

TITLE 6

PUBLIC SAFETY

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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:

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(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 secretly 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.

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(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)

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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.

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(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

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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.

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(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.

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(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.

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(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,

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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

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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;

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(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 least 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 than \$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

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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. The 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

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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

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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

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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);

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8365.1-5(a)(1) through 8365.1-5(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

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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)

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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

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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.

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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 750°C (1382°F), ASTM E136, and conforming to the criteria contained in

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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,

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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.

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(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

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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,

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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.

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(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 be repaired or replaced where defective.

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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

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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,

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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

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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 a 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 a 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 an 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.

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- (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:

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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;

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(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:

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- (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)

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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.

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(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

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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)

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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)