogs attacking persons and animals.
8-5-2. Fierce, dangerous or vicious animals.
8-5-3. Nuisance animals.
8-5-4. Bites - Duty to report.
8-5-5. Court orders.

8-5-1. Dogs attacking persons and animals.

(1) Attacking Dogs. It shall be unlawful for the owner or person having charge, care, custody or control of any dog to allow such dog to attack, chase, or worry any person, any domestic animal having a commercial value, or any species of hoofed protected wildlife, or to attack domestic fowl. "Worry" as used in this section shall mean to harass by tearing, biting or shaking with the teeth.

(2) Owner Liability. The owner in violation of subsection (1) above shall be strictly liable for violations of the section. In addition to being subject to prosecution under subsection (1) above, the owner of such dog shall also be liable for damages to any person injured or to the owner of any animal(s) injured or destroyed thereby.

(3) Defenses. The following shall be considered in mitigating the penalties or damages or in dismissing the charge:

(a) that the dog was properly confined on the premises; or

(b) that the dog was deliberately or maliciously provoked.

(4) Dogs may be Killed. Any person may kill a dog while it is committing any of the acts specified in subsection (1) above or while such dog is being pursued thereafter. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

8-5-2. Fierce, dangerous or vicious animals.

It shall be unlawful for the owner of any fierce, dangerous or vicious animal to permit such animal to go or be off the premises of the owner unless such animal is under restraint and properly muzzled so as to prevent it from injuring any person or property. Every animal so vicious and dangerous that it cannot be controlled by reasonable restraints, and every dangerous and vicious animal not effectively controlled by its owner or person having charge, care or control of such animal so that it shall not injure any person or property is a hazard to public safety, and the animal control officer shall seek a court order pursuant to Section 8-5-5 for destruction of or muzzling of the animal. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

8-5-3. Nuisance animals.

Any owner or person having charge, care, custody or control of an animal or animals causing a nuisance as defined below shall be in violation of this title and subject to the penalties provided herein. The following shall be deemed a nuisance:

(1) Any animal which:

(a) causes damages to the property of anyone other than its owner;

(b) is a vicious animal as defined herein and kept contrary to Section 8-5-2 above;

(c) causes unreasonable fouling of the air by odors;

(d) causes unsanitary conditions in enclosures or surroundings;

(e) defecates on any public sidewalk, park or building, or on any property without the consent of the owner of such private property, unless the person owning, having a proprietary interest in, harboring or having care, charge, control, custody or possession of such animal shall immediately remove any such defecation to a proper trash receptacle;

(f) barks, whines or howls or makes other disturbing noises in an excessive, continuous or untimely fashion;

(g) molests passersby or chases passing vehicles;

(h) attacks other domestic animals; or

(i) is determined by the animal control officer or County Health Department to be a public nuisance by virtue of being offensive or dangerous to public health, welfare or safety.

(2) Any animals which by virtue of the number maintained, are determined by the animal control officer or County Health Department to be offensive or dangerous to the public health, welfare or safety. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/ 92)

8-5-4. Bites - Duty to report.

(1) Any person having knowledge of any individual or animal having been bitten by an animal of a species subject to rabies shall report the incident immediately to the animal control officer.

(2) The owner of an animal that bites a person and any person bitten by an animal shall report the bite to the animal control officer within twenty-four (24) hours of the bite, regardless of whether or not the biting animal is of a species subject to rabies.

(3) A physician or other medical personnel who renders professional treatment to a person bitten by an animal while in the unincorporated area of Tooele County, shall report the fact that he has rendered professional treatment to the animal control officer within 24 hours of his first professional attendance. He shall report the name, sex and address of the person bitten as well as the type and location of the bite and the location of the incident. If known, he shall give the name and address of the owner of the animal that inflicted the bite, and any other facts that may assist the animal Control officer in ascertaining the immunization status of the animal.

(4) Any person treating an animal bitten, injured or mauled by another animal within the unincorporated area of Tooele County, shall report the incident to the animal control officer. The report shall contain the name and address of the owner of the wounded, injured or bitten animal, the name and address of the owner and description of the animal which caused the injury, and the location of the incident.

(5) Any person not conforming with the requirements of this section shall be in violation of this title. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

8-5-5. Court orders.

County Justice Court Judges shall have jurisdiction and authority to enforce the provisions of this animal control ordinance. Unless modified by the court, court orders sought under the provisions of this title shall be pursued according to the following minimum notice and procedure:

(1) The animal control officer or his authorized representative, shall petition the court for an order for the desired action.

(2) The petition for the action, together with supporting affidavits, shall be served on the party against whom the action is sought at least 5 days prior to the hearing. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

CHAPTER 6

RABIES CONTROL

Section

8-6-1. Rabies vaccination required for dogs and cats.
8-6-2. Tag requirements - Duties of veterinarian.
8-6-3. Control of rabies and rabid animals.

8-6-1. Rabies vaccination required for dogs and cats.

The owner or person having the charge, care, custody and control of a 6 month of age or over cat or dog shall have said animal vaccinated within 30 days after it reaches said age. Any person permitting any such animal to habitually be on or remain, or be lodged or fed within such person's house, yard or premises shall be responsible for said vaccination. Unvaccinated dogs or cats over 6 months of age acquired by the owner or moved into the jurisdiction must be vaccinated within 30 days of purchase or arrival. Every dog shall be revaccinated thereafter every 24 months and every cat shall be revaccinated thereafter every 12 months. This provision shall not apply to veterinarian or kennel operators temporarily maintaining on their premises animals owned by others. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

8-6-2. Tag requirements - Duties of veterinarian.

It shall be the duty of each veterinarian, when vaccinating any animal for rabies, to complete a certificate of rabies vaccination (in duplicate) which includes the following information:

(1) owner's name and address;
(2) description of animal (breed, sex, markings, age, name);
(3) date of vaccination;
(4) rabies vaccination tag number;
(5) types of rabies vaccine administered; and
(6) manufacturer's serial number of vaccine.

A copy of the certificate shall be distributed to the owner and original retained by the issuing veterinarian. The veterinarian and the owner shall retain their copies of the certificate for the interval between vaccinations specified in this chapter. Additionally, a metal or durable plastic rabies vaccination tag, serially numbered, shall be securely attached to the collar or harness of the animal. An animal not wearing such a tag shall be deemed to be unvaccinated and may be impounded and dealt with pursuant to this Title.

The provisions of this section with respect to vaccination shall not apply to any animal owned by a person temporarily remaining within the jurisdiction for less than 30 days. Such animals shall be kept under strict supervision of the owner. It shall be unlawful to bring any animal into the jurisdiction which does not comply with the animal health laws and import regulations. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

8-6-3. Control of rabies and rabid animals.

(1) Unvaccinated Bitten Animals.

(a) In the case of an unvaccinated animal species subject to rabies which is known to have been bitten by a known rabid animal, said bitten or exposed animal shall be immediately destroyed.

(b) If the owner is unwilling to destroy the bitten or exposed animal, the animal shall be immediately isolated and quarantined for 6 months under veterinary supervision, the cost of such confinement to be paid in advance by the owner. The animal shall be destroyed if the owner does not comply herewith.

(2) Vaccinated Bitten Animals.

(a) If the bitten or exposed animal has been vaccinated, the animal shall be revaccinated within 24 hours and quarantined for a period of 90 days following revaccination, the cost of such confinement to be paid in advance by the owner.

(b) If the animal is not revaccinated within 24 hours, the animal shall be isolated and quarantined under veterinary supervision for 6 months, the cost of such confinement to be paid in advance by the owner.

(c) The animal shall be destroyed if the owner does not comply with items (a) or (b) of this subsection (2).

(3) Removal of Quarantined Animal. It shall be unlawful for any person to remove any such animal from the place of quarantine without written permission of the Animal Control Officer.

(4) Management of Animals that Bite Humans. Any healthy animal of a species subject to rabies that bites a person or animal or is suspected of having rabies may be seized and quarantined for observation for a period of not less than 10 days by the animal control officer and/or the Health Department. The owner of the animal shall bear the cost of confinement. The animal shelter shall be the normal place for quarantine, but other arrangements, including confinement by the owner, may be made by the animal control officer if the animal had a current rabies vaccination at the time the bite was inflicted or if there are other special circumstances justifying an exception. A person who has custody of an animal under quarantine shall immediately notify the animal control officer if the animal shows any signs of sickness or abnormal behavior, or if the animal escapes confinement. It shall be unlawful for any person who has custody of a

quarantined animal to fail or refuse to allow a Health or animal control officer, or a veterinarian to make an inspection or examination during the period of quarantine. If the animal dies within 10 days from the date of bite or if signs suggestive of rabies develop, the animal shall be humanely killed and the person having custody shall immediately notify the Health Department and animal control officer who shall immediately remove and deliver the animals head to the State Health Laboratory to be examined for rabies. If, at the end of the 10 day period, the animal control officer or a veterinarian examines the animal and finds no sign of rabies, the animal may be released to the owner or in the case of a stray, it shall be disposed of as provided in Section 8-7-3.

(5) Vicious Animals. If any animal bites or attacks a person or animal 2 times or more, such animal may be immediately impounded by the animal control officer without court order and held at owner expense pending court action. Any such animal shall be deemed a vicious animal, and the animal control officer may seek a court order as provided in Section 8-5-5 for authority to destroy said animal. Parties owning such animals shall, if possible, be notified immediately of the animal's location by the animal control officer. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

CHAPTER 7

IMPOUNDING OF ANIMALS

Section

8-7-1. Animals to be impounded.
8-7-2. Records to be kept.
8-7-3. Disposition of animals.
8-7-4. Redemption.

8-7-1. Animals to be impounded.

The animal control officer shall place all animals which he takes into custody in a designated animal impound facility. The following animals may be taken into custody by the animal control officer and may be impounded without the initiation of any judicial proceedings:

(1) Any animal being kept or maintained contrary to the provisions of this title.

(2) Any animal running at large.

(3) Any animal which is by this title required to be licensed and is not licensed. An animal not wearing a tag shall be presumed to be unlicensed for purposes of this section.

(4) Sick or injured animals whose owner cannot be located.

(5) Any abandoned animal.

(6) Animals which are not vaccinated for rabies in accordance with the requirements of this title.

(7) Any animals to be held for quarantine.

(8) Any vicious animal not properly confined.

(9) All fees or other money collected by the animal control officer shall be handled and accounted for pursuant to direction of the County Auditor. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

8-7-2. Records to be kept.

The animal control officer shall keep adequate records as listed below of all animals impounded.

(1) Complete description of the animal, including tag numbers.

(2) The manner and date of impound.

(3) The location of the pickup and name of the officer picking up the animal.

(4) The manner and date of disposition.

(5) The name and address of the redeemer or purchaser.

(6) The name and address of any person relinquishing an animal to the impound facility.

(7) All fees received.

(8) All expenses accruing during impoundment. (Ord. 2013-03, 2/19/13; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

8-7-3. Disposition of animals.

(1) Animals shall be impounded for a minimum of 120 hours before further disposition, except as otherwise provided herein. Reasonable effort shall be made to notify the owner of any animal wearing a license or other identification during that time. Notice shall be deemed given when sent to the last known address of the listed owner. Any animal voluntarily relinquished to the animal control facility by the owner thereof for destruction or other disposition need not be kept for the minimum holding period before release or other disposition as herein provided.

(2) All dogs and cats, except for those quarantined or confined by court order, held longer than the minimum impound period, and all dogs and cats voluntarily relinquished to the impound facility may be destroyed or sold as the animal control officer shall direct. Any healthy dog or cat may be sold to any person desiring to purchase such animal for a price to be determined by the animal control officer.

(3) Any unlicensed animal impounded and having or suspected of having serious physical injury or contagious disease requiring medical attention, may, in the discretion of the animal control officer, be released

to the care of a veterinarian with the consent of the owner.

(4) When, in the judgment of the animal control officer, it is determined that an animal should be destroyed for humane reasons or to protect the public from imminent danger to persons or property, such animal may be destroyed without regard to any time limitations otherwise established herein, and without court order. (Ord. 2013-03, 2/19/13; Ord. 2012-07, 4/3/12; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

8-7-4. Redemption.

(1) The owner of any impounded animal or an authorized representative may redeem such animal before disposition provided the following fees are first paid:

(a) the impound fee;

(b) the daily board charge;

(c) veterinarian costs incurred during impound, including rabies vaccination; and

(d) the license fee and late fee, if required.

(2) Fees shall be charged at the following rates:

(a) Impound Fee:

(i) First confinement: $ 15.00

(ii) Second confinement: $ 20.00

(iii) Third or subsequent confinement: $ 40.00

(b) Daily Board Charge:

(i) Cats $ 8.00/calendar day

(ii) Dogs $10.00/calendar day

(3) The owner of an impounded dog or cat must provide proof of a current rabies vaccination. If such proof is not provided, the owner shall be required to pay for such vaccination or make adequate arrangements with the animal control officer to obtain a rabies vaccination prior to redemption of the dog or cat.

(4) No impound fee will be charged to the reporting owners of suspected rabid animals if they comply with Tooele County Code Section 8-6-1. (Ord. 96-19, 8/7/96)

TITLE 9

BUSINESS LICENSE AND REGULATIONS

Chapter

1. **General Licensing.**
2. **Business Licenses. (Repealed)**
3. **Alcoholic Beverages.**
4. **Sexually Oriented Businesses.**
5. **Mitigation Fees. (Repealed)**
6. **Residential Solicitation.**

CHAPTER 1

GENERAL LICENSING

Section

9-1-1. Application of chapter.
9-1-2. Definitions.
9-1-3. Doing business without a license prohibited.
9-1-4. Failure to obtain a license - Penalties.
9-1-5. License issuance - Fee collection - Audits.
9-1-6. Index of licenses.
9-1-7. Procedure to obtain license.
9-1-8. Application for license.
9-1-9. Inspections.
9-1-10. Separate license required for each location.
9-1-11. Term of license - Certificate form - Transfer prohibited.
9-1-12. License fees.
9-1-12.1. Zoning administrator authorized to examine and inspect businesses - Powers and duties.
9-1-13. Additional fees.
9-1-14. Multiple businesses at one location.
9-1-15. Reciprocal licenses - No fee required.
9-1-16. Code compliance.
9-1-17. Exemptions.
9-1-18. Suspension or revocation - Grounds.
9-1-19. Suspension or revocation - Hearing.
9-1-20. Appeal procedures.
9-1-21. Displaying license.
9-1-22. New license - Six months wait.
9-1-23. Repealed.
9-1-24. Repealed.
9-1-25. Repealed.

9-1-1. Application of chapter.

Except as otherwise expressly provided, the provisions of this chapter shall apply to all county business licensing activities. (Ord. 95-26, 12/05/95)

9-1-2. Definitions.

As used in this title:

(1) "Agricultural industry or business" means an industry or business involving agricultural products in manufacturing, packaging, treatment, sales, intensive feeding, or storage, including but not limited to commercial greenhouses, feed yards, fur farms, food packaging or processing plants; commercial poultry or egg production, and similar uses. Agricultural industry or business shall not include the raising or sale of unprocessed crops, including hay.

(2) "Health department" means the Tooele County Health Department.

(3) "Business, trade, profession or calling" means and includes all activities engaged in within the unincorporated limits of Tooele County 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 specified.

(4) "Clerk" means the Tooele County Clerk.

(5) "Engaging in business" means 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 consideration by persons engaged in any profession, trade, craft, business, occupation or other calling except the rendering of personal services by an employee to an employer under any contract of personal employment. Engaging in business also includes agricultural industries, but not farming or ranching.

(6) "Farming" means tilling soil, raising and selling unprocessed crops, including hay, horticulture and gardening, breeding, grazing and keeping or raising domestic animals and fowl, but shall not include any agricultural industry or business.

(7) "Place of business" means a location maintained or operated by a person within the unincorporated limits of the county from which a business activity is conducted or transacted. (Ord. 95-26, 12/05/95)

9-1-3. Doing business without a license prohibited.

It shall be unlawful:

(1) to commence or carry on any business, trade, profession or calling without taking out a license therefor;

(2) to engage in any activity regulated or licensed under the provisions of this title if a license therefor has been suspended or revoked; or

(3) to otherwise violate any provision of this title. Ord. 95-26, 12/05/95)

9-1-4. Failure to obtain a license - Penalties.

Any person doing business without a license when a license is required, including circumstances where a license has expired, been suspended or revoked, shall, in addition to applicable criminal penalties, be required to pay all applicable fees as though a license had been issued during the period of unlicensed activity, plus penalties described in Subsection 9-1-12(7). (Ord. 2011-07, 2/15/11; Ord. 95-26, 12/05/95)

9-1-5. License issuance - Fee collection - Audits.

The county shall issue licenses and assess and collect license fees. The county may audit the records of applicants or licensees to ensure compliance with any licensing provision. It may refuse to issue a license or may suspend or revoke a license if the applicant or licensee, for any reason, fails or refuses to cooperate in such an audit. (Ord. 95-26, 12/05/95)

9-1-6. Index of licenses.

The clerk shall maintain an alphabetical and numerical index of all licenses issued. The index shall state the number, names to whom issued, the type of license issued, time of issuance and the period covered, the place of business, the kind of business to be transacted, the amount paid and such other information as may be considered necessary. (Ord. 95-26, 12/05/95)

9-1-7. Procedure to obtain license.

Applicants for a business license shall submit a properly completed application form to the clerk. Unless otherwise provided, if issuance of the requested license is consistent with applicable law, the clerk shall approve the application and issue a license. (Ord, 95-26, 12/05/95)

9-1-8. Application for license.

(1) An application for a license shall be in writing on a form approved by the clerk. The application shall show all of the following with respect to all persons, excluding shareholders or their equivalent, having a legal or equitable ownership interest in the subject business or other activity:

(a) the name, address, date of birth and both home and business telephone numbers, including the same information with respect to all partners, officers or directors;

(b) a description of the business, trade, profession, or calling for which a license is requested, including any assumed or fictitious names which may be used;

(c) the address of the property where the subject business, trade, profession, or calling is to be carried on;

(d) the state tax number of the subject business, trade, profession, occupation or activity; and

(e) any other information required by this title, by statute, or as reasonably required by the clerk.

(2) It shall be unlawful to incorrectly or fraudulently state or misrepresent any fact as part of applying for or retaining any license. (Ord. 95-26, 12/05/95)

9-1-9. Inspections.

As a condition of the issuance, continuation or renewal of a business license, the applicant shall, upon reasonable demand, permit continuing inspections of the place of business or other activity to ensure compliance with all applicable business, zoning, health, or safety regulations. The clerk may refuse to issue a license or may suspend or revoke a license if the applicant or licensee should, for any reason, fail or refuse to cooperate with such an inspection. (Ord. 95-26, 12/05/95)

9-1-10. Separate license required for each location.

A separate license must be obtained and a separate fee paid for each place of business where a business activity is established. Each license shall authorize the licensee to engage in only that business activity described in such license and only at the location which is indicated thereon. A location shall be considered separate if it has been assigned a different mailing or street address. A business that regularly provides goods or services at various locations in the county but has no place of business or mailing address shall still be required to obtain a business license. (Ord. 95-26, 12/05/95)

9-1-11. Term of license - Certificate form -Transfer prohibited.

Unless otherwise expressly provided, the following shall apply to all licenses issued pursuant to this title:

(1) All licenses shall be issued for a period of one year which shall extend from July 1 to June 30.

(2) Every certificate of license shall specify by name the person to whom it is issued, and shall designate the particular type of business licensed and the location.

(3) No license shall be in any manner assignable or transferable, neither shall it authorize any licensee to do business at any other place than indicated in such license, or authorize any other business than is therein mentioned, except by permission of the county commission or unless otherwise provided herein. (Ord. 95-26, 12/05/95)

9-1-12. License fees.

(1) Except as provided for in Section 9-1-15, every person intending to engage in business shall, before commencing business, obtain a license and pay to the county $25.00 per year, or any portion thereof, for each place of business, or if no place of business is established, for each business activity that takes place within the county.

(2) An employee who is not a partner or owner shall not be required to pay for an individual license.

(3) License fees shall be paid in advance for the term of the license. They shall not be prorated when a new application is made during the license term. License fees shall not be refunded because the business or activity for which the same was obtained has been discontinued for any reason.

(4) No rebate shall be allowed upon any license.

(5) Other than when a business is renewing their license if there is a change in the name of the business, address, or owners different than what is shown on the county clerk's records, an administrative fee of $10.00 shall be charged to update the license and records.

(6) Any person or firm who fails to renew the license before it expires shall be assessed an administrative penalty of $25.00 in addition to the fee specified in Subsection 9-1-12(1).

(7) Any person or entity operating a business in violation Tooele County Code, Section 9-1-3, shall be assessed an administrative penalty of $150.00 in addition to the fee specified in Subsection 9-1-12(1).

(8) License fees and penalties shall be collected by the county clerk pursuant to procedures established by the county clerk, auditor and treasurer. Payment thereon shall be enforced as authorized by law.

(9) There is no right to continue a licensed activity without the payment of required fees and penalties. In addition to any criminal action, the county may bring civil action to collect any delinquent or unpaid fee. In the event legal action is filed to collect delinquent or unpaid fees, the debtor shall pay a reasonable attorney's fee and costs. (Ord. 2011-07, 2/15/11; Ord. 2000-24, 09/05/00)

9-1-12.1. Zoning administrator authorized to examine and inspect businesses - Powers and duties.

(1) The zoning administrator and engineering planners are hereby authorized and empowered to examine and inspect all places of business to verify that businesses authorized by the license issued are carried on in accordance with this Title and other applicable laws. They may enter any building or premises during regular business hours; or, if there are no regular business hours, shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If the property owner or other responsible person refuses entry or inspection of the property, the zoning administrator or planner may obtain and execute a search warrant.

(2) The zoning administrator or planner shall report to the county clerk and the county attorney all persons doing business without a license and instances of conduct by any party or business other than that covered by the license issued. (Ord. 2000-24, 09/05/00)

9-1-13. Additional fees.

The fees required under this chapter are in addition to fees required by Chapters 3 and 4 of this title and the license fees for garbage haulers under Title 7. County business license fees are also in addition to fees that may be required by the State of Utah. (Ord. 95-26, 12/05/95)

9-1-14. Multiple businesses at one location.

If a person desires to engage in a business which may include two or more businesses at the same location, the person shall only be required to obtain one business license, provided each different business is listed in the application for a license. (Ord. 95-26, 12/05/95)

9-1-15. Reciprocal licenses - No fee required.

(1) Wherever any person, firm or corporation doing business in the unincorporated limits of the county which has no office, building or plant in the county but has a current business license in a city or town located within Tooele County, such license shall be recognized by the county for the purpose of waiving the county license fee. Such business shall nevertheless apply for and obtain a county business license, but no license fee shall be charged when evidence of the city or town business license is presented.

(2) Occupational and professional licenses are not reciprocal business licenses. Such licensees shall also take out county business licenses before doing business in the county. (Ord. 95-26, 12/05/95)

9-1-16. Code compliance.

(1) Issuance of a business license does not excuse a licensee from compliance with applicable zoning, building, fire, electrical, or health codes or other regulatory requirements. No license shall be issued without first obtaining written preliminary approval of the business location from the planning and zoning officer or a designee, indicating that the proposed business complies with the county's zoning regulations.

(2) The following shall be printed on the face of each license:

"NOTICE

To engage in the business for which this license is issued, you must comply with all county health and safety codes, including those relating to zoning, building, health and fire safety. If now, or in the future, you do not comply with these codes, this license does not authorize you to engage in business."

(Ord. 95-26, 12/05/95)

9-1-17. Exemptions.

Acquisition of a business license is not required for any person or organization for an activity which is conducted, managed or carried on wholly for charitable or religious purposes from which profit is not derived, directly or indirectly by any individual, firm or profit corporation. No business license is required on any farming or ranching operation, yard sales of less than seven days in duration, activities of minors in short-term entrepreneurial activities such as lemonade stands, or any person engaged in a business specifically exempted from municipal licensing by the laws of the United States or the State of Utah. Businesses located within the boundaries of federal military installations or Indian reservations are exempt from obtaining county business or beer licenses, unless such a business extends its activities beyond the installation or reservation boundaries into the unincorporated areas of Tooele County. The person claiming an exemption has the burden of establishing such exemption. (Ord. 95-26, 12/05/95)

9-1-18. Suspension or revocation - Grounds.

The clerk may suspend or revoke a license if:

(1) the license was issued when it should not have been;

(2) the business fails or refuses to permit or cooperate with an audit or inspection;

(3) the business fails to pay a required fee;

(4) continuing operation of the licensed activity would constitute a nuisance or present a danger to the health, general welfare or morals of the community; or

(5) the business is violating this title or any other applicable law, including zoning, building or health regulations. (Ord. 95-26, 12/05/95)

9-1-19. Suspension or revocation - Hearing.

No license issued under this title shall be suspended or revoked until an informal hearing is held before the clerk. Written notice of such hearing shall be served at least ten days prior to the date thereof upon the licensee. Service shall be effective when sent by first class mail to the address indicated in the business license application. Such notice shall state the basis of the complaint and the time and place of the hearing. The decision of the clerk may be appealed to the county commission. No part of the license fee shall be refunded in cases of suspension or revocation. (Ord. 95-26, 12/05/95)

9-1-20. Appeal procedures.

(1) If a business license is denied by the clerk or if the clerk suspends or revokes a license or if a penalty is imposed, the applicant or licensee may appeal such action.

(2) Filing of an appeal must be within ten days of the date of service of the notice of any denial, qualified approval, suspension, revocation or penalty. Upon receiving the notice of such appeal, a hearing shall be scheduled before a hearing officer designated by the county commission within 20 days from the date of the appeal, unless such time shall be extended for good cause.

(3) The hearing officer shall hold a public hearing with a verbatim record of the proceedings being kept, and take such facts and evidence as necessary to determine whether the denial, qualified approval, suspension, revocation or penalty was proper under the law.

(4) The burden of proof shall be upon the clerk.

(5) After the hearing, the hearing officer shall have seven working days, unless extended for good cause, in which to render findings of fact, conclusions of law, and a recommended decision to the county commission.

(6) Either party may object to the recommendation of the hearing officer by filing the party's objections and reasons, in writing, to the county commission within seven days following the recommendation. In the event the hearing officer recommends upholding a suspension or revocation, the license shall be immediately suspended, and shall remain suspended until any subsequent appeal is decided. If no objection is received within the seven days, the county commission may immediately adopt the recommendation of the hearing officer.

(7) If an objection is received, the county commission shall have ten working days to consider the objection before issuing a final decision. The county commission may, in its discretion, take additional evidence, hold a hearing or require the submission of a written memorandum on issues of fact or law. The standard by which the county commission shall review the decision of the hearing officer is whether evidence exists in the record to support the hearing officer's recommendation. (Ord. 95-26, 12/05/95)

9-1-21. Displaying license.

Every certificate of license shall be displayed by the licensee in a conspicuous place easily viewed by the public, in which the licensed business, trade, profession, or calling is carried on. When such certificate of license has expired it shall be removed from public view. A licensee without a fixed place of business shall carry a certificate of license while engaged in business. It shall be the duty of each licensee, agent, and employee to show the certificate of license upon demand. (Ord. 95-26, 12/05/95)

9-1-22. New license - Six months wait.

No person who has been denied a license or whose license has been revoked, and no person associated or connected with such a person in the conduct of business, shall be granted a new license until six months after such denial or revocation has elapsed. (Ord. 95-26, 12/05/95)

9-1-23. Repealed. (Ord. 95-26, 12/05/95)

9-1-24. Repealed. (Ord. 95-26, 12/05/95)

9-1-25. Repealed. (Ord. 95-26, 12/05/95)

CHAPTER 2

BUSINESS LICENSES (REPEALED)

(Ord. 95-26, 12/05/95)

CHAPTER 3

ALCOHOLIC BEVERAGES

Section

9-3-1. Definitions.
9-3-2. License required to sell alcoholic beverages.
9-3-3. Beer licenses classified.
9-3-4. License applications - Fee refund and forfeiture.
9-3-5. Beer retailing and wholesaling fees.
9-3-6. Suspension or revocation of beer license.
9-3-7. Appeal procedures.
9-3-8. Repealed.
9-3-9. Sale or possession of beer at certain times unlawful.
9-3-10. Distance restrictions.
9-3-11. Applicability.
9-3-12. Age restrictions.
9-3-13. Unlawful sale or supply to minors.
9-3-14. Unlawful sale or supply to intoxicated persons.
9-3-15. Container size restrictions.
9-3-16. Unlawful purchase or consumption by minors.
9-3-17. Unlawful purchase by intoxicated persons.
9-3-18. Lighting.

9-3-1. Definitions.

All words and phrases used in this chapter shall have the following meanings, unless a different meaning clearly appears from the context:

(1) **"Alcoholic beverages"** means and includes beer and liquor, as they are defined herein.

(2) **"Beer," "light beer," "malt liquor," or "malted beverages"** means all products that contain 63/100 of 1% of alcohol by volume or ½ of 1% of alcohol by weight, but not more than 4% of alcohol by volume or 3.2% by weight, and are obtained by fermentation, infusion or decoction of any malted grain. Beer may or may not contain hops or other vegetable products.

(3) **"Cabaret"** means any room, house, building, or structure or place occupied by any person having a Class A or B beer license, wherein a dance floor is provided for patrons or entertainers to dance.

(4) **"Licensee"** means any persons holding any beer, liquor or private club license in connection with the operation of a place of business or private club. This term shall also include any employee of the licensee.

(5) **"Licensed premises"** means any room, house, building, structure or place occupied by any person licensed to sell beer or to allow the consumption of liquor on such premises under this title: provided, that in any multi-roomed establishment, an applicant for Class B license shall designate a room or portion of a building of such business for consumption or the sale of beer, which portion so specifically designated in the application and in the license issued pursuant thereto shall be the licensed premises. Multiple dining facilities located in one building and owned or leased by one licensed applicant shall be deemed to be only one licensed premises.

(6) (a) **"Liquor"** means alcohol, or any alcoholic, spirituous, vinous, fermented, malt, or other liquid, or combination of liquids, a part of which is spiritous, vinous, or fermented, and all other drinks, or drinkable liquids that contain more than ½ of 1% of alcohol by volume and are suitable to use for beverage purposes;

(b) **"Liquor"** does not include any beverage defined as a beer, malt liquor, or malted beverage that has an alcohol content of less than 4% alcohol by volume.

(7) **"Lounge"** means any room, house, building or structure, or place occupied by any person having a Class B or C beer license, where no dance floor is provided for patrons to dance.

(8) **"Nuisance"** means any room, building, structure or place which is licensed under the provisions of this title, where:

(a) alcoholic beverages are manufactured, sold, kept, bartered, stored, given away or used contrary to the Alcoholic Beverage Control Act of Utah or this chapter, or where persons resort for drinking beverages contrary to the Alcoholic Beverage Control Act of Utah, or of this title;

(b) entertainers are allowed to perform or simulate sexual intercourse, masturbation, sodomy, bestiality, copulation, flagellation or any sexual acts prohibited by law;

(c) performers simulate or actually touch, caress or fondle breasts, buttocks, anus or genitalia;

(d) persons are allowed to actually display or simulate the display of pubic hair, female nipples, vulva or genitalia;

(e) persons are permitted, allowed or not impeded from touching, caressing or fondling the breast(s), buttock(s), anus or genitalia of an entertainer, or that portion of an entertainer's clothing covering the breast(s), buttock(s), anus or genitalia;

(f) the licensee permits any person to remain in or upon licensed premises who exposes to public view any portion of his or her genitalia, nipples, buttock(s) or anus;

(g) films or pictures are displayed depicting acts which are prohibited above from being performed live on the licensed premises;

(h) persons under the age of twenty-one are permitted to purchase or drink beer; or

(i) applicable laws or ordinances governing licensee's business operation are violated by the licensee or his agents or patrons with the consent or knowledge of the licensee.

(9) **"Place of business"** as used in connection with the issuance of a beer license, means and includes cafes, restaurants, public dining rooms, cafeterias, lounges, taverns, cabarets, and any other place where the general public is invited or admitted for business purposes, and shall also be deemed to include private clubs, corporations and associations operating under charter or otherwise wherein only the members and their guests are invited. Occupied hotel and motel rooms that are not open to the public shall not be deemed to be places of business as herein defined.

(10) **"Restaurant"** as used in connection with the issuance of a Class B retail license, means premises where a variety of hot food is served for consumption on the premises and where no more than 40 percent of the gross volume of business is derived from the sale of beer sold at such premises.

(11) **"Retailer"** means any person engaged in the sale or distribution of beer to the consumer.

(12) **"Sell"** or **"to sell"** when used in this title in any provision, means to solicit, or to receive any order for, to keep or expose for sale, to deliver for value or gratuitously, to peddle, to posses with intent to sell, to traffic in for any consideration promised or obtained directly or indirectly or under any pretext, or by any means whatsoever to procure or allow to be procured for any other person; and **"sale"** when so used shall include every act of selling as above defined.

(13) **"Wholesaler"** means any person other than a brewer or retailer engaged in importation for sale or in the sale of beer in wholesale or jobbing quantities.
(Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

9-3-2. License required to sell alcoholic beverages.

(1) It shall be unlawful for any person to sell beer, either as a wholesaler or retailer, without first having applied for and obtained a license therefore. All licensees shall have qualified under and shall comply with the provisions and regulations of the Alcoholic Beverages Control Act and the Department of

Alcoholic Beverage Control, and all other statutes of the State of Utah pertaining thereto.

(2) All licenses granted under the authority of this section shall be subject to revocation as provided in this chapter. (Ord. 2002-17, 8/6/02)

9-3-3. Beer licenses classified.

Licenses issued under this chapter shall be of the following kinds, and shall carry the following privileges:

(1) A Class A beer retail license shall entitle the licensee to sell beer on the premises in the original containers for consumption off the premises.

(2) A Class B beer retail license shall entitle the licensee to sell beer in the original container or on draft for consumption on the premises where the beer is sold or sell beer in sealed containers for consumption off the premises.

(3) A Class C beer retail license shall entitle the licensee to sell beer for consumption on the premises for single or special events.

(4) Wholesale beer licenses shall entitle the licensee to sell either bottled or keg beer to retailers for resale. (Ord. 2002-17, 8/6/02)

9-3-4. License applications - Fee refund and forfeiture.

(1) Application for a license to engage in the business of a wholesaler or retailer of beer shall be made to the County Clerk.

(2) If the applicant does not already have a Tooele County business license, applicant shall apply for a business license at the same time as the application for a beer license is made.

(3) Application for a beer license shall be upon a form furnished by the county and signed under oath by the applicant, accompanied by the appropriate license fee. The application is granted, the fee shall be deposited in the county treasury, otherwise it shall be returned to the applicant.

(4) Each applicant and licensee must be 21 years of age or older, of good moral character and a citizen of the United States. No license shall be granted to any applicant who has been convicted of a felony or misdemeanor involving moral turpitude.

(5) If applicant is a partnership, association or corporation, each partner, association member, or corporate director and officer must meet the requirements of Subsection (4).

(6) No license fee shall be refunded after a license has been issued.

(7) If the Clerk determines that the applicant has complied with the provisions of this chapter and all other applicable county and State laws and regulations, the clerk shall approve the application and issue a license. (Ord. 2002-17, 8/6/02)

9-3-5. Beer retailing and wholesaling fees.

(1) The annual license fees for the retailing or wholesaling of beer shall be as follows:

(a)	Class A Beer License	$ 100
(b)	Class B Beer License	$ 200
(c)	Class C Beer License	$ 200
(d)	Wholesale Beer License	$ 200

(2) License fees for Class A, B or wholesale licenses may be prorated on a quarter-year basis. (Ord. 2002-17, 8/6/02)

9-3-6. Suspension or revocation of beer license.

(1) No license issued under this chapter shall be suspended or revoked until an informal hearing is held before the county clerk. Written notice of such hearing shall be served upon the licensee at least ten days prior to the date thereof. Service shall be effective when sent by certified mail to the address indicated in the beer license application. Such notice shall state the ground of the complaint and the time and place of the hearing.

(2) No part of the license fee shall be refunded in cases of suspension or revocation. (Ord. 2002-17, 8/6/02)

9-3-7. Appeal procedures.

(1) If a beer license is denied by the clerk or if the clerk suspends or revokes a license or if a civil fine is imposed, the applicant or licensee may file an appeal.

(2) Filing of an appeal must be within ten days of the date of service of the notice of any denial, qualified approval, suspension, revocation or civil fine. Upon receiving the notice of such appeal, a hearing shall be scheduled before a hearing officer designated by the county commission within 20 days from the date of the appeal, unless such time shall be extended for good cause.

(3) The hearing officer shall hold a public hearing, keep a verbatim record of the proceedings, and shall take such facts and evidence as necessary to determine whether the denial, qualified approval, suspension, revocation or civil fine was proper under the law.

(4) The burden of proof shall be on the county clerk.

(5) After the hearing, the hearing officer shall have seven working days, unless extended for good cause, in which to render findings of fact, conclusions of law, and a recommended decision to the county commission.

(6) Either party may object to the recommendation of the hearing officer by filing the party's objections and reasons, in writing, to the county commission within seven days following the recommendation. In the event the hearing officer recommends upholding a

suspension or revocation, the license shall be immediately suspended, and shall remain suspended until any subsequent appeal is decided. If no objections are received within the seven days, the county commission may immediately adopt the recommendation of the hearing officer.

(7) If objections are received, the county commission shall have ten working days to consider such objections before issuing a final decision. The county commission may, in its discretion, take additional evidence, hold a hearing or require the submission of written memoranda on issues of fact or law. The standard by which the county commission shall review the decision of the hearing officer is whether evidence exists in the record to support the hearing officer's recommendation. (Ord. 2002-17, 8/6/02)

9-3-8. Repealed. (Ord. 2002-17, 8/6/02)

9-3-9. Sale or possession of beer at certain times unlawful.

(1) No off premises beer retailer shall sell beer between the hours of 1:00 a.m. and 7:00 a.m.

(2) No on premises beer retailer shall sell beer between the hours of 1:00 a.m. to 10:00 a.m.

(3) No person shall possess or consume beer or liquor on premises licensed under this chapter during the hours for which the sale of beer is prohibited. (Ord. 2002-17, 8/6/02)

9-3-10. Distance restrictions.

(1) Beer retail license premises may not be established within 600 feet of any public or private school, church, public library, public playground, school playground or park except where a variance is obtained from the State Alcoholic Beverage Commission pursuant to Utah Code Annotated 32A-10-201.

(2) The 600-foot limitation is measured from the nearest entrance of the outlet by following the shortest route of either ordinary pedestrian traffic, or where applicable, vehicular travel along public thoroughfares, whichever is closer to the property boundary of the public or private school, church, public library, public playground, school playground or park. For the purposes of this section, education facility includes nursery schools, infant day care, and trade and technical schools.

(3) Any beer retail premises operating prior to the effective date of this title or any premises for which a beer license has been applied for prior to the effective date of this chapter, is exempt from the distance restrictions of this section so long as said premises complies with the distance restrictions of state law and remains in continuous operation at the same location. (Ord. 2002-17, 8/6/02)

9-3-11. Applicability.

This chapter applies to all establishments and persons within the unincorporated limits of the county. (Ord. 2002-17, 8/6/02)

9-3-12. Age restrictions.

(1) A minor may not be granted a beer retailer license.

(2) A minor may not sell beer on the premises of a beer retailer for off-premise consumption except under the supervision of a person 21 years of age or older who is on the premises.

(3) No person under the age of 21 years shall be employed by or be on the premises of an on-premise beer retailer licensee to sell or dispense beer. Persons under the age of 21 years may not be employed by or be on the premises of any tavern. (Ord. 2002-17, 8/6/02)

9-3-13. Unlawful sale or supply to minors.

(1) A person may not sell, offer to sell, or otherwise furnish or supply any alcoholic beverage or products to any person under the age of 21 years.

(2) This section does not apply to the furnishing or supplying of an alcoholic beverage or product to a minor for medicinal purposes by the parent or guardian of the minor or by the minor's physician or dentist, in accordance with Utah law. (Ord. 2002-17, 8/6/02)

9-3-14. Unlawful sale or supply to intoxicated persons.

A person may not sell, offer to sell, or otherwise furnish or supply any alcoholic beverage or product to any person who is apparently under the influence of intoxicating alcoholic beverage or products or drugs or to a person whom the person furnishing the alcoholic beverage knew or should have known from the circumstances was under the influence of intoxicating alcoholic beverages or products or drugs. (Ord. 2002-17, 8/6/02)

9-3-15. Container size restrictions.

(1) A person may not sell, offer to sell, purchase, possess, or otherwise furnish or supply beer to the general public for off-premises consumption in containers larger than two liters.

(2) Other than beer wholesalers or Class A or C licensees no person shall:

(a) possess an alcoholic beverage in a container larger than two liters;

(b) withdraw or dispense an alcoholic beverage from a container larger than two liters; or

(c) possess or consume an alcoholic beverage which has been withdrawn or dispensed from a container larger than two liters. This subsection shall not apply to persons possessing or consuming draft beer on premises and dispensed by a Class A or C licensee. (Ord. 2002-17, 8/6/02)

9-3-16. Unlawful purchase or consumption by minors.

(1) It is unlawful for any person under the age of 21 years to purchase, possess, or consume any alcoholic beverage or product, unless specifically authorized by law.

(2) It is unlawful for any person under the age of 21 years to misrepresent their age, or for any other person to misrepresent the age of a minor, for the purpose of purchasing or otherwise obtaining an alcoholic beverage or product for a minor. (Ord. 2002-17, 8/6/02)

9-3-17. Unlawful purchase by intoxicated persons.

A person may not purchase any alcoholic beverage or product when he is under the influence of intoxicating alcoholic beverages, products, or drugs. (Ord. 2002-17, 8/6/02)

9-3-18. Lighting.

Businesses licensed under this chapter shall maintain throughout the premises and during business hours a minimum of one candle power light measured at a level of five feet above the floor. (Ord. 2002-17, 8/6/02)

CHAPTER 4

SEXUALLY ORIENTED BUSINESSES

Section

9-4-1. Title for citation.
9-4-2. Purpose of provisions.
9-4-3. Application of provisions.
9-4-4. Definitions.
9-4-5. Obscenity - Statutory provisions.
9-4-6. Location and zoning restrictions.
9-4-7. Business license required.
9-4-8. Exemptions from license requirements.
9-4-9. Legitimate artistic modeling.
9-4-10. Business categories - Number of licenses.
9-4-11. Employee licenses.
9-4-12. License - Application - Disclosures required.
9-4-13. License - Fees.
9-4-14. License - Bond.
9-4-15. License - Premises location and name.
9-4-16. License - Issuance conditions.
9-4-17. License - Term.
9-4-18. License - Notice of change of information.
9-4-19. License - Transfer limitations.
9-4-20. License - Display.
9-4-21. License - Statement in advertisements.
9-4-22. Regulations and unlawful activities.
9-4-23. Out call services - Operation requirements.
9-4-24. Adult business - Design of premises.
9-4-25. Nude entertainment business - Design of premises.
9-4-26. Repealed.
9-4-27. Alcohol prohibited.
9-4-28. Seminude dancing bar - Performer restrictions.
9-4-29. Nude and seminude dancing agencies.
9-4-30. Performers - Prohibited activities.
9-4-31. Performers - Costume requirements.
9-4-32. Stage requirements.
9-4-33. Patrons - Prohibited activities.
9-4-34. Nudity - Defenses to prosecution.
9-4-35. Existing businesses - Compliance time limits.
9-4-36. Violation - Injunction.
9-4-37. Violation - License suspension or revocation.
9-4-38. Effect of license revocation.
9-4-39. Appeal procedures.
9-4-40. Violation - Penalty.
9-4-41. Severability.
9-4-42. Window displays.
9-4-43. Hours of operation.
9-4-44. Parking area lighting.
9-4-45. Inspections.

9-4-1. Title for citation.

The ordinance codified in this chapter shall be known and may be referred to as the "**Sexually Oriented Business and Employee Licensing Ordinance.**" (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

9-4-2. Purpose of provisions.

It is the purpose and object of this chapter that the County establish reasonable and uniform regulations governing the time, place and manner of operation of sexually oriented businesses and their employees in the County. This chapter shall be construed to protect the governmental interests recognized by this chapter in a manner consistent with constitutional protections provided by the United States and Utah Constitutions. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

9-4-3. Application of provisions.

This chapter imposes regulatory standards and license requirements on certain business activities which are characterized as sexually oriented businesses, and certain employees of those businesses characterized as sexually oriented business employees. Except where the context or specific provisions require, this chapter does not supersede or nullify any other related ordinances. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

9-4-4. Definitions.

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

(1) **"Adult bookstore"** or **"adult video store"** means a commercial establishment:

(a) which holds itself out to be such a business;

(b) which excludes minors from more than 15 percent of the retail floor or shelf space of the premises; or

(c) which, as one of its principal purposes, offers for sale or rental, for any form of consideration, any one or more of the following: books, magazines, periodicals or other printed matter or photographs, films, motion pictures, video cassettes or video reproductions, slides or other visual representations, the central theme of which depicts or describes specified sexual activities or specified anatomical areas; or instruments, devices or paraphernalia which are designated for use in connection with specified sexual activities, except for legitimate medically recognized contraceptives.

(2) **"Adult business"** means an adult motion picture theater, adult bookstore or adult video store.

(3) **"Adult motion picture theater"** means a commercial establishment which:

(a) holds itself out as such a business;

(b) excludes minors from the showing of 2 consecutive exhibitions; repeated showing of any single presentation shall not be considered a consecutive exhibition; or

(c) as its principal business, shows, for any form of consideration, films, motion pictures, video cassettes, slides, or similar photographic reproductions which are primarily characterized by the depiction or description of specified sexual activities or specified anatomical areas.

(4) **"Adult theater"** means a theater, concert hall, auditorium, or similar commercial establishment which:

(a) holds itself out as such a business;

(b) excludes minors from the showing of 2 consecutive exhibitions; repeated performance of the same presentation shall not be considered a consecutive exhibition; or

(c) as its principal business, features persons who appear in live performances in a state of nudity or which are characterized by the exposure of specified anatomical areas or by specified sexual activities.

(5) **"Business license authority"** means the Tooele County Clerk or designee.

(6) **"Employ"** means hiring an individual to work for pecuniary or any other form of compensation, whether such person is hired on the payroll of the employer, as an independent contractor, as an agent, or in any other form of employment relationship.

(7) **"Escort"** means any person who, for pecuniary compensation, dates, socializes, visits, consorts with or accompanies or offers to date, consort, socialize, visit or accompany another or others to or about social affairs, entertainment or places of amusement, or within any place of public or private resort or any business or commercial establishment or any private quarters.

(8) **"Escort service"** means an individual or entity who, for pecuniary compensation, furnishes or offers to furnish escorts, or provides or offers to introduce patrons to escorts.

(9) **"Escort service runner"** means any third person, not an escort, who, for pecuniary compensation, acts in the capacity of an agent or broker for an escort service, escort or patron by contacting or meeting with escort services, escorts or patrons at any location within the County, whether or not such third person is employed by such escort service, escort, patron, or by another business, or is an independent contractor or self-employed.

(10) **"Nude and seminude dancing agency"** means any person, agency, firm, corporation, partnership, or any other entity or individual which furnishes, books or otherwise engages or offers to furnish, book or otherwise engage the service of a professional dancer licensed pursuant to this chapter for performance or appearance at a business licensed for nude entertainment, seminude dancing bars, or adult theaters.

(11) **"Nude entertainment business"** means a business, including adult theater, where employees perform or appear in the presence of patrons of the business in a state of nudity or seminudity. A business shall also be presumed to be a nude entertainment business if the business holds itself out to be such a business.

(12) **"Nudity"** or **"state of nudity"** means a state of dress in which the nipple and areola, or any portion thereof, of the female breast, or male or female genitals, or any portion thereof, pubic region or anus are covered

by less than the covering required in the definition of seminude.

(13) **"Out call services"** means services of a type performed by a sexually oriented business employee outside of the premises of the licensed sexually oriented business, including but not limited to escorts, models, dancers and other similar employees.

(14) **"Patron"** means any person who contracts with or employs any escort services or escort or the customer of any business licensed pursuant to this chapter.

(15) **"Pecuniary compensation"** means any commission, fee, salary, tip, gratuity, hire, profit, regard, or any other form of consideration.

(16) **"Person"** means any person, unincorporated association, corporation, partnership or other legal entity.

(17) **"Seminude"** means a state of dress in which opaque clothing covers no more than the nipple and areola of the female breast and covers the male or female genitals, the pubic region and anus shall be fully covered by an opaque covering no narrower than four inches wide in the front and five inches wide in the back which shall not taper to less than one inch wide at the narrowest point.

(18) **Repealed**. (Ord. 2003-41, 12/23/03)

(19) **"Sexually oriented business"** means nude entertainment business, sexually oriented Out call services, adult business, seminude dancing bars and seminude dancing agencies, as defined by this chapter.

(20) **"Sexually oriented business employees"** means those employees who work on the premises of the sexually oriented business in activities related to the sexually oriented portion of the business. This includes all managing employees, dancers, escorts, models, and other similar employees whether or not hired as employees, agents or as independent contractors. Employees shall not include individuals whose work is unrelated to the sexually oriented portion of the business, such as janitors, bookkeepers and similar employees. Sexually oriented business employees shall not include cooks, serving persons, bartenders and similar employees, except where they may be managers or supervisors of the business. All persons making Out call meetings under this chapter, including escorts, models, guards, escort runners, drivers, chauffeurs and other similar employees, shall be considered sexually oriented business employees.

(21) **"Specified anatomical areas"** means the human male or female pubic area or anus with less than a full opaque covering, or the human female breast from the beginning of the areola, papilla or nipple to the end thereof with less than full opaque covering.

(22) **"Specified sexual activities"** means:

(a) Acts of:

(i) masturbation;

(ii) human sexual intercourse;

(iii) sexual copulation between a person and a beast;

(iv) fellatio;

(v) cunnilingus;

(vi) bestiality;

(vii) pederasty;

(viii) buggery; or

(ix) any anal intercourse between a human male and another human male, human female, or beast;

(b) Manipulating, caressing or fondling by any person of:

(i) the genitals of a human;

(ii) the public area of a human;

(iii) the uncovered female nipple or areola;

(c) Flagellation or torture by or upon a person clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of the one so clothed. (Ord. 2003-41, 12/23/03; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

9-4-5. Obscenity - Statutory provisions.

Notwithstanding anything contained in this chapter, nothing in this chapter shall be deemed to permit or allow the showing or display of any matter which is contrary to the provisions of this code, or other applicable federal or state statutes prohibiting obscenity. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

9-4-6. Location and zoning restrictions.

(1) It is unlawful for any sexually oriented business to do business at any location not zoned for such business, except out call services and nude and seminude dancing agencies are not limited to locations zoned for sexually oriented businesses.

(2) Each sexually oriented business shall be located not closer than 300 feet to any zoning district boundary.

(3) Each sexually oriented business shall be located at least 1320 feet from the property line on which it is located to:

(a) the property line of any other sexually oriented business; or

(b) the boundary of any zoning district which allows a church, school, recreational area frequented by the general public, a day care or pre-school, an establishment that sells beer or liquor for on- or off-premise consumption, a motel or hotel, a residential dwelling, lodging house, or

dormitory congregate residence. (Ord. 2003-41, 12/23/03; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

9-4-7. Business license required.

It is unlawful for any person to operate a sexually oriented business, as specified below, without first obtaining a sexually oriented business license. The business license shall specify the type of business for which it is obtained. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

9-4-8. Exemptions from license requirements.

The provisions of this chapter shall not apply to any sex therapist or similar individual licensed by the state to provide bona fide sexual therapy or counseling, licensed medical practitioner, licensed nurse, psychiatrist, psychologist, psychotherapist nor shall it apply to any educator licensed by the state for activities in the classroom. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

9-4-9. Legitimate artistic modeling.

(1) The County does not intend to unreasonably or improperly prohibit legitimate modeling which may occur in a state of nudity for purposes protected by the First Amendment or similar state protections. The County does intend to prohibit prostitution and related offenses occurring under the guise of nude modeling. Notwithstanding the provisions of subsection (11) of Section 9-4-22, a licensed Out call employee may appear in a state of nudity before a customer or patron providing that a written contract for such appearance was entered into between the customer or patron and the employee and signed at least 24 hours before the nude appearance. All of the other applicable provisions of this chapter shall still apply to such nude appearance.

(2) In the event of a contract for nude modeling or appearance signed more than 48 hours in advance of the modeling or appearance, the individual to appear nude shall not be required to obtain a license pursuant to this chapter. During such unlicensed nude appearance, it is unlawful to:

(a) appear nude or seminude in the presence of persons under the age of 18;

(b) allow, offer or agree to any touching of the contracting party or other person by the individual appearing nude;

(c) allow, offer or agree to commit prostitution, solicitation of prostitution, solicitation of a minor, or committing activities harmful to a minor;

(d) allow, offer, commit or agree to any sex act as validly defined by County ordinances or state statute;

(e) allow, offer, agree or permit the contracting party or other person to masturbate in the presence of the individual contracted to appear nude; or

(f) allow, offer or agree for the individual appearing nude to be within five feet of any other person while performing or while nude or seminude. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

9-4-10. Business categories - Number of licenses.

(1) It is unlawful for any business premises to operate or be licensed for more than one category of sexually oriented business, except that a business may have a license for both Out call services and nude and seminude dancing agency on the same premises.

(2) The categories of sexually oriented businesses are:

(a) Out call services;
(b) adult businesses;
(c) nude entertainment businesses;
(d) seminude dancing bars;
(e) nude and seminude dancing agency.

(Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

9-4-11. Employee licenses.

(1) It is unlawful for any sexually oriented business to employ, or for any individual to be employed by a sexually oriented business in the capacity of a sexually oriented business employee, unless that employee first obtains a sexually oriented business employee license.

(2) Each performer, dancer and escort service provider of a sexually oriented business shall have a current certification from the Tooele County Health Department certifying that such person is free of all sexually transmitted diseases and HIV. The employee shall renew the certification annually.

(3) No employee shall be allowed to work at the sexually oriented business who does not have a license or certification or whose certification has expired.

(4) The employer shall retain in the business office copies of all employees' licenses and certifications and will present them upon request of an inspection in accordance with Section 9-4-45. (Ord. 2003-41, 12/23/03; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

9-4-12. License - Application - Disclosures required.

Before any applicant may be licensed to operate a sexually oriented business or as a sexually oriented business employee, the applicant shall submit, on a form supplied by the county clerk the following:

(1) the name of each applicant, corporation, partnership, limited partnership or entity doing business under an assumed name;

(2) if a corporation, partnership or limited partnership, or individual or entity doing business under

an assumed name, such information as would be required for individual applicants for each partner and principal of the applicant, and for each officer, director and any shareholder, corporate or personal, involved in the day-to-day running of the business;

(3) if a corporation, partnership or noncorporate entity, information identifying each individual authorized by the corporation, partnership or noncorporate entity to sign checks for such corporation, partnership or noncorporate entity;

(4) for each applicant:

(a) any other name or alias used by the individual;

(b) age, date and place of birth;

(c) height;

(d) weight;

(e) color of hair;

(f) color of eyes;

(g) present business address and telephone number;

(h) present residence and telephone number;

(i) Utah driver license or identification number; and

(j) social security number;

(5) documentation that each individual is at least 18 years of age or, in the case of employees to be employed in businesses where a different age is required, proof of the required age;

(6) two color photographs of the applicant clearly showing the individual's face and the individual's fingerprints on a form provided by the Sheriff's Office, or for persons not residing in the County, the photographs and fingerprints shall be on a form from the law enforcement jurisdiction where the person resides, and in all cases fees for the photographs and fingerprints shall be paid by the applicant directly to the issuing agency;

(7) for any sexually oriented business performer, dancer or escort service provider, a copy of a certificate issued by the Tooele County Health Department certifying that such person has been tested for sexually transmitted diseases and HIV and found to be free of any such disease;

(8) a statement of the business, occupation or employment history of the applicant for three years immediately preceding the date of the filing of the application;

(9) a statement detailing the license or permit history of the applicant for the five-year period immediately preceding the date of the filing of the application, including whether such applicant has previously operated or is seeking to operate, in this or any other county, city, or state has ever had a license, permit or authorization to do business denied, revoked or suspended, or has had any professional or vocational license or permit denied, revoked or suspended, and in the event of any such denial, revocation or suspension, the date and the reasons therefor, including an attached copy of any order of denial, revocation or suspension;

(10) all criminal convictions or pleas of nolo contendere, except misdemeanor traffic offenses, stating the date, place, nature of each arrest and sentence of each conviction or other disposition identifying the arresting or convicting jurisdiction and sentencing court and providing the court identifying case numbers or docket numbers, noting that an application for a sexually oriented business employee license shall constitute a waiver of disclosure of any criminal arrests or convictions for the purposes of any proceeding involving the business or employee license;

(11) in the event the applicant is not the owner of record of the real property upon which the business is to be located, a notarized statement from the legal or equitable owner of the possessory interest in the property specifically acknowledging the type of business for which the applicant seeks a license for the property, also the name, address and phone number of the owner of record of the property as well as the copy of the lease or rental agreement pertaining to the premises in which the business will be located;

(12) a description of the services to be provided by the business, with sufficient detail to identify what business will be transacted on the premises, together with a schedule of usual fees for services to be charged by the licensee, and any rules, regulations or employment guidelines under or by which the business intends to operate, including:

(a) the hours that the business or service will be open to the public and the methods of promoting the health and safety of the employees and patrons and preventing them from engaging in illegal activity;

(b) the methods of supervision preventing the employees from engaging in acts of prostitution or other related criminal activities;

(c) the methods of supervising employees and patrons to prevent employees and patrons from charging or receiving fees for services or acts prohibited by this chapter or other statutes or ordinances;

(d) the methods of screening employees and customers in order to promote the health and safety of employees and customers and prevent the transmission of disease, and prevent the commission of acts of prostitution or other criminal activity; and

(13) such other information and identification as the Sheriff's Office, Health Department, or County

licensing authority may reasonably require in order to discover or verify the truthfulness and completeness of the matter as required to be set forth in the application. (Ord. 2003-41, 12/23/03; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

9-4-13. License - Fees.

(1) Each applicant for a sexually oriented business or employee license shall be required to pay regulatory license fees pursuant to the following schedule:

(a) yearly business regulatory license fees;

(i) adult businesses and seminude dancing bars - $100,

(ii) Out call businesses - $200,

(iii) nude and seminude dancing agencies and nude entertainment businesses - $150,

(b) for each business applicant, an initial investigation fee of $100 for each applicant required to submit a separate disclosure application;

(c) yearly sexually oriented business employee license fees:

(i) any employee providing Out call business services away from the premises of the Out call business - $150,

(ii) adult business employees, Out call business employees requiring a license but not performing any services outside the licensed premises, nude entertainment business employees requiring a license but not individually providing nude entertainment services to patrons, seminude dancing bar employees requiring a license but who are not performers and employees of nude and seminude dancing agencies requiring licenses but who are not performers - $50,

(iii) employees of nude entertainment businesses personally providing nude entertainment to patrons - $150,

(iv) professional dancers performing in seminude dancing bars - $150.

(2) Any individual applying for more than one license at the same time shall pay the higher of all applicable fees and an additional $20.00 for each additional license requested.

(3) These fees shall be in addition to the other license and fees required to do business in the County. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

9-4-14. License - Bond.

Each application for a sexually oriented business license shall post with the County Clerk, a cash or corporate surety bond payable to Tooele County Corporation in the amount of $2,000. Any fines assessed against the business, officers or managers for violations of County ordinances shall be taken from this bond if not paid in cash within 10 days after notice of the fine, unless an appeal is filed as provided by this chapter. In the event the funds are drawn against the cash or surety bond to pay such fines the bond shall be replenished to $2,000 within 15 days of the date of notice of any draw against it. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

9-4-15. License - Premises location and name.

(1) It is unlawful to conduct business under a license issued pursuant to this chapter at any location other than the licensed premises. Any location to which telephone calls are automatically forwarded by such business shall require a separate license.

(2) It is unlawful for any sexually oriented business to do business in the County under any name other than the business name specified in the application. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

9-4-16. License - Issuance conditions.

The County Clerk shall approve the issuance of a license to the applicant within 30 days after receipt of an application, unless the official finds one or more of the following:

(1) the applicant is under eighteen years of age or any higher age, if the license sought requires a higher age;

(2) the applicant is overdue in payment to the County of taxes, fees, fines or penalties assessed against the applicant or imposed on the applicant in relation to a sexually oriented business;

(3) the applicant has failed to provide information reasonably necessary for investigation and issuance of the license, or has falsely answered a material question or request for information as authorized by this chapter;

(4) the applicant has been convicted of a violation of a provision of this chapter within two years immediately preceding the application; however, the fact that a conviction is being appealed shall have no effect on the denial;

(5) the premises to be used for the business have not been approved by the County health department, the sheriff's department, the County building officials or the County zoning officials as being in compliance with applicable laws and ordinances of the County. Businesses located outside of the corporate boundaries of the County, but requiring a license under this chapter, may be denied a license pursuant to this chapter if the business does not have a valid business license to conduct business at the business location from the appropriate jurisdiction for that location;

(6) the license fees required by this chapter or by other ordinances have not been paid;

(7) all applicable sales and use taxes have not been paid;

(8) an applicant has been convicted or pled nolo contender to a crime:

(a) involving prostitution; exploitation of prostitution; aggravated promotion of prostitution; aggravated exploitation of prostitution; solicitation of sex acts; sex acts for hire; compelling prostitution; aiding prostitution; sale, distribution or display of material harmful to minors; sexual performance by minors; possession of child pornography; public lewdness; indecent exposure; any crime involving sexual abuse or exploitation of a child; sexual assault or aggravated sexual assault; rape; forcible sodomy; forcible sexual abuse; incest; harboring a runaway child; criminal attempt, conspiracy or solicitation to commit any of the foregoing offenses or offenses involving similar elements from any jurisdiction regardless of the exact title of the offense; for which:

(i) less than 2 years have elapsed from the date of conviction, if the conviction is of a misdemeanor offense, or less than 5 years, if the convictions are of 2 or more misdemeanors within the 5 years; or

(ii) less than 5 years have elapsed from the date of conviction, if the offense is of a felony;

(b) the fact that a conviction is being appealed shall have no effect on the disqualification pursuant to this section. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

9-4-17. License - Term.

Sexually oriented business and employee licenses issued pursuant to this chapter shall be valid from the date of issuance through June 30th of each succeeding year. The license fees required under Section 9-3-13 above shall not be prorated for any portion of a year, but shall be paid in full for whatever portion of the year the license is applied for. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

9-4-18. License - Notice of change of information.

Any change in the information required to be submitted under this chapter for either a sexually oriented business license or sexually oriented business employee license shall be given, in writing, to the County Clerk and the Sheriff's department within 14 days after such change. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

9-4-19. License - Transfer limitations.

Sexually oriented business licenses granted under this chapter shall not be transferable. It is unlawful for a license held by an individual to be transferred. It is unlawful for a license held by a corporation, partnership or other noncorporate entity to transfer any part in excess of 10 percent thereof, without filing a new application and obtaining prior County approval. If any transfer of the controlling interest in a business licensee occurs, the license is immediately null and void, and the business shall not operate until a separate new license has been properly issued by the County as provided in this chapter. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

9-4-20. License - Display.

It is unlawful for any sexually oriented business location within the boundaries of the County to fail to display the license granted pursuant to this chapter in a prominent location within the business premises. It is unlawful for any individual licensed pursuant to this chapter to fail to, at all times while engaged in licensed activities within the corporate boundaries of the County, carry their employee license on their person. If the individual is nude, such license shall be visibly displayed within the same room as the employee is performing. When requested by a law enforcement officer, County licensing or other enforcement personnel or health official, it is unlawful to fail to show the appropriate licenses while engaged in licensed activities within the corporate boundaries of the County. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

9-4-21. License - Statement in advertisements.

It is unlawful for any advertisement by the sexually oriented business or employee to fail to state that the business or employee is licensed by the County, and shall include the County license number. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

9-4-22. Regulations and unlawful activities.

It is unlawful for any sexually oriented business or sexually oriented business employee to:

(1) allow persons under the age of 18 years, or the age of 21 years if required by applicable liquor ordinance, on the licensed premises, except that in adult businesses which exclude minors from less than all of the business premises, minors shall not be permitted in excluded areas;

(2) allow, offer or agree to conduct any Out call business with persons under the age of 18 years;

(3) except for seminude dancing bars, to allow, offer or agree to allow any alcohol being stored, used or consumed on or in the licensed premises;

(4) allow the outside door to the premises to be locked while any customer is in the premises;

(5) allow, offer or agree to gambling on the licensed premises;

(6) allow, offer or agree to any sexually oriented business employee touching any patron or customer; except that Out call employees and customers may touch except that any touching of specified anatomical areas, whether clothed or unclothed, is prohibited;

(7) allow, offer or agree to illegal possession, use, sale or distribution of controlled substances on the licensed premises;

(8) allow sexually oriented business employees to possess, use, sell or distribute controlled substances, while engaged in the activities of the business;

(9) allow, offer or agree to commit prostitution, solicitation of prostitution, solicitation of a minor or committing activities harmful to a minor to occur on the licensed premises or, in the event of an Out call employee or business, the Out call employee committing, offering or agreeing to commit prostitution, attempting to commit prostitution, soliciting prostitution, soliciting a minor, or committing activities harmful to a minor;

(10) allow, offer, commit or agree to any sex act as validly defined by County ordinances or state statute in the presence of any customer or patron;

(11) allow, offer or agree to any Out call employee appearing before any customer or patron in a state of nudity;

(12) allow, offer or agree to allow a patron or customer to masturbate in the presence of the sexually oriented business employee or on the premises of a sexually oriented business. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

9-4-23. Out call services - Operation requirements.

It is unlawful for any business or employee providing Out call services contracted for in Tooele County, to fail to comply with the following requirements:

(1) All businesses licensed to provide Out call services pursuant to this chapter shall provide to each patron a written contract in receipt of pecuniary compensation for services. The contract shall clearly state the type of services to be performed, the length of time such services shall be performed, the total amount such services shall cost the patron, and any special terms or conditions relating to the services to be performed. The contract need not include the name of the patron. The business licensee shall keep and maintain a copy of each written contract entered into pursuant to this section for a period not less than one year from the date of provision of services thereunder. The contracts shall be numbered and entered into a register listing the contract number, date, names of all employees involved in the contract and pecuniary compensation paid.

(2) All Out call businesses licensed pursuant to this chapter shall maintain an open office or telephone at which the licensee or licensee's designated agent may be personally contacted during all hours Out call employees are working. The address and phone number of the license location shall appear and be included in all patron contracts and published advertisements. For Out call businesses which premises are licensed within the corporate limits of the County, private rooms or booths where the patrons may meet with the Out call employee shall not be provided at the open office or any other location by the service, nor shall patrons meet Out call employees at the business premises.

(3) Out call services shall not advertise in such a manner that would lead a reasonably prudent person to conclude that sexual activities would be performed by the Out call employee. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

9-4-24. Adult business - Design of premises.

(1) In addition to the general requirements of disclosure for a sexually oriented business, any applicant for a license as an adult business shall also submit a diagram, drawn to scale, of the premises of the license. The design and construction, prior to granting a license or opening for business, shall conform to the following:

(a) The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms.

(b) Restrooms may not contain any video reproduction equipment or any of the business merchandise. Signs shall be posted requiring only one person being allowed in the restroom per stall, and only one person in any stall at a time, and requiring that patrons shall not be allowed access to manager's station areas.

(c) For businesses which exclude minors from the entire premises, all windows, doors and other apertures to the premises shall be darkened or otherwise constructed to prevent anyone outside the premises from seeing the inside of the premises. Businesses which exclude minors from less than all of the premises shall be designed and constructed so that minors may not see into the area from which they are excluded.

(d) The diagram required shall not necessarily be a professional engineer's or architect's

blueprint; however, the diagram must show marked internal dimensions, all overhead lighting fixtures, and ratings for illumination capacity.

(2) It shall be the duty of the licensee and the licensee's employees to insure that the views from the manager's station in subsection (a) of this section remain unobstructed by any doors, walls, merchandise, display racks or any other materials, at all times that any patron is present in the premises, and to insure that no patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted.

(3) The premises shall at all times be equipped and operated with overhead lighting fixtures of sufficient intensity to illuminate every place to which patrons are permitted access at an illumination of not less than 1 foot candle, measured at floor level. It shall be the duty of the licensee and the licensee's employees present on the premises to insure that the illumination described above is maintained at all times that any patron is present in the premises. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

9-4-25. Nude entertainment business - Design of premises.

(1) It is unlawful for business premises licensed for nude entertainment to:

(a) permit a bed, sofa, mattress or similar item in any room on the premises, except that a sofa may be placed in a reception room open to the public or in any office to which patrons are not admitted, and except that in an adult theater such items may be on the stage as part of a performance;

(b) allow any door on any room used for the business, except for the door to an office to which patrons shall not be admitted, outside doors and restroom doors, to be lockable from the inside; or

(c) provide any room in which the employee or employees and the patron or patrons are alone together without a separation by a solid physical barrier at least 3 feet high and 6 inches wide. The patron or patrons shall remain on one side of the barrier and the employee or employees shall remain on the other side of the barrier.

(2) Adult theaters shall also require that the performance area shall be separated from the patrons by a minimum of 3 feet, which separation shall be delineated by a physical barrier at least 3 feet high. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

9-4-26. Repealed. (Ord. 2003-41, 12/23/03)

9-4-27. Alcohol prohibited.

Alcoholic beverages shall not be served or consumed on any premise of a sexually oriented business. (Ord. 2003-41, 12/23/03; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

9-4-28. Seminude dancing bar - Performer restrictions.

It is unlawful for any person to perform or appear in a state of semi-nudity as a professional dancer, model, performer or otherwise on the premises of a business licensed as a seminude dancing bar, either gratuitously or for compensation, unless that person is licensed as a sexually oriented business employee. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

9-4-29. Nude and seminude dancing agencies.

(1) It is unlawful for any individual or entity to furnish, book or otherwise engage the services of a professional dancer, model or performer to appear in a state of semi-nudity or nudity for pecuniary compensation in, or for, any nude entertainment business, adult theater or seminude dancing bar licensed pursuant to this chapter unless such agency is licensed pursuant to this chapter.

(2) It is unlawful for any individual or entity to furnish, book or otherwise engage or permit any person to perform as a professional dancer, model or performer in a state of semi-nudity or nudity, either gratuitously or for compensation, in, or for, any business licensed pursuant to this chapter, unless such person is licensed pursuant to this chapter. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

9-4-30. Performers - Prohibited activities.

It is unlawful for any professional dancer, model or performer, while performing in any business licensed pursuant to this chapter:

(1) to touch in any manner any other person;

(2) to throw any object or clothing off the stage area;

(3) to accept any money, drink or any other object directly from any person;

(4) to allow another person to touch such performer or to place any money or object on the performer or within the costume or person of the performer; or

(5) for the performer to place anything within the costume or adjust or move the costume while performing so as to render the performer in a state of nudity. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

9-4-31. Performers - Costume requirements.

It is unlawful for performers in seminude dancing bars to fail to comply with the following costume requirements:

(1) Performers shall at all times be costumed during performances in a manner not to violate any County ordinance concerning disorderly or obscene conduct, and such performers shall not perform or conduct themselves in such a manner as to violate the provision of any County ordinance. No performer shall appear in any business licensed as a seminude dancing bar during a performance or appearance, with less than opaque clothing which meets the definition of seminude, and, in the case of a female performer, covers the areola and nipple of such performer in a shape and color other than the natural shape and color of the nipple and areola.

(2) While on the portion of a business licensed as a seminude dancing bar used by patrons, performers shall be dressed in opaque clothing covering the performer's buttocks and pubic area and, in the case of a female, the breast and nipples. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

9-4-32. Stage requirements.

It is unlawful for any performer in a business licensed as a seminude dancing bar to appear in costume other than on a stage which shall be at least 3 feet from the portion of the premises on which patrons are allowed, and which shall be separated from the patrons by a solid barrier or railing the top of which shall be at least 2 feet from the floor. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

9-4-33. Patrons - Prohibited activities.

It is unlawful for any person, or patron of any business to touch in any manner any performer; to place any money or object on or within the costume or person of any performer; or to give or offer to give to any such performer any drinks, money or object while such performer is performing; except that money may be placed on the stage which shall not be picked up by the performer except by hand. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

9-4-34. Nudity - Defenses to prosecution.

It is a defense to prosecution or violation under this chapter that a person appearing in a state of nudity did so in a modeling class operated:

(1) by a proprietary school licensed by the state, or a college, junior college or university supported entirely or partly by taxation;

(2) by a private college or university which maintains and operates educational programs in which credits are transferable to a college, junior college or university supported entirely or partly by taxation. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

9-4-35. Existing businesses - Compliance time limits.

(1) The provisions of this chapter shall be applicable to all persons and businesses described herein, whether the herein-described activities were established before or after the effective date of the ordinance codified in this chapter, and regardless of whether such persons and businesses are currently licensed to do business in the County.

(a) All such persons and businesses requiring Out call service licenses shall have 45 days from the effective date of the ordinance codified by this chapter, or until their current license expires, whichever is first in time, to comply with the provisions of this chapter.

(b) All seminude dancing bars and employees thereof requiring licenses and nude and seminude dancing agency licenses shall have 45 days from the effective date of the ordinance codified in this chapter, or until their license must be renewed, whichever is first, to comply with the provisions of this chapter.

(c) All nude entertainment businesses shall have 45 days from the effective date of the ordinance codified in this chapter, or until their current license must be renewed, whichever is first, to comply with the provisions of this chapter.

(d) All adult businesses shall have 145 days from the effective date of the ordinance codified in this chapter, or until their current license must be renewed, whichever is first in time, to comply with the provisions of this chapter. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

9-4-36. Violation - Injunction.

An entity or individual who operates or causes to be operated a sexually oriented business, without a valid license, or who employs or is employed as an employee of a sexually oriented business, or who operates such a business or functions as such an employee in violation of the provisions of this chapter, is subject to a suit for injunction in addition to the civil and criminal violations provided herein, and any other remedy available at law or in equity. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

9-4-37. Violation - License suspension or revocation.

(1) The County may issue a notice suspending or revoking a sexually oriented business or employee license granted under this chapter if a licensee, or an employee of the licensee has:

(a) violated or is not in compliance with this chapter;

(b) has refused to allow any inspection of the premises of the sexually oriented business specifically authorized by this chapter, or by any other statute or ordinance;

(c) has failed to replenish the cost bond as provided in this chapter; such a suspension shall extend until the bond has been replenished;

(d) a licensee or employee has given materially false or misleading information in obtaining the license;

(e) a licensee or an employee knowingly operated the sexually oriented business or worked under the employee license during the period when the business licensee or employee licensee's license was suspended;

(f) a licensee has committee an offense which would be grounds for denial of a license for which the time period required has not elapsed;

(g) on 2 or more occasions within a 12 month period, a person or persons committed in or on, or solicited for on the licensed premises, or an Out call employee solicited or committed on or off the premises, an offense which would be grounds for denial of a license for which a conviction has been obtained, and the person or persons were employees, whether or not licensed, of the sexually oriented business at the time the offenses were committed; or

(h) a licensee is delinquent in payment to the County for ad valorem taxes, or sales taxes related to the sexually oriented business.

(2) Suspension or revocation shall take effect within ten days of the issuance of notice, unless an appeal is filed as provided by the chapter.

(3) The fact that a conviction is being appealed shall have no effect on the revocation of the license. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

9-4-38. Effect of license revocation.

When a license issued pursuant to this chapter is revoked, the revocation shall continue for 1 year from its effective date, and the licensee shall not be issued a sexually oriented business or employee license for 1 year from the date of such revocation. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

9-4-39. Appeal procedures.

(1) If the license is denied or approved with qualifications, or if a notice of suspension, revocation or citation of a civil fine is imposed, the applicant or licensee may file an appeal with the County Clerk.

(2) Filing of an appeal must be within 10 days of the date of service of the notice of any denial, qualified approval, suspension, revocation or civil fine. Upon receiving the notice of such appeal, the County Clerk shall schedule a hearing before a designated hearing officer within 20 days from the date of the appeal unless such time shall be extended for good cause.

(3) The hearing officer shall hold a public hearing on the record, and take such facts and evidence as necessary to determine whether the denial, qualified approval, suspension, revocation or civil fine was proper under the law.

(4) The burden of proof shall be on the county.

(5) After the hearing, the hearing officer shall have 7 working days, unless extended for good cause, in which to render findings of fact, conclusions of law, and recommended decision to the County Commission.

(6) Either party may object to the recommendation of the hearing officer by filing the party's objection and reasons, in writing, to the County Commission within 7 days following the recommendation. In the event the hearing officer recommends upholding a suspension or revocation, the license shall be immediately suspended, and shall remain suspended until any subsequent appeal is decided. If no objections are received within the 7 days, the County Commission may immediately adopt the recommendation of the hearing officer.

(7) If objections are received, the County Commission shall have 10 working days to consider such objections before issuing final decision. The County Commission may, in its discretion, take additional evidence or require written memoranda on issues of fact or law. The standard by which the County Commission shall review the decision of the hearing officer is whether substantial evidence exists in the record to support the hearing officer's recommendation. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

9-4-40. Violation - Penalty.

In addition to revocation or suspension of a license, as provided in this chapter, each violation of this chapter shall, upon citation by the County Clerk, require the licensee to pay a civil penalty in the amount of $500. Such fines shall be deducted from the bond posted pursuant to this chapter, unless paid within 10 days of notice of the fine or the final determination after any appeal. In addition to the civil fines provided in this chapter, the violation of any provision of this chapter shall be a class B misdemeanor. Each day of a violation shall be considered a separate offense. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

9-4-41. Severability.

In the event that any provision of this chapter is declared invalid for any reason, the remaining provisions shall remain in effect. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

9-4-42. Window displays.

No merchandise or pictures of the products or entertainment on the premises shall be displayed in the window areas of a sexually oriented business or any area where they can be viewed from outside the building. (Ord. 2003-41, 12/23/03)

9-4-43. Hours of operation.

A sexually oriented business shall be open for business only between 10 a.m. to 2 a.m. of the following day. (Ord. 2003-41, 12/23/03)

9-4-44. Parking area lighting.

Each sexually oriented business shall provide sufficient lighting to adequately illuminate the establishment's public and employee parking lots for safety purposes. The lighting must be on during the night when the establishment is open for business and until the last employee has left the building. The lighting shall comply with county ordinances. (Ord. 2003-41, 12/23/03)

9-4-45. Inspections.

The sheriff, zoning administrator, county planners, and health department shall provide continuing inspections of each sexually oriented business to ensure compliance with all applicable business, zoning, health, safety, and public safety regulations. (Ord. 2003-41, 12/23/03)

CHAPTER 5

MITIGATION FEES (REPEALED)

(Ord. 2008-04, 1/8/08; Ord. 2006-26, 9/19/06)

CHAPTER 6

RESIDENTIAL SOLICITATION

Section

9-6-1. Purpose.
9-6-2. No other County license or approval required.
9-6-3. Definitions.
9-6-4. Exemptions from chapter.
9-6-5. Solicitation prohibited.
9-6-6. Registration of solicitors.
9-6-7. Application form.
9-6-8. Written disclosures.
9-6-9. When registration begins.
9-6-10. Issuance of certificates.
9-6-11. Form of certificate and identification badge.
9-6-12. Maintenance of registry.
9-6-13. Non-transferability of certificates.
9-6-14. Denial, suspension, or revocation of a certificate of registration.
9-6-15. Appeal.
9-6-16. Deceptive soliciting practices prohibited.
9-6-17. "No Soliciting" notice.
9-6-18. Duties of solicitors.
9-6-19. Time of day restrictions.
9-6-20. Buyer's right to cancel.
9-6-21. Penalties.

9-6-1. Purpose.

(1) Residents of the County have an inalienable interest in their personal safety, well-being, and privacy in their residences, as well as their ability to provide or receive information regarding matters of personal belief, political or charitable activities, and goods and services lawfully in commerce. The County has a substantial interest in protecting the well-being, tranquility, personal safety, and privacy of its citizens, which includes the ability to protect citizens from unwanted intrusions upon residential property. The County also has a substantial interest in protecting citizens from fraud or otherwise unfair consumer sales practices as well as criminal activity.

(2) There must be a balance between these substantial interests of the County and its citizens and the effect of the regulations in this Chapter on the rights of those who are regulated. Based on the collective experiences of County officials derived from regulating business activity, protecting persons and property from criminal conduct, responding to the inquiries of citizens regarding door-to-door solicitation, the experience of its law enforcement officers and those affected by door-to-door canvassing and solicitation, as well as judicial

decisions outlining the boundaries of constitutional protections afforded and denied persons seeking to engage in door-to-door solicitation, the County adopts this Chapter to promote the County's substantial interests in:

(a) respecting citizen's decisions regarding privacy in their residences;

(b) protecting persons from criminal conduct;

(c) providing equal opportunity to advocates for and against religious belief, political position, or charitable activities; and

(d) permitting truthful and non-misleading door-to-door solicitation regarding lawful goods or services in intrastate or interstate commerce.

(3) The County finds that the procedures, rules, and regulations set forth in this Chapter are narrowly tailored to preserve and protect the County interests referred to herein while at the same time balancing the rights of those regulated. (Ord. 2006-33, 11/21/06)

9-6-2. No other County license or approval required.

(1) Registered solicitors and persons exempt from registration need not apply for, nor obtain, any other license, permit, or registration from the County to engage in door-to-door solicitation.

(2) Any business licensed by the County under another County ordinance that uses employees, independent contractors, or agents for door-to-door solicitation in an effort to provide any tangible or intangible benefit to the business, shall be required to have such solicitors obtain a certificate, unless otherwise exempt from registration.

(3) Those responsible persons or entities associated with registered solicitors need not apply for, nor obtain, any other license, permit, or registration from the County, provided they do not establish a temporary or fixed place of business in the County.

(4) Nothing herein is intended to interfere with or supplant any other requirement of federal, state, or other local government law regarding any license, permit, or certificate that a registered solicitor is otherwise required to have or maintain. (Ord. 2006-33, 11/21/06)

9-6-3. Definitions.

For the purposes of this Chapter, the following definitions shall apply:

(1) **"Advocating"** means speech or conduct intended to inform, promote, or support religious belief, political position, or charitable activities.

(2) **"Appeals officer"** means the designee of the County responsible for receiving the information from the County and appellant regarding the denial or suspension of a certificate and issuing a decision as required by this Chapter.

(3) **"Appellant"** means the person or entity appealing the denial or suspension of a certificate, either personally as an applicant or registered solicitor, or on behalf of the applicant or registered solicitor.

(4) **"Applicant"** means an individual who is at least 16 years of age and not a corporation, partnership, limited liability company, or other lawful entity who applies for a certificate permitting door-to-door solicitation.

(5) **"Application form"** means a standardized form provided by the County to an applicant to be completed and submitted as part of registration.

(6) **"BCI"** means an original or copy, dated no older than 180 days prior to the date of the application, of either a Utah Department of Public Safety Bureau of Criminal Identification verified criminal history report personal to the applicant; or verification by the Utah Department of Public Safety Bureau of Criminal Identification that no criminal history rising to the level of a disqualifying status exists for the applicant.

(7) **"Business"** means a commercial enterprise licensed by the County as a person or entity under this Title, having a fixed or temporary physical location within the County.

(8) **"Certificate"** means a temporary, annual, or renewal certificate permitting door-to-door solicitation in the County applied for or issued pursuant to the terms of this Chapter.

(9) **"Charitable activities"** means advocating by persons or entities that either are, or support, a charitable organization.

(10) **"Charitable organization"** includes any person, joint venture, partnership, limited liability company, corporation, association, group, or other entity:

(a) that is:

(i) a benevolent, educational, voluntary health, philanthropic, humane, patriotic, religious or eleemosynary, social welfare or advocacy, public health, environmental or conservation, or civic organization;

(ii) for the benefit of a public safety, law enforcement, or firefighter fraternal association; or

(iii) established for any charitable purpose; and

(b) that is tax exempt under applicable provisions of the Internal Revenue Code of 1986 as amended, and qualified to solicit and receive tax deductible contributions from the public for charitable purposes.

(c) including a chapter, branch, area, or office, or similar affiliate or any person soliciting contributions within the state for a charitable organization that has its principal place of business outside the County or State of Utah. (Charitable Solicitation Act UCA §13-22-2(1)(a) & (b))

(11) **"Competent individual"** means a person claiming or appearing to be at least 18 years of age and of sufficiently sound mind and body to be able to engage in rational thought, conversation, and conduct.

(12) **"Completed application"** means a fully completed application form, a B.C.I, two copies of the original identification relied on by the applicant to establish proof of identity, and the tendering of fees.

(13) **"Criminally convicted"** means the final entry of a conviction, whether by a plea of no contest, guilty, entry of a judicial or jury finding of guilt, which has not been set aside on appeal or pursuant to a writ of habeas corpus. The criminal conviction is that offense of which the applicant or registered solicitor was convicted, without regard to the reduced status of the charge after completion of conditions of probation or parole, and charges dismissed under a plea in abeyance or diversion agreement.

(14) **"Disqualifying status"** means anything specifically defined in this Chapter as requiring the denial or suspension of a certificate, and any of the following:

(a) The applicant or registered solicitor has been criminally convicted of: (i) felony homicide, (ii) physically abusing, sexually abusing, or exploiting a minor, (iii) the sale or distribution of controlled substances, or (iv) sexual assault of any kind.

(b) Criminal charges currently pending against the applicant or registered solicitor for: (i) felony homicide, (ii) physically abusing, sexually abusing, or exploiting a minor, (iii) the sale or distribution of controlled substances, or (iv) sexual assault of any kind.

(c) The applicant or registered solicitor has been criminally convicted of a felony within the last ten years;

(d) The applicant or registered solicitor has been incarcerated in a federal or state prison within the past five years;

(e) The applicant or registered solicitor has been criminally convicted of a misdemeanor within the past five years involving a crime of: (i) moral turpitude, or (ii) violent or aggravated conduct involving persons or property.

(f) A final civil judgment been entered against the applicant or registered solicitor within the last five years indicating that: (i) the applicant or registered solicitor had either engaged in fraud or intentional misrepresentation, or (ii) that a debt of the applicant or registered solicitor was non-dischargeable in bankruptcy pursuant to 11 U.S.C. §523(a)(2), (a)(4), (a)(6), or (a)(19);

(g) The applicant or registered solicitor currently on parole or probation to any court, penal institution, or governmental entity, including being under house arrest or subject to a tracking device;

(h) The applicant or registered solicitor has an outstanding arrest warrant from any jurisdiction; or

(i) The applicant or registered solicitor is currently subject to a protective order based on physical or sexual abuse issued by a court of competent jurisdiction.

(15) **"Door-to-door solicitation"** means the practice of engaging in or attempting to engage in conversation with any person at a residence, whether or not that person is a competent individual, while making or seeking to make or facilitate a home solicitation sale, or attempting to further the sale of goods and/or services.

(16) **"Entity"** includes a corporation, partnership, limited liability company, or other lawful entity, organization, society, or association.

(17) **"Fees"** means the cost charged to the applicant or registered solicitor for the issuance of a certificate and/or identification badge, which shall not exceed the reasonable costs of processing the application and issuing the certificate and/or identification badge.

(18) **"Final civil judgment"** means a civil judgment that would be recognized under state law as a judgment to which collateral estoppel would apply.

(19) **"Goods"** means one or more tangible items, wares, objects of merchandise, perishables of any kind, subscriptions, or manufactured products offered, provided, or sold.

(20) **"Home solicitation sale"** means to make or attempt to make a sale of goods or services by a solicitor at a residence by means of door-to-door solicitation, regardless of

(a) the means of payment or consideration used for the purchase;

(b) the time of delivery of the goods or services; or

(c) the previous or present classification of the solicitor as a solicitor, peddler, hawker, itinerant merchant, or similar designation.

(21) **"Licensing officer"** means the County employees or agents responsible for receiving from an applicant or registered solicitor the completed application and either granting, suspending, or denying the applicant's certificate.

(22) **"No solicitation sign"** means a reasonably visible and legible sign that states "No Soliciting," "No

Solicitors," "No Salespersons," "No Trespassing," or words of similar import.

(23) **"Political position"** means any actually held belief, or information for, against, or in conjunction with any political, social, environmental, or humanitarian belief or practice.

(24) **"Registered solicitor"** means any person who has been issued a current certificate by the County.

(25) **"Registration"** means the process used by the county licensing officer to accept a completed application and determine whether or not a certificate will be denied, granted, or suspended.

(26) **"Religious belief"** means any sincerely held belief, or information for, against, or in conjunction with, any theistic, agnostic, or atheistic assumption, presumption, or position or religious doctrine, dogma, or practice regardless of whether or not the belief or information is endorsed by any other person or public or private entity.

(27) **"Residence"** means any living unit contained within any building or structure that is occupied by any person as a dwelling consistent with the zoning laws of the County, together with the lot or other real property on which the living unit is located. This does not include the sidewalk, public street, or public rights of way.

(28) **"Responsible person or entity"** means that person or entity responsible to provide the following to an applicant, registered solicitor, and the competent individual in a residence to whom a sale of goods or services is made or attempted to be made by means of a home solicitation sale:

(a) maintaining a state sales tax number, a special events sales tax number, computing the sales taxes owing from any sale of goods or services, paying the sales taxes, and filing any required returns or reports;

(b) facilitating and responding to requests from consumers who desire to cancel the sale pursuant to applicable contractual rights or law; and

(c) refunding any monies paid or reversing credit card charges to those persons who timely rescind any sale pursuant to applicable contractual rights or law.

(29) **"Sale of goods or services"** means the conduct and agreement of a solicitor and the competent individual in a residence regarding particular goods or services that entitles the consumer to rescind the same within three days under any applicable federal, state, or local law.

(30) **"Services"** means those intangible goods or personal benefits offered, provided, or sold to a competent individual of a residence.

(31) **"Soliciting" or "Solicit" or "Solicitation"** means any of the following activities:

(a) Seeking to obtain sales or orders for the exchange of goods, wares, merchandise or perishables of any kind, for any kind of remuneration or consideration, regardless of whether advance payment is sought;

(b) Seeking to obtain prospective customers to apply for or to purchase insurance, subscriptions to publications, or publications;

(c) Seeking to obtain contributions of money or any other thing of value for the benefit of any person or entity;

(d) Seeking to obtain orders or prospective customers for goods or services.

(e) Seeking to engage an individual in conversation at a residence for the purpose of promoting or facilitating the receipt of information regarding religious belief, political position, charitable conduct, or a home solicitation sale.

(f) Other activities falling within the commonly accepted definition of soliciting, such as hawking or peddling.

(32) **"Solicitor"** means a person engaged in door-to-door solicitation.

(33) **"Submitted in writing"** means the information for an appeal of a denial or suspension of a certificate, submitted in any type of written statement to the County offices by certified, registered, priority, overnight or delivery confirmation mail, facsimile, or hand delivery.

(34) **"Substantiated report"** means an oral, written, or electronic report:

(a) that is submitted to and documented by the County;

(b) by any of the following:

(i) a competent individual who is willing to provide law enforcement or other County employees with publicly available identification of their name, address, and any other reliable means of contact;

(ii) county law enforcement or licensing officer; or

(iii) any other regularly established law enforcement agency at any level of government;

(c) that provides any of the following information regarding a registered solicitor:

(i) documented verification of a previously undisclosed disqualifying status of a registered solicitor;

(ii) probable cause that the registered solicitor has committed a disqualifying status which has not yet been determined to be a disqualifying status;

(iii) documented, eye-witness accounts that the registered solicitor has engaged in repeated patterns of behavior that demonstrates failure by the registered solicitor to adhere to the requirements of this Chapter; or

(iv) probable cause that continued licensing of the registered solicitor creates exigent circumstances that threaten the health, safety, or welfare of any individuals or entities within the County.

(35) **"Waiver"** means the written form provided to the applicant by the County wherein the applicant agrees that the County may obtain a name/date of birth BCI background check on the applicant for licensing purposes under this Chapter, and which contains applicant's notarized signature. (Ord. 2006-33, 11/21/06)

9-6-4. Exemptions from chapter.

(1) The following are exempt from registration under this Chapter:

(a) persons specifically invited to a residence by a competent individual prior to the time of the person's arrival at the residence;

(b) persons whose license, permit, certificate, or registration with the State of Utah permits them to engage in door-to-door solicitation to offer goods or services to an occupant of the residence;

(c) persons delivering goods to a residence pursuant to a previously made order, or persons providing services at a residence pursuant to a previously made request by a competent individual;

(d) persons advocating or disseminating information for, against, or in conjunction with, any religious belief, or political position regardless of whether goods, services, or any other consideration is offered or given, with or without any form of commitment, contribution, donation, pledge, or purchase; and

(e) persons representing a charitable organization. The charitable exemption shall apply to students soliciting contributions to finance extracurricular social, athletic, artistic, scientific, or cultural programs, provided that the solicitation has been approved in writing by the school administration, and that such student solicitors carry current picture student identification from the educational institution for which they are soliciting.

(2) Those persons exempt from registration are not exempt from the duties and prohibitions outlined in Sections 9-6-17, 9-6-18, and 9-6-19 while advocating or soliciting. (Ord. 2006-33, 11/21/06)

9-6-5. Solicitation prohibited.

Unless otherwise authorized, permitted, or exempted pursuant to the terms and provisions of this Chapter, the practice of being in and upon a private residence within the County by solicitors, for the purpose of home solicitation sales or to provide goods or services, is prohibited and is punishable as set forth in this Chapter. (Ord. 2006-33, 11/21/06)

9-6-6. Registration of solicitors.

Unless otherwise exempt under this Chapter, all persons desiring to engage in door-to-door solicitation within the County, prior to doing so, shall submit a completed application to the licensing officer and obtain a certificate. (Ord. 2006-33, 11/21/06)

9-6-7. Application form.

The licensing officer shall provide a standard application form for use for the registration of solicitors. Upon request to the licensing officer, or as otherwise provided, any person or entity may obtain in person, by mail, or facsimile, a copy of this application form. Each application form shall require disclosure and reporting by the applicant of the following information, documentation, and fee:

(1) **Review of Written Disclosures.** An affirmation that the applicant has received and reviewed the disclosure information required by this Chapter.

(2) **Contact Information.**

(a) applicant's true, correct, and legal name, including any former names or aliases used during the last ten years;

(b) applicant's telephone number, home address, and mailing address, if different;

(c) if different from the applicant, the name, address, and telephone number of the responsible person or entity; and

(d) the address by which all notices to the applicant required under this Chapter are to be sent.

(3) **Proof of Identity.** An in-person verification by the licensing officer of the applicant's true identity by use of any of the following which bear a photograph of said applicant:

(a) a valid drivers license issued by any state;

(b) a valid passport issued by the United States;

(c) a valid identification card issued by any state; or

(d) a valid identification issued by a branch of the United States military.

Upon verification of identity, the original identification submitted to establish proof of identity shall be returned to the applicant.

(4) **Proof of Registration with Department of Commerce.** The applicant shall provide proof that either the applicant, or the responsible person or entity, has registered with the Utah State Department of Commerce.

(5) **Special Events Sales Tax Number.** The applicant shall provide a special events sales tax number for either the applicant, or for the responsible person or entity for which the applicant will be soliciting.

(6) **Marketing Information.**

(a) The goods or services offered by the applicant, including any commonly known, registered, or trademarked names;

(b) Whether the applicant holds any other licenses, permits, registrations, or other qualifications required by federal or state law to promote, provide, or render advice regarding the offered goods or services.

(7) **BCI Background Check.** The applicant shall provide:

(a) an original or a copy of a BCI background check as defined in 9-6-3; and

(b) a signed copy of a waiver whereby the applicant agrees to allow the County to obtain a name/date of birth BCI background check on the applicant for purposes of enforcement of this Chapter. (Utah Code Ann. §53-10-108(1)(b))

(8) **Responses to Questions Regarding "Disqualifying Status."** The applicant shall be required to affirm or deny each of the following statements on the application form:

(a) Has the applicant been criminally convicted of: (i) felony homicide, (ii) physically abusing, sexually abusing, or exploiting a minor, (iii) the sale or distribution of controlled substances, or (iv) sexual assault of any kind?

(b) Are any criminal charges currently pending against the applicant for: (i) felony homicide, (ii) physically abusing, sexually abusing, or exploiting a minor, (iii) the sale or distribution of controlled substances, or (iv) sexual assault of any kind?

(c) Has the applicant been criminally convicted of a felony within the last ten years?

(d) Has the applicant been incarcerated in a federal or state prison within the past five years?

(e) Has the applicant been criminally convicted of a misdemeanor within the past five years involving a crime of: (i) moral turpitude, or (ii) violent or aggravated conduct involving persons or property?

(f) Has a final civil judgment been entered against the applicant within the last five years indicating that: (i) the applicant had either engaged in fraud or intentional misrepresentation, or (ii) that a debt of the applicant was non-dischargeable in bankruptcy pursuant to 11 U.S.C. §523(a)(2), (a)(4), (a)(6), or (a)(19)?

(g) Is the applicant currently on parole or probation to any court, penal institution, or governmental entity, including being under house arrest or subject to a tracking device?

(h) Does the applicant have an outstanding arrest warrant from any jurisdiction?

(i) Is the applicant currently subject to a protective order based on physical or sexual abuse issued by a court of competent jurisdiction?

(9) **Fee.** The applicant shall pay such fees as determined applicable by the County, which shall not exceed the reasonable cost of processing the application and issuing the certificate and/or identification badge.

(10) **Execution of Application.** The applicant shall execute the application form, stating upon oath or affirmation, under penalty of perjury, that based on the present knowledge and belief of the applicant, the information provided is complete, truthful, and accurate. (Ord. 2006-33, 11/21/06)

9-6-8. Written disclosures.

The application form shall be accompanied by written disclosures notifying the applicant of the following:

(1) The applicant's submission of the application authorizes the County to verify information submitted with the completed application including:

(a) the applicant's address;

(b) the applicant's and/or responsible person or entity's state tax identification and special use tax numbers, if any; and

(c) the validity of the applicant's proof of identity.

(2) The County may consult any publically available sources for information on the applicant, including but not limited, to databases for any outstanding warrants, protective orders, or civil judgments.

(3) Establishing proof of identity is required before registration is allowed.

(4) Identification of the fee amount that must be submitted by applicant with a completed application.

(5) The applicant must submit a BCI background check with a completed application.

(6) To the extent permitted by state and/or federal law, the applicant's BCI background check shall remain a confidential, protected, private record not available for public inspection.

(7) The County will maintain copies of the applicant's application form, proof of identity, and identification badge. These copies will become public

records available for inspection on demand at the County offices whether or not a certificate is denied, granted, or renewed.

(8) The criteria for disqualifying status, denial, or suspension of a certificate under the provisions of this Chapter.

(9) That a request for a temporary certificate will be granted or denied the same business day that a completed application is submitted. (Ord. 2006-33, 11/21/06)

9-6-9. When registration begins.

The licensing officer shall not begin the registration process unless the applicant has submitted a completed application. The original identification submitted to establish proof of identity shall be returned after the licensing officer verifies the applicant's identity. A copy of the identification may be retained by the licensing officer. If an original BCI background check is submitted by the applicant, the licensing officer shall make a copy of the BCI and return the original to the applicant. (Ord. 2006-33, 11/21/06)

9-6-10. Issuance of certificates.

The licensing officer shall review the completed application submitted by the applicant and issue a certificate in accordance with the following:

(1) **Temporary Certificate.**

(a) A temporary certificate shall issue allowing the applicant to immediately begin door-to-door solicitation upon the following conditions:

(i) applicant's submission of a completed application;

(ii) applicant's submission of the required fee;

(iii) applicant establishes proof of identity;

(iv) the applicant's representations on the application form do not affirmatively show a disqualifying status;

(v) the BCI does not affirmatively show a disqualifying status; and

(vi) the applicant has not previously been denied a certificate by the County, or had a certificate revoked for grounds that still constitute a disqualifying status under this Chapter.

(b) A temporary certificate will automatically expire after 25 calendar days from issuance, or upon grant or denial of an annual certificate, whichever period is shorter.

(2) **Annual Certificate.**

Within 25 calendar days of the issuance of a temporary certificate the County shall:

(a) take any and all actions it deems appropriate to verify the truthfulness and completeness of the information submitted by the applicant, including, but not limited to those disclosed with the application form; and

(b) issue written notice to the applicant and the responsible person or entity, if any, that the applicant either:

(i) will be issued an annual certificate, eligible for renewal one year from the date of issuance of the temporary certificate; or

(ii) will not be issued an annual certificate for reasons cited in Section 9-6-14 of this Chapter.

(3) **Renewal Certificate.** An annual certificate shall be valid for one year from the date of issuance of the temporary certificate and shall expire at midnight on the anniversary date of issuance. Any annual certificate that is not suspended, revoked, or expired may be renewed upon the request of the registered solicitor and the submission of a new completed application and payment of the fee, unless any of the conditions for the denial, suspension, or revocation of a certificate are present as set forth in section 9-6-14, or a disqualifying status is present. (Ord. 2006-33, 11/21/06)

9-6-11. Form of certificate and identification badge.

(1) **Certificate Form.** Should the licensing officer determine that the applicant is entitled to a certificate, the licensing officer shall issue a certificate to the applicant. The certificate shall list the name of the registered solicitor and the responsible person or entity, if any, and the date on which the certificate expires. The certificate shall be dated and signed by the licensing officer. The certificate shall be carried by the registered solicitor at all times while soliciting in the County.

(2) **Identification Badge.** With both the temporary and annual certificates, the County shall issue each registered solicitor an identification badge that shall be worn prominently on his or her person while soliciting in the County. The identification badge shall bear the name of the County and shall contain: (a) the name of the registered solicitor; (b) address and phone number of the registered solicitor, or the name, address, and phone number of the responsible person or entity is provided; (c) a recent photograph of the registered solicitor; and (d) the date on which the certificate expires. (Ord. 2006-33, 11/21/06)

9-6-12. Maintenance of registry.

The licensing officer shall maintain and make available for public inspection a copy or record of every

completed application received and the certificate or written denial issued by the County. The applicant's BCI background check shall remain a confidential, protected, private record not available for public inspection. The licensing officer may furnish to the sheriff a listing of all applicants, those denied, and those issued a certificate. (Ord. 2006-33, 11/21/06)

9-6-13. Non-transferability of certificates.

Certificates shall be issued only in the name of the applicant and shall list the responsible person or entity, if any. The certificate shall be non-transferable. A registered solicitor desiring to facilitate or attempt to facilitate home solicitation sales with different: (a) goods or services; or (b) responsible person or entity, from those designated in the originally submitted completed application, shall submit a written change request to the licensing officer. A new certificate based on the amended information shall issue for the balance of time remaining on the solicitor's previous certificate before the amendment was filed. Before the new certificate is given to the registered solicitor, the registered solicitor shall obtain a revised identification badge from the County, after payment of the fee for the identification badge. (Ord. 2006-33, 11/21/06)

9-6-14. Denial, suspension, or revocation of a certificate of registration.

(1) **Denial.** Upon review, the licensing officer shall refuse to issue a certificate to an applicant for any of the following reasons:

(a) **Denial of Temporary Certificate.**

(i) the application form is not complete;

(ii) the applicant fails to establish proof of identity, provide a BCI, or pay the fees;

(iii) the completed application or BCI indicates that the applicant has a disqualifying status; or

(iv) the applicant has previously been denied a certificate by the County or has had a certificate revoked for grounds that still constitute a disqualifying status under this chapter.

(b) **Denial of Annual Certificate.**

(i) the information submitted by the applicant at the time of the granting of the temporary certificate is found to be incomplete or incorrect;

(ii) since the submission of the completed application, the applicant is subject to a previously undisclosed or unknown disqualifying status;

(iii) failure to complete payment of the fees;

(iv) since the submission of the application, the County has received a substantiated report regarding the past or present conduct of the applicant;

(v) since the submission of the application, the County or other governmental entity has either criminally convicted or obtained a civil injunction against the applicant for violating this Chapter or similar federal, state, or municipal laws in a manner rising to the level of a disqualifying status; or

(vi) since the submission of the application, a final civil judgment has been entered against the applicant indicating that: (i) the applicant had either engaged in fraud or intentional misrepresentation, or (ii) that a debt of the applicant was non-dischargeable in bankruptcy pursuant to 11 U.S.C. §523(a)(2), (a)(4), (a)(6), or (a)(19).

(c) **Denial of Annual Certificate Renewal.**

(i) the information submitted by the applicant when seeking renewal of a certificate is found to be incomplete or incorrect;

(ii) since the submission of the renewal application, the applicant is subject to a previously undisclosed or unknown disqualifying status;

(iii) failure to complete payment of the fees;

(iv) since the submission of the application or granting of a certificate, the County has received a substantiated report regarding the past or present conduct of the solicitor;

(v) the County or other governmental entity has either criminally convicted or obtained a civil injunction against the applicant for violating this Chapter or similar federal, state, or municipal laws in a manner rising to the level of a disqualifying status; or

(vi) since the submission of the application, a final civil judgment has been entered against the applicant indicating that: (i) the applicant had either engaged in fraud or intentional misrepresentation, or (ii) that a debt of the applicant was non-dischargeable in bankruptcy pursuant to 11 U.S.C. §523(a)(2), (a)(4), (a)(6), or (a)(19).

(2) **Suspension or Revocation.** The County shall either suspend or revoke a certificate when any of the reasons warranting the denial of a certificate occurs.

(3) **Notice of Denial or Suspension.** Upon determination of the licensing officer to deny an applicant's completed application or to suspend a registered solicitor's certificate, the County shall cause written notice to be sent to the applicant or registered solicitor by the method indicated in the completed application. The notice shall specify the grounds for the denial or suspension, the documentation or information the County relied on to make the decision, the availability of the documentation for review by the applicant upon one business day notice to the County, and the date upon which the denial or suspension of the certificate shall take effect. It shall further state that the applicant or registered solicitor shall have ten business days from the receipt of the notice of denial or suspension to appeal the same. The denial or suspension of the certificate shall be effective no sooner than two calendar days from the date the notice is sent, unless that suspension is because of exigent circumstances outlined in Section 9-6-3(34)(c)(iv), in which case, the suspension is effective immediately. The denial or suspension shall remain effective unless and until the order is rescinded, overturned on appeal, or determined by a court to be contrary to equity or law. Failure to appeal the suspension of a certificate automatically results in its revocation.
(Ord. 2006-33, 11/21/06)

9-6-15. Appeal.

An applicant or registered solicitor whose certificate has been denied or suspended shall have the right to appeal to the County Commission or its designee. Any appeal must be submitted by either the applicant, the responsible person or entity, or legal counsel for either who: (a) documents the relationship with the applicant or responsible person or entity; or (b) is licensed or authorized by the State of Utah to do so, and makes the assertion of an agency relationship. The following procedures and requirements shall apply:

(1) Any appeal must be submitted in writing to the County Clerk with a copy to the licensing officer within ten business days of the decision from which the appeal is taken. Such appeal shall describe in detail the nature of the appeal, the action complained of, and the grounds for appeal.

(2) Upon request of the applicant or registered solicitor, within one business day, the County will make available any information upon which it relied in making the determination to either deny or suspend the certificate.

(3) The appeals officer shall review, de novo, all written information submitted by the applicant or registered solicitor to the licensing officer, any additional information relied upon by the licensing officer as the basis for denial, suspension, or revocation, and any additional information supplied by the County, applicant, or registered solicitor. Any additional information submitted by any party to the appeal to the appeals officer shall be simultaneously submitted to the opposing party. If desired, any party shall have three business days to submit rebuttal documentation to the appeals officer regarding the additional information submitted by the opposing party.

(4) The appeals officer will render a decision no later than 15 calendar days from the date the appeal was taken, unless an extension of time is agreed upon by the parties. In the event that any party to the appeal submits rebuttal information as allowed in Section 9-6-15(3), the 15 calendar days shall be extended to include the additional three days for rebuttal.

(a) The denial or suspension of the certificate shall be reversed by the appeals officer if upon review of the written appeal and information submitted, the appeals officer finds that the licensing officer made a material mistake of law or fact in denying or suspending the applicant or registered solicitor's certificate.

(b) If the written appeal and information submitted indicates that the licensing officer properly denied or suspended the certificate of the applicant or registered solicitor, the denial or suspension of the certificate shall be affirmed and constitute a determination that the suspended certificate is revoked.

(c) The decision of the appeals officer shall be delivered to the applicant or registered solicitor by the means designated in the completed application, or as otherwise agreed upon when the appeal was filed.

(d) After the ruling of the appeals officer, the applicant or solicitor is deemed to have exhausted all administrative remedies with the County.

(5) Nothing herein shall impede or interfere with the applicant's, solicitor's, or County's right to seek relief in a court of competent jurisdiction.
(Ord. 2006-33, 11/21/06)

9-6-16. Deceptive soliciting practices prohibited.

(1) No solicitor shall intentionally make any materially false or fraudulent statement in the course of soliciting.

(2) A solicitor shall immediately disclose to the consumer during face-to-face solicitation; (i) the name of the solicitor; (ii) the name and address of the entity with whom the solicitor is associated; and (iii) the purpose of the solicitor's contact with the person and/or competent individual. This requirement may be

satisfied through the use of the badge and an informational flyer.

(3) No solicitor shall use a fictitious name, an alias, or any name other than his or her true and correct name.

(4) No solicitor shall represent directly or by implication that the granting of a certificate of registration implies any endorsement by the county of the solicitor's goods or services or of the individual solicitor. (Ord. 2006-33, 11/21/06)

9-6-17. "No Soliciting" notice.

(1) Any occupant of a residence may give notice of a desire to refuse solicitors by displaying a "No Solicitation" sign which shall be posted on or near the main entrance door or on or near the property line adjacent to the sidewalk leading to the residence.

(2) The display of such sign or placard shall be deemed to constitute notice to any solicitor that the inhabitant of the residence does not desire to receive and/or does not invite solicitors.

(3) It shall be the responsibility of the solicitor to check each residence for the presence of any such notice.

(4) The provisions of this Section shall apply also to solicitors who are exempt from registration pursuant to the provisions of this Chapter. (Ord. 2006-33, 11/21/06)

9-6-18. Duties of solicitors.

(1) Every person soliciting or advocating shall check each residence for any "No Soliciting" sign or placard or any other notice or sign notifying a solicitor not to solicit on the premises, such as, but not limited to "No Solicitation" signs. If such sign or placard is posted, such solicitor shall desist from any efforts to solicit at the residence or dwelling and shall immediately depart from such property. Possession of a certificate of registration does not in any way relieve any solicitor of this duty.

(2) It is a violation of this Chapter for any person soliciting or advocating to knock on the door, ring the doorbell, or in any other manner attempt to attract the attention of an occupant of a residence that bears a "No Solicitation" sign or similar sign or placard for the purpose of engaging in or attempting to engage in advocating, a home solicitation sale, door-to-door soliciting, or soliciting.

(3) It is a violation of this Chapter for any solicitor through ruse, deception, or fraudulent concealment of a purpose to solicit, to take action calculated to secure an audience with an occupant at a residence.

(4) Any solicitor who is at any time asked by an occupant of a residence or dwelling to leave shall immediately and peacefully depart.

(5) The solicitor shall not intentionally or recklessly make any physical contact with, or touch, another person without the person's consent.

(6) The solicitor shall not follow a person into a residence without their explicit consent.

(7) The solicitor shall not continue repeated soliciting after a person and/or competent individual has communicated clearly and unequivocally their lack of interest in the subject, goods, or services of the solicitor.

(8) The solicitor shall not use obscene language or gestures. (Ord. 2006-33, 11/21/06)

9-6-19. Time of day restrictions.

It shall be unlawful for any person, whether licensed or not, to solicit at a residence before 9:00 a.m. or after 9:00 p.m Mountain Time, unless the solicitor has express prior permission from the resident to do so. (Ord. 2006-33, 11/21/06)

9-6-20. Buyer's right to cancel.

In any home solicitation sale, unless the buyer requests the solicitor to provide goods or services without delay in an emergency, the seller or solicitor shall present to the buyer and obtain buyer's signature to a written statement which informs the buyer of the right to cancel within the third business day after signing an agreement to purchase. Such notice of "Buyer's right to cancel" shall be in the form required by §70C-5-103, Utah Code Annotated, 1953, or a current version thereof or any state or federal law modifying or amending such provision. (Ord. 2006-33, 11/21/06)

9-6-21. Penalties.

Any person who violates any term or provision of this Chapter shall be guilty of a class B misdemeanor and shall be punished by a fine of not to exceed $1,000.00 and a jail sentence of not to exceed six months. (Ord. 2006-33, 11/21/06)

TITLE 10

FRANCHISES

Chapter

1. **Tooele County Franchises.**

CHAPTER 1

TOOELE COUNTY FRANCHISES

Section

10-1-1. Franchises, granting, terms and conditions.
10-1-2. Franchises for toll roads.
10-1-3. Franchises for ferries and bridges.
10-1-4. Franchises granted.

10-1-1. Franchises, granting, terms and conditions.

The County may grant franchises along and over the public roads and highways for all lawful purposes, upon such terms, conditions and restrictions as in the judgment of the County Commission may be necessary and proper, to be exercised in such manner as to present the least possible obstruction and inconvenience to the traveling public, but such permission shall not be for a longer period than 50 years. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

10-1-2. Franchises for toll roads.

The County may grant, on such terms, conditions and restrictions as in the judgment of the County Commission may be necessary and proper, licenses and franchises for taking tolls on public roads or highways whenever in the judgment of the County Commission the expense of operating or maintaining such roads or highways as free public highways is too great to justify the County in operating or maintaining them; provided, that it shall always be a condition attached to the granting of such licenses and franchises that such roads and highways shall be kept in reasonable repair by the persons to whom such licenses or franchises may be granted. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

10-1-3. Franchises for ferries and bridges.

The County may grant licenses and franchises for constructing and keeping in repair roads, bridges and ferries and for the taking of tolls thereon. All persons operating any toll boat or ferry for the transportation of persons, vehicles or livestock across any stream, river or body of water in the County shall first obtain a franchise for the operation of the same from the County Commission. Whenever such boat or ferry is operated on a stream or body of water forming the boundary line between this County and an adjoining one, a franchise shall be obtained from the County Commission of such counties. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

10-1-4. Franchises granted.

The following franchises, identified by type of service, effective date, and duration have been or may be granted by the County subject to the terms, conditions and restrictions specified therein:

(1) Beehive Telephone Company. A franchise to Beehive Telephone Company, its successors or assigns was granted for the purpose of providing telephone services in the specified Southern portions of Tooele County by locating its facilities upon Tooele County's roads, streets and rights-of-way. This franchise was granted by Ordinance 83-1, and is to continue through May 10, 2033.

(2) TCI Cablevision of Utah, Inc. Tooele County grants a nonexclusive franchise to TCI Cablevision of Utah, Inc., its lawful successor, transferee, or assignee, for the purpose of providing cable television services in Tooele County and to construct and operate a system in, along, among, upon, across, above, over, under, or in any manner connected with public ways within the service area, pursuant to the terms of the franchise agreement. The franchise is effective October 1, 1995 and continues through September 30, 2010, unless terminated sooner in accordance with the agreement. (Ord . 95-22, 10/1/95)

(3) Intermountain Satellite Communications. A franchise to Intermountain Satellite Communications, its successors or assigns, was granted for the purpose of providing cable television services in Stansbury Park by locating its facilities upon Tooele County's roads, streets and rights-of-way. This franchise was granted by Ordinance 81-6, and is to continue through May 28, 1996.

(4) Mount Wheeler Power, Inc. A franchise to Mount Wheeler Power, Inc., its successors or assigns was granted for the purpose of providing electric services in Western Tooele County by locating power lines and facilities along existing County roads, highways and public places. This franchise was granted in 1976 by Ordinance 70-1 and has no duration stated.

(5) Mountain Fuel Supply Company. A franchise to Mountain Fuel Supply Company, its successors or assigns was granted for the purpose of locating natural gas service lines and appurtenances over County roads, highways, streets and alleys. This franchise was granted by Ordinance No. 76-4 and continues for a term of 50 years.

(6) Raft River Rural Electric Cooperative. A franchise to Raft River Rural Electric Cooperative, its

successors and assigns, was granted to provide electric service by locating power lines and appurtenances along County roads and public places in Tooele County. This franchise was granted by Ordinance 76-4 and continues until November 21, 2018.

(7) Silver Beehive Telephone Company. A franchise to Silver Beehive Telephone Company, its successors and assigns, was granted to provide telephone service by locating telephone lines and appurtenances along County roads and streets located in Western Tooele County. This franchise was granted in 1977 by Ordinance 77-1 and continues for a term of 50 years.

(8) Terracor. A franchise to Terracor Corporation, its successors and assigns, was granted for the purpose of providing cable television services in Stansbury Park by locating its facilities upon Tooele County streets, alleys, public highways and places. This franchise was granted by Ordinance 72-6-A and has no duration stated.

(9) Tooele Valley Railway Company. A franchise to Tooele Valley Railway Company, its successors and assigns, was granted for the purpose of locating a railway track along and over the County roads and highways in the Tooele precinct and Lakeview precinct of Tooele County. This franchise was granted in 1955 by Ordinance 55-8 and continues for a term of 50 years.

(10) Utah Power & Light Company. A franchise to Utah Power & Light Company, its successors and assigns, was granted for the purpose of providing electric service along present and future roads, highways and public places in Tooele County. This franchise was granted by Ordinance 69-3 and continues until October 10, 2019. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

(11) Great Salt Lake Energy. A franchise to Great Salt Lake Energy, its successors and assigns, was granted for the purpose of constructing, maintaining and operating an electric generation, transmission and distribution company and to construct, maintain and operate poles, lines and facilities along, upon and across the present and future roads, highways and public places in Tooele County. This franchise is granted by Ordinance 2000-4 and continues until February 15, 2050. (Ord. 2000-4, 2/15/2000)

(12) Skyline Telecom. A franchise to Skyline Telecom, its successors and assigns, was granted for the purpose of constructing, maintaining, and operating, and furnishing a telephone system and to construct, maintain and operate poles, lines and facilities along, upon and across the present and future roads, highways and public places in Tooele County. This franchise is granted by Ordinance 2000-10 and continues until April 11, 2025. (Ord. 2000-10, 4/11/2000)

(13) Oquirrh Mountain Water Company. A franchise to Oquirrh Mountain Water Company, its successors and assigns, was granted for the purpose of constructing, maintaining and operating a water line and to construct, maintain and operate pipes, lines and facilities along, upon and across the present and future roads, highways and public places in Tooele County. This franchise is granted by Ordinance 2000-6 and continues until May, 2025. (Ord. 2000-6, 5/2/00)

(14) Grantsville City Sewer Line. A franchise to Grantsville City, a municipal corporation of the State of Utah, its successors and assigns, was granted for the purpose of constructing, maintaining and operating a sewer line and to construct, maintain and operate pipes, lines and related sewer line facilities along, upon and across the present and future Tooele County roads, highways and public places in Tooele County located directly north of the Grantsville City limits in Section 19, Township 2 South, Range 5 West, and Section 24, Township 2 South, Range 6 West, Salt Lake Base Meridian including Tooele County roads identified as Cooley Street, Vegas Street and Burmester Road. This franchise is granted by Ordinance 2003-40 and continues until December 2053. (Ord. 2003-40, 12/9/03)

(15) Stansbury Park Improvement District. A franchise to Stansbury Park Improvement District, a special district of the State of Utah, its successors and assigns, was granted for the purpose of constructing, maintaining, and operating systems for the supply, treatment, and distribution of water; systems for the collection, treatment, and disposition of sewage; and systems for the collection, retention, and disposition of storm and flood waters and related facilities along, upon, and across the present and future Tooele County roads, highways, and public places in Tooele County in and around Stansbury Park. This franchise was granted by Ordinance 2005-25 and continues until October 2055. (Ord. 2005-25, 10/11/05)

TITLE 11

SPECIAL DISTRICTS

Chapter
1. **Special Districts Authorized.**
2. **Service Districts.**
3. **Service Areas.**
4. **Mosquito Abatement District.**
5. **Improvement Districts.**
6. **Conservancy District.**
7. **County Health Department.**
8. **Municipal Building Authority.**
9. **Township Planning Districts.**
10. **Redevelopment Agency.**

CHAPTER 1

SPECIAL DISTRICTS AUTHORIZED

Section
11-1-1. Special districts authorized.

11-1-1. Special districts authorized.

Pursuant to the Utah Constitution and the Utah Code, the legislature has authorized Tooele County to establish special districts within the County to address specific needs. This title includes special districts that have been established by Tooele County and districts which Tooele County has a responsibility to select governing board members. (Ord. 95-19,9/12/95; Ord. 92-5, 9/1/92)

CHAPTER 2

SERVICE DISTRICTS

Section
11-2-1. Special service districts.

11-2-1. Special service districts.

The following special service districts have been established by resolution of the County Commission pursuant to Section 17A-2-1301 through 1332, U.C.A., 1953, as amended:

(1) Tooele County Special Service District (Water). The Tooele County Special Service District was established by Resolution No. R-79-9, which was approved on December 18, 1979. This district includes Tooele Valley, the north end of Rush Valley and Tooele City but excludes Stockton, Tooele Army Depot, Grantsville City and the Stansbury Park Improvement District. This district was established to provide water and related services in the district. (Resolution R-79-9 is for reference attached to this code as Appendix One)

(2) Tooele County Hospital Special Service District. The Tooele County Hospital Special Service District was established by Resolution No. 87-20, which was approved on October 6, 1987. This district includes the entire unincorporated area of Tooele County and each city and town located therein, with the exception of Wendover City, Utah. This district was established to provide hospital and related services. (Resolution 87-20 is for reference attached to this code as Appendix Two)

(3) Tooele County Recreation Service District. The Tooele County Recreation Service District was established by Resolution No. 89-19, which was approved on November 28, 189. This district includes the entire unincorporated area of Tooele County, excluding all cities and towns located in the County and excluding the Stansbury Recreation Service area of Tooele County. This district was established to furnish recreation services and facilities within the County. (Resolution No. 89-19 is for reference attached to this code as Appendix Three)

(4) North Tooele County Fire Protection Service District. The North Tooele County Fire Protection Service District was established by Resolution No. 87-21, which was approved on October 6, 1987. This district was established to furnish fire protection services in northeastern Tooele County. (Resolution 87-21 is for reference attached to this code as Appendix Four) (Ord. 95-19,9/12/95; Ord. 92-5, 9/1/92)

CHAPTER 3

SERVICE AREAS

Section
11-3-1. Stansbury Recreation Service Area.
11-3-2. Stansbury Greenbelt Service Area of Tooele County.
11-3-3. Lakepoint Cemetery and Park Service Area.

11-3-1. Stansbury Recreation Service Area.

The Stansbury Recreation Service Area was established by Ordinance No. 81-18 which was adopted on December 12, 1981. Ordinance 81-18 took effect upon its publication which was on December 29, 1981. Ordinance 81-18, as amended, is as follows:

(1) Establishment of a County Service Area. There is hereby created and established in the County of Tooele, State of Utah, a County service area. Said service area is ordered and declared duly formed,

organized and established under and by virtue of the provisions of Title 17, Chapter 29, U.C.A 1953, as amended, (redesignated as Sections 17A-2-401 through 431 in 1990 by the Utah Legislature), and the same is hereby deemed a body corporate and politic and a quasi municipal public corporation of the County of Tooele, State of Utah.

(2) Name of Service Area. The corporate name of said service area is and shall hereafter be known as "Stansbury Recreation Service Area of Tooele County." (The name of this service area was changed from Tooele County Service Area No. Two by Ordinance No. 84-7)

(3) Authority of Service Area. Said service area shall have and exercise through its proper officers all the power and authority conferred upon service areas by law for the purposes as herein provided.

(4) Boundaries. The boundaries of said service area and the territory included therein are commonly known as Stansbury Park and are described with particularity, definiteness and certainty as follows:

Beginning at a point at the junction of the South right-of-way line of State Highway 138 and the West right-of-way line of State Highway 36, said point of beginning lying N 62°30' E. 1650 feet more or less from the SW Corner of Section 10, Township 2 South, Range 4 West, Salt Lake Base and Meridian, thence following said West right-of-way line S 5°42' E. 4647.92 feet; thence continuing along said West right-of-way line S 11°35' W. 4491.14 feet; thence N 71°00' W. 820 feet; thence N 79°00' W 470 feet; thence N 66°00' West. 750 feet; thence N 88°00' W. 680 feet; thence N 39°00' W 870 feet; thence N 62°00' W 360 feet; thence S 79°00' W. 430 feet; thence S 56°00' W. 1020 feet; thence N 55°00' W. 1090 feet; thence N 45°00' W. 3013 feet to the South right-of-way line of State Highway 138; thence following said South right-of-way line N 59°08' E. 1740 feet; thence N 61°00' E. 710 feet; thence N 62°42' E. 1945.62 feet; thence N 59°00' E. 1560 feet; thence continuing along said right-of-way line N 50°50' E. 3891.91 feet to point of beginning. (Containing approximately 938 acres.)

(5) Services Provided. The service area is hereby empowered to provide and extend the following services to the area as they are deemed necessary and desirable by the governing body thereof and as the needs for such services arise and develop, to-wit: acquisition, development, operation and maintenance of recreation facilities, which may include but are not limited to golf courses, tennis courts, playgrounds, athletic fields, swimming pools, lakes, clubhouses, and such other recreation facilities as may be owned by said service area.

(6) Board of Trustees. The Board of Commissioners of Tooele County shall initially appoint a board of trustees for said service area, consisting of 3 members to serve for terms of 2, 4 and 6 years respectively, from the first Monday in January, 1983. After the initial appointment, except for appointments made to fill unexpired terms, all trustees of the service area shall be elected to four-year terms by the qualified voters of the service area as follows:

An election shall be held on the first Wednesday in December, 1984, for the appointed trustee whose term expires the first Monday in January, 1985. Thereafter, an election shall be held each succeeding 2 years on the first Wednesday in December next preceding the expiration of the term of office of an incumbent trustee. Each trustee so subsequently elected shall serve for a term of four years and until his successor is elected. (Elections for the Board of Trustees was provided for by Ord. No. 84-7)

(7) Authority of Board of Trustees. The board of trustees of the service area shall have, and they are hereby vested with the powers, duties and responsibilities conferred upon such board by Title 17, Chapter 29, U.C.A. 1953, as amended, (redesignated as Sections 17A-2-401 through 418 by the Utah Legislature in 1990), and all laws amendatory thereof and supplemental thereto, and such as may be by law hereinafter provided.

(8) Organization of the Board of Trustees. The members of the board of trustees as initially designated herein shall meet as soon after enactment of this ordinance or is practicable, and shall organize into a board of trustees in the manner prescribed by law. Each of said trustees shall execute, record and file a corporate surety bond in the amount and in the manner prescribed by law for County Commissioners. The premiums on said bonds shall be paid for by the service area.

At the time of the first meeting of the board of trustees, each trustee shall take an oath of office and shall file the same with the County Clerk of Tooele County as required by law.

(9) Payment for Services. Payment for services that are to be provided to the service area as listed in this ordinance shall be by means of ad valorem property taxes levied upon the property of the area, or by the imposition and collection of service charges or fees from the users of the services provided, or shall be by a combination of both such taxes and charges or fees. The details of payment for such services shall be as established by the board of trustees of the service area at the time when the cost of such services can be

accurately determined, or at the time when it is determined that bonds or other obligations of the service area will be necessary to provide for the financing of the desired facilities. (Ord. 2009-08, 2/10/09; Ord. 95-19,9/12/95; Ord. 92-5, 9/1/92)

11-3-2. Stansbury Greenbelt Service Area of Tooele County.

The Stansbury Greenbelt Service Area of Tooele County was established by Ordinance 81-17 which was adopted on December 22, 1981. Ordinance 81-17 took effect upon its publication which was on December 29, 1981. Ordinance 81-17, as amended, is as follows:

(1) Establishment of a County Service Area. There is hereby created and established in the County of Tooele, State of Utah, a County service area. Said service area is ordered and declared duly formed, organized and established under and by virtue of the provisions of Title 17, Chapter 29, U.C.A 1953, as amended, (redesignated as Sections 17A-2-401 through 431 in 1990 by the Utah Legislature), and the same is hereby deemed a body corporate and politic and a quasi municipal public corporation of the County of Tooele, State of Utah.

(2) Name of Service Area. The corporate name of said service area is and shall hereafter be known as "Stansbury Greenbelt Service Area of Tooele County." (The name of this service area was changed from Tooele County Service Area No. One by Ordinance No. 84-6)

(3) Authority of Service Area. Said service area shall have and exercise through its proper officers all the power and authority conferred upon service areas by law for the purposes as herein provided.

(4) Boundaries. The boundaries of said service area and the territory included therein are commonly known as Stansbury Park and are described with particularity, definiteness and certainty as follows:

Beginning at a point at the junction of the South right-of-way line of State Highway 138 and the West right-of-way line of State Highway 36, said point of beginning lying N 62°30' E. 1650 feet more or less from the SW Corner of Section 10, Township 2 South, Range 4 West, Salt Lake Base and Meridian, thence following said West right-of-way line S 5°42' E. 4647.92 feet; thence continuing along said West right-of-way line S 11°35' W. 4491.14 feet; thence N 71°00' W. 820 feet; thence N 79°00' W 470 feet; thence N 66°00' West. 750 feet; thence N 88°00' W. 680 feet; thence N 39°00' W 870 feet; thence N 62°00' W 360 feet; thence S 79°00' W. 430 feet; thence S 56°00' W. 1020 feet; thence N 55°00' W. 1090 feet; thence N 45°00' W. 3013 feet to the South right-of-way line of State Highway 138; thence following said South right-of-way line N 59°08' E. 1740 feet; thence N 61°00' E. 710 feet; thence N 62°42' E. 1945.62 feet; thence N 59°00' E. 1560 feet; thence continuing along said right-of-way line N 50°50' E. 3891.91 feet to point of beginning. (Containing approximately 938 acres.)

(5) Services Provided. The service area is hereby empowered to provide and extend the following services to the area as they are deemed necessary and desirable by the governing body thereof and as the needs for such services arise and develop, to-wit: acquisition, development, operation and maintenance of commonly held common areas, parkways, greenbelts, maintenance of street and other public lighting, and all other similar facilities owned by said service area.

(6) Board of Trustees. The Board of Commissioners of Tooele County shall initially appoint a board of trustees for said service area, consisting of 3 members, to serve for terms of 2, 4 and 6 years respectively, from the first Monday in January, 1983. After the initial appointment, except for appointments made to fill unexpired terms, all trustees of the service area shall be elected to 6 year terms by the qualified voters of the service area as follows:

An election shall be held on the first Wednesday in December, 1984, for the appointed trustee whose term expires the first Monday in January, 1985. Thereafter, an election shall be held each succeeding two years on the first Wednesday in December next preceding the expiration of the term of office of an incumbent trustee. Each trustee so subsequently elected shall serve for a term of 6 years and until his successor is elected. (Elections for the board of trustees was provided for by Ord. No. 84-6)

(7) Authority of Board of Trustees. The board of trustees of the service area shall have, and they are hereby vested with the powers, duties and responsibilities conferred upon such board by Title 17, Chapter 29, U.C.A. 1953, as amended, (redesignated as Sections 17A-2-401 through 418 by the Utah Legislature in 1990), and all laws amendatory thereof and supplemental thereto, and such as may be by law hereinafter provided.

(8) Organization of the Board of Trustees. The members of the board of trustees as initially designated herein shall meet as soon after enactment of this ordinance as is practicable, and shall organize into a board of trustees in the manner prescribed by law. Each of said trustees shall execute, record and file a corporate surety bond in the amount and in the manner prescribed by law for County Commissioners. The premiums on said bonds shall be paid for by the service area.

At the time of the first meeting of the board of trustees, each trustee shall take an oath of office and shall file the same with the County Clerk of Tooele County as required by law.

(9) Payment for Services. Payment for services that are to be provided to the service area as listed in this ordinance shall be by means of ad valorem property taxes levied upon the property of the area, or by the imposition and collection of service charges or fees from the users of the services provided or shall be by a combination of both such taxes and charges or fees. The details of payment for such services shall be as established by the board of trustees of the service area at the time when the cost of such services can be accurately determined, or at the time when it is determined that bonds or other obligations of the service area will be necessary to provide for the financing of the desired facilities. (Ord. 95-19,9/12/95; Ord. 92-5, 9/1/92)

11-3-3. Lakepoint Cemetery and Park Service Area.

The Lakepoint Cemetery and Park Service Area was established by Tooele County Ordinance No. 93-4, which Ordinance was adopted on March 9, 1993. Ordinance 93-4 took effect upon its publication which was on March 11, 1993. Ordinance 93-4 is as follows:

(1) Establishment of the Lakepoint Cemetery and Park Service Area. There is hereby established a Special Service Area within Tooele County, Utah, to be known as the "Lakepoint Cemetery and Park Service Area." Said Service Area is ordered and declared duly formed, organized and established under and by virtue of the provisions of Utah Code Annotated, Section 17A-2-401 et seq. 1953, as amended (the "Act") and the same is hereby deemed a body corporate and politic and a quasi municipal public corporation of the County of Tooele, State of Utah.

(2) Boundaries. The corporate boundaries of the Lakepoint Cemetery and Park Service Area shall be as follows:

Beginning at the center of Section 25, Township 1 South, Range 4 West, Salt Lake Base & Meridian, and running thence South 3 miles to the center of Section 12, Township 2 South, Range 4 West; thence West 2.5 miles to the West Quarter Corner of Section 10, Township 2 South, Range 4 West; thence North 0.75 miles, more or less, to the Southerly N/A line of Interstate 80; thence Northeasterly along said N/A line 3.25 miles, more or less, to a point directly West of the point of beginning; thence East 2200 feet, more or less, to the point of beginning.

(3) Services Provided. The Lakepoint Cemetery and Park Service Area is established with all rights, powers and authority granted by law and the Act to provide within the boundaries of the service area, extended cemetery and local park services. Said services shall include authority to acquire, develop, operate and maintain cemeteries and parks. If the provision of the foregoing services shall require the issuance of bonds or the creation of long-term obligations, said services may be supplied by any means available at law as provided by the Act.

(4) Payment for Services. Payment for services that are to be provided to the service area as listed in this chapter shall be by means of ad valorem property taxes levied upon the property of the area, or by the imposition and collection of service charges or fees from the users of the services provided or shall be by a combination of both such taxes and charges or fees. The details of payment for such services shall be as established by the Board of Trustees of the service area at the time when the cost of such services can be accurately determined, or at the time when it is determined that bonds or other obligations of the service area will be necessary to provide for the financing of the desired facilities.

(5) Board of Trustees - Delegation of Authority. There is hereby created as the governing authority of the Lakepoint Cemetery and Park Service Area, a Board of Trustees which shall consist of 7 appointed persons, each of whom shall be tax payers and qualified voters of the service area. Pursuant to Utah Code Annotated, Section 17A-2-411, 1953, as amended, the Board of Trustees is hereby delegated all of the power, authority and responsibility, without limitation, that a Board of Trustees may exercise under the Act.

(6) Appointment of Board of Trustees - Terms. The Board of County Commissioners of Tooele County, Utah, shall upon passage of this Ordinance, appoint qualified individuals to serve on the Board of Trustees. Said appointments shall be made pursuant to Utah Code Annotated, Title 17A, Chapter 1, Part 3, 1953, as amended, and Tooele County's procedures for the appointment of special district board members. Members of the first Board of Trustees shall serve for 2 and 4 year terms, which terms shall end on December 31, 1994, and December 31, 1996, respectively. Initial terms shall be selected by lot and shall be apportioned so that 4 members shall serve 2 year terms and 3 members shall serve 4 year terms. Except for appointments to fill unexpired terms, subsequent appointments shall be for 4 year terms.

(7) Organization of Board of Trustees - Bonds. The County Clerk shall advise the initial Board of Trustees of their appointment. Within a reasonable period of time, the Trustees shall take the oath of office, give a bond in the sum of $5,000 and elect one of their

members as Chairman. The Board of Trustees shall also appoint a Clerk and Treasurer or Clerk/Treasurer and appoint such other officers as may be deemed necessary. (Ord. 95-19,9/12/95; Ord. 93-4, 3/11/93)

CHAPTER 4

MOSQUITO ABATEMENT DISTRICT

Section
11-4-1. Tooele Valley Mosquito Abatement District.

11-4-1. Tooele Valley Mosquito Abatement District.
The Tooele Valley Mosquito Abatement District was established by Resolution No. 76-10 which was approved by the Tooele County Commission on April 13, 1976. This district includes parts of northern Tooele Valley. This district was established to control mosquitoes and other insects within the district pursuant to Section 17A-2-901 through 17A-2-914, U.C.A. 1953, as amended. (Resolution No. 76-10 is for reference attached to this code as Appendix Five) (Ord. 95-19,9/12/95; Ord. 92-5, 9/1/92)

CHAPTER 5

IMPROVEMENT DISTRICTS

Section
11-5-1. Improvement districts.

11-5-1. Improvement districts.
The following Improvement Districts have been established by resolution of the County Commission pursuant to Chapter 6, Title 17, U.C.A. 1953, as amended. (Redesignated 17A-2-301 through 17A-2-336, by the Utah Legislature in 1990)

(1) Stansbury Park Improvement District. The Stansbury Park Improvement District was established in 1971 by a Resolution of the Tooele County Commission. This district was established to provide water and sewer services in the unincorporated area of Tooele County known as Stansbury Park.

(2) West Erda Improvement District. The West Erda Improvement District was established by Resolution No. 82-4 which was approved on December 14, 1982. This district was established to provide water, sewer and other services to most of the Golden Gardens Subdivision located in the unincorporated area of Tooele County known as West Erda. (Resolution 82-4 is attached for reference to this Code as Appendix Six)

(3) Lakepoint Improvement District. The Lakepoint Improvement District was established by a Resolution of the Tooele County Commission approved on the 7th day of October, 1975. This district was established to acquire and maintain sewer facilities in the unincorporated area of Tooele County known as Lakepoint. (The 10-7-75 Resolution is for reference attached to this code as Appendix Seven) (Ord. 95-19,9/12/95; Ord. 92-5, 9/1/92)

CHAPTER 6

CONSERVANCY DISTRICT

Section
11-6-1. Rush Valley Water Conservancy District.

11-6-1. Rush Valley Water Conservancy District.
The Rush Valley Water Conservancy District was organized, established and incorporated by the Third District Court in and for Tooele County, State of Utah, on January 31, 1984, pursuant to Chapter 9, of Title 73, U.C.A. 1953, as amended. (Redesignated 17A-2-1401 through 17A-2-1454, by the Utah Legislature in 1990.) The district was established to provide water and related services to the unincorporated area of Tooele County known as Rush Valley and including the cities and towns of Stockton, Ophir, Rush Valley and Vernon. The Tooele County Commission appoints this district's directors pursuant to Section 17A-2-1409 U.C.A. 1953, as amended. (The Court Order establishing this district is for reference attached as Appendix Eight) (Ord. 95-19,9/12/95; Ord. 92-5, 9/1/92)

CHAPTER 7

COUNTY HEALTH DEPARTMENT

Section
11-7-1. Tooele County Health Department.

11-7-1. Tooele County Health Department.
The Tooele County Health Department was established by Ordinance No. 82-2, which was adopted on February 9, 1982, and took effect on February 24, 1982. Ordinance No. 82-2, was amended at the time of the adoption of this code to incorporate changes made by the Utah Legislature in 1991 (SB No. 58) and is as follows:

(1) Establishment of a Local Health Department. There is hereby established a Tooele County Health Department, pursuant to the 1981 enactment of Section 26-24-4 of the Utah Code. (Redesignated as Sections

26A-1-101 through 124 in 1991 by the Utah Legislature.)

(2) Repeal of Conflicting Ordinances. All other ordinances or parts of ordinances in conflict with any provision of this ordinance are hereby repealed.

(3) Assistance for Municipalities. The governing body of each municipality within Tooele County shall be provided the opportunity to contract with the Tooele County Health Department for the provision of health services offered by the department.

(4) Jurisdiction. The Tooele County Health Department shall have jurisdiction through the unincorporated and incorporated areas of Tooele County and shall enforce State health laws, rules, regulations and standards.

(5) Board of Health.

(a) The Tooele County Health Department shall have a board of health. Members of the board of health shall consist of at least 5 persons, and not more than 12 persons. The members of such board shall consist of the Tooele County Human Services Advisory Board, which shall not exceed 7 persons, 1 person representing the Tooele County Commission, as determined by that board; 1 representative from Tooele City, as appointed by the Tooele City Council; 1 representative from Grantsville City, as appointed by the Grantsville City Council; and 1 person shall be selected to represent the other incorporated municipalities located within Tooele County. Said representative of the other incorporated municipalities located within Tooele County shall be selected by a vote of the mayors of said municipalities. If said mayors are unable or unwilling to select a representative to sit as a member of the board of health, the Tooele County Commission shall appoint a mayor from one of said municipalities as their designated board member. An employee of the Tooele County Health Department may not be a member of the board of health.

(b) If an elected official is appointed a member of the board of health, the expiration of said official's elective term of office shall serve to terminate that person's term on the board.

(c) To the degree possible of the initial board, one-fifth shall serve a term of 1 year; one-fifth shall serve a term of 2 years; one-fifth shall serve a term of 3 years; one-fifth shall serve a term of 4 years; and one-fifth shall serve a term of 5 years. All subsequent appointments shall be for terms of 5 years and shall be made, to the degree possible, so that one-fifth of the terms of office of those serving on the board expire each year. Members appointed to fill vacancies shall hold office until expiration of the terms of their predecessors.

(d) All members of the board shall reside within Tooele County. A majority of the members may not be primarily engaged in the provision of health care to individuals or in the administration of facilities or institutions in which health care is provided and shall not hold a fiduciary position, or have a fiduciary interest in any entity involved in the provision of health care, and shall not receive, either directly or through a spouse, more than one-tenth of the member's gross income from any entity or activity relating to health care. A majority of board members may not be members of one type of business or profession.

(e) The board shall at its organizational meeting elect from its members a chairman and a vice-chairman and secretary. The health officer of the local health department may serve as secretary to the board.

(f) Regular meetings of the board shall be held not less than once every 3 months. Special meetings may be called by the chairman, the health officer, or a majority of the members, at any time on 3 days' notice by mail, or in case of emergency, as soon as possible after the members of the board have been notified. A board may adopt and amend bylaws for the transaction of its business. A majority of the members of the board shall constitute a quorum. All meetings shall be presumed to have been duly called and regularly held, and all orders and proceedings authorized unless the contrary is proved.

(g) The board shall annually report the operations of the local health department to the local governing bodies contributing funds to the local health department.

(h) The board shall annually send a copy of the local health department's approved budget to the State Department of Health and all local governing bodies that contribute funds to the local health department. The report shall be submitted no later than 30 days after the beginning of the local health department's fiscal year.

(6) The Health Officer.

(a) The board shall appoint a local health officer and determine the officer's compensation, subject to ratification by the local governing bodies that contribute funds to the local health department.

(b) The board shall determine the general policies to be followed in administration of the local health department. The board shall adopt

written procedures to carry out the provisions of this section.

(c) The local health officer shall:

(i) have the qualifications of training and experience for that office equivalent to those approved by the State Department of Health for local health officers;

(ii) be the administrative and executive officer of the local health department and devote full time to the duties of the office;

(iii) if provisions have been made with the department, act as the local registrar of vital statistics within the local health department's boundaries without additional compensation or payment of fees as provided by law;

(iv) prepare an annual budget and present it to the board for approval prior to the beginning of each fiscal year unless an extension is approved by the board; and

(v) prepare an annual report and provide it to the board, the State Department of Health and all local governing bodies contributing funds to the local health department.

(d) The report under subsection (c)(v) shall contain a copy of the independent financial audit required under Section 26A-1-115, U.C.A. 1953, a description of the population served by the local health department, and other information as requested and approved by the board.

(e) In the absence or disability of the local health officer, or if there is a vacancy in that office, the board shall appoint an acting health officer for a temporary period not to exceed 1 year.

(f) The board may remove the local health officer for cause. A hearing shall be granted if requested by the local health officer.

(7) Appointment of Personnel.

(a) All local health department personnel shall be hired by the local health officer or his designee in accordance with the personnel policies of the local health department. The personnel shall have qualifications for their positions equivalent to those approved for comparable positions in the State Department of Health.

(b) A personnel compensation plan shall be approved by the board.

(c) Local health departments shall develop personnel policies based on a merit system and shall submit the policies to the board for approval. If the board does not approve the policies, the board may adopt the personnel policies of the county in which the local health department headquarters are located.

(d) Subject to the local merit system, employees of the local health department may be removed by the local health officer for cause. A hearing by the board shall be granted if requested by the employee or shall be handled pursuant to the County personnel policies if the County policies have been adopted by the board.

(8) Inspections.

(a) Upon presenting proper identification, authorized representatives of local health departments may enter upon the premises of properties regulated by local health departments to perform routine inspections to insure compliance with rules, standards, regulations, and ordinances as adopted by the State Department of Health, local boards of health, local governing bodies participating in the local health department or the Division of Occupational and Professional Licensing under Section 58-56-4, U.C.A, 1953.

(b) Section 58-56-9, U.C.A., 1953, does not apply to health inspectors acting under this section.

(c) This section does not authorize the local health department to inspect private dwellings.

(9) Mandatory Duties of the Tooele County Health Department. The Tooele County Health Department shall:

(a) establish programs or measures to promote and protect the health and general wellness of the people within the boundaries of the local health department;

(b) investigate infectious and other diseases of public health importance and implement measures to control the causes of epidemic and communicable diseases and other conditions significantly affecting the public health; and

(c) cooperate with the State Department of Health in matters pertaining to the public health and in the administration of state health laws.

(10) Discretionary Powers and Duties of the Tooele County Health Department. The Tooele County Health Department may:

(a) enforce state laws, local ordinances, department rules, and local health department standards and regulations relating to public health and sanitation, including the Uniform Plumbing Code established by Section 58-56-4, U.C.A., 1953;

(b) establish, maintain, and enforce isolation and quarantine, and exercise physical control over property and over individuals as the local health department finds necessary for the protection of the public health;

(c) establish and maintain medical environmental, occupational, and other laboratory

services considered necessary or proper for the protection of the public health;

(d) establish and operate reasonable health programs or measures not in conflict with state law that:

(i) are necessary or desirable for the promotion or protection of the public health and the control of disease; or

(ii) may be necessary to ameliorate the major risk factors associated with the major causes of injury, sickness, death, and disability in the state;

(e) close theaters, schools, and other public places and prohibit gatherings of people when necessary to protect the public health;

(f) abate nuisances or eliminate sources of filth and infectious and communicable diseases affecting the public health and bill the owner or other person in charge of the premises upon which this nuisance occurs for the cost of abatement;

(g) make necessary sanitary and health investigations and inspections on its own initiative or in cooperation with the department as to any matters affecting the public health;

(h) (i) establish and collect appropriate fees;

(ii) accept, use, and administer all federal, state, or private donations or grants of funds, property, services, or materials for public health purposes; and

(iii) make agreements not in conflict with State law that are conditional to receiving a donation or grant;

(i) prepare, publish, and disseminate information necessary to inform and advise the public concerning:

(i) the health and wellness of the population, specific hazards, and risk factors that may adversely affect the health and wellness of the population; and

(ii) specific activities individuals and institutions can engage in to promote and protect the health and wellness of the population;

(j) investigate the causes of morbidity and mortality;

(k) issue notices and orders necessary to carry out this part; and

(l) conduct studies to identify injury problems, establish injury control systems, develop standards for the correction and prevention of future occurrences, and provide public information and instruction to special high risk groups.

(11) Schools. The Tooele County Health Department shall perform the following duties regarding public and private schools within its boundaries:

(a) Enforce all ordinances, standards, and regulations pertaining to the public health of persons attending public and private schools.

(b) Exclude from school attendance any person, including teachers, who is suffering from any communicable or infectious disease, whether acute or chronic, if the person is likely to convey the disease to those in attendance.

(c) (i) Make regular inspections of the health related condition of all school buildings and premises.

(ii) Report the inspections on forms furnished by the State Department of Health to those responsible for the condition and provide instructions for correction of any conditions that impair or endanger the health or life of those attending the schools.

(iii) Provide a copy of the report to the State Department of Health at the time the report is made.

(d) If those responsible for the health-related condition of the school buildings and premises do not carry out all instructions for corrections provided in a report in subsection (ii)(c), the local health board shall cause the conditions to be corrected at the expense of the persons responsible.

(e) The local health department may exercise incidental authority as necessary to carry out the provisions and purposes of this part.

(12) Apportionment of Costs.

(a) (i) The cost of establishing and maintaining a local health department may be apportioned among the participating municipalities and counties on the basis of population in proportion to the total population of all municipalities and counties within the boundaries of the local health department, or upon other bases agreeable to the participating counties and municipalities. Money available from fees, contracts, surpluses, grants, and donations may also be used to establish and maintain local health departments.

(ii) As used in this subsection, "population" means population estimates prepared by the Office of Planning and Budget.

(b) The cost of providing, equipping, and maintaining suitable offices and facilities for the Tooele County Health Department is the responsibility of the participating governing bodies.

(c) Local health departments that comply with all department rules and secure advance approval of proposed service boundaries from the State Department of Health may by contract receive funds under Section 26A-1-116, U.C.A., 1953, from the State Department of Health to provide specific public health services.

(d) Contract funds distributed under Subsection (12)(c) shall be in accordance with Section 26A-1-116, U.C.A., 1953, and policies and procedures adopted by the department.

(e) State Department of Health rules shall require that contract funds be used for public health services and not replace other funds used for local public health services.

(f) All state funds distributed by contract from the department to local health departments for public health services shall be matched by those local health departments at a percentage determined by the department in consultation with other local health departments.

(g) (i) Each local health department shall cause an annual financial and compliance audit to be made of its operations by a certified public accountant. The audit may be conducted as part of an annual county government audit of the county where the local health department headquarters are located.

(ii) The local health department shall provide a copy of the audit report to the State Department of Health and the local governing bodies that contribute funds to the local health department.

(13) Funding.

(a) Municipalities or counties involved in the establishment and operation of local health departments shall fund the health departments with appropriations from the General Fund or from the levy of a tax, or in part by an appropriation and in part by a levy under Section 17-5-62, U.C.A., 1953.

(b) A local health department may be funded as provided by law from local, state, and federal funds within local levy ceilings, or through a separate ceiling exempt tax under Section 59-2-911, U.C.A., 1953, which may not exceed .0004 per dollar of taxable value of taxable property, or in part by each. Local funds from either tax source shall be appropriated by the local governing authorities participating in the local health department.

(14) Treasurer.

(a) The Tooele County Treasurer shall serve as treasurer of the Tooele County Health Department.

(b) The official bond of the County Treasurer shall extend to and cover the duties as treasurer of the County Health Department.

(c) The treasurer of the local health department shall, on organization of the department, create a health department fund to which shall be credited any monies appropriated or otherwise made available by the participating county, cities, or other local political subdivision and any monies received from the state, federal government, or from surpluses, grants, fees or donations for local health purposes. Any monies credited to this fund shall be expended only for maintenance and operation of the Tooele County Health Department and claims or demands against the fund shall be allowed on certification by the health officer or other employee of the Tooele County Health Department designated by the board.

(15) Standards and Regulations of the Board of Health.

(a) The local board of health may adopt standards and regulations, not in conflict with rules of the department, and necessary for the promotion of public health, environmental health quality, injury control and the prevention of outbreaks and spread of communicable and infectious diseases. The standards and regulations shall supersede existing local regulations and ordinances pertaining to similar subject matter.

(b) The board shall provide public hearings prior to the adoption of any regulation or standard. Notice of any public hearing shall be published at least twice throughout the County.

(c) The hearings may be conducted by the board at a regular or special meeting, or the board may appoint hearing officers who may conduct hearings in the name of the board at a designated time and place. A record or summary of the proceedings of any hearing shall be taken and filed with the board.

(d) The standards and regulations adopted by the board shall supersede existing local standards, regulations and ordinances pertaining to similar subject matter.

(e) Any person aggrieved by any action or inaction of the local health department shall have an opportunity for a hearing with the health officer or a designated representative of the health department. The board shall grant a subsequent hearing to the person upon his request in writing.

(f) Judicial review of a final determination of the board may be secured by any person adversely affected, or by the State Department of Health, by

filing a petition in the district court within 30 days after receipt of notice of the board's final determination. The petition shall be served upon a member of the board and shall state the grounds upon which review is sought. The board, in its answer, shall certify and file with the court all documents and papers and a transcript of all testimony taken in the matter, together with its findings of fact, conclusions of law, and order. The appellant and the board shall be parties to the appeal. The State Department of Health may become a party by intervention as in a civil action upon showing cause.

(g) A further appeal may be taken to the Court of Appeals under Section 78-2a-3, U.C.A., 1953.

(16) Violation and Penalties.

(a) It is unlawful for any person, association, or corporation, and the officers of the association or corporation to:

(i) violate state laws or any lawful notice, order, standard, rule or regulation issued under state laws or local ordinances regarding public health or sanitation;

(ii) violate, disobey or disregard any notice or order issued by the Tooele County Health Department pursuant to any state or federal law, local ordinance, rule, standard or regulation relating to public health or sanitation;

(iii) fail to make or file reports required by law relating to the existence of disease or other facts and statistics relating to the public health;

(iv) willfully and falsely make or alter any certificate or certified copy issued under public health laws;

(v) fail to remove or abate from private property under the control of the person, association or corporation at their own expense any nuisance, source of filth, cause of sickness, dead animal, health hazard, or sanitation violation within the boundaries of the local health department whether the person, association, or corporation is the owner, tenant or occupant of the private property; or

(vi) pay, give, present or otherwise convey to any local health officer or employee of the board of health any gift, remuneration, or other consideration, directly or indirectly, which the officer or employee is prohibited from receiving by this section.

(b) Removal or abatement under subsection (16)(a)(v) shall be ordered by the local health department and accomplished within a reasonable time determined by the local health department, but not exceeding 30 days after issuance of an order to remove or abate.

(c) It is unlawful for any local health officer or employee of the Tooele County Health Department or member of the board of health to accept any gift, remuneration, or other consideration, directly or indirectly, for the performance of the duties imposed upon the officer, employee or member by or on behalf of the health department or by this part.

(d) It is unlawful for any local health officer or employee of the Tooele County Health Department during the hours of the officer's or employee's regular employment by the department, to perform any work, labor, or services other than duties assigned to the officer or employee by or on behalf of the health department.

(e) (i) Any person, association, corporation or the officers of the association or corporation who violates any provision of this section is,

(1) on the first violation guilty of a class B misdemeanor; and

(2) on a subsequent similar violation within 2 years, guilty of a class A misdemeanor.

(ii) In addition, the person, association, corporation, or the officers of the association or corporation, are liable for any expense incurred in removing or abating any nuisance, source of filth, cause of sickness, dead animal, health hazard, or sanitation violation.

(f) Conviction under this section or any other public health law does relieve the person convicted from civil liability for any act that was also a violation of the public health laws.

(g) Each day of violation of this section is a separate violation. (Ord. 95-19,9/12/95; Ord. 92-5, 9/1/92)

CHAPTER 8

MUNICIPAL BUILDING AUTHORITY

Section
11-8-1. Municipal Building Authority of Tooele County, Utah.

11-8-1. Municipal Building Authority of Tooele County, Utah.

The Municipal Building Authority of Tooele County, Utah, was established by Resolution No. 89-2, which was approved by the Tooele County Commission on the 14th day of February, 1989. This building authority was established pursuant to the Utah Municipal Building Authority Act (redesignated in 1990 as §17a-3-901 through 918) for the purpose of accomplishing the public purposes for which Tooele County exists by acquiring, improving, or extending public improvements, facilities or properties and appurtenances to them and financing their costs on behalf of the County. (Resolution 89-2 is for reference attached to this code as Appendix Nine.) (Ord. 95-19,9/12/95; Ord. 92-5, 9/1/92)

CHAPTER 9

TOWNSHIP PLANNING DISTRICTS

Section
11-9-1. Creation of township planning districts.

11-9-1. Creation of township planning districts.

(1) The Erda and Pine Canyon townships, which were formed before February 27, 1997, under Chapter 308, Laws of Utah 1996, are reconstituted as township planning districts with the same boundaries and the same names.

(2) New township planning districts may be formed so long as they comply with Section 17-27-200.5 of the Utah Code and have the approval of the board of county commissioners. (Ord. 97-10, 6/5/97)

CHAPTER 10

REDEVELOPMENT AGENCY

Section
11-10-1. Agency established.
11-10-2. Governing body.
11-10-3. Powers.

11-10-1. Agency established.

Pursuant to Utah Code Ann. Subsection 17B-4-201(1) of the Utah Redevelopment Agencies Act, Tooele County hereby creates and establishes the Redevelopment Agency of Tooele County and directs that the requirements of Subsections 17B-4-201(2) and (3) be complied with to finalize the creation and establishment of the Agency pursuant to law. (Ord. 2002-23, 9/17/02)

11-10-2. Governing body.

Pursuant to Utah Code Ann. Section 17B-4-203, the governing body of the Redevelopment Agency of Tooele County shall be a board consisting of the current members of the legislative body that created the Agency, namely, the members of the County Commission of Tooele County. (Ord. 2002-23, 9/17/02)

11-10-3. Powers.

The Redevelopment Agency of Tooele County is authorized to enter into agreements generally in connection with redevelopment, economic development and education housing development matters and shall have the power to transact the business of a redevelopment agency and also to exercise all the powers, rights, duties and privileges set forth and provided for in the Utah Redevelopment Agencies Act, Utah Code Annotated 1953, 17B-4-101, et seq., and any successor or replacement law or act, and as the same may from time to time be amended. All other provisions of applicable Utah State law, as the same may from time to time be amended, are hereby adopted by this reference as if fully set forth herein. (Ord. 2002-23, 9/17/02)

TITLE 12

RESERVED

TITLE 13

SUBDIVISIONS

Chapter

1. **General.**
2. **Subdivision Application Procedure.**
3. **Minor Subdivisions.**
4. **Standard Subdivisions.**
5. **Major Subdivisions.**
6. **Planned Unit Development Subdivisions. (Repealed)**
7. **Design Standards.**
8. **Conservation Subdivisions.**
9. **Financial Assurance.**
10. **Vacation, Alteration, and Amendment of Subdivision Plats.**

CHAPTER 1

GENERAL

Section

13-1-1. Short title.
13-1-2. Purpose.
13-1-3. Definitions.
13-1-4. Notice.
13-1-5. Penalties.
13-1-6. Creation of substandard lots prohibited.
13-1-7. Protection of land in an agriculture protection area.
13-1-8. Notice of shooting range area.
13-1-9. Plats required.
13-1-10. Agricultural partitions.
13-1-11. Condominium projects.

13-1-1. Short title.

This title is known as the "Subdivision Ordinance of Tooele County, Utah." (Ord. 2005-21, 9/6/05)

13-1-2. Purpose.

The purpose of this title is to provide policies, standards, requirements, and procedures to regulate and control the design and improvement of all subdivisions; ensure that all subdivisions are consistent with the general plan and applicable specific plans; and to ensure that land is subdivided in a manner that will promote public health, safety, convenience, general welfare and the physical, social, and economic development of the area. (Ord. 2005-21, 9/6/05)

13-1-3. Definitions.

Definitions for words used in this title shall be the same as those in Utah Code Annotated 17-27a-103. (Ord. 2005-21, 9/6/05)

13-1-4. Notice.

(1) The county meets the requirements of reasonable notice for a proposed subdivision or an amendment to a subdivision by providing notice of the date, time, and place of a public hearing that is:

(a) mailed not less than seven calendar days before the public hearing and addressed to the record owner of each parcel adjoining the property; and

(b) mailed to each affected entity of a public hearing to consider a preliminary plat describing a multiple-unit residential development or a commercial or industrial development.

(2) The county shall notify the applicant by actual notice or by mail of the date, time, and place of each public hearing and public meeting to consider the application and of any final action on a pending application.

(3) For any proposal to vacate, alter, or amend a platted street, the planning commission shall hold a public hearing and shall give notice of the date, place, and time of the hearing by:

(a) mailing notice as required in Section (1)(a);

(b) mailing notice to each affected entity; and

(c) publishing notice once a week for four consecutive weeks before the hearing in a newspaper of general circulation in the county.

(4) For a proposed subdivision or an amendment to a subdivision, notice of the date, time, and place of a public hearing shall be:

(a) mailed not less than seven calendar days before the public hearing and addressed to the record owner of each parcel adjoining the property; or

(b) posted not less than three calendar days before the public hearing on the property proposed for subdivision in a visible location with a sign of sufficient size, durability, and print quality that is reasonably calculated to give notice to passers-by.

(5) Notice of a public hearing shall be mailed to each affected entity when considering a preliminary plat describing a multiple-unit residential development or a commercial or industrial development. (Reference UCA §17-27a-103, 17-27a-206, 17-27a-207, 17-27a-208; Ord. 2005-21, 9/6/05)

13-1-5. Penalties.

(1) (a) An owner of any land located in a subdivision who transfers or sells any land in that subdivision before a plat of the subdivision has been approved and recorded violates this chapter for each lot or parcel transferred or sold.

(b) The description by metes and bounds in an instrument of transfer or other documents used in the process of selling or transferring does not exempt the transaction from being a violation of Subsection (1)(a) or from the penalties or remedies provided in this chapter.

(c) Notwithstanding any other provision of this chapter, the recording of an instrument of transfer or other document used in the process of selling or transferring real property that violates this title:

(i) does not affect the validity of the instrument or other document; and

(ii) does not affect whether the property that is the subject of the instrument or other document complies with applicable county ordinances on land use and development.

(2) (a) The county may bring an action against an owner to require the property to conform to the provisions of this title.

(b) An action under this Subsection (2) may include injunction, abatement, merger of title, or any other appropriate action or proceeding to prevent, enjoin, or abate the violation.

(c) The county need only establish the violation to obtain the injunction.

(3) The county may assess civil penalties for violation of any of the provisions of this title.

(4) Violation of any of the provisions of this title is punishable as a class C misdemeanor upon conviction either:

(a) as a class C misdemeanor; or

(b) by imposing the appropriate civil penalty adopted. (Reference UCA §17-27a-611; Ord. 2005-21, 9/6/05)

13-1-6. Creation of substandard lots prohibited.

No lot shall be created that does not conform to the requirements of this title and the zoning district in which it is located. (Ord. 2005-21, 9/6/05)

13-1-7. Protection of land in an agriculture protection area.

For any subdivision located in whole or in part within 300 feet of the boundary of an agriculture protection area, the owner of the subdivision shall provide on any plat filed with the county recorder the following notice:

Agriculture Protection Area

This property is located in the vicinity of an established agriculture protection area in which normal agricultural uses and activities have been afforded the highest priority use status. It can be anticipated that such agricultural uses and activities may now or in the future be conducted on property included in the agriculture protection area. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience which may result from such normal agricultural uses and activities. (Reference UCA §17-41-403; Ord. 2005-21, 9/6/05)

13-1-8. Notice of shooting range area.

For any subdivision located in whole or in part within 1,000 feet of the boundary of any shooting range that was established, constructed, or operated prior to the subdivision, the owner of the subdivision shall provide on any plat filed with the county recorder the following notice:

Shooting Range Area

This property is located in the vicinity of an established shooting range. It can be anticipated that customary uses and activities at this shooting range will be conducted now and in the future. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience which may result from these uses and activities. (Reference UCA §47-3-3; Ord. 2005-21, 9/6/05)

13-1-9. Plats required.

(1) Unless exempt or not included in the definition of a subdivision, whenever any lands are divided, the owner of those lands shall have an accurate plat made of them that sets forth and describes:

(a) all the parcels of ground divided, by their boundaries, course, and extent, and whether they are intended for streets or other public uses, together with any areas that are reserved for public purposes; and

(b) the lot or unit reference, the block or building reference, the road or site address, the road name or coordinate address, the acreage or square footage for all parcels, units, or lots, and the length and width of the blocks and lots intended for sale.

(2) (a) The owner of the land shall acknowledge the plat before an officer authorized by law to take the acknowledgment of conveyances of real estate.

(b) The surveyor making the plat shall certify it.

(c) The land use authority may approve the plat as provided in this title. Before the land use authority may approve a plat, the owner of the land shall provide the land use authority with a tax clearance indicating that all taxes, interest, and penalties owing on the land have been paid.

(3) After the plat has been acknowledged, certified, and approved, the plat shall be kept in the department of engineering until the owner of the land shall file and record it in the county recorder's office. (Reference UCA §17-27a-603; Ord. 2005-21, 9/6/05)

13-1-10. Agricultural partitions.

(1) A lot or parcel resulting from a division of agricultural land is exempt from the plat requirements of this title if the lot or parcel:

(a) qualifies as land in agricultural use under Title 59, Chapter 2, Part 5, Farmland Assessment Act;

(b) meets the minimum size requirement of applicable zoning ordinances; and

(c) is not used and will not be used for any nonagricultural purpose.

(2) The boundaries of each lot or parcel exempted under Subsection (1)(a) shall be graphically illustrated on a record of survey map that, after receiving the same approvals as are required for a plat under this title, shall be recorded with the county recorder.

(3) If a lot or parcel exempted under Subsection (1)(a) is used for a nonagricultural purpose, the lot or parcel shall comply with the requirements of the subdivision plat provisions of this title. (Reference UCA §17-27a-603; Ord. 2005-21, 9/6/05)

13-1-11. Condominium projects.

(1) Condominium projects shall be considered a subdivision.

(2) Condominium projects shall comply with all provisions of the Tooele County Land Use Ordinance.

(3) Condominium plats shall follow the same approval process and provide the same application materials as a Standard Subdivision as outlined in this Title. Each additional condominium plat within an identified expandable or contractual condominium shall follow the final plat approval process.

(4) The Planning Commission shall also review and approve all declaration documents. (Ord. 2010-17, 8/24/10)

CHAPTER 2

SUBDIVISION APPLICATION PROCEDURE

Section

13-2-1. Diligence.
13-2-2. Application procedure.
13-2-3. Concept plan requirements.
13-2-4. Preliminary plat requirements.
13-2-5. Infrastructure design and engineering drawings requirements.
13-2-6. Final plat requirements.

13-2-1. Diligence.

Each development shall be actively pursued to completion. Any application that exceeds the time limits stated in this title will be deemed null and void and all vested rights shall be waived by the subdivider for that development. An application shall be null and void and all vested rights waived by the subdivider for that development if they do not complete a stage or they fail to make a progress report to the planning commission within 180 days. Any extension must be requested prior to the expiration of the original approval. Should an application become void, the applicant must reapply at the first stage for that level of development. (Ord. 2005-21, 9/6/05)

13-2-2. Application procedure.

(1) Each application for a subdivision shall have all required submittals before it is accepted as a complete application. No application for the next stage shall be accepted until such time that the planning commission has approved the application for the stage of the development currently under consideration.

(2) There shall be no presumption of approval of any aspect of the process.

(3) No application shall be accepted for any approval stage if the time limit has expired on the previous approval stage.

(4) The planning commission or zoning administrator, in the case of a minor subdivision, may request specific information found to be incomplete in its review and table further action until the information is submitted.

(5) A denial shall include written findings of fact and decision. Denial may be based, in addition to other reasons of good cause, upon incompatibility with the general plan, lack of a culinary water supply, insufficient fire suppression system, geological concerns, location, incompatibility with surrounding land uses, the inability of county service or utility providers to provide public services, or the adverse effect on the health, safety, and general welfare of the county and it's residents.

(6) Appeals of the decision of the zoning administrator in consideration of a minor subdivision shall be made to the appropriate planning commission. Appeals from the decision of a planning commission on any subdivision shall be made to the county commission. The applicant or any other person or entity adversely affected by a decision administering or interpreting a land use ordinance may appeal that decision to the administrative hearing officer in accordance with Section 4-8-3 of the Tooele County Code. (Ord. 2006-08, 2/21/06; Ord. 2005-21, 9/6/05)

13-2-3. Concept plan requirements.

The concept plan shall show:

(1) the general location of the subdivision, the property boundaries, and adjoining properties with ownership;

(2) lot and road layout indicating general scaled dimensions;

(3) county, township, range, section, quarter section, blocks, the number of lots, and true north;

(4) a vicinity map showing significant natural and man-made features on the site;

(5) the acreage of the entire tract and the acreage of the portion to be developed;

(6) the area for which approval will be requested for the first phase of development except for minor and standard subdivisions;

(7) an area plan showing the total area on a single sheet for subdivisions requiring more than one sheet at the required scale;

(8) the sites, if any, for multi-family dwellings, shopping centers, community facilities, industry, or other uses exclusive of single-family dwellings;

(9) total development area and the number of proposed dwelling units;

(10) easements and rights-of-way;

(11) the name of the subdivision limited to 40 characters including spaces as approved by the county recorder;

(12) parcels of land that are to be dedicated for schools, roads, parks, or other public purposes; and

(13) an approval signature block for the planning commission chair. (Ord. 2005-21, 9/6/05)

13-2-4. Preliminary plat requirements.

(1) The design stage preliminary plat shall be prepared and certification made as to its accuracy by a registered land surveyor who holds a license in accordance with Title 58, Chapter 22, Professional Engineers and Land Surveyors Licensing Act, has completed a survey of the property described on the plat in accordance with Section 17-23-17, has verified all measurements and monumented any unmarked property corners, and has made reference to the filing number for the Record of Survey map filed with the Tooele County Surveyor's Office.

(2) Every detail of the plat shall be legible. A poorly-drawn or illegible plat shall be cause for its denial.

(3) A traverse shall not have an error of closure greater than one part in 10,000.

(4) Each plat shall show:

(a) the general location of the subdivision and adjoining properties with ownership;

(b) all deed lines of the subject and adjoining properties and lines of occupation such as fence lines;

(c) the 100 foot radius wellhead protection zone on all existing wells within and outside of the subdivision where the protection zone falls within the boundary of the subdivision;

(d) bearing and distance tie-in to the historic and dependant survey and at least one established monument, and if no historic monument can be located, it must be so stated upon the plat;

(e) county, township, range, section, quarter section blocks, plats, and true north;

(f) graphic scale of the plat;

(g) existing ground contours at 20-foot intervals;

(h) the name of the subdivision limited to 40 characters including spaces as approved by the county recorder;

(i) the amount of water allocated to each lot in acre feet if the subdivision does not have a public water system connection; and

(j) approval signature blocks for:

(i) any improvement, service, and special districts where all or part of the development is located;

(ii) the county engineer;

(iii) the county planner; and

(iv) the planning commission chair.

(5) The bearings, distances, and curve data of all perimeter boundary lines shall be indicated outside the boundary line. When the plat is bounded by an irregular shore line or a body of water, the bearings and distances of a closing meander traverse should be given and a notation made that the plat includes all land to the water's high level mark.

(6) If a plat is revised, a copy of the old plat shall be provided for comparison purposes.

(7) All blocks and lots within each block shall be consecutively numbered. Addresses shall be issued by the department of engineering and shall be shown on the plat with the corresponding lot number.

(8) For all curves in the plat, sufficient data shall be given to enable the re-establishment of the curves on the ground. The curve data shall include the radius, central angle, cord bearing and distance, tangent, and arc length.

(9) Excepted parcels shall be marked, "Not included in this subdivision."

(10) All public lands shall be clearly identified.

(11) All public roads shall be clearly marked as "dedicated public road."

(12) All private roads shall be clearly marked as "private road."

(13) All roads shall be identified by names approved by the department of engineering.

(14) All easements shall be designated as such and dimensions given.

(15) All lands within the boundaries of the subdivision shall be accounted for, either as lots, walkways, streets, or as excepted parcels.

(16) Bearings and dimensions shall be given for all lot lines and easements, except that bearings and lengths need not be given for interior lot lines where the bearings and lengths are the same as those of both end lot lines.

(17) Parcels not contiguous shall not be included in one plat, neither shall more than one plat be made on the same sheet. Contiguous parcels owned by different parties may be embraced in one plat, provided that all owners join in the dedication and acknowledgments.

(18) Lengths shall be shown to hundredths of a foot. Angles and bearings shall be shown to seconds of arc.

(19) Surveys shall tie into the state grid or other permanent marker established by the county surveyor and shall give a description, the name, and the date on survey monuments found.

(20) The plat shall be labeled "Preliminary Plat."

(21) The surveyor shall provide remainder descriptions for all property from the original parcel or lot that is not included in the subdivision. (Ref UCA §17-27a-603; Ord. 2006-08, 2/21/06; Ord. 2005-21, 9/6/05)

13-2-5. Infrastructure design and engineering drawings requirements.

(1) Infrastructure design and engineering drawings and documents shall be submitted in the design stage and shall include:

(a) plan, profile, and typical cross-section drawings of the roads, bridges, culverts, water, sewers, and drainage structures;

(b) a grading and drainage plan indicated by solid-line contours superimposed on dashed-line contours of existing topography;

(c) the general location of trees over six inches in diameter measured at four and one-half feet above the ground, and in the case of heavily-wooded areas, an indication of the outline of the wooded area and location of trees which are to remain;

(d) proposed and existing water and sewage system layouts;

(e) location of fire hydrants;

(f) proposed road layouts in dashed lines for any portion of the property to be developed in a later phase;

(g) water courses and proposed storm water drainage systems including culverts, water areas, streams, areas subject to occasional flooding, marshy areas or swamps;

(h) areas within the 100-year flood plain;

(i) soil types and soil interpretations taken from the National Cooperative Soils Survey;

(j) a signing and striping plan showing the location of all street signs, striping, and traffic control devices required by the County in accordance with the Manual of Uniform Traffic Control Devices;

(k) a signature block for the county engineer on each design and construction drawing;

(l) when the subdivision is located within the jurisdiction of a service or improvement district or area, a signature block for such service or improvement district or area;

(m) geologic maps and investigation reports regarding area suitability; and

(n) a design report stamped by a engineer licensed in the State of Utah as may be required by the planning commission or the department of engineering.

(2) All drawings shall be drawn to a scale not less than one inch equals 100 feet, and shall indicate the basis of bearings, true north, the name of the subdivision, township, range, section, and quarter section, and lot numbers of the property.

(3) Poorly-drawn or illegible design and engineering drawings shall be cause for denial.

(4) To change any aspect of the design of the off-site improvements, a new set of infrastructure design and engineer drawings shall be submitted for approval. A signed set of drawings shall be on-site at all times during construction. All construction must conform to the approved plans. (Ord. 2005-21, 9/6/05)

13-2-6. Final plat requirements.

(1) The final plat shall be prepared and certification made as to its accuracy by a registered land surveyor who holds a license in accordance with Title 58, Chapter 22, Professional Engineers and Land Surveyors Licensing Act, has completed a survey of the property described on the plat in accordance with Section 17-23-17, has verified all measurements and monumented any unmarked property corners, and has made reference to the filing number for the Record of Survey map filed with the Tooele County Surveyor's Office. The surveyor making the plat shall bond or provide to the county adequate security to place monuments as represented on the plat upon completion of the subdivision improvements.

(2) Every detail of the plat shall be legible. A poorly-drawn or illegible plat shall be cause for denial.

(3) A traverse shall not have an error of closure greater than one part in 10,000.

(4) The bearings, distances, and curve data of all perimeter boundary lines shall be indicated outside the boundary line. When the plat is bounded by an irregular shore line or a body of water, the bearings and distances of a closing meander traverse should be given and a notation made that the plat includes all land to the water's high level mark.

(5) If a plat is revised, a copy of the old plat shall be provided for comparison purposes.

(6) All blocks and lots within each block shall be consecutively numbered. Addresses shall be issued by the department of engineering and shall be shown on the plat with the corresponding lot number.

(7) For all curves in the plat, sufficient data shall be given to enable the re-establishment of the curves on the ground. The curve data shall include the radius, central angle, cord bearing and distance, tangent, and arc length.

(8) Excepted parcels shall be marked, "Not included in this subdivision."

(9) All public lands shall be clearly identified.

(10) All public roads shall be clearly marked as "dedicated public road."

(11) All private roads shall be clearly marked as "private road."

(12) All roads shall be identified by names approved by the department of engineering.

(13) All easements shall be designated as such and dimensions given.

(14) All lands within the boundaries of the subdivision shall be accounted for, either as lots, walkways, roads, or as excepted parcels.

(15) Bearings and dimensions shall be given for all lot lines, except that bearings and lengths need not be given for interior lot lines where the bearings and lengths are the same as those of both end lot lines.

(16) Parcels not contiguous shall not be included in one plat, neither shall more than one plat be made on the same sheet. Contiguous parcels owned by different parties may be embraced in one plat, provided that all owners join in the dedication and acknowledgments.

(17) Lengths shall be shown to hundredths of a foot. Angles and bearings shall be shown to seconds of arc.

(18) Surveys shall tie into the state grid or other permanent marker established by the county surveyor.

(19) The plat shall be labeled "Final Plat."

(20) The information on the final plat shall include:

(a) the name of the subdivision, true north arrow and basis thereof, and date;

(b) the owners' dedication which shall contain the language:

OWNERS' DEDICATION
AND CONSENT TO RECORD

Know all men by these presents that the undersigned are the owners of the hereon described tract of land and hereby cause the same to be divided into lots and streets together with easements as set forth hereafter to be known as (NAME OF SUBDIVISION). The undersigned owners hereby dedicate to Tooele County all those tracts of land designated on this plat as streets, the same to be used as public thoroughfares forever. The undersigned owners also hereby convey to any and all public and private utility companies a perpetual, non-exclusive easement over the public utility easements shown on this plat, the same to be used for drainage and the installation, maintenance and operation of utility service lines and facilities.

(c) names of the owner or owners including beneficial owners of record under the signature lines in the owners dedication;

(d) square footage of each lot under one acre or the lot acreage if one acre or larger;

(e) township, range, section and quarter section if a portion;

(f) graphic scale;

(g) the State plane coordinate of monuments used as a basis of bearing;

(h) survey monuments which are marked with a description, the name, and the date;

(i) the total water allocation in acre-feet for each lot;

(j) the 100-foot radius wellhead protection zone on all existing wells;

(k) signature blocks for:

(i) any improvement, service, and special districts or areas where any part of the platted property is located;

(ii) the county engineer;

(iii) the county surveyor;

(iv) the county attorney;

(v) the county health department;

(vi) the county treasurer indicating at the time of signing that the property taxes due and owing have been paid in full;

(vii) the recordation of the plat by the county recorder's office with a line for the recordation number, who it is recorded for, the date, time, and fee;

(viii) the county fire warden if there is no fire department having jurisdiction; and

(ix) the county or township planning commission chair or, in the case of a minor subdivision, the zoning administrator. (Ref UCA §17-27a-603; Ord. 2006-08, 2/21/06; Ord. 2005-21, 9/6/05)

CHAPTER 3

MINOR SUBDIVISIONS

Section

13-3-1. Definition.
13-3-2. Approval process (if not a minor subdivision created under Subsection 13-3-1(2) or Utah Code 17-27a-605).
13-3-3. Approval process for minor subdivision created under Subsection 13-3-1(2) or Utah Code 17-27a-605.

13-3-1. Definition.

(1) A minor subdivision is a division of land into no more than four lots, or

(2) Is a division of land compliant to Utah Code 17-27a-605 as follows:

(a) The parent parcel shall be at least 100 contiguous acres of agricultural land.

(b) One new lot, of at least one acre in size, may be created.

(c) It may not be within 1,000 feet of another minor subdivision created through this subsection.

(3) A minor subdivision shall not:

(a) include the construction and dedication of new infrastructure;

(b) be a part or a phase of a larger subdivision;

(c) be a further division of land within three years from subdivision approval (if not a minor subdivision under Utah Code 17-27a-605); and

(d) include commercial or industrial uses.

(4) All lots shall front on a county road or an approved private road (if not a minor subdivision under Utah Code 17-27a-605).

(5) Land may be dedicated along existing county roads to increase the right-of-way to current county standards.

(6) A minor subdivision shall be filed on a plat drawn and stamped by a licensed surveyor and shall not be created by deed alone (if not a minor subdivision under Utah Code 17-27a-605).

(7) Public utility easements shall be granted in a minor subdivision (if not a minor subdivision under Utah Code 17-27a-605). (Ord. 2010-20, 10/19/10; Ord. 2005-21, 9/6/05)

13-3-2. Approval process (if not a minor subdivision created under Subsection 13-3-1(2) or Utah Code 17-27a-605).

(1) The application for a minor subdivision shall be submitted to the department of engineering. When the staff determines that the application is complete and correct, and all signatures are on the plat, notice to all surrounding landowners giving them 14 days to give written comment, prints of the plat sent to those entities listed in (2)(c) giving them 20 days to submit comments to the engineering department, and a decision on the application shall be made within seven days after the comments are to be received, by the zoning administrator. The zoning administrator shall take written public comment and review the application. If the Mylar needs to be corrected, the zoning administrator shall postpone a decision until the plat is corrected. The zoning administrator shall then approve or deny the application.

(2) A minor subdivision application shall include:

(a) the application form;

(b) one 24" X 36" final plat on Mylar drawn by a surveyor licensed in the state of Utah;

(c) seven 24" X 36" prints of the plat, for distribution to:

(i) department of engineering, one copy;

(ii) the county health department;

(iii) Tooele County School District;

(iv) the soil conservation district within which the subdivision is located;

(v) the county recorder

(vi) the county surveyor; and

(vii) the county fire warden.

(d) an additional 8½" X 11" copy of the plat in each of the following circumstances:

(i) when a proposed subdivision lies wholly or partially within one mile of the corporate limits of a municipality;

(ii) when the subdivision is located wholly or partially within the boundary of an improvement or special district or area;

(iii) when applicable for review by any State or Federal agency;

(iv) for each servicing utility;

(v) for the Utah State Department of Transportation if the property being subdivided abuts a state highway; and

(vi) when the subdivision is located wholly or partially within the boundary of a township planning commission district.

(e) proof of ownership demonstrated by two copies of a title report and vesting documents of conveyance completed within the previous six months;

(f) utility approval forms;

(g) evidence of water rights for all lots;

(h) a letter showing a completed Tooele County Health Department Subdivision Feasibility Study deeming the project feasible;

(i) names and addresses of the owners of all properties adjoining the proposed subdivision;

(j) a plat map from the county recorder's office showing the property and all adjoining properties around it;

(k) approval of the subdivision name, limited to 40 characters including spaces, from the county recorder's office;

(l) geologic technical maps and investigation reports regarding area suitability when land configurations dictate lot configuration and buildable space;

(m) if the applicant is not the owner of record, a notarized statement that the applicant has been authorized by the owner to make application;

(n) a letter from the local fire district, or the sheriff if not located within a fire district, acknowledging fire protection can and will be provided to the subdivision;

(o) the plat submitted on a computer disk in a format compatible with AutoCAD version 11 or later; and

(p) any unpaid fees owed to Tooele County for development of land, code enforcement, or building permits.

(3) All signature blocks except for the zoning administrator's block shall be signed by each approving authority before the plat is taken to the public hearing.

(4) Should the zoning administrator's decision be to approve the plat, the zoning administrator then shall sign the plat. The plat shall be recorded within 30 days or it shall be void. (Ref UCA §17-27a-103, 17-27a-207, 17-27a-603, 17-27a-604; Ord. 2010-20, 10/19/10; Ord. 2006-08, 2/21/06; Ord. 2005-21, 9/6/05)

13-3-3. Approval process for minor subdivision created under Subsection 13-3-1(2) or Utah Code 17-27a-605).

(1) Record in the Tooele County Recorder's Office:

(a) a recordable deed containing the legal description of the minor subdivision lot;

(b) a notice

(i) indicating that the owner of the land to be divided is making a minor subdivision;

(ii) that the minor subdivision is being made through the authority of Utah Code 17-27a-605;

(iii) containing the legal description of;

(A) the land to be divided (at least 100 acres)

(B) the minor subdivision lot (at least 1 acre)

(c) Record of Survey (ROS) recorded in the County Surveyor's Office.

(2) A building permit for a minor subdivision of 100 contiguous acres will be approved by the Tooele County Zoning Administrator with the following:

(a) Signed statement from the Tooele County Recorder's Office that minor subdivision has been recorded as specified above.

(b) Verification of qualifications for a minor subdivision under Utah Code 17-27a-605.

(i) 100 contiguous acres of agricultural land

(ii) May not be within 1,000 feet of another minor subdivision created under Section 13-3-1(2) or Utah Code 17-27a-605).

(iii) Lot created must be at least one (1) acre in size.

(c) Written approval of water and wastewater by the Tooele County Health Department.

(d) Conformance to the minimum yard setback requirements of the RR-1 zone under the Tooele County Land Use Ordinance 15-3-2.

(e) Conformance with:

(i) Agricultural and residential uses (Table 15-5-3.1 and Table 15-5-3.3 (all other uses are prohibited).

(ii) Off-Street Parking Requirements and Access Requirements of Chapter 6 of the Tooele County Land Use Ordinance

(iii) The Tooele Valley Road Plan in the Tooele County General Plan

(iv) Title 15, Roads, in the Tooele County Code (TCC)

(v) Title 6, Public Safety, Chapter 20, Wildfire Protection Standards (TCC)

(f) A site plan in conformance to Sections 12-4 and 12-5 of the Tooele County Land Use Ordinance.

(g) Legal access. (Ord. 2010-20, 10/19/10)

CHAPTER 4

STANDARD SUBDIVISIONS

Section

13-4-1. Application.
13-4-2. Approval process.
13-4-3. Design stage application.
13-4-4. Utility and public agency response.
13-4-5. Final plat stage application.

13-4-1. Application.

A standard subdivision is a division of land into no more than 14 lots. It may be phased for development. Infrastructure and public facilities shall be dedicated. A standard subdivision shall not include commercial or industrial divisions. (Ord. 2011-05, 2/1/11; Ord. 2005-21, 9/6/05)

13-4-2. Approval process.

A standard subdivision shall be processed in two stages:

(1) the design stage, which will go to planning commission public hearing and public meetings; and

(2) the final plat, which will be placed on the planning commission public meeting agenda. (Ord. 2005-21, 9/6/05)

13-4-3. Design stage application.

(1) A complete application for design stage approval of a standard subdivision shall be submitted to the department of engineering.

(2) Within 21 days after the applicant or authorized representative submits a complete application, a pre-design conference shall be set up with the applicant, the department of engineering staff, all servicing utility companies, affected entities, county health department, county recorder, and any other private or public body that has jurisdiction or an interest in providing public or utility services to the subdivision.

(3) After the pre-design conference, the applicant shall submit to the department of engineering the corrected preliminary plat with all required signatures. When it is determined that all of the corrections to the preliminary plat are made and these items are determined to be complete and correct, the submittal will be placed on the planning commission public hearing agenda for review. After the planning commission has reviewed the material and being satisfied with the submittal, it shall place the submittal on a public meeting agenda where it shall make a decision.

(4) The design stage application shall include:

(a) the application form;

(b) eight 24" X 36" prints of the preliminary plat for distribution to the following:

(i) department of engineering, two copies;

(ii) county health department;

(iii) Tooele County School District;

(iv) the soil conservation district within which the subdivision is located;

(v) county recorder

(vi) county surveyor; and

(vii) the county fire warden.

(c) eight 8½" X 11" copies of the preliminary plat for distribution to each planning commission member; and

(d) an additional 8½" X 11" copy of the preliminary plat in each of the following circumstances:

(i) when a proposed subdivision lies wholly or partially within one mile of the corporate limits of a municipality;

(ii) when the subdivision is located wholly or partially within the boundary of an improvement or special district;

(iii) when applicable for review by any State or Federal agency;

(iv) for each servicing utility; and

(v) for the Utah State Department of Transportation if the property being subdivided abuts a state highway or road.

(e) eight 24" X 36" prints of the infrastructure design and engineering drawings for distribution to:

(i) the department of engineering, two copies; and

(ii) the county road department.

(f) proof of ownership demonstrated by two copies of a title report and vesting documents of conveyance completed within the previous six months;

(g) utility approval forms;

(h) evidence of water rights for all lots;

(i) names and addresses of the owners of all properties that border the proposed subdivision;

(j) a plat map from the county recorder's office showing the property and all adjoining properties around it;

(k) approval of the subdivision name, limited to 40 characters including spaces, from the county recorder's office;

(l) a list of off-site improvements and an estimate of the cost to complete such improvements;

(m) if the applicant is not the owner of record, a notarized statement that the applicant has been authorized by the owner to make application;

(n) the type of water system proposed, historic water use, the estimated number of gallons per day of water system requirements, and a description of water storage requirements for daily fluctuations, irrigation, and fire suppression;

(o) geologic technical maps and investigation reports regarding area suitability when land configurations dictate lot configuration and buildable space;

(p) a letter showing a completed Tooele County Health Department Subdivision Feasibility Study where the project is deemed feasible;

(q) a letter from the local fire district, or the Tooele County Sheriff if not located within a fire district, showing fire protection can and will be provided to the subdivision;

(r) the preliminary plat and construction drawings submitted on a computer disk in a format compatible with AutoCAD version 11 or later, with the boundary and ownership lines depicted on the plat, including the following layers and names, having an abbreviation of the subdivision name included in the blank space:

Exterior Boundary Lines . Sub-__-Bndy
Right-of-way Lines . . . . . Sub-__-Row
Lot Lines . . . . . Sub-__-LL
Centerline Roads . . . . . Sub-__-CL
Easement Lines . . . . . Sub-__-Ease
Section Lines . . . . . Sub-__-Section
Ties to Section Corners . . Sub-__-Section-Tie
Street Monuments . . . . . Sub-__-St-Mon
Lot Numbers . . . . . Sub-__-Lots
Street Names . . . . . Sub-__-Streets; and

(s) any unpaid fees owed to Tooele County for development of land, code enforcement, or building permits.

(5) The design stage approval shall be valid for a period of not more than one year. The applicant or authorized representative may obtain no more than two six-month extensions by petitioning the planning commission. The planning commission may not grant any extension without substantial progress having been demonstrated by the applicant or authorized representative. (Ref UCA §17-27a-103; Ord. 2006-08, 2/21/06; Ord. 2005-21, 9/6/05)

13-4-4. Utility and public agency response.

Failure of any utility or public agency to respond to requested approval shall be deemed an approval by such agency. (Ord. 2005-21, 9/6/05)

13-4-5. Final plat stage application.

(1) The applicant or authorized representative shall submit a final plat with all required fees and copies of all materials to the department of engineering to start the final plat stage. When it is determined that all of the corrections to infrastructure design, engineering drawings, and, if needed, a new cost estimate of off-site infrastructure improvements from the predesign meeting are made and these items are determined to be complete and correct, staff determines that the application is complete, and all signatures are on the plat, the application shall be placed on the planning commission public meeting agenda. The final plat shall conform in all major respects to the approved design stage plat. A final plat submittal shall not be accepted more than six months from the date of the design and engineering stage approval or approved extension.

(2) The final plat stage application shall include:

(a) the application form;

(b) an original 24" X 36" Mylar of the final plat;

(c) a cost estimate for construction of infrastructure, approved and signed by the county engineer;

(d) an agreement for subdivision improvements;

(e) eight 8½" X 11" copies of the final plat for distribution to each planning commission member;

(f) any unpaid fees owed to Tooele County for development of land, code enforcement, or building permits; and

(g) the final plat submitted on a computer disk in a format compatible with AutoCAD version 11 or later.

(3) All signature blocks except for the planning commission's block shall be signed by the appropriate authority before the plat is taken to the public meeting.

(4) Should the planning commission's decision be to approve the plat, the chair shall then sign the plat. If approved, the improvement agreements and bonds shall be forwarded with a recommendation from the planning commission to the county commission. The plat shall be recorded within 30 days or it shall be void. (Ref UCA §17-27a-103, 17-27a-207, 17-27a-603, 17-27a-604; Ord. 2005-21, 9/6/05)

CHAPTER 5

MAJOR SUBDIVISIONS

Section

13-5-1. Application.
13-5-2. Approval process.
13-5-3. Phase development.
13-5-4. Concept plan application.
13-5-5. Design stage application.
13-5-6. Utility and agency response.
13-5-7. Final plat stage application.

13-5-1. Application.

A major subdivision is a division of land into 15 or more lots. Subdivisions with 100 or more lots must include a master plan of the entire community. The master plan will be reviewed by the planning commission during the concept stage where the commission may approve or deny the plan. A major subdivision of more than 25 lots shall be phased for development. Infrastructure and public facilities shall be dedicated. Phased developments may be excused from statutory time limits imposed by this chapter if the planning commission agrees to receiving progress updates by the developer every six months. All commercial or industrial land divisions shall only be done as a major subdivision. (Ord. 2011-05, 2/1/11; Ord. 2005-21, 9/6/05)

13-5-2. Approval process.

(1) A major subdivision shall be processed in three stages:

(a) the concept stage, which will go to a planning commission public hearing where the planning commission shall take public comment, discuss and review the application, and then move the application to the public meeting to make a decision to approve or deny the application;

(b) the design stage, unless the application includes a multiple unit residential structure, or commercial or industrial development, in which case the planning commission shall hold a public hearing, the application will go to a planning commission work meeting where the planning commission shall discuss and review the application and then it will be placed on the planning commission public meeting agenda for a decision to approve or deny; and

(c) the final plat, which will be placed on the planning commission public meeting agenda where it shall make a decision to approve or deny. If approved the chair shall sign the plat. If signed, the plat shall be recorded within 30 days or it shall be void. (Ref UCA §17-27a-103, 17-27a-207, 17-27a-603, 17-27a-604; Ord. 2005-21, 9/6/05)

13-5-3. Phase development.

(1) The preliminary and final platting of subdivisions containing more than 25 lots shall be done in phases, except as provided in Subsection (3). Development shall be performed so that the phases will be contiguous and the required improvements will be continuous.

(2) When off-site improvements are complete and approved by the county engineer and the lots are 70 percent sold, the subdivider may submit the next phase for final plat approval.

(3) A preliminary and final plat including more than 25 lots will be accepted only upon the submission of evidence indicating that the market absorption rate is such, and the financial ability of the subdivider is such that the off-site improvements for all lots in the final plat will be completed within two years.

(4) Where it is prudent to engineer road or utility lines that extend into the next phase, such work may be done if shown in the prior phase. (Ord. 2005-21, 9/6/05)

13-5-4. Concept plan application.

(1) The application for concept plan approval of a major subdivision shall be submitted to the department of engineering. When staff determines that the application is complete, the application shall be placed on the planning commission agenda. A concept plan application shall include:

(a) the application form;

(b) six 24" X 36" prints of the concept plan, for distribution to each of the following:

(i) department of engineering, two copies;

(ii) the county health department;

(iii) Tooele County School District;

(iv) the appropriate soil conservation district within which the subdivision is located; and

(v) the county fire warden;

(c) eight 8½" X 11" copies of the concept plan for distribution to each planning commission member; and

(d) an additional 8½" X 11" copy of the concept plan in each of the following circumstances:

(i) when a proposed subdivision lies wholly or partially within one mile of the corporate limits of a municipality;

(ii) when the subdivision is located wholly or partially within the boundary of an improvement or special district;

(iii) when applicable for review by any State or Federal agency;

(iv) for each servicing utility;

(v) for the Utah State Department of Transportation if the property being subdivided abuts a state highway or road; and

(vi) when the subdivision is located wholly or partially within the boundary of a township.

(e) proof of ownership demonstrated by two copies of a title report and vesting documents of conveyance completed within the previous six months;

(f) utility approval forms;

(g) evidence of water rights for all lots;

(h) names and addresses of the owners of all properties that border the proposed subdivision;

(i) approval of the subdivision name, limited to 40 characters including spaces, from the county recorder's office;

(j) a plat map from the county recorder's office showing the property and all adjoining properties around it;

(k) if the applicant is not the owner of record, a notarized statement that the applicant has been authorized by the owner to make application;

(l) a letter from the local fire district, or the Tooele County Sheriff if not located within a fire district, acknowledging it can and will provide fire protection to the subdivision;

(m) the written consent of a municipality if the proposed development is located within the municipality's expansion area and contains:

(i) a housing development with more than 15 residential units and an average density greater than one residential unit per acre; or

(ii) a commercial or industrial development for which cost projections exceed $750,000 for all phases.

(n) the concept plat submitted on a computer disk in a format compatible with AutoCAD version 11 or later; and

(o) any unpaid fees owed to Tooele County for development of land, code enforcement, or building permits.

(2) The concept plan approval shall be valid for a period of not more than six months. The applicant or authorized representative may obtain no more than two six-month extensions by petitioning the planning commission. The planning commission may not grant any extension without substantial progress having been demonstrated by the applicant or authorized representative. (Ref UCA §10-2-402; Ord. 2006-08, 2/21/06; Ord. 2005-21, 9/6/05)

13-5-5. Design stage application.

(1) Within six months of concept stage approval or within an approved six month extension, a complete application for the design stage of a major subdivision shall be submitted to the department of engineering.

(2) Within 21 days after the applicant or authorized representative submits an application, a pre-design conference shall be set up with the applicant, the department of engineering staff, all affected entities, county health department, county recorder, and any other private or public body that has jurisdiction or an interest in providing public or utility services to the subdivision.

(3) After the pre-design conference, the applicant shall submit to the department of engineering the corrected preliminary plat with all required signatures. When it is determined that all of the corrections to the preliminary plat are made and these items are determined to be complete and correct, the submittal will be placed on the planning commission public meeting agenda for review unless the proposed development includes a multiple unit residential structure, or commercial or industrial development, in which case the planning commission shall hold a public hearing. After the planning commission has reviewed the material and being satisfied with the submittal, it shall place the submittal on a public meeting agenda.

(4) The design stage must be completed within one year unless an extension of no more than six months is granted by the planning commission.

(5) The design stage application shall include:

(a) the application form;

(b) eight 24" X 36" prints of the preliminary plat for distribution to each of the following:

(i) department of engineering, two copies;

(ii) the county health department;

(iii) Tooele County School District;

(iv) the appropriate soil conservation district within which the subdivision is located;

(v) the county recorder

(vi) the county surveyor; and

(vii) the county fire warden.

(c) five 24" X 36" prints of the infrastructure design and engineering drawings;

(d) eight 8½" X 11" copies of the preliminary plat for distribution to each planning commission member;

(e) an additional 8½" X 11" copy of the preliminary plat in each of the following circumstances:

(i) when a proposed subdivision lies wholly or partially within one mile of the corporate limits of a municipality;

(ii) when the subdivision is located wholly or partially within the boundary of an improvement or special district;

(iii) when applicable for review by any State or Federal agency;

(iv) for each servicing utility;

(v) for the Utah State Department of Transportation if the property being subdivided abuts a state highway; and

(vi) when the subdivision is located wholly or partially within the boundary of a township;

(f) a list of off-site improvements and an estimate of the cost to complete such improvements;

(g) the type of water system proposed, historic water use, the estimated number of gallons per day of water system requirements, and a description of water storage requirements for daily fluctuations, irrigation, and fire suppression;

(h) proof of ownership demonstrated by two copies of a title report and vesting documents of conveyance completed within the previous six months;

(i) geologic technical maps and investigation reports regarding area suitability when land configurations dictate lot configuration and buildable space;

(j) a letter showing a completed Tooele County Health Department Subdivision Feasibility Study deeming the project feasible;

(k) the preliminary plat and construction drawings submitted on a computer disk in a format compatible with AutoCAD version 11 or later, with the boundary and ownership lines depicted on the plat, including the following layers and names, having an abbreviation of the subdivision name included in the blank space:

Exterior Boundary Lines . .	Sub-__-Bndy
Right-of-way Lines	Sub-__-Row
Lot Lines	Sub-__-LL
Centerline Roads	Sub-__-CL
Easement Lines	Sub-__-Ease
Section Lines	Sub-__-Section
Ties to Section Corners . . .	Sub-__-Section-Tie
Street Monuments	Sub-__-St-Mon
Lot Numbers	Sub-__-Lots
Street Names	Sub-__-Streets; and

(l) any unpaid fees owed to Tooele County for development of land, code enforcement, or building permits.

(6) Approval of the design stage shall be valid for not more than one year. The applicant or authorized representative may obtain no more than two six-month extensions by petitioning the planning commission. The planning commission may not grant any extension without substantial progress having been demonstrated by the applicant or authorized representative. (Ord. 2006-08, 2/21/06; Ord. 2005-21, 9/6/05)

13-5-6. Utility and agency response.

Failure of any utility or agency to respond to requested approval shall be deemed an approval by such agency. (Ord. 2005-21, 9/6/05)

13-5-7. Final plat stage application.

(1) The applicant or authorized representative shall submit a final plat and copies of all required material to the department of engineering to start the final plat stage. When all corrections to infrastructure design, engineering drawings, and, if needed, a new cost estimate of off-site infrastructure improvements from the predesign meeting are made and these items are determined to be complete and correct, and all signatures are on the plat, the application shall be placed on the planning commission agenda. The final plat shall conform in all major respects to the approved design stage plat. A final plat submittal shall not be accepted more than one year from the date of the design stage approval.

(2) An application shall include:

(a) an application form;

(b) an original 24" X 36" Mylar of the final plat;

(c) cost estimate for construction of infrastructure signed by the county engineer;

(d) agreement for subdivision improvements;

(e) eight 8½" X 11" copies of the plat for distribution to each planning commission member;

(f) any unpaid fees owed to Tooele County for development of land, code enforcement, or building permits; and

(g) the final plat submitted on a computer disk in a format compatible with AutoCAD version 11 or later.

(3) All signature blocks except for the planning commission's block shall be signed by the appropriate approving authority before the plat is taken to the business meeting.

(4) Should the planning commission's decision be to approve the plat, the chair shall then sign the plat. If approved, the improvement agreements and bonds shall

be forwarded with a recommendation from the planning commission to the county commission. The plat shall be recorded within 30 days or it shall be void. (Ord. 2005-21, 9/6/05)

CHAPTER 6

PLANNED UNIT DEVELOPMENT SUBDIVISIONS (REPEALED)

(Ord. 2011-05, 2/1/11; Ord. 2005-21, 9/6/05)

CHAPTER 7

DESIGN STANDARDS

Section

13-7-1. Application.
13-7-2. Lots.
13-7-3. Roads.
13-7-4. Frontage on arterial and collector roads.
13-7-5. Sidewalks, curbs, and gutters.
13-7-6. Blocks.
13-7-7. Monuments.
13-7-8. Easements.
13-7-9. Utilities to be underground.
13-7-10. Sewer systems.
13-7-11. Sanitary sewer mains, laterals, and house connections – Future.
13-7-12. Water supply.
13-7-13. Storm drainage and flood plains.
13-7-14. Fire mitigation standards.
13-7-15. Homeowner's association organization.

13-7-1. Application.

(1) All subdivisions shall comply with the design standards set forth in this title.

(2) The design and development of subdivisions shall preserve insofar as possible the natural terrain, natural drainage, existing topsoil, and trees.

(3) Land subject to hazardous conditions such as slides, mud flow, rock falls, snow avalanches, possible mine subsidence, shallow water table, open quarries, floods, and polluted or non-potable water supply shall not be subdivided until the hazards have been eliminated or will be eliminated by the construction of the subdivision. (Ord. 2005-21, 9/6/05)

13-7-2. Lots.

(1) No single lot shall be divided by a municipal, service, or improvement district, or county boundary line.

(2) (a) A lot shall not be divided by a road or another lot.

(b) The administrative hearing officer may issue a special exception to Subsection (a) if a division of land by a publicly dedicated or maintained road existing prior to January 10, 1975 and creates a substandard lot that cannot be absorbed into another parcel or lot under the same ownership on the same side of the road to create standard sized lot or parcel. The special exception must be applied for and issued prior to the application for final plat being submitted. Upon issuance of a special exception, the administrative hearing officer may:

(i) allow a connection across the road to combine with the acreage of a larger parcel increasing the total acreage; or

(ii) make the lot buildable by classifying it as a legal nonconforming lot. If the board determines that the lot is to be a legal nonconforming lot, it shall issue setbacks in proportion to the minimum lot size in the zoning district where the lot is located.

(3) The frontage of a wedge-shaped lot shall not be less than 30 feet in width.

(4) Side lot lines shall be at substantially right angles or radial to road lines.

(5) All lots shall front on a publicly dedicated road except as may be approved in planned unit developments, or upon private roads approved by the planning commission, subject to the standards set in the Tooele County Manual of Road and Highway Design Standards and Title 6, Chapter 20 of the Tooele County Code on interface area requirements.

(6) All lots shall conform to area requirements of the existing zoning district. (Ord. 2005-21, 9/6/05)

13-7-3. Roads.

(1) Roads shall be designed in accordance with standards adopted by Tooele County.

(2) Roads shall bear the names of existing aligned roads. There shall be no duplication of road names. All road names shall be approved by the department of engineering.

(3) The subdivider shall bear the cost of all road and public safety signs which shall be erected by the County Road Department.

(4) Temporary, legible road signs shall be installed by the developer with the road names approved on the plat.

(5) Temporary road signs shall be maintained by the developer until permanent road signs are installed by Tooele County when the infrastructure is inspected and accepted.

(6) Dead-end stubbed roads shall be terminated with a cul-de-sac and shall be allowed only with the following conditions:

(a) "L," "T" or branch turnarounds shall not be allowed.

(b) Cul-de-sac roads that terminate with a 60-foot radius bulb shall be designed with a maximum trip generation of 120 trips as calculated by the Institute of Transportation Engineers Trip Generation, current edition.

(c) Roads terminating with a loop shall be designed with a maximum trip generation of 400 trips as calculated by the Institute of Transportation Engineers Trip Generation, current edition.

(d) Roads in commercial and industrial zoning districts shall be determined by the department of engineering using the Institute of Transportation Engineers Trip Generation, current edition for road load and design for the transportation system.

(e) Cul-de sac and loop end roads within the subdivision shall have intermediate turnarounds or roundabouts and terminate with a skewed loop at a length approved by the county engineer.

(7) Half-roads shall not be permitted.

(8) All subdivisions shall construct roads to the following minimum standards:

(a) multiple use and agricultural zones shall construct rural low density roads of a gravel surface;

(b) rural residential, residential, and residential multi-family shall construct rural higher density roads with asphaltic or concrete surfacing;

(c) commercial or industrial zoning districts shall construct high level traffic roads designed specifically for commercial or industrial traffic loads and levels that serve the uses within the development; or

(d) mining, quarry, sand, and gravel excavation zone, municipal solid waste and construction debris overlay zones shall construct roads that mitigate impacts to surrounding land uses and minimize maintenance by the county.

(9) All subdivisions with internal roads with a maximum trip generation of 400 trips as calculated by the Institute of Transportation Engineers Trip Generation, current edition, shall have more than one access route, each of which will provide egress to different locations. The design of access routes shall consider traffic circulation and employ looped road networks. Roads shall be designed with stub roads for connection to future phases and subdivisions when required by the county engineer.

(10) No building permits shall be issued until such time that all curb, gutter, sidewalk, and road infrastructure is bonded, installed, and accepted by Tooele County. (Ord. 2006-40, 12/19/06; Ord. 2006-08, 2/21/06; Ord. 2005-21, 9/6/05)

13-7-4. Frontage on arterial and collector roads.

No residential dwelling lots shall directly access arterial or major collector roads. Subdivision design shall provide local access roads to lots along arterial and major collector roads. (Ord. 2005-21, 9/6/05)

13-7-5. Sidewalks, curbs, and gutters.

(1) Sidewalks, curbs, and gutters shall be provided in accordance with the requirements of the zoning district, the planning commission, or the county engineer.

(2) Sidewalks, curbs, and gutters shall be installed in accordance with standards adopted by Tooele County. (Ord. 2005-21, 9/6/05)

13-7-6. Blocks.

Block lengths shall be approved by the planning commission. They shall provide for convenient access and circulation for emergency vehicles. (Ord. 2005-21, 9/6/05)

13-7-7. Monuments.

(1) Permanent reference monuments shall be installed in accordance with standards adopted by Tooele County. They shall be set on the external boundary of the subdivision, at all road centerline intersections, and all beginning and end points of curves, to provide line of sight control for re-establishing the survey.

(2) Block and lot monuments shall be set.

(3) At least one second order benchmark shall be set within every subdivision. (Ord. 2005-21, 9/6/05)

13-7-8. Easements.

(1) A ten-foot public utility easement shall traverse the front of each lot.

(2) Guying easements at corners may be required. (Ord. 2005-21, 9/6/05)

13-7-9. Utilities to be underground.

All power lines, telephone lines, and other normally overhead utility lines shall be placed underground in all subdivisions. The developer shall establish final utility grades prior to utility lines being placed underground. (Ord. 2005-21, 9/6/05)

13-7-10. Sewer systems.

(1) Except as otherwise provided in this section, the subdivider shall provide a piped sanitary sewer system

to the property line of every lot in the subdivision. The sewer system shall meet the minimum standards and requirements of the county health department.

(2) On-site wastewater disposal systems will be approved only when an existing sewer system is more than one-half mile away from the boundary line of the subdivision, or the service provider will not provide the service to the subdivision. All on-site wastewater disposal systems shall be approved in writing by the county health department. Subdivisions proposing to use on-site wastewater disposal systems shall submit a feasibility report to the county health department, per Tooele County Health Department Regulation #12. Percolation tests and soil exploration pits shall be required to determine the adequacy of the soil involved for on-site wastewater disposal systems to absorb sewage effluent. At the time an application is made for a building permit, every individual lot which will be serviced by a septic system will require a soil evaluation test where the proposed drain field will be located. The following requirements shall also be met:

(a) Lands filled within the last ten years shall not be divided into building sites which are to be served by septic systems.

(b) Each septic system shall be installed at a depth and location approved by the county health department.

(c) Land with unacceptable soil evaluations as determined by the county health department shall not be divided into building sites to be served by septic systems.

(d) Land rated as having severe limitations for septic tank absorption fields as defined by the County soil survey, U.S. Department of Agriculture, or Natural Resource Conservation Service, shall not be divided into building sites to be serviced by septic systems unless each such building site contains not less than 20,000 square feet of other soils rated suitable for installation of a septic system.

(e) An applicant desiring to install septic systems in soils having severe limitations shall have additional on-site investigations made, including soil evaluation tests. The applicant shall obtain the certification of a soils scientist that specific areas lying within these soils are suitable for the proposed septic system. The facilities shall meet county health department standards and regulations. To be approved, the county health department must find that proposed corrective measures have overcome the severe soil limitations. (Ord. 2006-40, 12/19/06; Ord. 2006-08, 2/21/06; Ord. 2005-21, 9/6/05)

13-7-11. Sanitary sewer mains, laterals, and house connections – Future.

Where county and regional general plans indicate that construction or extension of sanitary sewers may serve the subdivision area within a reasonable time, the planning commission may require the installation and capping of sanitary sewer mains and house connections by the subdivider in addition to the installation of temporary individual on-lot sewage disposal systems. Whenever individual on-lot sewage disposal systems are proposed, the subdivider shall either install such facilities or require by deed restrictions or otherwise as a condition of the sale of each lot or parcel within such subdivision that those facilities be installed prior to or during the construction of the principal building. No building permit shall be issued until such installation is assured. In all other cases, sewage disposal facilities shall be provided for every lot or parcel by a complete community or public sewer system. (Ord. 2005-21, 9/6/05)

13-7-12. Water supply.

(1) Standard, major, and planned unit development subdivisions shall have a public water supply:

(a) when more than 70% of the lots in the subdivision are less than two acres in area; and

(b) when it is determined by the county health department that conditions exist that a public water supply is necessary to protect the health of the public. The water system shall meet all applicable state and local laws.

(2) The supply of water from a source other than an approved public water system may be approved only if proof of adequate water rights and proof of water availability, flow, and quality meet the Safe Drinking Water Standards by a water sample from wells on ten percent of the lots rounded up to the next whole number. In the concept stage, the subdivider shall show possession of sufficient water rights to provide domestic use for the total number of dwellings being proposed for the entire development. The design stage for the first phase of development shall include the engineering for the water system, if required, for the entire development to include the water tank and treatment facilities with a fire flow calculation. The county health department shall approve the location of the test wells prior to the subdivider drilling them. The samples shall be taken by and have a complete chemical analysis performed and approved by the county health department. All non-public drinking water systems shall meet the standards of Tooele Health Department Regulation #5. (Ord. 2005-21, 9/6/05)

13-7-13. Storm drainage and flood plains.

(1) A storm drainage system for the entire subdivision shall be designed by a professional engineer, licensed in the State of Utah and qualified to perform such work. Existing storm drainage features which are to be incorporated in the design shall be identified. If the subdivision has phases, a general storm drainage plan for the entire area shall be presented with the design and engineering stage. Appropriate development stages for the storm drainage system for each phase shall be indicated.

(2) No lot one acre or less in area shall include flood lands. All lots of more than one acre shall contain not less than 40,000 square feet of land at an elevation at least two feet above the elevation of the 100 year recurrence interval flood or, where such data is not available, five feet above the elevation of the maximum flood of record.

(3) Storm drainage systems shall be designed to consider the storm drainage basin as a whole and shall accommodate not only runoff from the subdivision but also, where applicable, the runoff from those areas adjacent to and upstream from the subdivision itself, as well as its effects on lands downstream. (Ord. 2005-21, 9/6/05)

13-7-14. Fire mitigation standards.

(1) The zoning administrator, fire warden, and local fire department having jurisdiction shall perform a wildland fire protection analysis of all developments, existing or planned, to determine wildland fire protection ratings. The ratings developed under the analysis shall be the basis for the implementation of fire safe design and construction criteria and fire protection systems. The higher the relative value, the higher the wildland/urban interface and the fire protection hazard rating.

(2) The analysis shall contain, as a minimum, the following components:

(a) wildland/urban interface or wildland/urban intermix boundaries;

(b) means of access;

(c) vegetation (fuel models);

(d) topography within 300 feet of structures;

(e) structure hazard rating;

(f) history of fire occurrence in the area;

(g) available fire protection in place and proposed; and

(h) other ratings as they apply.

(3) Subdivision design shall reflect mitigation for those hazards identified in the fire protection analysis and those standards required in Title 6, Chapter 20 of the Tooele County Code.

(4) Except for minor subdivisions, fire suppression water sources shall be reviewed and approved by the local fire department or fire warden. The system shall provide for fire flow storage of water that complies with the current state adopted fire code, local ordinances, local fire department regulations and NFPA guidelines for the type of occupancy and level of development. Any fire hydrants shall be placed in accordance to the National Fire Protection Association standards and shall be identified with a reflectorized marker.

(5) Defensible space for structures and buildings shall be used in all covenants, contracts, and subdivisions in conformance with development standards adopted by Tooele County.

(6) Roads and streets shall provide for safe access for emergency equipment and civilian evacuation. They shall be designed for unobstructed traffic circulation during an emergency. (Ord. 2006-40, 12/19/06; Ord. 2005-21, 9/6/05)

13-7-15. Homeowner's association organization.

Payment of homeowner association dues shall be made into an escrow account starting with the first sale and including developer-owned lots. Membership in the association shall be mandatory and automatic for all homeowners of the subdivision and their successors. The homeowner's association shall have lien authority to ensure the collection of dues from all members. (Ord. 2005-21, 9/6/05)

CHAPTER 8

CONSERVATION SUBDIVISIONS

Section

13-8-1. Purpose.
13-8-2. Applicability of regulations.
13-8-3. Application requirements.
13-8-4. Definition of open space.
13-8-5. Open space requirements.
13-8-6. Open space networks configuration.
13-8-7. Open space and conservation areas.
13-8-8. Primary conservation areas.
13-8-9. Value of primary conservation areas.
13-8-10. Secondary conservation areas.
13-8-11. Ownership and management of open space.
13-8-12. Prohibited uses of open space.
13-8-13. Requirements for conservation easements.
13-8-14. Notice of disclosure.

13-8-1. Purpose.

It is the purpose and intent of conservation subdivisions to preserve open space within residential

developments; provide flexibility to allow for creativity in developments; minimize the environmental and visual impacts of new development on critical natural resources and historically and culturally significant sites and structures; provide an interconnected network of permanent open space; encourage a more efficient form of development that consumes less open land and conforms to existing topography and natural features; reduce erosion and sedimentation by minimizing land disturbance and removal of vegetation; enhance the community character; permit clustering of houses and structures which will reduce the amount of infrastructure, including paved surfaces and utility lines; encourage street design that controls traffic speeds and creates street inter-connectivity; and promote construction of convenient and accessible walking trails and bike paths both within a subdivision and connected to neighboring communities, businesses, and facilities to reduce reliance on automobiles. (Ord. 2005-21, 9/6/05)

13-8-2. Applicability of regulations.

(1) The conservation subdivision option is available for single family detached residential developments in the following districts: residential, residential multi-family, rural residential, agricultural, and multiple use. Compliance with all applicable Tooele County ordinances, regulations, or resolutions is required; however, when in conflict, the provisions of this title shall prevail.

(2) The maximum number of lots in the conservation subdivision shall be determined by either of the following two methods, adding any bonus density allowed in the zoning district where it is located, at the discretion of the applicant:

(a) The maximum number of lots is determined by dividing the area of the tract of land by the minimum lot size specified in the underlying zoning. In making this calculation, the following shall not be included in the total area of the parcel:

(i) slopes over 30% of at least 5,000 square feet contiguous area;

(ii) the 100-year flood plain;

(iii) bodies of open water over 5,000 square feet contiguous area; and

(iv) wetlands that meet the definition of the Army Corps of Engineers pursuant to the Clean Water Act; or

(b) The maximum number of lots is based on a conventional subdivision design plan prepared by the applicant, in which the tract of land is subdivided in a manner intended to yield the highest number of lots possible. (Ord. 2005-21, 9/6/05)

13-8-3. Application requirements.

(1) Concurrent with the submission of a concept plan, the applicant shall prepare and submit a site analysis map. The purpose of the site analysis map is to ensure that the important site features have been adequately identified prior to the creation of the site design and that the proposed open space will meet the requirements of this title. The site concept plan shall include the following features:

(a) property boundaries;

(b) all streams, rivers, lakes, wetlands, and other hydrologic features;

(c) topographic contours of no less than 10-foot intervals;

(d) all primary and secondary conservation areas labeled by type, as described in sections 13-8-8 and 13-8-10 of this chapter;

(e) general vegetation characteristics;

(f) general soil types;

(g) the planned location of protected open space;

(h) existing roads and structures; and

(i) potential connections with existing greenspace and trails.

(2) An open space management plan, as described in Section 13-8-11, shall be prepared and submitted prior to the approval of the final plat.

(3) An instrument of permanent protection, such as a conservation easement as described in Section 13-8-13, shall be placed on the open space concurrent with the issuance of a land disturbance permit.

(4) The applicant shall adhere to all other applicable requirements of the underlying zoning and Tooele County land use codes for the division of land. (Ord. 2005-21, 9/6/05)

13-8-4. Definition of open space.

(1) Open space is the portion of the conservation subdivision that has been set aside for permanent protection. Activities within the open space shall be restricted in perpetuity through the use of an approved legal instrument.

(2) The required open space areas shall be protected in perpetuity from further development or unauthorized use by a conservation easement or permanent restrictive covenant per Utah Code Annotated 57-18-4. Tooele County reserves the right to enforce all restrictive covenants and conservation easements per Utah Code Annotated 57-18-6. Uses of open space may include the following:

(a) conservation of natural, archeological, or historical resources;

(b) meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas;

(c) walking, equestrian, off-highway vehicle, or bicycle trails;

(d) passive recreation areas, such as open fields;

(e) active recreation areas which include 15% or less of the total open space area in impervious surfaces;

(f) agriculture, horticulture, silviculture, or pasture uses, provided that all applicable best management practices are used to minimize environmental impacts;

(g) landscaped stormwater management facilities, community wastewater disposal systems, and individual wastewater disposal systems located on soils particularly suited to such uses;

(h) easements for drainage, access, and underground utility lines; and

(i) other conservation-oriented uses compatible with the purposes of this chapter. (Ord. 2005-21, 9/6/05)

13-8-5. Open space requirements.

(1) Each conservation subdivision shall provide a minimum of 40% of its total acreage as open space. The open space shall be designated on the conceptual plan and recorded on the final plat. The minimum restricted open space shall comprise at least 40% of the gross tract area.

(2) Utility rights-of-way and small areas of impervious surface may be included within the protected open space but cannot be counted towards the 40% minimum area requirement, except historic structures and existing trails may be counted. Areas greater than 15% of the total open space area that is covered with any impervious surface shall be excluded from the open space.

(3) At least 25% of the open space shall consist of land that is suitable for building.

(4) At least 75% of the open space shall be in a contiguous tract. The open space shall adjoin any neighboring areas of open space, other protected areas, and non-protected natural areas that would be candidates for inclusion as part of a future area of protected open space.

(5) The open space shall be directly accessible to the largest practicable number of lots within the subdivision. Non-adjoining lots shall be provided with safe, convenient access to the open space. (Ord. 2005-21, 9/6/05)

13-8-6. Open space networks configuration.

The minimum standards for open space networks are as follows:

(1) The minimum width of any open space area is 25 feet.

(2) All paths shall be a minimum of 20 feet from any property line except where interparcel access may be provided.

(3) All open space networks shall provide connectivity to any common areas within the development and to any adjacent public places and rights-of-way.

(4) Paths located in primary conservation areas shall be constructed of pervious materials.

(5) Where path networks cross internal subdivision streets or public streets, access points shall be directly across from each other or as approved by the county engineer.

(6) Crossings and access points shall be clearly identified to pedestrians and motorists and may include traffic control devices, bridges, and tunnels as approved by the county engineer. (Ord. 2005-21, 9/6/05)

13-8-7. Open space and conservation areas.

Open space shall be designated as either primary conservation areas or secondary conservation areas and shall be configured to create or maintain a network of open space. (Ord. 2005-21, 9/6/05)

13-8-8. Primary conservation areas.

Primary conservation areas form the core of the open space to be protected. The following are considered primary conservation areas and are required to be included within the open space, unless the applicant demonstrates that this provision would constitute an unusual hardship and be counter to the purposes of this chapter:

(1) cemeteries;

(2) alluvial soils identified by the Federal Emergency Management Agency (FEMA) and the 100-year flood plain;

(3) archaeological sites, cemeteries, and burial grounds;

(4) prime agricultural lands of at least five acres contiguous area;

(5) habitats for endangered or threatened species;

(6) wetlands identified by the County Soil Survey prepared by the United States Department of Agriculture (USDA) Natural Resources Conservation Service (NRCS) or a certified wetlands delineation using data from the U. S. Army Corps of Engineers;

(7) lakes, both natural and man-made, rivers, streams, existing ponds, stormwater management ponds and facilities, creeks, and State waters;

(8) riparian zones along all perennial and intermittent streams equal to any required stream buffers and improvement setbacks;

(9) existing slopes greater than 30% on average with a site area greater than 5,000 square feet identified as part of a site analysis conducted by a registered engineer, land surveyor, or landscape architect and calculated using topographic maps; and

(10) critical wildlife habitat as identified by the State of Utah, Division of Wildlife Resources. (Ord. 2005-21, 9/6/05)

13-8-9. Value of primary conservation areas.

Because primary conservation areas are either protected or sensitive environmental areas, only 50% of the acreage of a primary conservation area may be counted as open space. (Ord. 2005-21, 9/6/05)

13-8-10. Secondary conservation areas.

(1) Secondary conservation areas consist of undeveloped or unconstrained but buildable land and protected, or constrained, lands. Secondary conservation areas include the following:

(a) farmlands, including fields, pastures, and meadows;

(b) woodlands and buffers except riparian buffers;

(c) historic and/or archaeological sites as identified by the Utah Division of State History, Utah State Historical Society;

(d) passive recreation areas, public and private, including pedestrian, bicycle, and equestrian trails, picnic areas, community commons or greens, and similar areas;

(e) active recreation areas and facilities, public and private, to include parks, playing fields, and playgrounds, but recreation areas with impervious surfaces greater than 15% of the total secondary open space such as parking lots, tennis courts, basketball courts, and pools shall be excluded;

(f) existing healthy, native forests of at least one acre contiguous area;

(g) individual existing healthy trees greater than eight inches caliper, as measured from their outermost drip line;

(h) other significant natural features and scenic viewsheds such as ridge lines, peaks, and rock outcroppings, particularly those that can be seen from public roads; and

(i) trails that connect the tract to neighboring areas.

(2) One hundred percent of secondary conservation areas may be counted as open space. (Ord. 2005-21, 9/6/05)

13-8-11. Ownership and management of open space.

(1) A homeowner's association representing residents of the conservation subdivision may own the open space. If owned by a homeowner's association, membership in the association shall be mandatory and automatic for all homeowners of the subdivision and their successors. The homeowner's association shall have lien authority to ensure the collection of dues from all members.

(2) The responsibility for maintaining the open space and any facilities located thereon shall be borne by the owner.

(3) The applicant shall submit a plan for management of open space and common facilities that:

(a) allocates responsibility and guidelines for the maintenance and operation of the open space and any facilities located thereon, including provisions for ongoing maintenance and for long-term capital improvements;

(b) estimates the costs and staffing requirements needed for maintenance and operation of, and insurance for, the open space and outlines the means by which such funding will be obtained or provided;

(c) provides that any changes to the plan be approved by the Tooele County Board of Commissioners; and

(d) provides for enforcement of the plan.

(4) In the event the party responsible for maintenance of the open space fails to maintain all or any portion in reasonable order and condition, Tooele County may assume responsibility for its maintenance and may enter the premises and take corrective action, including the provision of extended maintenance. The costs of such maintenance may be charged to the homeowner's association or to the individual property owners and may include administrative costs and penalties. Such costs shall become a lien on all subdivision properties in the case of a homeowner's association or the open space property. (Ord. 2005-21, 9/6/05)

13-8-12. Prohibited uses of open space.

(1) Uses of open space shall not include the following:

(a) roads;

(b) parking lots that occupy more than 15% of the open space;

(c) dwellings;

(d) commercial uses; or

(e) land set aside for use that solely benefits any one person or entity.

(2) The instrument for permanent protection shall include clear restrictions on the use of the open space. (Ord. 2005-21, 9/6/05)

13-8-13. Requirements for conservation easements.

(1) A conservation easement shall:

(a) clearly delineate primary and secondary conservation areas;

(b) describe the features of the subject property that should be permanently protected in accordance with the Land Conservation Easement Act, Utah Code Annotated Section 57 Chapter 18;

(c) clearly identify the boundaries of the property by survey and a metes and bounds legal description;

(d) clearly list restrictions;

(e) protect the open space in perpetuity by a binding legal instrument to be recorded, which instrument shall be:

(i) a permanent conservation easement in favor of either:

(A) a land trust or similar conservation-oriented non-profit organization with legal authority to accept such easements. The organization shall be bona fide and in perpetual existence and the conveyance instruments shall contain an appropriate provision for retransfer in the event the organization becomes unable to carry out its functions; or

(B) a governmental entity with an interest in pursuing goals compatible with the purposes of this chapter;

(ii) a permanent restrictive covenant for conservation purposes in favor of a governmental entity; or

(iii) an equivalent legal tool that provides permanent protection, if approved by Tooele County;

(f) show the area and a notation as to the conservation easement on the final plat and be duly recorded with the office of the county recorder; and

(g) provide for amendments only with the express written permission of the property owners, the holder of the easement, and Tooele County.

(2) If the entity accepting the easement is not Tooele County, then a third right of enforcement favoring Tooele County shall be included in the easement.

(3) The permanent restrictive covenants shall:

(a) clearly delineate the primary and secondary conservation areas;

(b) describe the features of the subject property that should be permanently protected;

(c) clearly identify the boundaries of the property by survey and a metes and bounds legal description;

(d) clearly list restrictions;

(e) provide for inspections of the property by Tooele County;

(f) provide for maintenance of the property;

(g) be shown on the final plat and duly recorded with the office of the county recorder; and

(h) provide for amendments only with the express written permission of the property owners and Tooele County, which amendments to the covenant shall be recorded in the office of the county recorder. (Ord. 2005-21, 9/6/05)

13-8-14. Notice of disclosure.

Before Tooele County receives a conservation easement, it shall be disclosed to the easement's grantor, at least three days prior to the granting of the easement, the types of conservation easements available, the legal effect of each easement, and that the grantor should contact an attorney concerning any possible legal and tax implications of granting a conservation easement. (Ord. 2005-21, 9/6/05)

CHAPTER 9

FINANCIAL ASSURANCE

Section

13-9-1. Improvement installation guarantee.
13-9-2. Default.
13-9-3. Maintenance guarantee.
13-9-4. Acceptance and release of surety.
13-9-5. Engineering review and inspection fee.

13-9-1. Improvement installation guarantee.

(1) In lieu of actual installation of off-site and common open space improvements required by this title, after final plat approval by the land use authority and before the plat is recorded, the subdivider shall guarantee the installation of such improvements by a combination of one or more of the following financial guarantee methods: a corporate surety bond, a deposit in escrow with an escrow holder, or a letter of credit with a financial institution.

(2) The guarantee shall be in an amount equal to 120% of the cost of required improvements as estimated by an engineer retained by the subdivider and approved by the county engineer, or in an amount

estimated by the county engineer. The guarantee shall assure the actual construction of such improvements within one year, or at a date approved by the county engineer, immediately following the approval of the financial assurance by the county commission.

(3) The guarantee shall be filed with the treasurer.

(4) The guarantee shall be approved as to method, institution, and form by the county attorney. (Ord. 2014-11, 9/2/14; Ord. 2005-21, 9/6/05)

13-9-2. Default.

In the event the subdivider defaults or fails or neglects to satisfactorily install required improvements within one year from date of approval of the final plat, or at a date approved by the county engineer, the county commission may declare the bond, escrow, deed of trust, or letter of credit forfeit and may execute thereon and install or cause the required improvements to be installed using the proceeds from the collection to defray the expenses thereof. The subdivider shall be responsible for all costs incurred by the county to complete the required improvements in excess of the proceeds of the guarantee amount. (Ord. 2005-21, 9/6/05)

13-9-3. Maintenance guarantee.

The subdivider shall guarantee all off-site improvements will remain in good condition for a period of one year after the date of final acceptance by the county. The subdivider shall make all repairs to and maintain the improvements in good condition during that one-year period at no cost to the county. Upon completion of the improvements, the county shall retain at least 20% of the guarantee for a surety to cover the maintenance period. The exact amount retained shall be determined by the county engineer. The county engineer shall identify necessary repairs and maintenance, and this decision shall be final and binding upon the subdivider. The guarantee shall extend to and include, but shall not be limited to the entire street, subgrade, base, and surface and all pipes, joints, valves, backfill, and compacting as well as the working surface, curbs, gutters, sidewalks, and other accessories that are, or may be, affected by construction operations. Whenever, in the judgment of the county engineer, the improvements shall need repairs, maintenance, or re-building, the county engineer shall cause a written notice to be mailed or given to the subdivider. Upon receipt, the subdivider shall undertake and complete such repairs, maintenance, or re-building. If repairs are not completed within the specified time, the county shall have such repairs made and the cost of such repairs shall be paid by the subdivider or by the county using the guarantee. (Ord. 2005-21, 9/6/05)

13-9-4. Acceptance and release of surety.

(1) The subdivider shall submit to the department of engineering a copy of the as-built construction drawings. Acceptance of all improvements shall be in writing from the county engineer.

(2) Final inspection by the county engineer shall be made one year after all work has been completed and before release of the guarantee. All defects shall be corrected before acceptance by the county.

(3) Upon completion of off-site improvements and approval by the county engineer, the financial assurances may be released, at which time the subdivision will be deemed accepted. (Ord. 2005-21, 9/6/05)

13-9-5. Engineering review and inspection fee.

In addition to the improvement and maintenance guarantee, the subdivider shall deposit with the county auditor a sum equal to three percent of the cost of the improvements to cover engineering review and inspection. (Ord. 2005-21, 9/6/05)

CHAPTER 10

VACATION, ALTERATION, AND AMENDMENT OF SUBDIVISION PLATS

Section

13-10-1. Vacating or changing a subdivision plat.
13-10-2. Filing of a petition to vacate, alter, or amend a plat – Notice.
13-10-3. Planning commission consideration of petition to vacate or change a plat – Criteria for vacating or changing a plat – Recording the vacation or change.
13-10-4. Exchange of title for portions of parcels by adjacent property owners of record.

13-10-1. Vacating or changing a subdivision plat.

(1) Subject to Subsection (2), the planning commission may, with or without a petition, consider and resolve any proposed vacation, alteration or amendment of a subdivision plat, any portion of a subdivision plat, or any road, lot, or alley contained in a subdivision plat at a public hearing.

(2) If a petition is filed, the planning commission shall hold the public hearing within 45 days after receipt of the petition if:

(a) the plat change includes the vacation of a public road;

(b) any owner within the plat notifies the county of their objection in writing within ten days of receiving mailed notification; or

(c) all of the owners in the subdivision have not signed the revised plat.

(3) Any fee owner, as shown on the last county assessment rolls, of land within the subdivision that has been laid out and platted may petition in writing to have the plat, any portion of it, or any road or lot contained in it, vacated, altered, or amended.

(4) Any proposal to vacate or alter any road or alley located within a subdivision shall first be reviewed by the county engineer. Upon receiving a recommendation from the county engineer, it shall go to a public hearing of the planning commission. The planning commission shall make a recommendation to the county commission who shall consider the matter at a public meeting.

(5) The action of the county commission vacating or narrowing a street or alley that has been dedicated to public use shall operate to the extent to which it is vacated or narrowed, upon the effective date of the vacating ordinance, as a revocation of the acceptance thereof and the relinquishment of the county's fee therein, but the right-of-way and easements therein, if any, of any lot owner and the franchise rights of any public utility may not be impaired thereby. (Ord. 2005-21, 9/6/05)

13-10-2. Filing of a petition to vacate, alter, or amend a plat – Notice.

(1) Each petition to vacate, alter, or amend an entire plat, a portion of a plat, or a road or lot contained in a plat shall include:

(a) the name and address of all owners of record of the land contained in the entire plat;

(b) the name and address of all owners of record of land adjacent to any road that is proposed to be vacated, altered, or amended; and

(c) the signature of each of these owners who consents to the petition.

(2) A petition that lacks the consent of all owners may not be scheduled for consideration at a public hearing before the planning commission until the following notice is given:

(a) Notice shall be provided of the date, time, and place of a public hearing and shall be:

(i) mailed not less than five calendar days before the public hearing and addressed to the record owner of each parcel within specified parameters of that property; or

(ii) posted not less than five calendar days before the public hearing, on the property in a visible location, with a sign of sufficient size, durability, and print quality that is reasonably calculated to give notice to passers-by.

(b) For any proposal to vacate, alter, or amend a platted street, the planning commission shall give notice of a public hearing with the date, place, and time of the hearing by:

(i) mailing notice as required in Section (a)(i) above;

(ii) mailing notice to each affected entity; and

(iii) publishing notice once a week for four consecutive weeks before the hearing in a newspaper of general circulation in the county.

(c) The county shall mail notice to each affected entity of a public hearing to consider a multiple-unit residential development or a commercial or industrial development.

(3) The petitioner shall pay the costs of the notice.

(4) Subject to Subsection (1), if the planning commission proposes to vacate, alter, or amend a subdivision plat or any road or lot contained in a subdivision plat, they shall consider the issue at a public hearing after giving the notice required by this section.

(5) The name of a recorded subdivision may be changed by recording an amended plat making that change, if the new name has been cleared and approved by the county recorder. The recording of all other declaration or document that purports to change the name of a recorded plat is void. (Reference §17-27a-207, 17-27a-208 UCA, 17-27a-608; Ord. 2005-21, 9/6/05)

13-10-3. Planning commission consideration of petition to vacate or change a plat – Criteria for vacating or changing a plat – Recording the vacation or change.

(1) Within 30 days after the required public hearing, or as that time period may be extended by agreement of the parties, the planning commission shall consider the petition to vacate or change a plat.

(2) If the planning commission is satisfied that the public will not be materially injured by the proposed vacation, alteration, or amendment, and that there is good cause for the vacation, alteration, or amendment, the planning commission may vacate, alter, or amend the plat, any portion of the plat, or lot.

(3) The planning commission may approve the vacation, alteration, or amendment by resolution, amended plat, or administrative order.

(4) The planning commission shall ensure that the vacation, alteration, or amendment is recorded in the office of the county recorder in which the land is located.

(5) The action of the planning commission vacating or narrowing a street or alley that has been dedicated to public use shall operate to the extent to which it is

vacated or narrowed, upon the effective date of the vacating ordinance, as a revocation of the acceptance thereof, and the relinquishment of the county's fee therein, but the right-of-way and easements therein, if any, of any lot owner and the franchise rights of any public utility may not be impaired thereby. (Reference §17-27a-609; Ord. 2005-21, 9/6/05)

13-10-4. Exchange of title for portions of parcels by adjacent property owners of record.

(1) The owners of record of adjacent parcels described by either a metes and bounds description or a recorded plat may exchange title to portions of those parcels if the exchange of title is approved by the zoning administrator or county engineer in accordance with Subsection (2).

(2) The zoning administrator or county engineer shall approve an exchange of title under Subsection (1) if:

(a) no new dwelling lot or housing unit will result from the exchange of title; and

(b) the exchange of title will not result in a violation of applicable zoning requirements.

(3) If an exchange of title is approved under Subsection (2), a notice of approval by the zoning administrator or county engineer shall be recorded in the office of the county recorder by the owners with deeds which:

(a) are executed by each owner included in the exchange and by the zoning administrator or county engineer;

(b) contain an acknowledgment for each party executing the notice in accordance with the provisions of Title 57, Chapter 2a, Recognition of Acknowledgments Act; and

(c) recite the descriptions of both the original parcels and the parcels created by the exchange of title.

(4) A notice of approval recorded under Subsection (3) does not act as a conveyance of title to real property and is not required for the recording of a document purporting to convey title to real property. (Reference §17-27a-608(7); Ord. 2005-21, 9/6/05)

TITLE 14

BUILDING REGULATIONS

Chapter

1. **Building Official.**
2. **Building Regulations.**
3. **Constitutional Taking Issues.**

CHAPTER 1

BUILDING OFFICIAL

Section

14-1-1. Responsibility.
14-1-2. Permits.
14-1-3. Powers and duties.
14-1-4. Approval of off-site improvements by county engineer.
14-1-5. Definition of off-site improvements.
14-1-6. Reserved.
14-1-7. Surveying and engineering performed by county engineer.
14-1-8. Building permits required for off-site improvements.

14-1-1. Responsibility.

Administration and enforcement of this title shall be the responsibility of the Building Official, under the direct supervision of the County Engineer, who shall direct the Building Official as to the performance of his duties as provided in this title, but the County Commission or County Engineer may from time to time entrust the administration and enforcement of some part or the whole of this title to any other officer without amendment to this section. All departments, officials and public employees who are vested with the duty or authority to issue permits or licenses shall conform to the provisions of this code and shall issue no such permits or licenses for uses, buildings or purposes where the same would be in conflict with the provisions of this Title and any such permits or licenses, if issued in conflict with the provisions of this title, shall be null and void. (Ord. 2012-14, 7/17/12; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

14-1-2. Permits.

The construction, alteration, repair, removal or occupancy of any structure or part thereof as provided or as restricted in this title, shall not be commenced or proceeded with except after the issuance of a written permit for the same by the Building Official; provided, that no permit shall be necessary where the erection, construction, reconstruction, or alteration is minor in character as defined herein, or as determined by the State Building Codes.

Permits are required for temporary uses incidental to construction. Such permits are limited to the duration of the construction work. The maximum time for such a permit is one year. However, another permit may be issued if cause is shown. All applications for building permits shall be accompanied by a plat, drawn to scale, showing the actual dimensions of the lot to be built upon, the size and location of the existing buildings, buildings to be erected and buildings existing on adjacent property, and such other information as may be necessary to provide for the enforcement of this code.

A careful record of such applications and plats shall be kept in the office of the Building Official or other officer charged with administration and enforcement. No yard or other open space provided about any building for the purpose of complying with the provisions of this code shall be used as a yard or open space for another building. (Ord. 2012-14, 7/17/12; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

14-1-3. Powers and duties.

It shall be the duty of the Building Official to inspect or cause to be inspected all buildings in the course of construction or repair. The Building Official shall enforce all of the provisions of this code, entering actions in court when necessary, and failure to do so shall not legalize any violation of such provisions. The Building Official shall not issue any permit unless the plans of and for the proposed erection, construction, reconstruction, alteration, or use fully conform to all zoning regulations then in effect. (Ord. 2012-14, 7/17/12; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

14-1-4. Approval of off-site improvements by county engineer.

The construction of all off-site improvements within Tooele County shall not be commenced or proceeded with except after the approval of the County Engineer. All preliminary and final plats, plans and specifications for off-site improvements shall be submitted to the County Engineer for his approval prior to submission to the Planning Commission or the County Commission. A plan checking fee shall be collected by the County Engineer when said plans, plats and specifications are submitted for approval. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

14-1-5. Definition of off-site improvements.

Off-site improvements include all sewer, storm and culinary water, natural gas, underground utility systems installed outside the boundaries of lots owned or to be offered to the public for private ownership, and all streets, curbs and gutters, sidewalks, alleys or other

improvements considered off-site improvements in the construction trade. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

14-1-6. Reserved.

14-1-7. Surveying and engineering performed by county engineer.

The County Engineer, in his discretion, may do preliminary surveying, engineering, and construction surveying of off-site improvements for minor improvements to property for curb and gutter replacements or initial installation, where none previously existed and the property owner requests the same at his own expense, or when a special improvement district is created for the purpose of providing off-site improvements within the district. When the County Engineer performs such labor, the County Engineer shall charge fees consistent with the prevailing rate for such services as may be available in the private sector as determined by the County Engineer. All such fees collected by the Engineer shall be accounted for by him and shall be remitted to the County Treasurer. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

14-1-8. Building permits required for off-site improvements.

All off-site improvements within Tooele County, except those off-site improvements installed pursuant to the subdivision process, shall be required to be done with a building permit and fees collected therefore shall be according to the fee schedule for building permits then in effect. Such fees shall be payable prior to issuance of the permit. For purposes of this section, off-site improvements shall include the installation of sidewalk, curb and gutter, roads, water and sewer lines and the like. A separate building permit for any given structure may be obtained in connection with doing the off-site improvements, provided that the valuation of the off-site improvement shall be included in the computation of the permit fee. A failure to comply with this section shall result in the same penalties as are applicable for building permits under the currently adopted State Building Codes. (Ord. 2012-14, 7/17/12; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

CHAPTER 2

BUILDING REGULATIONS

Section

14-2-1. Utah uniform building standards.
14-2-2. Energy conservation construction standards.
14-2-3. Uniform code for the abatement of dangerous buildings.
14-2-4. Permit fees.
14-2-5. Appeals.
14-2-6. Repealed.

14-2-1. Utah uniform building standards.

Tooele County shall adhere to and enforce the provisions of the currently adopted State Building Codes. (Ord. 2012-14, 7/17/12; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

14-2-2. Energy conservation construction standards.

Tooele County shall adhere to and enforce the provisions of the currently adopted Energy Conservation Code. The Energy Conservation Code shall apply to the design, construction, and modification of any buildings requiring a building permit from Tooele County. (Ord. 2012-14, 7/17/12; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

14-2-3. Uniform code for the abatement of dangerous buildings.

The Uniform Code for the Abatement of Dangerous Buildings, 1991 Edition, as adopted by the International Conference of Building Officials, is hereby adopted by reference by Tooele County, for the regulation, classification and abatement of dangerous buildings. Three copies of the 1991 Edition of the Uniform Code for the Abatement of Dangerous Buildings shall be filed in the office of the Tooele County Clerk upon the adoption of this section, for use and examination by the public. All subsequent amendments to the 1991 Edition of the Uniform Code for the Abatement of Dangerous Buildings promulgated by the International Conference of Building Officials, are hereby approved and shall take effect immediately without further action of the County Commission when not less than three copies of the new edition have been filed in the Office of the County Clerk. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

14-2-4. Permit fees.

Building permit and other fees shall be charged and collected in accordance with Table 1-A of the 1997 Uniform Building Code as promulgated by the International Conference of Building Officials. The

Building Official shall determine valuations for the purpose of calculating fees by using for each calendar year the first Building Valuation Data publication issued during that calendar year by the International Conference of Building Officials. The Building Official shall adjust each calculated valuation by the regional modifier listed in said publication for Utah using the grade of construction determined to be applicable. The fee shall then be determined by reference to the Uniform Building Code provisions regarding the calculation of fees. The following information shall be used to calculate valuations for the listed items.

Hay Cover - $3.00 per square foot.

Storage Shed & Ag Building - Wood Construction - $6.00 per square foot; Steel Construction - $8.50 per square foot; Masonry Construction - $9.90 per square foot. (If without footer and less than 400 square foot, one-half of the above).

Patio Roof - $2.50 per square foot.

Patio with Covered Deck - $8.63 per square foot.

Green House Attached - Same as house.

Commercial and Industrial Construction - Contractor's price.

Siding or Re-roofing - Contractor's price or double cost of materials.

Remodeling, Electrical, Mechanical or Plumbing Work When a Building Permit is Required - Contractor's price or double cost of materials.

Factory Built Housing, Including Mobile Homes and Modular Units - 45% of the valuation listed in the applicable building valuation data publication.

In addition to the foregoing fees, Tooele County shall assess and collect a surcharge equal to one percent of the building permit fee in compliance with Utah state law The County shall file with the Utah Division of Occupational and Professional Licensing a report of building fees and surcharges assessed for the immediately preceding calendar quarter; and, shall remit eighty percent of the amount of the surcharge to have been assessed to said Division. (Ord. 2012-14, 7/17/12; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

14-2-5. Appeals.

Any person who disputes the application or interpretation of any of the building regulations referred to in this chapter may, within 45 days of such determination, appeal such decision by filing a written notice of appeal with the Office of the Tooele County Commission. The County Commission shall, after receiving the notice of appeal, appoint an appeals board consisting of 1 to 3 individuals who are knowledgeable regarding the issue raised by the appeal and who are not employed by the County Engineering Department. The appeals board shall conduct a hearing within 45 days of their appointment and give each party an opportunity to be heard. The decision of the appeals board shall be final. The appeals board shall have no authority to interpret the administrative provisions of the Building Regulations nor shall the appeals board be empowered to waive requirements of these regulations. (Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

14-2-6. Repealed. (Ord. 95-15, 7/20/95)

CHAPTER 3

CONSTITUTIONAL TAKING ISSUES

Section

14-3-1. Purpose.
14-3-2. Definitions.
14-3-3. Exclusion from chapter.
14-3-4. Guidelines advisory.
14-3-5. Review of decision.
14-3-6. Hearing examiners.

14-3-1. Purpose.

The purpose of this chapter is to establish guidelines and a procedure for reviewing County actions that involve a physical taking or exaction of private real property that may have constitutional taking issues. This chapter is further intended and shall be construed to objectively and fairly review claims by property owners that any such County actions should require payment of just compensation yet preserve the ability of the County to lawfully regulate real property and fulfill its other duties and obligations. (Ord. 95-19, 9/12/95; Ord. 95-3, 2/21/95)

14-3-2. Definitions.

(1) As used in this chapter, "constitutional taking" means an action by the County involving the physical taking or exaction of private real property that might require compensation to a private real property owner because of:

(a) the Fifth or Fourteenth Amendment to the Constitution of the United States;

(b) Article I, Section 22, of the Utah Constitution; or

(c) any court ruling governing the physical taking or exaction of private real property by a government entity.

(2) An action by the County involving the physical taking or exaction of private real property is not a constitutional taking if the physical taking or exaction bears an essential nexus to a legitimate governmental interest and is roughly proportionate and reasonably

related, on an individualized property basis, both in nature and extent, to the impact of the proposed development or the legitimate government interest. (Ord. 95-19, 9/12/95; Ord. 95-3, 2/21/95)

14-3-3. Exclusion from chapter.

This chapter shall not apply when the County formally exercises its powers of eminent domain, or when it regulates real property or requires payment of fees where there is no physical taking or exaction of the property. (Ord. 95-19, 9/12/95; Ord. 95-3, 2/21/95)

14-3-4. Guidelines advisory.

The guidelines adopted and decisions rendered pursuant to this chapter are advisory and shall not be construed to expand or limit the scope of the County's liability for a constitutional taking. The reviewing body or person shall not be required to make any determination under this chapter except pursuant to Section 14-3-5. (Ord. 95-19, 9/12/95; Ord. 95-3, 2/21/95)

14-3-5. Review of decision.

Any owner of private real property who claims there has been a constitutional taking by the County of the owner's property shall request a review of the final decision constituting the alleged constitutional taking. The following are the specific requirements for such a review:

(1) The person requesting a review must have obtained a final decision from which the review is being requested.

(2) Within 30 days from the date of the final decision, the person requesting the review shall file, in writing, in the office of the County Commission, an application for review of that decision. A copy of the application shall also be filed with the County Attorney's office.

(3) In addition to the written request for review, the applicant must submit, prior to the date of the review, the following:

(a) the name of the applicant requesting review;

(b) the name and business address of the current owner of the property, the form of ownership, whether sole proprietorship, for-profit or not-for-profit corporation, partnership, joint venture or other, and if owned by a corporation, partnership, or joint venture, the name and address of all principal shareholders or partners;

(c) a detailed description of the grounds for the claim that there has been a constitutional taking, including any legal authority supporting the claim;

(d) a legal description of the property taken;

(e) evidence and documentation as to the value of the property taken, including the date and cost at the date the property was acquired and any evidence of the value of that same property before and after the alleged constitutional taking, the name of the party from whom purchased, including the relationship, if any, between the person requesting the review and the party from whom the property was acquired;

(f) the nature of the protectable interest claimed to be affected, such as fee simple ownership or leasehold interest;

(g) the terms, including sale price, of any previous purchase or sale of a full or partial interest in the property within three years prior to the date of application;

(h) all appraisals of the property prepared for any purpose, including financing, offering for sale or ad valorem taxation, within three years prior to the date of application;

(i) the assessed value of and ad valorem taxes on the property for the previous three years;

(j) all information concerning current mortgages or other loans secured by the property, including the name of the mortgagee or lender, current interest rate, remaining loan balance and term of the loan and other significant provisions, including but not limited to, the right of purchasers to assume the loan;

(k) all listings of the property for sale or rent, price asked and offers received, if any, within the previous three years;

(l) all studies commissioned by the petitioner or agents of the petitioner within the previous three years concerning feasibility of development or utilization of the property;

(m) for income producing property, itemized income and expense statements from the property for the previous three years;

(n) information from a title policy or other source showing all recorded liens or encumbrances affecting the property; and

(o) additional information requested by the County Commission which they deem reasonably necessary to arrive at a conclusion concerning whether there has been a constitutional taking.

(4) Upon written notice by the County Commission that the application is complete, it shall be considered as submitted. The County Commission shall then set a time to review the decision that gave rise to the constitutional takings claim. The County Commission shall promptly notify an applicant when the application is complete.

(5) The County Commission shall hear all the evidence related to and submitted by the applicant, the County, or any other interested party.

(6) A final decision on the application shall be rendered within 14 days from the date the complete application for review has been received by the County Commission. The decision of the County Commission shall be given in writing to the applicant and the officer, employee, board, or commission that rendered the final decision giving rise to the constitutional takings claim. (Ord. 95-19, 9/12/95; Ord. 95-3, 2/21/95)

14-3-6. Hearing examiners.

The Board of County Commissioners may appoint one or more hearing examiners to review and hear applications filed under this chapter and make recommendations to the County Commission and to any other officer, employee, board or commission that made the decision that gave rise to the constitutional takings claim. (Ord. 95-19, 9/12/95; Ord. 95-3, 2/21/95)

TITLE 15

ROADS

Chapter

1. **Definitions.**
2. **Powers and Duties - County Commission and Roads Division.**
3. **Excavations.**
4. **Naming and Numbering of Streets and Buildings.**
5. **Regulations.**

CHAPTER 1

DEFINITIONS

Section

15-1-1. Definitions.

15-1-1. Definitions.

As used in this title:

(1) **"City"** or **"town"** means an incorporated municipality.

(2) **"Construction"** means the construction, reconstruction, replacement, and improvement of the highways, including the acquisition of rights-of-way and material sites.

(3) **"Commission"** means the Board of County Commissioners for Tooele County.

(3) **"County road"** means any county-designated or maintained public roads, highways, streets and rights-of-way within the county, not designated as state, or city streets and highways.

(4) **"Driveway"** means a private access way for vehicles, leading from a street to a parking or loading area.

(5) **"Highway"** means any public road, street, alley, lane, court, place, viaduct, tunnel, culvert, bridge, or structure laid out or erected for public use, or dedicated or abandoned to the public, or made public in an action for the partition of real property, including the entire area within the right-of-way.

(6) **"Maintenance"** means the performance of all things necessary to keep a highway or private road in serviceable condition.

(7) **"Official map"** means the official map or official maps of the county as adopted by the County Commission in accordance with law, designating and showing the highways, county roads, freeways, parks, parkways and sites for public buildings or works, including subsurface facilities, in the acquisition, financing or construction of which the county has participated or may be called upon to participate.

(8) **"Person"** includes any individual, firm, company, partnership, corporation, association or any group or combination, and the plural as well as the singular number unless the intent to give a more limited meaning is disclosed by the context.

(9) **"Private road"** means any right-of-way not dedicated to public use.

(10) **"Road division"** means the Tooele County Department of Engineering and includes the road division.

(11) **"Section"** means a section of this title unless some other section is specifically mentioned.

(12) **"Sidewalk"** means that portion of a road or highway reserved for pedestrian transportation between the curb line or the lateral lines of a roadway and the adjacent property lines. (Ord. 2001-36, 12/11/01)

CHAPTER 2

POWERS AND DUTIES
COUNTY COMMISSION AND ROADS DIVISION

Section

15-2-1. Commission - Jurisdiction and control.
15-2-2. Commission to file plats and descriptions.
15-2-3. Road design.
15-2-4. Restricting use of highway.
15-2-5. Authority to provide and maintain county roads.
15-2-6. Private roads.

15-2-1. Commission - Jurisdiction and control.

All county roads not designated as federal, state, city or highways shall be under the direction and authority of the Board of County Commissioners and the Tooele County Department of Engineering. Such roads shall be constructed and maintained by or under the authority of the county commissioners from funds made available for that purpose, and the county commissioners shall have the authority to expend or by contract cause to be expended such funds as are allocated to the county. (Ord. 2001-36, 12/11/01)

15-2-2. Commission to file plats and descriptions.

(1) The county executive of each county shall determine all county roads existing in the county and prepare and keep current plats and specific descriptions of the county roads.

(2) The plats and specific descriptions shall be kept on file in the office of the county clerk or recorder. (Ord. 2001-36, 12/11/01)

15-2-3. Road design.

Road design shall conform to the general plan, Manual on Uniform Traffic Control Devices, and the Tooele County Manual on Road and Highway Design Standards as adopted by the county engineer. (Ord. 2001-36, 12/11/01)

15-2-4. Restricting use of highway.

Whenever it is deemed necessary to suspend all or part of the travel on a county road or portion thereof, the road division may restrict the use of, or close such highway or portion thereof. (Ord. 2001-36, 12/11/01)

15-2-5. Authority to provide and maintain county roads.

The Tooele County Department of Engineering under the general direction of the county commission, is authorized to plan, designate, establish, regulate, maintain and improve county roads. The road division shall place and maintain traffic control devices and signs as required by the Manual on Uniform Traffic Control Devices. (Ord. 2001-36, 12/11/01)

15-2-6. Private roads.

Private roads shall conform to the general plan, Manual on Uniform Traffic Control Devices, and the Tooele County Manual on Road and Highway Design Standards. (Ord. 2001-36, 12/11/01)

CHAPTER 3
EXCAVATIONS

Section

15-3-1. Purpose.
15-3-2. Permit required - Application - Revocation.
15-3-3. Permit fees.
15-3-4. Bonds.
15-3-5. Specifications.
15-3-6. Use of pavement pads by equipment.
15-3-7. Restoration of surface.
15-3-8. Bituminous, concrete, gravel or asphalt street surfaces.
15-3-9. Protection of public.
15-3-10. Relocation and protection of utilities.
15-3-11. Approval of method of jetting pipe.
15-3-12. Notice to inspect; failure to comply with specification.

15-3-1. Purpose.

This chapter is for the purpose of regulating any excavation occurring in a Tooele County road or right-of-way and providing monetary assurances that Tooele County roads will be returned to the original condition after excavations. (Ord. 2001-36, 12/11/01; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

15-3-2. Permit required - Application - Revocation.

It shall be unlawful for any person to dig up, break, excavate, tunnel, undermine or in any manner break up any County road or right-of-way or to make or cause to be made excavations in or under the surface of any County road or right-of-way for any purpose or place, deposit or leave upon any County road or right-of-way any earth or any excavated material obstructing or tending to interfere with the free use of the road or right-of-way, unless such person shall first have obtained an excavation permit therefore from the Tooele County Engineering Department. Any public utility regulated by the State or holding a franchise from the County which, in the pursuit of its calling, has frequent occasion to open or make excavations in County roads or rights-of-way, may, upon application, receive a general permit from the Tooele County Engineering Department to cover all excavations such utility may make within County roads or rights-of-way. Permit fees shall accompany the application, except for fees under general permits, which shall be paid monthly as herein provided. All permits shall be subject to revocation and the Tooele County Engineering Department may refuse to issue a permit for failure of the permittee or applicant to abide by the terms and conditions of this chapter. Excavation permits shall not be required prior to an excavation in case of emergency, endangering life or property, providing the Tooele County Engineering Department is notified as soon as practicable and a permit is applied for upon the next regular working day following the emergency.

Excavation applications will be accepted only from State licensed contractors having evidence of an adequate liability bond in force or from public utility companies. (Ord. 2001-36, 12/11/01; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

15-3-3. Permit fees.

Excavation fees shall be established by resolution by the Board of County Commissioners. (Ord. 2001-36, 12/11/01)

15-3-4. Bonds.

(1) To assure restoration of the street surface or the right-of-way in a satisfactory manner, each person excavating within a county right-of-way shall furnish to Tooele County a cash or corporate surety bond as determined by the Board of County Commissioners in resolution.

(2) No bond shall be required for excavations where pipe or cable are laid outside the paved or

improved area of a county right-of-way where the excavation is not wider than six inches.

(3) No bond shall be required for augured and cased excavations under county roads, provided that the auguring and casing methods comply with all applicable regulations, ordinances and specific conditions provided in the permit and that the project is approved by the county prior to excavation.

(4) Bonds required by this section shall be forfeited to the county when a project is not restored in a satisfactory manner as provided by county ordinances, regulations or conditions of the permit, within three months after the date of the commencement of the bonded project. The bond may be held by the county for up to one year following the completion of the bonded project. If during the one year period the county determines the restoration was defective in any regard, the county shall give the excavator notice of the defect. If the excavator fails to remedy the defect within 30 days after receipt of the notice, the bond shall be forfeited to the county. When the county is assured that the project has been completed satisfactorily or the one year period has elapsed, the county shall notify the excavator of its intention to release the bond. If the excavator fails to redeem the bond within 60 days after receiving notice, the bond shall be forfeited to the county. If the bond is insufficient to cover the costs of any restoration, the excavator shall be liable to the county for all additional costs incurred in the restoration and shall be liable for all costs and attorney fees to collect the additional amounts.

(5) Every person who works within a county right-of-way shall hold the county harmless from and against any claims or damages that may result due to his acts. (Ord. 2001-36, 12/11/01)

15-3-5. Specifications.

(1) Street pavement cuts and backfill shall conform to the Manual on Uniform Traffic Control Devices, and Tooele County Manual on Road and Highway Design Standards.

(2) The contractor and/or excavator shall be responsible and provide warranty for backfill in County roads and backfill under sidewalks, curbs or other structures for a period of 2 years from the date of inspection by the Tooele County Engineering Department. (Ord. 2001-36, 12/11/01)

15-3-6. Use of pavement pads by equipment.

In order to avoid unnecessary damage to paved surfaces, tracked equipment shall use pavement pads when operating on or crossing paved surfaces. (Ord. 2001-36, 12/11/01; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

15-3-7. Restoration of surface.

All street surfacing, curbs, gutters, sidewalks, driveways or other hard surfaces falling in the line of the work, which must be removed in the performance of the work, shall be restored in kind by the contractor as specified in the Tooele County Manual on Road and Highway Design Standards. All signage removed, falling in the line of the work, which must be removed in the performance of the work, shall be restored in compliance with the Manual on Uniform Traffic Control Devices. (Ord. 2001-36, 12/11/01)

15-3-8. Bituminous, concrete, gravel or asphalt street surfaces.

Bituminous, concrete or asphalt street surfaces used as a temporary gravel surface and the treatment of the exposed edges of existing pavement shall conform to the Tooele County Manual on Road and Highway Design Standards. (Ord. 2001-36, 12/11/01)

15-3-9. Protection of public.

Excavation operations shall be conducted in such a manner that a minimum amount of interference or interruption of street traffic will result. Barricades shall be available and used where necessary to prevent accidents involving property or persons. Barricades shall be in place until all contractor equipment is removed from the site and the excavation has been backfilled and proper temporary gravel surface is in place as specified in Section 15-3-7. From sunset to sunrise all barricades and excavations shall be clearly outlined by acceptable warning lights, lanterns or flares. Sheriff and fire departments shall be notified at least 24 hours in advance of any planned excavation requiring street closure or detour. (Ord. 2001-36, 12/11/01; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

15-3-10. Relocation and protection of utilities.

The holder of a street excavation permit shall not interfere with any existing utility without the written consent of the administrative authority and the owner of the utility. If it becomes necessary to relocate an existing utility, this shall be done by its owner. No utility owned by the County shall be moved to accommodate the permittee, unless the cost of such work be borne by the permittee. The cost of moving privately owned utilities shall be similarly borne by the permittee, unless it makes other arrangements with the person owning the utility. The permittee shall support and protect, by timbers or otherwise, all pipes, conduits, poles, wires or other apparatus which may be in any way affected by the excavation work and do everything necessary to support, sustain and protect them under, over, along or across such work. In case any pipes,

conduits, poles, wires, or apparatus should be damaged, and for this purpose pipe coating or other encasement or devices are to be considered as part of a substructure, they shall be repaired by the agency or person owning them and the expense of such repairs shall be charged to the permittee. It is the intent of this section 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 is a contractual obligation of the permittee. The only exception will be such instances where damage is exclusively due to the negligence of the owning utility. The County shall not be made a party to any action because of this section. The permittee shall inform itself as to the existence and location of all underground utilities and protect the same against damage. (Ord. 2001-36, 12/11/01; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

15-3-11. Approval of method of jetting pipe.

Jetting backfill by means of water under pressure, or compressed air, shall conform to the Tooele County Manual on Road and Highway Design Standards. (Ord. 2001-36, 12/11/01)

15-3-12. Notice to inspect; failure to comply with specification.

The Tooele County Road Department shall be notified at least 24 hours in advance of excavating and backfilling of an excavation so that an inspector can check the work. Failure to observe and comply with the specifications in Section 15-3-5 may result in the refusal of permits. (Ord. 2009-21, 7/7/09; Ord. 2001-36, 12/11/01; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

CHAPTER 4

NAMING AND NUMBERING OF STREETS AND BUILDINGS

Section

15-4-1. Definitions.
15-4-2. Names of streets designated on official map.
15-4-3. Numbering.
15-4-4. Exceptions.
15-4-5. Stansbury Park.
15-4-6. Failure to number.
15-4-7. Display of house number.

15-4-1. Definitions.

As used in this chapter "addressing unit" means any entity requiring an address, including single-family dwellings, a single-family dwelling within and/or comprising a multiple-family dwelling, and institutional, commercial or industrial units. (Ord. 2001-36, 12/11/01; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

15-4-2. Names of streets designated on official map.

All streets of Tooele County shall be known by the names by which they are so designated on the official map of Tooele County filed in the office of the county recorder. (Ord. 2001-36, 12/11/01; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

15-4-3. Numbering.

(1) The numbering of homes and buildings in Tooele County shall be done on a section related basis. Therefore, the initial zero point shall be known as the zero horizontal point and the zero vertical point respectively. Said zero points are hereby expressly defined as follows:

(a) Zero Horizontal Line. The zero horizontal line shall be a line running East and West through each region.

(b) Zero Vertical Line. The zero vertical line shall be a line running north and south through each region.

(2) Vernon Region. Beginning at the northwest corner to section 6, T7S, R6W SLB&M, and running thence, easterly, along the section lines to a point on the north section line of section 4, T7S, R3W, said point also being the intersection of said north line and the Tooele County line; thence, southerly, along said county line to a point of intersection on the south line of section 31, T10S, R4W; thence, westerly, along said county line to the southwest corner of section 31, T10S, R6W; thence, northerly, along the section lines to the point of beginning. The zero horizontal line is hereby defined as Castagno Street, Vernon City, Tooele County, Utah. The zero vertical line is hereby defined as Main Street, Vernon City, Tooele County, Utah. The zero vertical line intersects with the zero horizontal line at the center of the intersection of Castagno Street and Main Street, Vernon City, Tooele County, Utah. The numbering shall extend thence east, west, north and south, the even numbers always on the right and odd numbers on the left, looking away from the initial or zero point.

(3) Rush Valley Region. Beginning at the northwest corner of section 6, T5S, R6W, SLB&M, and running thence, easterly, along the section lines to a point of intersection of the north line of section 5, T5S, R3W, and the Tooele County line; thence, southerly, along said county line to a point of intersection on the south line of section 33, T6S, R3W; thence, westerly, along the section lines to the southwest corner of section 31, T6S, R6W; thence, northerly, along the section lines to the point of beginning. Excepting

therefrom the town of Ophir. The zero horizontal line is hereby defined as the east west direction of Center Street, Rush Valley City, Utah. The zero vertical line is hereby defined as the north and south direction of Main Street, Rush Valley City, Tooele County, Utah. The numbering shall extend thence east, west, north and south, the even numbers always on the right and odd numbers on the left, looking away from the initial or zero point.

(4) South Skull Valley Region. Beginning at the northwest corner of section 1, T4S, R10W, SLB&M, and running thence, easterly, along the section lines to the northeast corner of section 4, T4S, R7W; thence, southerly, along the section lines to the southeast corner of section 33 ; thence, easterly, along the section lines to the northeast corner of section 1, T5S, R7W; thence, southerly, along the section lines to the southeast corner of section 36, T10S, R7W, said point also being on the Tooele County line; thence, westerly, along said county line to the southwest corner of section 31, T10S, R12W, said point also being on the Dugway Proving Ground boundary; thence, northerly, along said boundary line to the northwest corner of section 19, T9S, R12W; thence, easterly, along said boundary line to the northeast corner of section 24, T9S, R9W; thence, northerly, along said boundary line to the northwest corner of section 30, T7S, R8W; thence, easterly, along said boundary line to the southwest corner of section 23; thence, northerly, along said boundary line to the northwest corner of section 2; thence, westerly, along said boundary line to the southwest corner of section 31, T6S, R8W; thence, northwesterly, along said boundary line to a point on the south section line of section 32, T4S, R10W, said point also being the northeast corner of the Dugway Proving Ground; thence, northeasterly, leaving said boundary line to the point of beginning. The zero horizontal line is hereby defined as the southern most east and west section line of Section 3, Township 6 South, Range 7 West, Salt Lake Base and Meridian. The zero vertical line is hereby defined as the western most north and south, section line of Section 3, Township 6 South, Range 7 West, Salt Lake Base and Meridian, Tooele County, Utah. The zero vertical line intersects with the zero horizontal line at the southwest corner of Section 3. The numbering shall extend thence east, west, north and south, the even numbers always on the right and odd numbers on the left, looking away from the initial or zero point.

(5) North Skull Valley Region. Beginning at a point where the west section line of section 13, T3N, R10W, SLB&M intersects the Tooele County line, and running thence, easterly, along said county line to a point where said county line changes direction; thence, northeasterly, along said county line to a point representing the intersection of said line and the northerly extension of the east section line of section 4, T1S, R7W; thence, southerly, along the section lines to the southeast corner of section 33, T3S, R7W; thence, westerly, along the section lines to the southwest corner of section 36, T3S, R10W; thence, northerly, along the section lines to the point of beginning. The zero horizontal line is hereby defined as the southern most east and west section line of Section 31, Township 1 South, Range 8 West, Salt Lake Base and Meridian. The zero vertical line is hereby defined as the western most north and south section line of Section 31, Township 1 South, Range 8 West, Salt Lake Base and Meridian, Tooele County, Utah. The zero vertical line intersects with the zero horizontal line at the southwestern corner of Section 31. The numbering shall extend thence east, west, north and south, the even numbers always on the right and odd numbers on the left, looking away from the initial or zero point.

(6) Grantsville Region. Beginning at the southwest corner of section 15, T4S, R7W, SLB&M, and running thence, northerly, along the section lines to a point of intersection with the Tooele County line; thence, easterly, along said county line to a point where the Tooele County line intersects the Box Elder, Weber and Davis county lines; thence, southeasterly, along said county line to a point of intersection of said line and the northerly extension of the east section line of section 9, T2S, R5W; thence, southerly, along the section lines to the southeast corner of section 16, T4S, R5W; thence, westerly, along the section lines to the point of beginning. The zero horizontal line is hereby defined as the east and west line of Main Street, Grantsville City, Tooele County, Utah. The zero vertical line is hereby defined as the north and south line of Hale Street, Grantsville City, Tooele County, Utah, also known as the north south center line of Section 28. The zero vertical line intersects with the zero horizontal line at Main Street and Hale Street, Grantsville City, Tooele County, Utah. The numbering shall extend thence east, west, north and south, the even numbers always on the right and odd numbers on the left, looking away from the initial or zero point.

(7) Tooele Region. Beginning at a point where the Tooele County line intersects the north line of section 32, T4S, R3W SLB&M, and running thence, westerly, along the section lines to the southwest corner of section 28, T4S, R4W; thence, northerly, along the section lines to the to the southwest corner of section 16; thence, westerly, along the section lines to the southwest corner of section 15, T4S, R5W; thence, northerly, along the section lines to a point of intersection with the Tooele County line; thence,

southeasterly, along said county line to a point on the north section line of section 19. T1S, R3W; thence, southerly, along said county line to the point of beginning. The zero horizontal line is hereby defined as the east and west quarter (¼) line of Section 28, Township 3 South, Range 4 West, Salt Lake Base and Meridian, Tooele Section 28, also known as the east west center line of Section 28. The zero vertical line is hereby defined as the north and south quarter (¼) line of Section 28, Township 3 South, Range 4 West, Salt Lake Base and Meridian, Tooele City, Tooele County, Utah, also known as the north south center line of Section 28. The zero vertical line intersects with the zero horizontal line at center of Section 28. The numbering shall extend thence east, west, north and south, the even numbers always on the right and odd numbers on the left, looking away from the initial or zero point.

(8) West Desert Region. Beginning at the intersection of the east line of section 14, T3N, R10W SLB&M, and the Tooele County line, and running thence, southerly, along the section lines to the southeast corner of section 35, T3S, R10W; thence, southwesterly, to the northeast corner of the Dugway Proving Ground, said point also being on the south section line of section 32, T4S, R10W; thence, westerly, along the Dugway Proving Ground boundary to the southwest corner of section 31, T4S, R11W, said point also being a point on the boundary of the Utah Test and Training Range (Wendover Air Force Range); thence, northerly, along said boundary to the northwest corner of section 19, T2S, R11W, said point also being the northeast corner of said range; thence westerly, along said boundary to the southwest corner of section 18, T2S, R15W; thence, northerly, to the northwest corner of section 6, T1S, R15W; thence, westerly, along the section line to the southwest corner of section 31, T1N, R15W; thence, northerly, along the section lines to the northwest corner of section 6, said point also being the southwest corner of the Utah Test and Training Range (Hill Air Force Range); thence, easterly, along said range boundary to the northeast corner of section 1; thence, southerly, along said boundary to the northwest corner of section 6, T1N, R14W; thence, easterly, along said boundary to the northwest corner of section 6, T1N, R11W; thence, northerly, to the Tooele County line; thence, easterly, along said county line to the point of beginning. The zero horizontal line is hereby defined as the southern most east and west section line of Section 12, Township 1 South, Range 11 West, Salt Lake Base and Meridian. The zero vertical line is hereby defined as the western most north and south section line of Section 12, Township 1 South, Range 11 West, Salt Lake Base and Meridian, Tooele County, Utah. The zero vertical line intersects with the zero horizontal line at the southwest corner of Section 12, Township 1 South, Range 11 West, Salt Lake Base and Meridian. The numbering shall extend thence east, west, north and south, the even numbers always on the right and odd numbers on the left, looking away from the initial or zero point.

(9) Wendover Region. Beginning at the west quarter corner of section 6, T3S, R19W, SLB&M, said point also being on the Utah/Nevada state line; and running thence, northerly, along said state line to the northwest corner of Tooele County; thence, easterly, along the county line to a point of intersection with the Utah Test and Training Range (Hill Air Force Range) boundary, said point also being on the east section line of section 13, T3N, R16W; thence, southerly, along the section lines to the southeast corner of section 36, T1N, R16W; thence, easterly, along the section line to the northeast corner of section 1, T1S, R16W; thence, southerly, along the section lines to the southeast corner of section 13, T2S, R16W, said point also being on the Utah Test and Training Range (Wendover Air Force Range) boundary; thence, westerly, along said boundary to the southeast corner of section 17, T2S, R18W; thence, southerly, along said boundary to the southeast corner of section 32; thence, westerly, along said boundary to the southeast corner of section 36, T2S, R19W; thence, southerly, along said boundary to the east quarter corner of section 1, T3S, R19W; thence, westerly, along the quarter section lines to the point of beginning. The zero horizontal line is hereby defined as the east and west direction starting at the center line of East Wendover Boulevard, Wendover City, Tooele County, Utah. The zero vertical line is hereby defined as the north and south direction of the Utah/Nevada state line, Wendover City, Tooele County, Utah. The zero vertical line intersects with the zero horizontal line at the center of the intersection of East Wendover Boulevard and the Utah/Nevada state line, Wendover City, Tooele County, Utah. The numbering shall extend thence east, north and south, the even numbers always on the right and odd numbers on the left, looking away from the initial or zero point.

(10) Ibapah Region. Beginning at the southwest corner of section 36, T10S, R20W, SLB&M, said point also being the southwest corner of Tooele County, and running thence, northerly, along said county line to the northwest corner of section 6, T5S, R19W; thence, easterly, along the section lines to the northwest corner of section 1, T5S, R18W; thence, southerly, along the section lines to the southeast corner of section 36; thence, easterly, along the section lines to the northeast corner of section 1, T6S, R17W; thence, southerly, along the section lines to the Tooele County line;

thence, westerly, along said county line to the point of beginning. The zero horizontal line is hereby defined as the southern most east and west section line of Section 16, Township 9 South, Range 19 West, Salt Lake Base and Meridian, Tooele County, Utah. The zero vertical line is hereby defined as the eastern most north and south section line of Section 16, Township 9 South, Range 19 West, Salt Lake Base and Meridian, Tooele County, Utah. The zero vertical line intersects with the zero horizontal line at the southeast corner of Section 16. The numbering shall extend thence east, west, north and south, the even numbers always on the right and odd numbers on the left, looking away from the initial or zero point.

(11) Stockton Region. Beginning at a point where the Tooele County line intersects the south line of section 32, T4S, R3W SLB&M, and running thence, westerly, along the section lines to the southwest corner of section 34, T4S, R7W; thence, northerly, along the section lines to the northwest corner of section 22; thence, easterly, along the section lines to northeast corner of section 20, T4S, R4W; thence, southerly, along the section lines to the southeast corner of section 29; thence, easterly, along the section lines to a point where the north line of section 32, T4S, R3W intersects the Tooele County line; thence, southeasterly, along said county line to the point of beginning. The zero horizontal line is hereby defined as the east and west direction of Silver Avenue, Stockton City, Tooele County, Utah. The zero vertical line is hereby defined as the north and south direction of Main Street, Stockton City, Tooele County, Utah. The zero vertical line intersects with the zero horizontal line at the center of the intersection of Silver Avenue and Main Street, Stockton City, Tooele County, Utah. The numbering shall extend thence east, west, north and south, the even numbers always on the right and odd numbers on the left, looking away from the initial or zero point. (Ord. 2001-36, 12/11/01)

15-4-4. Exceptions.

Whenever, in the sole discretion of the Board of County Commissioners, circumstances exist which merit an exception to the provisions of Section 15-4-3 herein, an alternate method of naming and numbering of streets and buildings may be adopted by ordinance as in the opinion of the Board of County Commissioners will best subserve the excepted area. (Ord. 2001-36, 12/11/01; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

15-4-5. Stansbury Park.

(1) For the lots located in the following subdivisions located in Stansbury Park, Captains Island #1, Captains Island #2, Captains Island #3, Lakeside Subdivision #1, Lakeside Subdivision #2, Lakeside Subdivision #3, Golf Course Island Subdivision #1, Golf Course Island Subdivision #1,Golf Course Island Subdivision #2,Golf Course Island Subdivision #3, Golf Course Island Subdivision #4, Golf Course Island Subdivision #5, and any phases or amendments of these subdivisions, the developer shall be responsible to implement within a reasonable time, a community graphics system to facilitate address location consisting of identification signs at all entrances to the community and to each neighborhood.

(2) Each neighborhood shall be a self-contained addressing entity beginning with the address number "1" and ending with the address number approximately equal to the total number of addressing units in that neighborhood.

(3) The neighborhood name (Mill Pond, Lake View, Country Club, etc.), but not necessarily the word "neighborhood," shall be required as part of the official mailing address in place of the street name, which street name shall not be a part of the official mailing address, as illustrated in the following example:

Mr. & Mrs. John Doe
33 Mill Pond
Stansbury Park, Ut 84074

(4) The first addressing unit in each neighborhood shall begin with the numeral "1" and all such units therein shall be numbered consecutively throughout that neighborhood.

(5) The addressing for commercial, industrial, institutional or any other type of unit not located within a neighborhood shall begin with the numeral "1" in each such commercial, industrial or institutional center, and all such units therein will be numbered consecutively throughout.

(6) Units in a neighborhood or commercial, industrial or institutional center shall be numbered consecutively along one side of a street or series of streets from one end (point "A") to the other end (point "B") and then numbered along the other end (point "B") and then numbered along the other side of the same street or series of streets from the opposite end (point "B") to the point of beginning (point "A").

(7) Numerals in the addressing system will be skipped between numbered units in cases where land has an undesignated use but where later development might take place requiring addresses. (Ord. 2001-36, 12/11/01; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

15-4-6. Failure to number.

It shall be unlawful for any person having erected a house or other building fronting upon a street within the limits of Tooele County to fail to number such house or building with the number designated by the Tooele

County Department of Engineering, or for the occupant of any house or building, or for the owner or agent of any unoccupied habitable house or building, fronting upon a street within said county, to fail for a period of more than 10 days after notice from the Tooele County Department of Engineering to number such house or building with the number so designated, or for any person to number a house or building in any manner other than that prescribed by this chapter. (Ord. 2001-36, 12/11/01; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

15-4-7. Display of house number.

When such number has been designated by the Tooele County Department of Engineering, the owner or occupant of such house or building shall cause a painted, carved or cast duplicate of such number at least 3 inches in height and of a shade in contrast to the background upon which the number is mounted, to be placed in a conspicuous position upon the front of such house or building, in a permanent, stationary and durable manner unobstructed at all times by vines, screens, or anything that would tend to hide or obscure the number, so that the number will be clearly perceptible from a distance of 150 feet. (Ord. 2001-36, 12/11/01; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

CHAPTER 5

REGULATIONS

Section

15-5-1. Discharge of water upon roads and sidewalks prohibited.
15-5-2. Removal of snow from sidewalks.
15-5-3. Public parkstrip and right-of-way with curb and gutter.
15-5-4. Street trees.
15-5-5. Obstructions on public roads, streets, paths, trails, sidewalks, and rights-of-way.

15-5-1. Discharge of water upon roads and sidewalks prohibited.

It shall be unlawful for any person owning, occupying or having control of any premises to suffer or permit irrigation or well water or water from any other source under the control of such person, to be discharged or spread upon the surface of any county road or sidewalk by means of a sprinkling system, flooding or by any other means. (Ord. 2001-36, 12/11/01; Ord. 95-19, 9/12/95; Ord. 92-5, 9/1/92)

15-5-2. Removal of snow from sidewalks.

It is unlawful for the owner, occupant, lessor or agent of any property abutting on any paved sidewalks located in the unincorporated areas of Tooele County, to fail to promptly remove or cause to be promptly removed from any such paved sidewalk, all hail, snow, or sleet falling thereon, or ice forming thereon; provided that in case of a storm between the hours of 5:00 o'clock p.m. and 9:00 o'clock a.m, such sidewalks shall be cleaned before the hour of 10:00 o'clock a.m. (Ord. 2001-36, 12/11/01; Ord. 95-19, 9/12/95; Ord. 94-22, 12/20/94)

15-5-3. Public parkstrip and right-of-way with curb and gutter.

(1) All landscaping on public property including parkstrips and right-of-ways shall be made in accordance with this Section. It is unlawful for the owner, occupant, lessor or agent of any property abutting a public parkstrip or right-of-way with curb and gutter to violate this Section.

(2) The following materials shall be prohibited in parkstrips and public property in right-of-ways with curb and gutter:

(a) asphalt or concrete, other than drive approaches;

(b) thorn-bearing plants;

(c) ground cover and shrubs which exceed 18 inches in height at maturity; and

(d) any material that is hazardous to pedestians and bicyclists, is difficult to walk across, can be removed when kicked or washed into the street or sidewalk, may clog storm drains, prevents percolation of water into the soil, or cause a visual barrier to pedestrians, bicyclists, motorists or for the commission of a crime.

(3) The department of engineering shall remove vegetation and structures that violate this Section at the expense of the adjacent landowners. Such removal shall not preclude or be a determination as to criminal charges from being filed with the county attorney.

(4) Adjacent property owners are responsible to adequately water and maintain the landscaping and street trees in the parkstrip. (Ord. 2004-18, 7/13/04; Ord. 2001-36, 12/11/01)

15-5-4. Street trees.

(1) In all parkstrips and right-of-ways, street trees shall be planted of a species and at a spacing as approved by the zoning administrator. Any tree planted shall comply with this Title and be a species approved by the zoning administrator. The species selected shall be resistive to road salts, solvents and debris, as well as be drought tolerant. Street trees shall have a minimum trunk size of 2½ inches in caliper. Root systems in the species shall be downward rather than shallow to prevent damage to infrastructure.

(2) It shall constitute a violation of this Section for any person to remove a compliant street tree or cause a street tree to be removed unless it is replaced with a tree of the same species.

(3) Spacing of street trees shall be no closer together than the following: small trees, 15 feet; medium trees, 25 feet; and large trees, 35 feet; except in special plantings designed or approved by a landscape architect and the zoning administrator.

(4) The distance trees may be planted from curbs or curblines and sidewalks is no closer than three feet.

(5) No street tree shall be planted within 40 feet of any street corner, measured from the point of nearest intersecting curbs or curblines. No street tree shall be planted within ten feet of any fire hydrant.

(6) No street trees may be planted under or within 10 feet of any overhead utility wire.

(7) The county shall have the right to plant, prune, maintain and remove trees, plants and shrubs within the lines of all streets, roads and right-of-ways as may be necessary to insure public safety or to preserve or enhance the symmetry and beauty of such public grounds. The Department of Engineering may remove or cause or order to be removed, any tree or part thereof which is in an unsafe condition or which by reason of its nature is injurious to sewers, electric power lines, gas lines, water lines, or other public improvements, or is affected with any injurious fungus, insect, or other pest.

(8) Adjacent property owners are responsible to adequately water and maintain the landscaping and street trees.

(9) It shall be unlawful as a normal practice for any person, firm, or county department to top any street tree, park tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Crown reduction by a qualified arborist may be substituted, where appropriate. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical may be exempted from this section at the determination of the zoning administrator.

(10) All pruning of protected trees shall conform to the current ANSI A-300 standards. There shall be no flush cuts, stub cuts, or lions tailing of the tree's crown.

(11) In order to maintain the overall forest, reasonable efforts shall be made to replace trees that are removed and to protect quality trees that are endangered. Trees removed shall be replaced within one year. The location and species of any replacement tree shall be determined by the zoning administrator. Trees of desirable species and good health shall be protected as much as possible from damage during construction, sidewalk repair, utilities work above and below ground, and other similar activities. The zone of protection shall include the ground beneath the canopy of the tree.

(12) Any person aggrieved by the administration or interpretation of any of the terms or provisions of this Section by the zoning administrator may appeal to the board of adjustment which, after a hearing, with notice to the aggrieved person, may reverse, affirm, or modify, in whole or in part, the order, requirement, decision, or determination as ought to be made, and to that end shall have the powers of the zoning administrator or official from whom the appeal is taken. Any action pursuant to this section shall not stay any enforcement proceedings.
(Ord. 2004-18, 7/13/04; Ord. 2001-36, 12/11/01)

15-5-5. Obstructions on public roads, streets, paths, trails, sidewalks, and rights-of-way.

(1) It is unlawful for a person to obscure street signs or traffic control devices to vehicular, pedestrian, bicyclist, or equestrian movement by any object, including but not limited to plants, trees, or structures.

(2) It is unlawful for a person to obstruct, or permit an obstruction under their control, to designated pedestrian, bicycle, or equestrian sidewalks, paths, or trails. The following clearances shall be maintained:

(a) all vertical heights for pedestrian paths or trails shall have no less than a seven-foot clearance;

(b) all vertical heights for equestrian paths or trails shall have no less than a 12-foot clearance; and

(c) all horizontal distances shall have no less clearance than one foot beyond the edge of the sidewalk.

(3) It is unlawful for a person to obstruct a public road by any object, including but not limited to plants, trees, or structures. The following clearances shall be maintained:

(a) all vertical heights for roads shall have no less than a 13'6" clearance; and

(b) all horizontal distances shall have no less than 20 feet width with a clearance less than three feet beyond the edge of the pavement or travel lane.

(4) It is unlawful for a person to construct or place a structure on or over the county's public right-of-way that is not approved by the department of engineering.
(Ord. 2008-08, 2/12/08; Ord. 2004-18, 7/13/04; Ord. 2001-36, 12/11/01)