

TITLE 11

SPECIAL DISTRICT

Chapter

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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,

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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

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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.

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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

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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

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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

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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

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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.



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(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

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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)

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### 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

##### **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)